

**ZB# 05-10**

**Jonathan Godfry**

**35-1-86.2**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 4-25-05*

ZBA #05-10 JONATHAN GODFREY  
RILEY ROAD (35-1-86 2) AREA

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**JONATHAN L. GODFREY**

**AREA**

CASE #05-10

**WHEREAS, Jonathan L. Godfrey**, owner(s) of 271 Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Requests for a variance for 5 feet side yard setback and; (300-11 A 1b & A 3) Accessory building to project nearer to the street than the principal building for proposed Storage Container at 271 Riley Road in an R-3 Zone

**WHEREAS**, a public hearing was held on April 25, 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 residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks to put up a storage shed near his garage.
  - (c) The property is sloped so that the only practical place for placing a storage shed would be as proposed, therefore, giving rise to this application.

- (d) In building the shed the applicant will not divert the flow of water drainage nor create the ponding or collection of water.
- (e) In erecting the shed, the applicant will not remove any trees or substantial vegetation.
- (f) The shed will not be on top of nor will it interfere with any easements including, but not limited to, water, sewer and electrical easements.
- (g) Once erected, the shed will be partially obscured by vegetation from the view of motorists passing on the adjacent roadway.

**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).

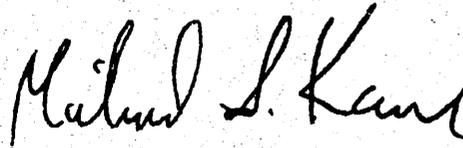
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variance for 5 feet side yard setback and; (300-11 A 1b & A 3) Accessory building to project nearer to the street than the principal building for proposed Storage Container at 271 Riley Road in an R-3 Zone (35-1-86.2) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 25, 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

Jonathan Godfry  
271 Riley Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-10

Dear Mr. Godfry:

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: 2/7/05

APPLICANT: Jonathan L. Godfrey  
271 Riley Road  
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/4/05

FOR : Jonathan L. Godfrey

LOCATED AT: 271 Riley Road

ZONE: R-3      Sec/Blk/ Lot: 35-1-86.2

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 300-11A Accessory Buildings

1. 300-11 A 1b Such buildings shall be set-back 10ft from any lot line. Proposed building will be 5ft from the side lot line.
2. 300-11 A3 No accessory building shall project nearer to the street on which the principal building fronts than such principal building.

**COPY**

*Kevin Kumbier*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-3      USE: Accessory Building  
Storage Container

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:      10ft

5ft

5ft

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

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.

RECEIVED

FEB 04 2005

BUILDING DEPARTMENT

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

FOR OFFICE USE ONLY:  
Building Permit #: 2005-66

\* 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 Jonathan Goolfry

Address 271 Riley Road, New Windsor, N.Y. 12553 Phone # 914-447-5128

Mailing Address Same Fax # 8453546501

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

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

Name of Contractor \_\_\_\_\_

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

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

1. On what street is property located? On the West side of Riley Road  
(H, S, E or W)  
and 1300 feet from the intersection of Rt 94

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

3. Tax Map Description: Section RS Block 1 Lot 86.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy ~~residential~~ 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 8' Rear 8' Depth 20' Height 9' No. of stories 1

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

Number of bedrooms 0 Baths 0 Toilets 0 Heating Plant: Gas 0 Oil 0  
Electric/Hot Air 0 Hot Water 0 If Garage, number of cars 0

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

10. Estimated cost \$1,000.00 Fee \$50.00

**PAID**

CASH  
**ZONING BOARD**

\_\_\_\_\_  
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 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.

Jonathan Hedley  
(Signature of Applicant)

271 Riley Road New Windsor NY 12553  
(Address of Applicant)

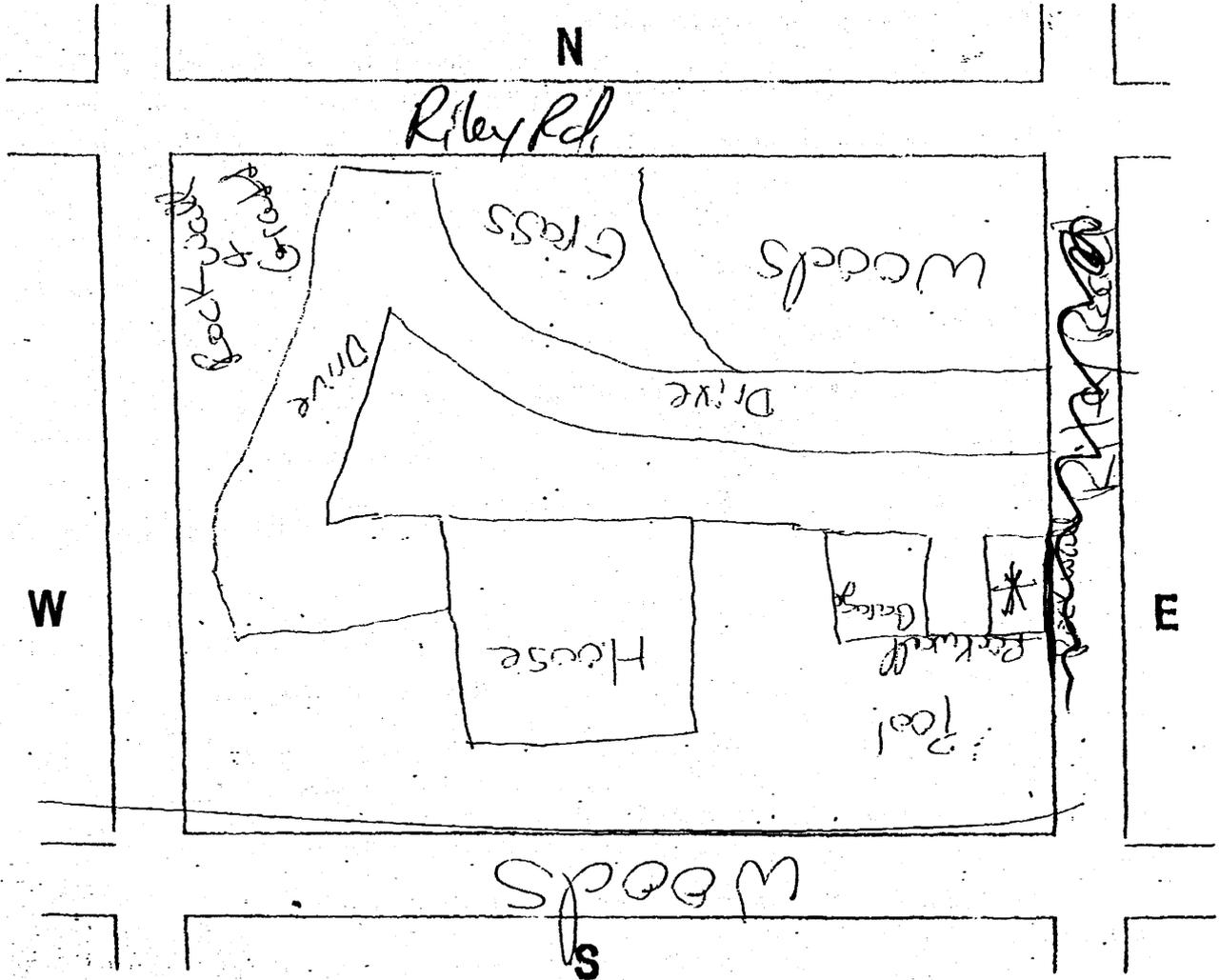
Same  
(Owner's Signature)

Same  
(Owner's Address)

PLOT PLAN

**NOTE:**

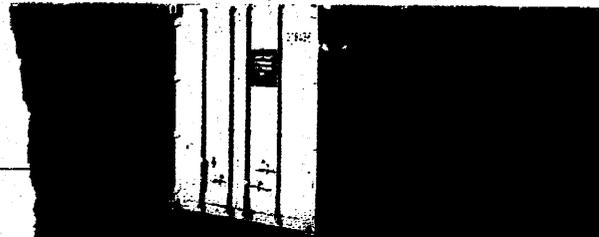
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



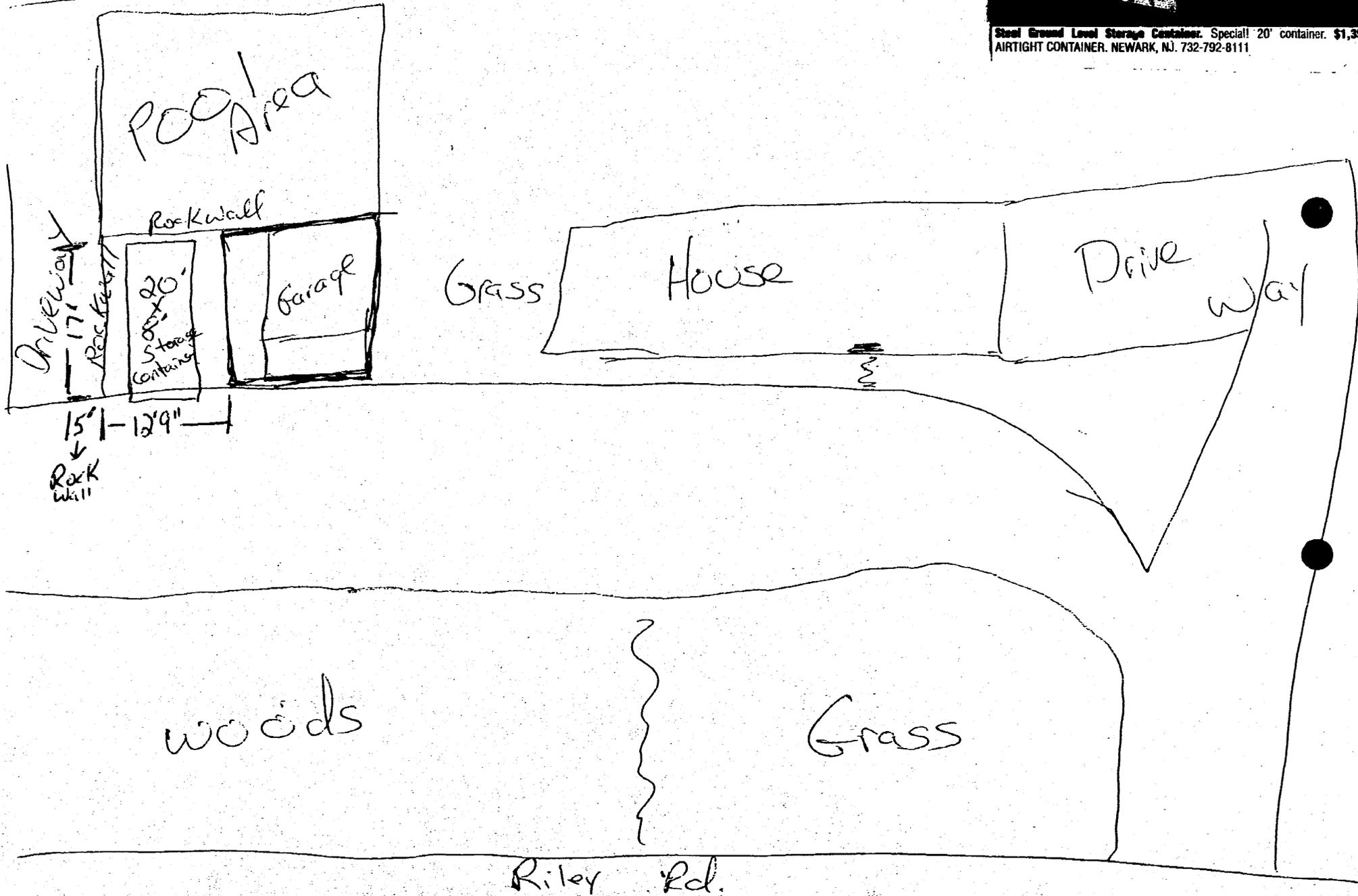
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OR CONSTRUCTION

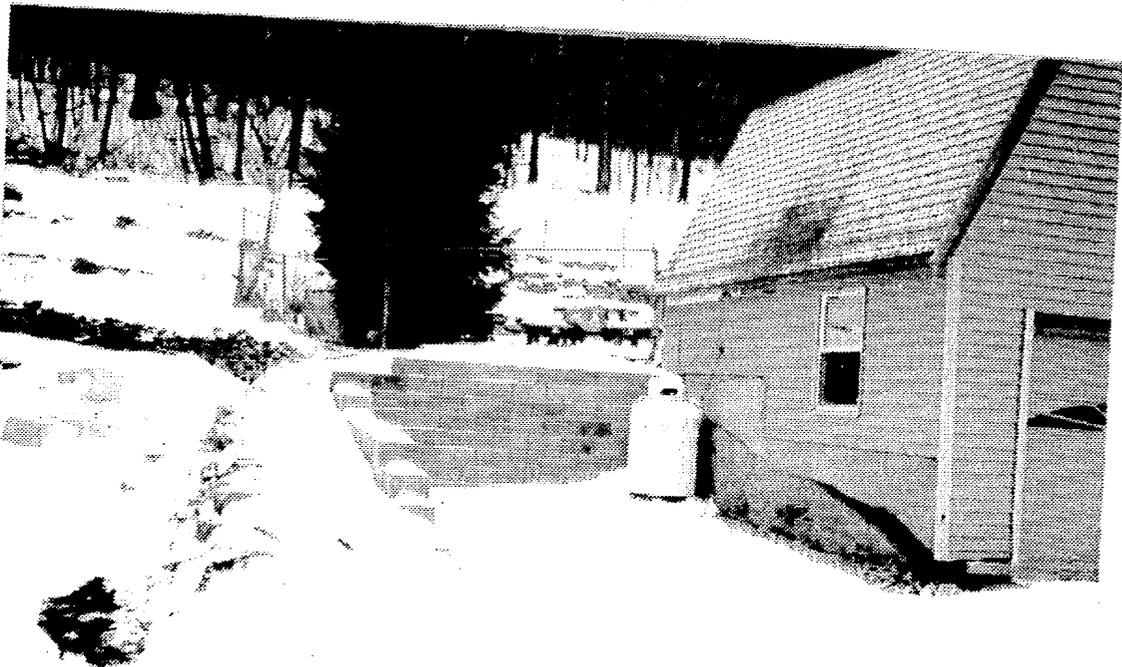
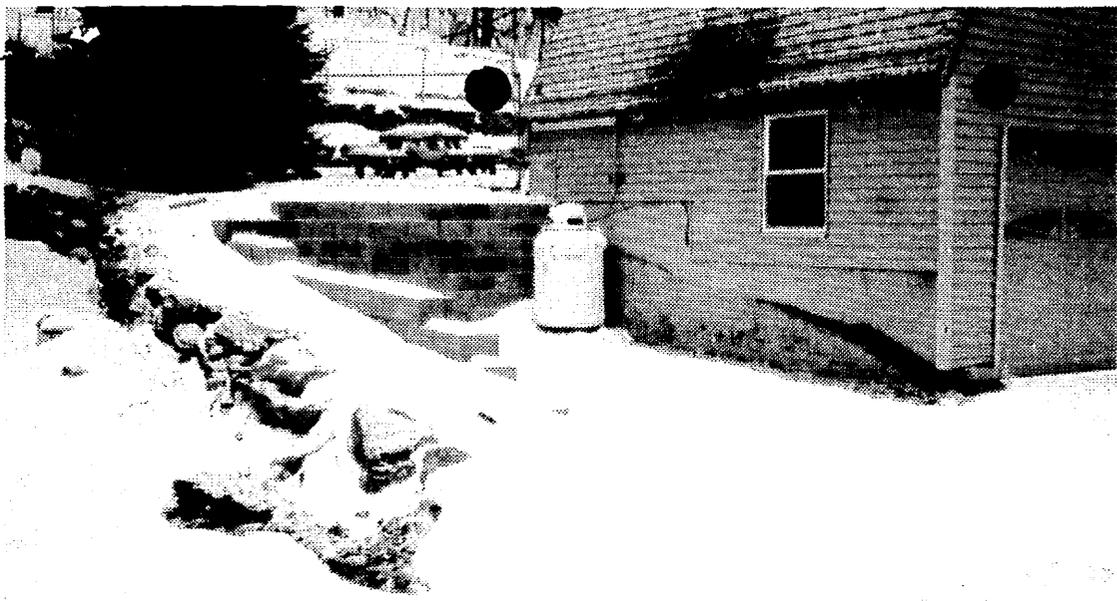


# woods



Steel Ground Level Storage Container. Special! 20' container. \$1,350  
AIRTIGHT CONTAINER. NEWARK, NJ. 732-792-8111







**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 \$ 139.25 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #05-10**

**NAME & ADDRESS:**

**Jonathan Godfry  
271 Riley Road  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.06-14-2005**



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



FILE #05-10      TYPE: AREA      TELEPHONE: 914-447-5128

APPLICANT:  
Jonathan Godfry  
271 Riley Road  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # 876
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK # 877



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

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	___	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	___	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:04-12-05            \$ 46.75

TOTAL:            \$ 90.75            \$ 70.00



ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 160.75

AMOUNT DUE:            \$ \_\_\_\_\_

REFUND DUE:            \$ 139.25

Cc:

L.R. 06-14-2005

JOHNATHAN GODFRY (05-10)

Mr. Johnathan Godfry appeared before the board for this proposal.

MR. KANE: Requests variance for five feet side yard setback and accessory building to project nearer to the street than the principal building for proposed storage contained at 271 Riley Road. Tell us what you want to do.

MR. GODFRY: Just putting up a storage facility on my own property next to my garage for storage. I have a clearing between my property line and my garage and it just is a perfect spot, it's hidden, kind of concealed, can't really see too much of it so it's really--

MR. KANE: In looking at your property, you live on basically on a slope and it's really the only place you can put that?

MR. GODFRY: Exactly.

MR. KANE: Will you be creating any water hazards or runoffs in the placing of the trailer?

MR. GODFRY: No, sir.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. GODFRY: It's already cleared.

MR. KANE: Any easements in that area?

MR. GODFRY: No.

MR. KANE: At this point, I will ask if there's anybody in the audience for a public hearing? Seeing as there's not, we'll close that and ask Myra how many

zoned, we're looking at a water situation, this way the two family question is a moot point because it's already zoned for two family, okay, so I'll give you a call and get the members together and we'll come out and take a look at the lot.

MR. LANEL: What is he here for, is it for the runoff or two family?

MR. KANE: For lot size.

MR. LANEL: He's not big enough to build a single family?

MR. KANE: Two-family home on that lot.

MR. LANEL: What about single family?

MR. KANE: He can, he doesn't need anybody's approval, needs nothing.

MR. LANEL: Then I'm against the two family if he's here for a variance for a two family, then let's talk about that as well as the runoff.

MR. KANE: We are.

MR. LANEL: Is the house going to be small because it's a one family opposed to a two family?

MR. KANE: Doesn't make a difference, it has to do with the lot size, doesn't make a difference how big the lot is, if it fits in all the setbacks he can make a small two family, a big single family rather that fits in the setbacks, doesn't have to be here at all. The question with a two family now is that the lot size has to be bigger to handle a two-family house with the cars and all that kind of stuff, so that's the situation.

MR. LANEL: Well I'm opposed to the two family, that's

mailings she had?

MS. MASON: On April 11, I mailed at 12 addressed envelopes and had no response.

MR. KANE: Okay, yes?

MR. KRIEGER: How will it be or will it be screened from the view of motorists on adjacent roadway?

MR. GODFRY: There's in front of the garage area I have one picture it's kind of blocked by woods, the other thing I'm going to do is I'm going to enclose it, I'm going to paint it obviously to match and I'm also going to put a lattice type front to make it aesthetically better looking.

MR. KANE: Okay.

MR. KRIEGER: So it's partially obscured by vegetation, you're going to take care of the rest?

MR. GODFRY: Yes.

MR. REIS: How large is this?

MR. GODFRY: It's 8 feet wide, 20 feet long.

MR. KANE: Any other questions?

MS. GANN: No.

MR. MC DONALD: No. Accept a motion?

MR. KANE: Yes, I would just like you to put into the motion that he does do the lattice work and the painting.

MR. MC DONALD: I make a motion that we grant the approval for Johnathan Godfry for a variance for five

foot side yard setback for accessory building to project nearer to the street than the principal building with the stipulations that you mentioned at 271 Riley Road.

MR. REIS: Second it.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: April 20, 2005

PROJECT: Jonathan Godfrey ZBA # 05-10  
P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

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

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) M S) S VOTE: A 5 N 0.

GANN A  
LOCEY A  
~~RIVERA~~  
MC DONALD A  
REIS A  
KANE A

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

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.





1763

# Town of New Windsor

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

## Assessors Office

March 18, 2005

Jonathan Godfry  
271 Riley Road  
New Windsor, NY 12553

Re: 35-1-86.2 ZBA#: 05-10 (12)

Dear Mr. Godfry:

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 \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

35-1-75.1  
Nancy Delconte  
263 Riley Road  
New Windsor, NY 12553

35-1-77  
Mountain Gardens, LLC  
597 Grand Avenue  
Newburgh, NY 12550

35-1-79.13  
Deborah Williams  
285 Riley Road  
New Windsor, NY 12553

35-1-86.1  
John McAdams  
267 Riley Road  
New Windsor, NY 12553

35-1-75.2  
Longcore, William  
Maciel, Christine  
258 Riley Road  
New Windsor, NY 12553

35-1-79.11  
William Rushing  
275 Riley Road  
New Windsor, NY 12553

35-1-79.22  
Dr. Mohammad Khan  
Sahar Khan Najmus  
16 Green Bower Lane  
New City, NY 10956

35-1-87  
NYC Dept of E.P.  
Bureau of Water Supply – OWSL  
465 Columbus Avenue – Suite 350  
Valhalla, NY 10595

35-1-76  
Bonnie Glazier  
276 Riley Road  
New Windsor, NY 12553

35-1-79.12  
Richard & Mary Oliveri  
281 Riley Road  
New Windsor, NY 12553

35-1-85  
Leslie & Patricia La-France  
291 Riley Road  
New Windsor, NY 12553

35-1-88  
Kartiganer Family Ltd Partnership  
c/o Herbert Kartiganer  
3928 Live Oak Blvd  
Delray Beach, FL 33445

**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. 05-10  
Request of: JONATHAN GODFREY  
Request for a VARIANCE of the Zoning Local Law to Permit:

Requests variance for 5 foot side yard setback and; (S0C-11 A D & A3) Accessory building to project nearer to the street than the principal building for proposed Storage Container at 271 Riley Road in an R-3 Zone (SS-1-86.2)

PUBLIC HEARING will take place on APRIL 25, 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: 1747127 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: THRFODDRIL Date: 04/08/2005 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; LEGAL BILLING

Schedule: Start Date - 04/12/2005 End Date - 04/12/2005

Sort: PUBLIC HEARING NOTICE ZONING BOARD OF AP

**PRODUCTION:**

Text Size: 2 x 25.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

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

**PRICING:**

Price: 46.75 Payment Method: BI Amount Paid: 0 Amount Owed: 46.75

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

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0



# 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 18, 2005

Jonathan Godfry  
271 Riley Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-10

Dear Mr. Godfry:

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:

271 Riley Road  
New Windsor, NY

is scheduled for the April 25, 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



RESULTS OF Z.B. MEETING OF: March 14, 2005

PROJECT: Jonathan Godfrey ZBA # 05-10  
P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

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

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) RS S) G VOTE: A4 ND

GANN A  
~~LOCEY~~ \_\_\_\_\_  
RIVERA A  
~~MCDONALD~~ \_\_\_\_\_  
REIS A  
KANE A

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

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

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

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MC DONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

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

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.

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JOHNATHAN GODFRY (05-10)

MR. KANE: Requests variance for 5 feet side yard setback and accessory building to project nearer to the street than the principal building for proposed storage container at 271 Riley Road.

Mr. Johnathan Godfry appeared before the board for this proposal.

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

MR. GODFRY: On the side of my garage I have an area that's a large parking spot let's say and I wanted to put some type of a storage unit or shed. I was really looking to do a storage unit, shipping stock container, something like that, something sealed water tight.

MR. KANE: Personal use?

MR. GODFRY: Personal use, just storage, just in doing some research it's a reasonable way to store things other than big a shed, an odd size, it's an odd size that I have so it's, to have a shed made would be three times the price.

MR. KANE: When they set you up for a public hearing can you bring some pictures?

MS. MASON: I have them.

MR. KANE: You're going to be putting it over here?

MR. GODFRY: Yes, there's the house and there's a parcel of land, driveway's over here and then there's a rock wall over here and I'm going to put it right inside here.

MR. KANE: Is this a metal container?

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MR. GODFRY: Yes.

MR. RIVERA: Lockable?

MR. GODFRY: Yes.

MR. KANE: You have right here is all woods and how visible is that from the street?

MR. GODFRY: It's not very, that's why it's not very visible at all from this side over here coming down the road all you can see is the garage and this is a driveway, there's a small grass area maybe 20 feet in total and there's a large woods area to my neighbor's driveway where there's a continuation of woods on the other side.

MR. KANE: Do you intend to paint the container so it doesn't look like we have a storage container?

MR. GODFRY: I'm going to paint it to match the garage.

MR. KANE: Have you spoke to your neighbor over here?

MR. GODFRY: Yes.

MR. KANE: Okay.

MR. REIS: Can you show us where in relation to these photos?

MR. GODFRY: This is the garage, this is my property line that's right on the edge of this rock wall here, this is my neighbor's driveway, this is the neighbor's house, here's his driveway, there's the rock wall, this is where the property line is, this rock wall from this rock to the rock here that's roughly about maybe 5, 6, feet and it varies at the narrowest point maybe 5, widest point 7, my line's on this side of the wall, the rocks are mine.

March 14, 2005

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MR. KANE: Cutting down any trees, substantial vegetation?

MR. GODFRY: No, sir.

MR. KANE: Create any water hazards or runoffs?

MR. GODFRY: No, sir.

MR. KANE: Any easements in the area where you intend to put the container?

MR. GODFRY: No, sir.

MR. KANE: Do you intend to put electric out there?

MR. GODFRY: No, sir.

MR. REIS: Water running to it?

MR. GODFRY: No.

MR. KANE: Just putting it on the ground and storing?

MR. GODFRY: Storage, yeah.

MR. KANE: Okay, any other questions?

MS. GANN: No.

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: Make a motion that we set up Mr. Godfry for his requested variance at 271 Riley Road in an R-3 zone.

MS. GANN: Second it.

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ROLL CALL

MS. GANN	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: We'll see you at the public hearing, public hearing you're going to go through the same thing but it's just going to be on the record at that point and we'll have a decision. Thank you.

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

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 03-10-05

FOR: **ESCROW 05-10**

FROM:

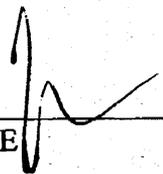
**JONATHAN L. GODFRY**  
**271 RILEY ROAD**  
**NEW WINDSOR, NY 12553**

CHECK NUMBER: **877**

TELEPHONE: **914-447-5128**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 3/10/05

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**  
**#225-2005**

03/10/2005

Godfry, Jonathan L. *ZBA 05-10*  
271 Riley Road  
New Windsor, New York 12553

Received \$ 50.00 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

**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. 05-10**

**Request of JONATHAN GODFRY**

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

**Requests variance for 5 feet side yard setback and; (300-11 A 1b & A 3) Accessory building to project nearer to the street than the principal building for proposed Storage Container at 271 Riley Road in an R-3 Zone (35-1-86.2)**

**PUBLIC HEARING will take place on APRIL 25<sup>TH</sup>, 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) 563-4695

## ZONING BOARD OF APPEALS

March 9, 2005

Jonathan Godfry  
271 Riley Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-10

Dear Mr. Godfry:

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

271 Riley Road  
New Windsor, NY

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

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 03-10-05 PROJECT NUMBER: ZBA# 05-10 P.B. # \_\_\_\_\_

APPLICANT NAME: JONATHAN GODFRY

PERSON TO NOTIFY TO PICK UP LIST:

JONATHAN GODFRY  
271 RILEY ROAD  
NEW WINDSOR, NY

TELEPHONE: 914-447-5128

TAX MAP NUMBER: SEC. 35 BLOCK 1 LOT 86.2  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 271 RILEY ROAD  
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 878

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



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



**APPLICATION FOR VARIANCE**

2/21/05  
Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

**I. Owner Information:**

Name: Jonathan Godfrey Phone Number: (914) 447 5128  
 (Name) Fax Number: (845) 354 6501  
271 Riley Rd. New Windsor N.Y. 12553  
 (Address)

**II. Applicant:**

Name: Same Phone Number: ( )  
 (Name) Fax Number: ( )  
 (Address)

**III. Forwarding Address, if any, for return of escrow:**

Name: Same Phone Number: ( )  
 (Name) Fax Number: ( )  
 (Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )  
 Fax Number: ( )  
 (Name)  
 (Address)

**V. Property Information:**

Zone: R3 Property Address in Question: 271 Riley Rd New Windsor  
 Lot Size: 0.96 ac. Tax Map Number: Section 35 Block 1 Lot 86.2  
 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? Oct. 15 03  
 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? Yes Proposed

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

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

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		<del>10</del>	
Reqd. Front Yd.			
Reqd. Side Yd.	10	5	5
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.**

**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:

My Property is on the west side of Riley Rd,  
~~on a hill~~ on a hill. There really is no other place on my property  
for any type of storage container. The location I have picked  
is a good safe one. you will hardly ever see the unit, it  
is next to the garage on one side, and a block wall on the  
other that I have prepared. The container is all metal so it  
will not affect the environment at all, and is also fire proof for  
safety. It can also be painted to match, or sided (or T111 oclates)  
to look good.

**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.)

It could be painted, sided, or covered with T111 or latex

**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:

22<sup>nd</sup> day of February 2005,

Jonathan Godfrey  
 Owner's Signature (Notarized)  
Jonathan Godfrey  
 Owner's Name (Please Print)

Jennifer Mead  
 Signature and Stamp of Notary

JENNIFER MEAD  
 Notary Public, State of New York  
 No. 01ME6050024  
 Qualified In Orange County  
 Commission Expires 10/30/2006  
 89-827-725 exp. 05-20-10  
Jonathan Godfrey  
 Applicant's Signature (If not Owner)

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