

ZB# 05-13

Milagros Bellber

38-3-39

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 5/9/05

ZBA
6 WILLOW HAVEN (AREA) (38-3-39)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 38-3-39

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

MILAGROS BELLBER

AREA

CASE #05-13

WHEREAS, Milagros Bellber, owner(s) of 6 Willow Parkway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 6 ft. Side Yard Setback and 16 ft. Total Side Yard Setback for existing balcony at 6 Willow Parkway in an R-4 Zone (38-3-39)

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 was one spectator appearing at the public hearing; and

WHEREAS, one spoke in favor of and no persons spoke 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) At the time the applicant purchased the premises, there was a balcony attached to the premises. The applicant now seeks permission to keep that balcony.
 - (c) This balcony is not on top of nor does it interfere with any easements or right-of-ways including, but not limited to, water, sewer and electric.

- (d) No complaints have been made, either formally or informally, about the balcony.
- (e) The applicant has not changed or altered the size and appearance of the balcony since purchasing the premises.
- (f) The premises is serviced by municipal water and sewer.
- (g) There will be no change to the outside appearance of the premises.

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).

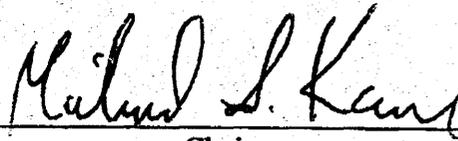
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6 ft. Side Yard Setback and 16 ft. Total Side Yard Setback for existing balcony at 6 Willow Parkway in an R-4 Zone (38-3-39) 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

A handwritten signature in cursive script, reading "Michael S. Kern". The signature is written in black ink and is positioned above a horizontal line.

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

Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-13

Dear Mr. & Mrs. Bellber:

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: 1/19/05

APPLICANT: Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Milagros Bellber

LOCATED AT: 6 Willow Parkway

ZONE: R-4 Sec/Blk/ Lot: 38-3-39

DESCRIPTION OF EXISTING SITE: 4x12 Balcony on Single Family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 Table Bulk/Use Regulations R-4 Zone Line 6, Column F Required side yard/total both yards (20/40). Existing balcony projects 14ft from the side property line. A variance of 6ft side and 16ft total of both side yards is required.


BUILDING INSPECTOR (P.G.)

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: 4x12 Balcony

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:	20ft	14ft	6ft
----------------	------	------	-----

REQ'D TOTAL SIDE TD:	40ft	24ft	16ft
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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.

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.

RECEIVED

JAN 16 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 5-15

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 Milagros Bellber

* Address 6 Willow Pkwy Phone # _____

* Mailing Address Same Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

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 _____

X 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 38 Block 3 Lot 39

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 _____

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

6. Is this a corner lot? _____

EXISTING BALCONY

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

OFF 315

PAID

ZONING BOARD

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

APPLICATION FOR BUILDING PERMIT

date

____/____/____

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.

* Milagros Bellon
(Signature of Applicant)

6 Willow Ptwy
(Address of Applicant)

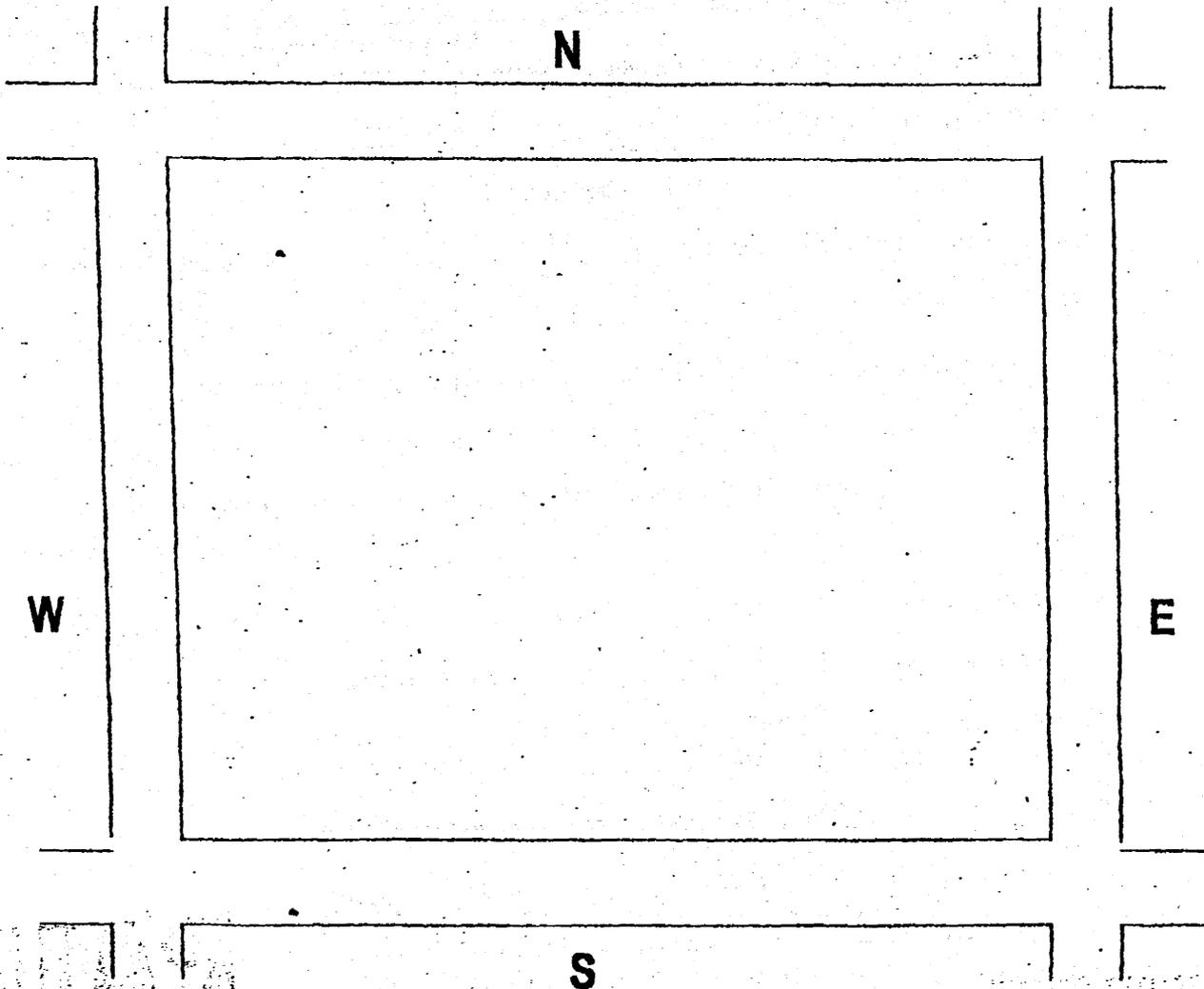
* Milagros Bellon
(Owner's Signature)

6 Willow Ptwy
(Owner's Address)

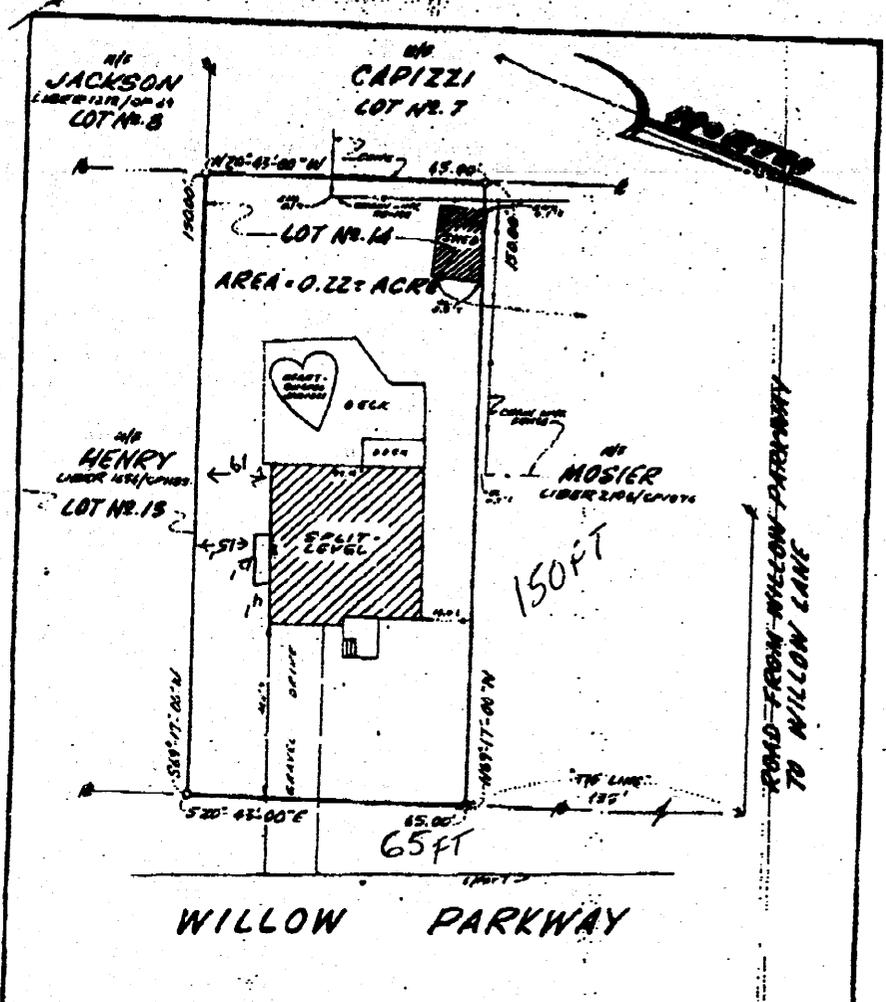
PLOT PLAN

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 OF CONSTRUCTION



MAP OF SURVEY
OF A PORTION OF LOT NO. 14 ON A MAP ENTITLED
"WILLOW PARK"

TOWN OF NEW BRIDGE REVISOR 4/4/04 GRAND COUNTY, NY
 SCALE: 1" = 20' MARCH 12, 1960

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS

CERTIFIED TO: EDNA L. RYAN
AMERICAN TITLE INSURANCE COMPANY
JAMES R. STUBBS, JR. & LISA LYLE

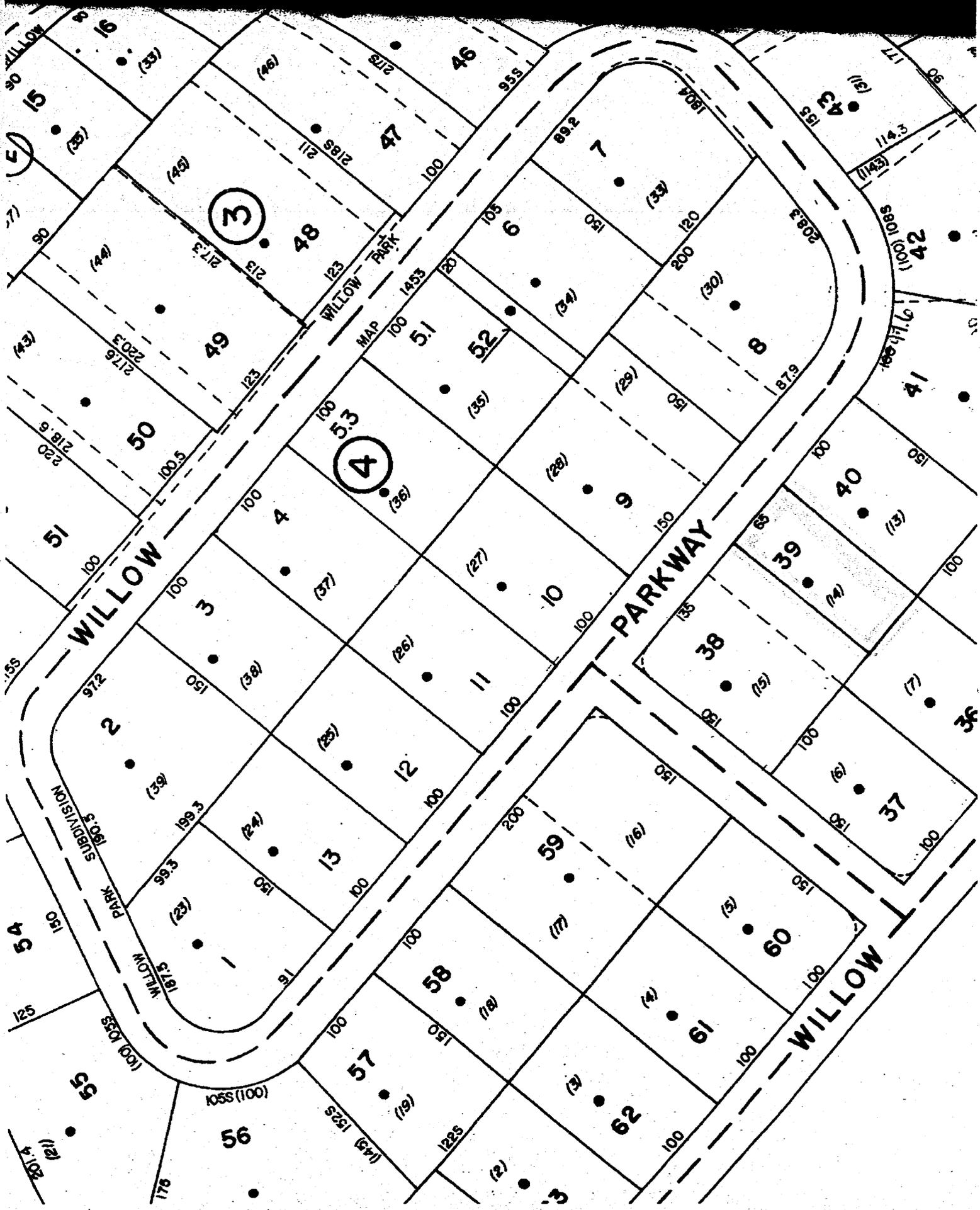
PETER R. HUSTIS, L.L.S.
 11 HENRY STREET - BEACH - NEW YORK 9 870 BRADWAY - NEWBURGH - NEW YORK

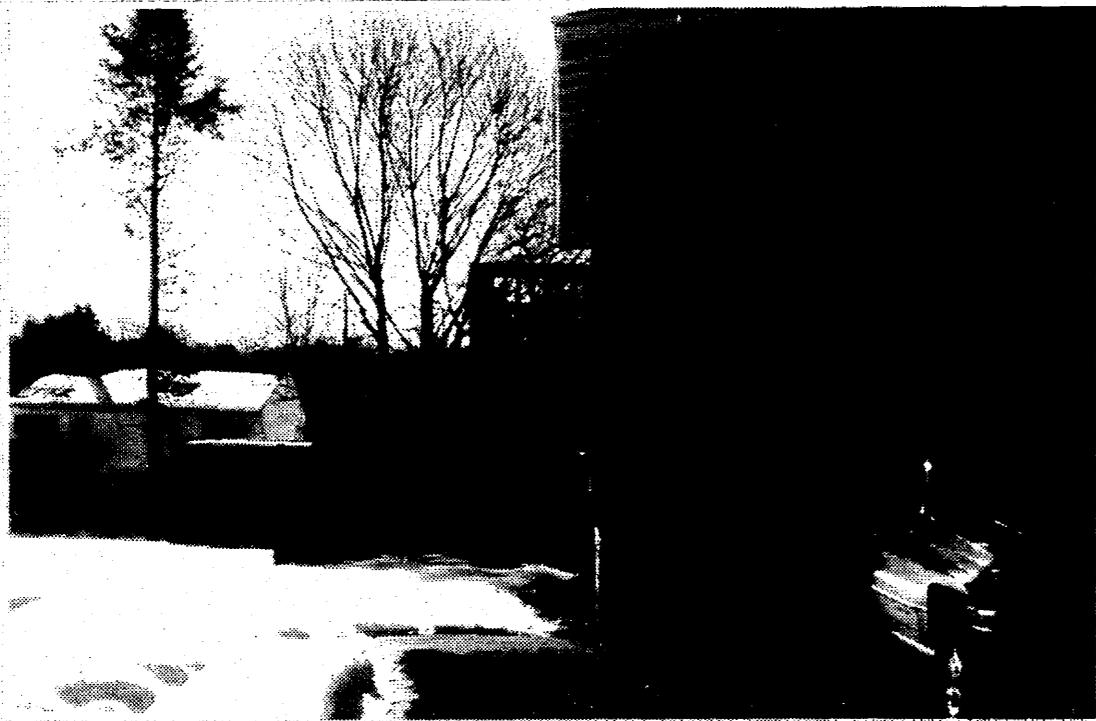


BUILDING DEPARTMENT

JAN 14 2002

RECEIVED





**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 \$ 142.19 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-13

NAME & ADDRESS:

**Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.06-14-05



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

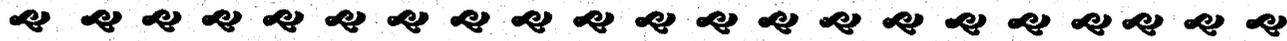


FILE #05-13 TYPE:AREA TELEPHONE: 917-558-5702

APPLICANT:
Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #371
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #370



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

PRELIMINARY:	<u>5</u>	PAGES	\$ <u>27.50</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 \$ 43.81

TOTAL: \$ 87.81 \$ 70.00



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>157.81</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>142.19</u>

Cc:

L.R. 6-14-05

**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. 05-13

Request of MILAGROS BELLBER

Request for a VARIANCE of the Zoning Local Law to Permit

Request for 6 ft. Side Yard Setback and 16 ft. Total Side Yard Setback for existing balcony at 6 Willow Parkway in an R-4 Zone (38-3-39)

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: 1751650 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: THRFODRNL 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: THM Paper: IN Class: 999X

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

Sort: PUBLIC HEARING NOTKEZONING BOARD OF APP

PRODUCTION:

Text Size: 2 x 23.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

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

PRICING:

Price: 43.81 Payment Method: B1 Amount Paid: 0 Amount Owed: 43.81

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

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

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:

Patricia Foddrill

Sworn in before me this

25

Day of

April

2005

Carol M. Montana

Notary Public, Orange County

CAROL M. MONTANA
Notary Public, State of New York
Sullivan County Clerk's #2041
Commission Expires Dec. 12, 20 06

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Milagros Bellter

DATE: 5-9-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Mary Barzisa	Willow Pkwy	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
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15.			
16.			
17.			
18.			
19.			
20.			

MILAGROS BELLBER #05-13

Ms. Milagros Bellber appeared before the board for this proposal.

MR. REIS: Request for 6 ft. side yard setback and 16 ft. total side yard setback for existing balcony at 6 Willow Parkway.

MS. BELLBER: I'm Milagros Bellber, I live at 6 Willow Parkway. There's an existing balcony there when we first moved into the house, it didn't show on the survey that we had from the house and our lawyer suggested that we look into that because it will show that the balcony didn't show anywhere on the paperwork but it looks like it was existing original to the house, that's what the inspector told us. And we'd like to keep it.

MR. REIS: Thank you. This doesn't go over any easements or right-of-ways that you're aware of?

MS. BELLBER: No.

MR. REIS: Have you had any complaints from your neighbors informally or formally?

MS. BELLBER: Not at all.

MR. REIS: And you haven't made it any bigger or smaller since you've moved in?

MS. BELLBER: No, it's stayed the same.

MR. REIS: All right, we'll open it up to the public. This has municipal water and sewer in this location?

MS. BELLBER: Yes.

MR. REIS: We'll open it up to the public, anybody here

who'd like to make a comment about this good or bad?

MS. BARZISEN: Mary Barzisen. Is this Willow Parkway?

MR. REIS: Yes, ma'am.

MS. BARZISEN: I just want to know what you're going to build there.

MR. REIS: She has an existing balcony that's attached to her home that has been there prior to her moving in and as it is, it's not, there's no C.O. for it, no Certificate of Occupancy, so she's here under the recommendation of her attorney to make that legal and acceptable to the Town. She's not changing anything in her home or outside of her home, she's just making it a legal situation which already exists.

MS. BARZISEN: Nothing on the outside?

MR. REIS: No change to the outside.

MS. BARZISEN: Right, no change to the outside, perfectly all right.

MR. KRIEGER: So you're opposed to it or in favor of or have no opinion?

MS. BARZISEN: As long as they're not changing on the outside, I'm all for it.

MR. KRIEGER: Thank you.

MR. REIS: Anyone else have anything? Any questions? Then we'll close the public hearing. Thank you for your comments, ma'am. And we'll open it up to the board. Any questions?

MS. LOCEY: The pictures indicate there's a double glass door, a french door?

MS. BELLBER: It's off the bedroom.

MS. LOCEY: On the second floor, so if we didn't allow it, it would be a safety hazard or issue?

MS. BELLBER: Yes.

MR. REIS: Any other questions or comments? Can I hear a motion?

MS. LOCEY: I'll make a motion to approve the application of Milagros Bellber for their request for a 6 foot side yard setback and 16 foot total side yard setback for an existing balcony at 6 Willow Parkway in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

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

PRELIMINARY MEETINGS:

MILAGROS BELLBER (05-13)

Mr. and Mrs. Bellber appeared before the board for this proposal.

MR. KANE: Request for 6 ft. side yard setback and 16 ft. total side yard setback for existing balcony at 6 Willow Parkway.

MR. KANE: You need to tell us what you want to do and just speak loudly enough so that young lady over there can hear you.

MRS. BELLBER: Balcony is already existing. When we purchased the home that was one of the features that we really liked on the house. Later we found out that I think it's not up to code because it extends over the property line that the allowance of the property line so we wanted to know how can we go about either do we have to take it down, do we have to rebuild it to code?

MR. KANE: You're in the right place. What's going to happen is you're here for us to decide whether you can keep it or if you have to take it down. And if we do, if the board decides on, we can't do that tonight, everything by law has to be done in a public hearing. What the Town of New Windsor does is that we hold a preliminary meeting so that you can get an idea of what we need and we can see what you want and we work on it. Then we go to the public hearing and there are no surprises. Other towns you walk in cold and if you don't have the right information, you lose. So we like to get a little prelim going. If the board decides to go ahead and let it stay there, you still have to meet whatever requirements the building department gives you as far as that meeting goes.

MRS. BELLBER: Understand.

March 28, 2005

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MR. KANE: How long have you owned the home?

MRS. BELLBER: We just moved in December 30th.

MR. KANE: Do you have any idea how long the balcony has been in existence?

MRS. BELLBER: No idea but it looks like it might be original to the house cause the french doors that are there look like they're very old doors, they're not new.

MR. KANE: Mike, do we have anything in the file about any permits that were asked for this or anything along those lines?

MR. BABCOCK: No, I have a survey here, I don't seem to be able to verify a date, it's been faxed so many times, says 1950 so--

MR. KANE: Okay, I have to ask some specific questions and everything we do now we'll repeat at the public hearing so you know. Some we have to ask because by law we have to ask them. So to your knowledge there were no cutting down any trees or substantial vegetation in the building of this balcony?

MRS. BELLBER: No.

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

MRS. BELLBER: No.

MR. KANE: Any complaints that you know of formally or informally about the balcony?

MRS. BELLBER: No.

March 28, 2005

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MR. KANE: Okay, and obviously if you removed the balcony and you opened the sliding doors it would be a safety issue?

MRS. BELLBER: Definitely.

MR. KANE: Okay. Does anybody else have any questions?

MR. MC DONALD: It's going to be the same size, right?

MRS. BELLBER: No changes.

MR. KANE: Just making it legal.

MR. REIS: Accept a motion?

MR. KANE: Yeah. I'm surprised this day and age and this close, less than a year that the bank didn't catch it, maybe they just didn't look up.

MR. BABCOCK: Yeah, for some reason we wrote a letter December 3, 2004, is that about when you went for the closing?

MRS. BELLBER: December 30th.

MR. BABCOCK: We wrote a letter saying there was no violations, that's why they were able to buy it so apparently we didn't look up either or we just thought because there it says the house was built in 1965 and it says that all this stuff including everything has a date of 1977 with a question mark next to it. So I don't know what that means but they think it might have been built in '77.

MR. KANE: Doesn't matter, we'll clear it up now. Okay, yeah, I'll accept a motion.

MR. REIS: I do have a question. You bought the home just recently and there were no conflicts as far as C.

March 28, 2005

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of O.s were concerned, how did you know that there was a conflict that brought you here?

MRS. BELLBER: Our lawyer at closing said that there might have been because we had the new survey done.

MR. BABCOCK: So they picked it up.

MRS. BELLBER: It didn't show it, they said there might be a question about it and they told me, you know, he might want to, they might give you a variance and he told me what I should do.

MR. BELLBER: So we came here on our own.

MR. KANE: So it doesn't come back to haunt you later on. Normally most banks pick that up.

MR. BELLBER: That's what we did on his advice.

MR. REIS: I make a motion that we set up Milagros Bellber for the requested 6 foot side yard and 16 foot total side yard setback.

MR. MC DONALD: Second it.

ROLL CALL

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

MR. KANE: So we have you set up for a public hearing, just follow this right here and at the public hearing we're going to do the same thing we just did.

MRS. BELLBER: Thank you so much. Have a good evening.

March 28, 2005

6

MR. KANE: Any questions, give Myra a call.



Town of New Windsor

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

Assessors Office

March 31, 2005

Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553

Re: 38-3-39 ZBA#: 05-13 (56)

Dear Mrs. Bellber:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

35-1-50
Stephen & Faith Kuprych
279 Windsor Highway
New Windsor, NY 12553

38-3-28
Albert & Dorothy Nickel
9 Harth Drive
New Windsor, NY 12553

38-3-31
Delio DeMoura
Alison Gian
3 Harth Drive
New Windsor, NY 12553

38-3-34
Joseph & Jacqueline Mott
17 Willow Lane
New Windsor, NY 12553

38-3-37
Joan P White
11 Willow Lane
New Windsor, NY 12553

38-3-41
John & Arline Mott
10 Willow Parkway
New Windsor, NY 12553

38-3-44
James & Laura Herman
16 Willow Parkway
New Windsor, NY 12553

38-3-47
James & Patricia Chick
22 Willow Parkway
New Windsor, NY 12553

38-3-50
David & Carmela Rupp
28 Willow Parkway
New Windsor, NY 12553

38-3-59
Michael & Carolyn Reis
48 Willow Parkway
New Windsor, NY 12553

38-3-26
Paul Tartaglia, Sr.
13 Harth Drive
New Windsor, NY 12553

38-3-29
Philip & Helga Stoekel
7 Harth Drive
New Windsor, NY 12553

38-3-32
Elizabeth Paolini
20 Lakeview Trail
Salisbury Mills, NY 12577

38-3-35
Lucious & Diann Evans
15 Willow Lane
New Windsor, NY 12553

38-3-38
Helen Johnson
4 Willow Parkway
New Windsor, NY 12553

38-3-42
Jack & Margaret Dabrusin
Dana Saintmire
8 Dogwood Lane
Newburgh, NY 12550

38-3-45
Paul Demeo
18 Willow Parkway
New Windsor, NY 12553

38-3-48
Salvatore & Barbara Malfa
24 Willow Parkway
New Windsor, NY 12553

38-3-57
Santo & Edvige Emmanuele
42 Willow Parkway
New Windsor, NY 12553

38-3-60
Santos Sanchez
9 Willow Lane
New Windsor, NY 12553

38-3-27
Ethel Chartoff
11 Harth Drive
New Windsor, NY 12553

38-3-30
Robert & Carol Bates
5 Harth Drive
New Windsor, NY 12553

38-3-33
Evelyn Negron
Kristopher Lopez
19 Willow Lane
New Windsor, NY 12553

38-3-36
Elizabeth Steinmetz-Villa
13 Willow Lane
New Windsor, NY 12553

38-3-40
Michael & Nancy Suttlehan
8 Willow Parkway
New Windsor, NY 12553

38-3-43
Mary Ann & Daniel Stokes
14 Willow Parkway
New Windsor, NY 12553

38-3-46
Michael & Ann Smith
20 Willow Parkway
New Windsor, NY 12553

38-3-49
Cheryl & Salvatore Aulogia, Jr.
26 Willow Parkway
New Windsor, NY 12553

38-3-58
Mary Bargisen
44 Willow Parkway
New Windsor, NY 12553

38-3-61
Robert Toohy
7 Willow Lane
New Windsor, NY 12553

38-3-62 & 38-4-3

John & Antionette Guerriero
23 Willow Parkway
New Windsor, NY 12553

3-4-2

Richard & Marlene Alfano
25 Willow Parkway
New Windsor, NY 12553

38-4-5.3

Charles & Margaret Milich
19 Willow Parkway
New Windsor, NY 12553

38-4-8

Robert & Eleanor Primavera
11 Willow Parkway
New Windsor, NY 12553

38-4-11

Frank & Dolores Tepedino
Gerriann Tepedino
33 Willow Parkway
New Windsor, NY 12553

42-1-1.1

Carlos Scheer
4717 Blue Water Lane
Myrtle Beach, SC 29579

42-1-1.23

Salvatore & Mary Accolla
14 Willow Lane
New Windsor, NY 12553

42-1-4

Herman & Sally Ingram
12 Willow Lane
New Windsor, NY 12553

42-1-7

Paul & Joyce Estess
4 Lannis Avenue
New Windsor, NY 12553

38-3-63

Jeffrey & Jasmine Perez
3 Willow Lane
New Windsor, NY 12553

38-4-4

Agnes Williams
21 Willow Parkway
New Windsor, NY 12553

38-4-6

Vito & Kathleen Damone
15 Willow Parkway
New Windsor, NY 12553

38-4-9

Nancy McCullom
Bernard McCullom
7 Willow Parkway
New Windsor, NY 12553

38-4-12

Giovanni & Rose Forte
31 Willow Parkway
New Windsor, NY 12553

42-1-1.21

Venera Martinisi
273 Windsor Highway
New Windsor, NY 12553

42-1-2

Garrison & Bertha Karpoff
8 Willow Lane
New Windsor, NY 12553

42-1-5

Anne Hodash
18 Willow Lane
New Windsor, NY 12553

42-2-1

Lawrence & Mary Margaret Reis
22 Willow Lane
New Windsor, NY 12553

38-4-1

Lianne & William Hanaford
27 Willow Parkway
New Windsor, NY 12553

38-4-5.1 & 38-4-5.2

Daniel & Doris Bryan
17 Willow Parkway
New Windsor, NY 12553

38-4-7

Thomas & Veronica McMillan
13 Willow Parkway
New Windsor, NY 12553

38-4-10

Young Hui and Kye Sun Kim
5 Willow Parkway
New Windsor, NY 12553

38-4-13

Luigi & Carolina DeGennaro
29 Willow Parkway
New Windsor, NY 12553

42-1-1.22

Richard Harris
275 Windsor Highway
New Windsor, NY 12553

42-1-3

Christopher & Laurie Orr
10 Willow Lane
New Windsor, NY 12553

42-1-6

William & Helen Blenderman
20 Willow Lane
New Windsor, NY 12553

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:

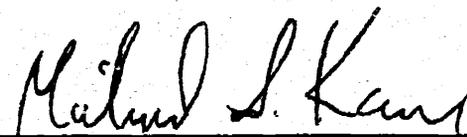
Appeal No. 05-13

Request of MILAGROS BELLBER

for a VARIANCE of the Zoning Local Law to Permit:

Request for 6 ft. Side Yard Setback and 16 ft. Total Side Yard Setback for existing balcony at 6 Willow Parkway in an R-4 Zone (38-3-39)

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

Mr. & Mrs. Eduardo Bellber
6 Willow Parkway
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-13

Dear Mr. & Mrs. Bellber:

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:

6 Willow Parkway
New Windsor, NY 12553

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, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

March 23, 2005

Mr. & Mrs. Eduardo Bellber
6 Willow Parkway
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-13

Dear Mr. & Mrs. Bellber:

This letter is to inform you that you have been placed on the March 28, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

6 Willow Parkway
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: 03-28-2005 PROJECT NUMBER: ZBA# 05-13 P.B. # _____

APPLICANT NAME: Milagros Bellber

PERSON TO NOTIFY TO PICK UP LIST:

Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553

TELEPHONE: 917-558-5702

TAX MAP NUMBER: SEC. 38 BLOCK 3 LOT 39
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 6 Willow Parkway
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: 372

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

_____ Application Type: Use Variance Area Variance
Date Sign Variance Interpretation

I. **Owner Information:** Phone Number: (917) 558-5702
 (Name) Milagros Bellber Fax Number: ()
 (Address) 6 Willow Pkwy

II. **Applicant:** Phone Number: (917) 558-5702
 (Name) Milagros Bellber Fax Number: ()
 (Address) 6 Willow Pkwy New Windsor 12553

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

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
 Fax Number: ()
 (Name) _____
 (Address) _____

V. **Property Information:**
 Zone: _____ Property Address in Question: 6 Willow Pkwy
 Lot Size: _____ Tax Map Number: Section 38 Block 3 Lot 39
 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? 12-30-04
 d. Has property been subdivided previously? _____ If so, When: _____
 e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
 f. Is there any outside storage at the property now or is any proposed? NO

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

05-13



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

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

COMMERCIAL: (Three Separate Checks Please)

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

INTERPRETATION: (Three Separate Checks Please)

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

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

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

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.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

**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.	20 ft	14 ft	6 ft
Reqd. ^{Total Side} Rear Yd.	40 ft	24 ft	16 ft
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

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

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

APPLICATION FOR VARIANCE - continued

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

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

This existing balcony was one of the things we liked about the home, it is off the master br. and has a view of the mountains.

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.:

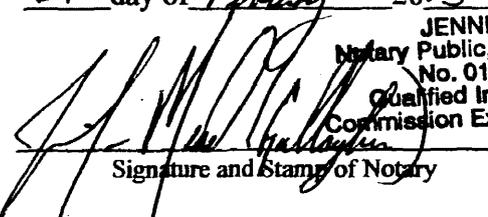
COUNTY OF ORANGE)

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:

24th day of February, 2005.

Milagros Bellber
Owner's Signature (Notarized)


Signature and Stamp of Notary

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

Milagros Bellber
Owner's Name (Please Print)

DL# 693-560-966 exp. 08-29-10

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-28-2005

FOR: ESCROW 05-13

FROM:

Milagros Bellber
6 Willow Parkway
New Windsor, NY 12553

CHECK NUMBER: 370

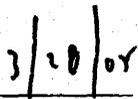
TELEPHONE: 917-558-5702

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



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
#265-2005

03/28/2005

Bellber, Milagros
6 Willow Parkway
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 03/28/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

*CBA # 05-13
application fee*