

ZB# 05-09

Kenneth Bates

67-5-14

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

Granted 5/9/05

ZBA # **05-09** KENNETH BATES
1137 RT. 94 (67-5-14) INTERP.

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 67-5-14

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

KENNETH BATES

INTERPRETATION

CASE #05-09

WHEREAS, Kenneth Bates, owner(s) of 1137 Route 94, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Requests Interpretation of Single-Family dwelling with two kitchens at 1137 Rt. 94 in an NC Zone (67-5-14)

WHEREAS, a public hearing was held on May 9, 2005 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 Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a single-family residence located in a neighborhood of single-family residences, although it is in an NC Zone.
 - (b) The applicant proposes to add a kitchen to the existing single-family residence.
 - (c) There will be no doorways, hallways or any other additional access to the new kitchen area from the existing house.
 - (d) The electric and heating will be served by a single meter and a single system.

- (e) There will be no lockable doors between the additional premises and the existing premises. The applicant has stated his intention to use this premises as a single-family home and to market it as a single-family home and to represent always that it is a single-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 premises is a single-family home and will remain a single-family home as defined by the Town of New Windsor statute.
2. The addition of a kitchen to the single-family home does not convert this home to a two or multi-family home.

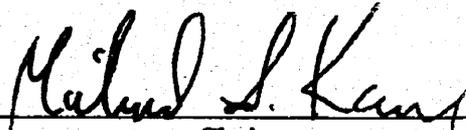
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an Interpretation of Single-Family dwelling with two kitchens at 1137 Rt. 94 in an NC Zone (67-5-14) 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 9, 2005


Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE ZONING BOARD OF APPEALS

August 23, 2005

Kenny & Patty Bates
P.O. Box 539
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #05-09

Dear Mr. & Mrs. Bates:

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

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 2/8/05

APPLICANT: Kenneth Bates
1137 Route 94
Vails Gate, NY 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/7/05

FOR : Brian & Carrie Bates

LOCATED AT: 1137 Route 94

ZONE: NC **Sec/Blk/ Lot:** 67-5-14

DESCRIPTION OF EXISTING SITE: Single Family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-89 Definitions, Two family dwelling interpretation: is this a single family dwelling with two kitchens or a two family dwelling.

COPY

Louis J. Kynher
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: NC USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

*mailed
out
2/8/05*

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 perc 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

FEB 07 2005

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 BRIAN & CARRIE BATES

Address 1137 RT 94 Phone # 845-563-9069

Mailing Address PO BOX 294 ; VALENT GATE ; NY ; 12584 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

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

If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____

(N, S, E or W)

and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated NC Is property a flood zone? Y N

3. Tax Map Description: Section 67 Block 5 Lot 14

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 CONVERT A SINGLE FAMILY INTO A SINGLE FAMILY WITH TWO KITCHENS

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other Convert a single family into a single family w/ 2 Kitchens

6. Is this a corner lot? _____

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

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

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$ 50.00

ZONING BOARD

217 105
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) 563-4695 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.

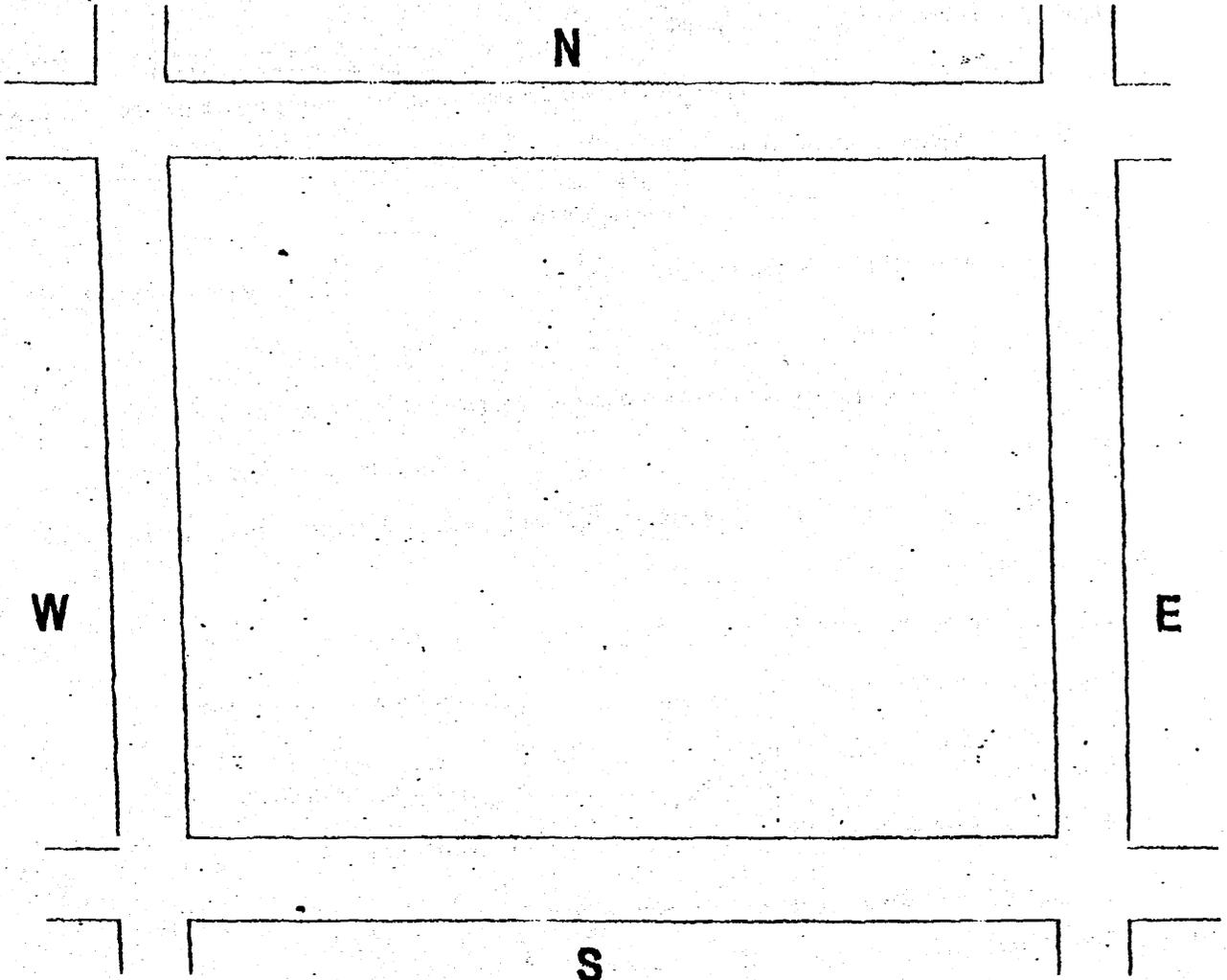
X [Signature] 1137 RT 94 Va. 6 Gate NY 1258
(Signature of Applicant) (Address of Applicant)

X [Signature] 1137 Rt 94
(Owner's Signature) (Owner's Address)

PLOT PLAN

NOTE:

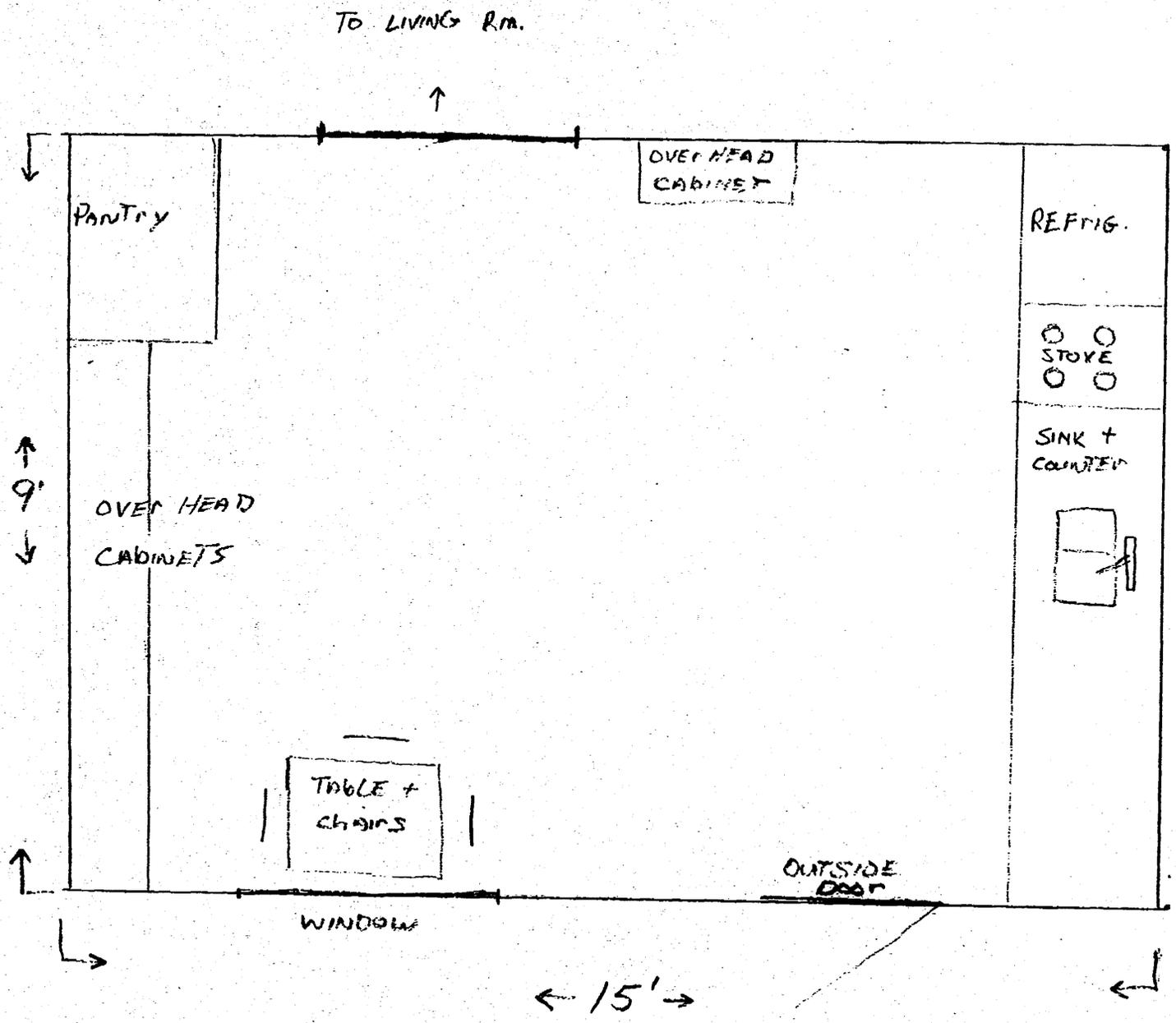
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

KERRY + PATTY BATES
1137 RT 94, VALS GATE
New Windsor

KITCHEN PLANS
67-5-14





**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: JUNE 14, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 354.66 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-09

NAME & ADDRESS:

**Kenny & Patty Bates
P.O. Box 539
Vails Gate, NY 12584**

THANK YOU,

MYRA

L.R.06-14-2005



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



FILE #05-09

TYPE:INTERP. AND/OR VARIANCE

TELE:563-9069

APPLICANT:

Kenny & Patty Bates
P.O. Box 539
Vails Gate, NY 12584

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>3529</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 3528



<u>DISBURSEMENTS:</u>		<u>MINUTES</u>	<u>ATTORNEY</u>
		<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:4/25/05 \$ 42.34

TOTAL: \$ 75.34 \$ 70.00



ESCROW POSTED:	\$ 500.00
LESS: DISBURSEMENTS:	\$ <u>145.34</u>
 AMOUNT DUE:	\$ _____
 REFUND DUE:	\$ <u>354.66</u>

Cc:

L.R. 6-14-2005

**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. 05-09
Request of KENNETH BATES
Request for a VARIANCE of the Zoning Local Law to Permit:
Request for Interpretation of Single-Family dwelling with two kitchens at 1137 Rt. 94 in an NC Zone (67-5-14)

PUBLIC HEARING will take place on MAY 9, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1751557 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFOODRIL Date: 04/22/2005 Assigned Sales: PUBLICHEARINGNOTICE ZONINGBOARDOFAPPEAL AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: IN Class: 999X

Schedule: Start Date - 04/25/2005 End Date - 04/25/2005

Sort: PUBLIC HEARING NOTICE ZONING BOARD OF APP

PRODUCTION:

Text Size: 2 x 22.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 42.34 Payment Method: BI Amount Paid: 0 Amount Owed: 42.34

Price Method: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Multi Content: 0

1 of 3

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

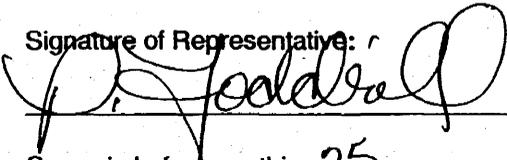
Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

4/25/05

Signature of Representative: 

Sworn in before me this 25

Day of April 2005



Notary Public, Orange County

CAROL M. MONTANA
Notary Public, State of New York
Sullivan County Clerk's #2041
Commission Expires Dec. 12, 2006

RESULTS OF Z.B.A. MEETING OF: May 9, 2005

PROJECT: Kenneth Bates ZBA # 05-09

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

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

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) 6 S) 4 VOTE: A _____ N _____

GANN A
LOCEY A
BROWN A
MCDONALD _____
REIS A
KANE _____

CARRIED: Y _____ N _____

Single meter
To Remain a Single Family Home w/2 Kitchens

PUBLIC HEARINGS:

KENNETH BATES #08-09

Mr. Kenneth Bates appeared before the board for this proposal.

MR. REIS: Requests interpretation of single-family dwelling with two kitchens at 1137 Route 94 in an NC zone. Tell us what you want to do in your own words.

MR. BATES: My wife and I are both retired and our house has been in our family for a little over 50 years, we just recently sold the house to my son and daughter-in-law and we got life residency in the house and what we'd like to do is add a kitchen. We'd like to have single family with two kitchens.

MR. REIS: You're going to live there yourself with your children?

MR. BATES: Yes, it will be all family.

MR. REIS: You're not changing anything interior or exterior to accommodate your need?

MR. BATES: No.

MR. REIS: There's a single meter for electric and single heating zone?

MR. BATES: Yes.

MR. REIS: Heating system?

MR. BATES: Yes.

MR. REIS: I believe we have to establish, Mike, that there's no locked doors between the premises?

May 9, 2005

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MR. BABCOCK: Typically, that's what the board asks for.

MR. BATES: Right, that was asked of me last meeting, there's no locked doors, there's a door but it's not a locked door.

MR. REIS: You understand, Ken, that if this is accepted and passed by the board that this is forever a single-family home with the right to use it as, we don't really have it in our system, as a mother-daughter, but it's not ever going to be a two-family situation?

MR. BATES: Absolutely.

MR. REIS: It does have its own separate entrance and exit?

MR. BATES: Yes.

MR. REIS: We'll open it up to the public. Is there anyone here in the public that has any comments good, bad or indifferent about this application? No one has anything to say, I'm sorry about that, Ken. Kathy? Kim?

MS. GANN: No, nothing.

MS. LOCEY: No.

MR. REIS: Not changing the structure in any way?

MR. KRIEGER: It's your intent to use this as a single-family house always?

MR. BATES: Yes.

MR. KRIEGER: When it comes time for it to be sold, it will be sold as a single-family house?

May 9, 2005

17

MR. BATES: Yes, after me and my wife are both dead, yes.

MR. REIS: Thank you. Can I hear a motion?

MS. GANN: I'd like to offer a motion that we grant the request for Kenneth Bates for the interpretation of a single-family dwelling with two kitchens at 1137 Route 94 in an NC zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

PRELIMINARY MEETINGS

KENNETH BATES (05-09)

MR. KANE: Preliminary meetings, first up Kenneth Bates. Requests interpretation of single family dwelling with two kitchens at 1137 Route 94.

Mr. Kenneth Bates appeared before the board for this proposal.

MR. KANE: Just tell us what you want to do, speak loud enough so that young lady over there can hear you. Just to let you know, in New Windsor we hold a preliminary meeting so that we can get an idea of what you want to do and you can get an idea of what we need. Some towns you go in cold so we're going to do this and figure it out and we do everything by law in public after everything else is done. Okay?

MR. BATES: Yes, my name is Kenneth Bates and I just recently retired, both me and my wife are retired and our house has been in our family for over 50 years and I just recently sold my house to my son and his and to my daughter-in-law and we my wife and I moved into a smaller part of the house and everything. And what we would like to do is to make our house a single family with two kitchens.

MR. KANE: There's not going to be, you're going to have one set of meters in the home, gas and electric, one meter for both kitchens?

MR. BATES: Yes.

MR. KANE: Is there going to be separate entrances for both portions?

MR. BATES: Yes.

MR. KANE: Will you have an unlocked way to get from one portion of the house to the other portion of the house?

MR. BATES: Yes.

MR. KANE: What we try to do is the building department brings them to us so that we can straighten it out and we try not to have any illegal two family homes in here. At least I'm old enough to remember when you used to have the summer kitchen and basements and that kind of stuff, so we want to make sure that it's all done right, that's why you're here.

MR. KREIGER: You're not changing the outside appearance of the house, right?

MR. BATES: No.

MR. KREIGER: And you intend for the house to be a single-family house?

MR. BATES: Yes.

MR. KREIGER: And this won't be a rental unit?

MR. BATES: No, just me and my wife will be living there.

MR. KANE: Any future sales of the home it will be listed as a single-family home and you'll state that under oath here at the public hearing?

MR. BATES: Yes, I will.

MR. KANE: Any other questions?

MS. GANN: No.

MS. LOCEY: No, sir, no, I'm fine.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I'll make a motion we set up Kenneth Bates for the interpretation of a single family dwelling at 1137 Route 94 in an NC zone.

MS. GANN: Second the motion.

April 11, 2005

4

ROLL CALL

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

MR. KANE: Follow the directions right on this, tells you exactly what you have to do. As soon as you get that done, come back, we'll set you up for a public hearing. Wow, that's fast.

MS. MASON: You don't have to read that paper at all.

MR. KANE: Thank you. Have a good evening.

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:

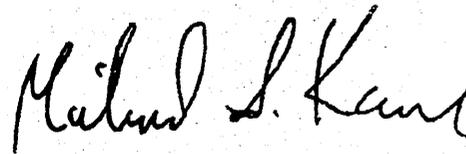
Appeal No. 05-09

Request of KENNETH BATES

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation of Single-Family dwelling with two kitchens at 1137 Rt. 94 in an NC Zone (67-5-14)

PUBLIC HEARING will take place on MAY 9, 2005 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) 563-4689

ZONING BOARD OF APPEALS

May 2, 2005

Kenny & Patty Bates
P.O. Box 539
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #05-09

Dear Mr. & Mrs. Bates:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

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

1137 Rt. 94
Vails Gate, NY

is scheduled for the May 9, 2005 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
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#224-2005

03/10/2005

Bates, Kenneth F. *ZBA 05-09*

Received \$ 150.00 for Zoning Board Fees, on 03/10/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-03-05

FOR: ESCROW 05-09

FROM:

Kenneth Bates
P.O. Box 294
Vails Gate, NY 12584

CHECK NUMBER: 3528

TELEPHONE: 563-9069

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/10/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

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

ZONING BOARD OF APPEALS

March 3, 2005

Kenny & Patty Bates
P.O. Box 539
Vails Gate, NY 12584

SUBJECT: REQUEST FOR INTERPRETATION/VARIANCE 05-09

Dear Mr. Bates:

This letter is to inform you that you have been placed on the April 11th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

1137 Rt. 94
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



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 22, 2005

Kenneth Bates
P.O. Box 294
Vails Gate, NY 12584

Re: 67-5-14 ZBA#: 05-09 (27)

Dear Mr. Bates:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property. This property is also within 500 feet of the Town of Cornwall. We suggest you call the Cornwall Assessor's office at 534-7290 regarding this matter.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

~~CC: [redacted]~~

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

67-4-6
Martin Werzberger
1 Mezabish Road
Unit 311
Monroe, NY 10950

67-4-11
George & Edna Hopkins
P.O. Box 31
Vails Gate, NY 12584

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

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

67-5-4
Angela Collini
P.O. Box 116
Vails Gate, NY 12584

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

67-5-10.2
Robert & Victoria Mule
P.O. Box 565
Vails Gate, NY 12584

67-5-15
County of Orange
255-275 Main Street
Goshen, NY 10924

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

67-4-7.11
Pasquale, Anna & Virginia
Mugnano
2 Cimorelli Drive
New Windsor, NY 12553

67-4-12.1
Joseph Castelo
P.O. Box M2108
Hoboken, NJ 07030

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

67-4-20.1
Paresh Modh
1136 Route 94
New Windsor, NY 12553

67-5-5
Robert Waltke
46 Sycamore Drive
Walkkill, NY 12589

67-5-8 & 10.1
Arthur Stockdale
1098 Egret Lake Way
Viera, FL 32940

67-5-11
Refined Home Renovation Co.
c/o Charles O'Kelly
P.O. Box 2588
Newburgh, NY 12550

67-6-1
Santiago & Lidia Monroy
1145 Route 94
New Windsor, NY 12553

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

67-4-10
Leonard & Carol Chidgey
1160 Route 94
New Windsor, NY 12553

67-4-12.2
Erie Properties Corp.
401 So. Water Street
Newburgh, NY 12550

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

67-4-21
Moshhil, Inc.
14 Fillmore Ct.
Unit 201
Monroe, NY 10950

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

67-5-9
Frank Maurice
14 Maurice Lane
P.O. Box 366
New Windsor, NY 12553

67-5-12 & 13
Frederick & Christine Naclerio
408 Carlton Circle
New Windsor, NY 12553

67-6-2
Leif Finn Syvertsen
1 Gerow Lane
New Windsor, NY 12553



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 3, 2005

Kenny & Patty Bates
P.O. Box 539
Vails Gate, NY 12584

SUBJECT: REQUEST FOR INTERPRETATION/VARIANCE 05-09

Dear Mr. Bates:

This letter is to inform you that you have been placed on the March 14, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

1137 Rt. 94
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: 03-03-05 PROJECT NUMBER: ZBA# 05-09 P.B. # _____

APPLICANT NAME: KENNETH BATES

PERSON TO NOTIFY TO PICK UP LIST:

KENNETH BATES
P.O. BOX 294
VAILS GATE, NY 12584

TELEPHONE: 563-9069

TAX MAP NUMBER: SEC. 67 BLOCK 5 LOT 14
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 1137 RT. 94
VAILS GATE, 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: 3530

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

2.14.05
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 629-4465
BRIAN & CARRIE BATES Fax Number: ()

(Name)
1137 RT 94 ; PO BOX 539 ; VAILE GATE ; NY 12584
 (Address)

II. **Applicant:** Phone Number: (845) 563-9069
KENNY & PATTY BATES Fax Number: ()

(Name)
1137 RT. 94 ; PO BOX 294 ; VAILE GATE ; NY 12584
 (Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: (845) 563-9069
KENNY BATES Fax Number: ()

(Name)
1137 RT 94 ; P.O. BOX 294 ; VAILE GATE ; NY 12584
 (Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
N/A Fax Number: () N/A

(Name)

 (Address)

V. **Property Information:**

Zone: _____ Property Address in Question: 1137 RT. 94
 Lot Size: 1.1 ACRES Tax Map Number: Section 67 Block 5 Lot 14

- 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? 1.19.05
- d. Has property been subdivided previously? YES If so, When: OVER 50 yr. AGO
- 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

- 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:

Our house has been in our family
for over 50 years. We would like to continue
this tradition so we sold our house to our
son and daughter-in-law with life resident
for Patty and I. We are living on the first
floor. My wife Patty is disable with RA
(Rheumatoid Arthritis) and she found it
difficult to climb stairs. We would like
to install a small kitchen in our part of
the house.

PLEASE NOTE:

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

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____

- (b) Describe in detail the proposal before the Board:

OUR HOUSE IS A SINGLE FAMILY HOUSE WITH ONE KITCHEN. WE WOULD LIKE MAKE OUR HOUSE A SINGLE FAMILY WITH TWO KITCHENS.

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 FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

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

Sworn to before me this:

15th day of February 2005,

Mary Ann Hotaling
Signature and Stamp of Notary

[Signature]
Owner's Signature (Notarized)

Carnie A Bates
Owner's Name (Please Print)

BRIAN AND CARNIE BATES
Applicant's Signature (If not Owner)

Kenneth E Bates
Kenneth E Bates 410-571-321

PLEASE NOTE:

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

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

COMPLETE THIS PAGE