

ZB# 05-63

Richard Evans

77-11-3

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 12-12-05

05-63
2415 SETTLERS RIDGE (DECK)
RICHARD EVANS - AREA (77-11-3)





111-
46.75

05-63



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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: August 10, 2005

APPLICANT: Richard Evans
2415 Settlers Ridge
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: July 19, 2005

FOR : Proposed 16'X30' Rear Deck

LOCATED AT: 2415 Settler's Ridge

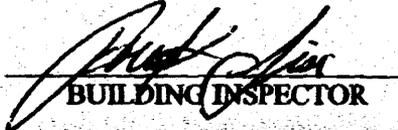
ZONE: R-3 **Sec/Blk/ Lot:** 77-11-3

COPY

DESCRIPTION OF EXISTING SITE: ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed attached rear deck will not meet minimum 30' set-backs.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-3 USE: BULK TABLES: SEE APPROVED SITE PLAN

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 30'

21'-6"

8'-6"

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

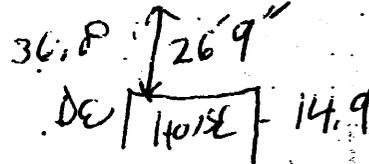
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

34'6"

Back of House

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 Dept. 9 2005 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 para 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

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
 Building Permit #: PA2005-124

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 Richard + Tammy Evans

Address 2415 Settlers Ridge, New Windsor, NY 12553 Phone # 845-567-1927

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor GREG WEBBER

Address 28 Pittsford Rd New Windsor NY 12553 cell # 478-2141

Call

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

BUILDER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of SETTLERS RIDGE
(N, S, E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 77 Block 11 Lot 3

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 _____

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 30' Rear 30' Depth 16 Height 8'6" No. of stories 1

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

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant Gas _____
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 \$6,500.00 Fee _____

PAID

Cash \$50

ZONING BOARD

ok 8/10/05

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

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 Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Stacy Walker
(Signature of Applicant)

28 BIRCHWOOD DR. NEW WINDSOR, NY
(Address of Applicant)

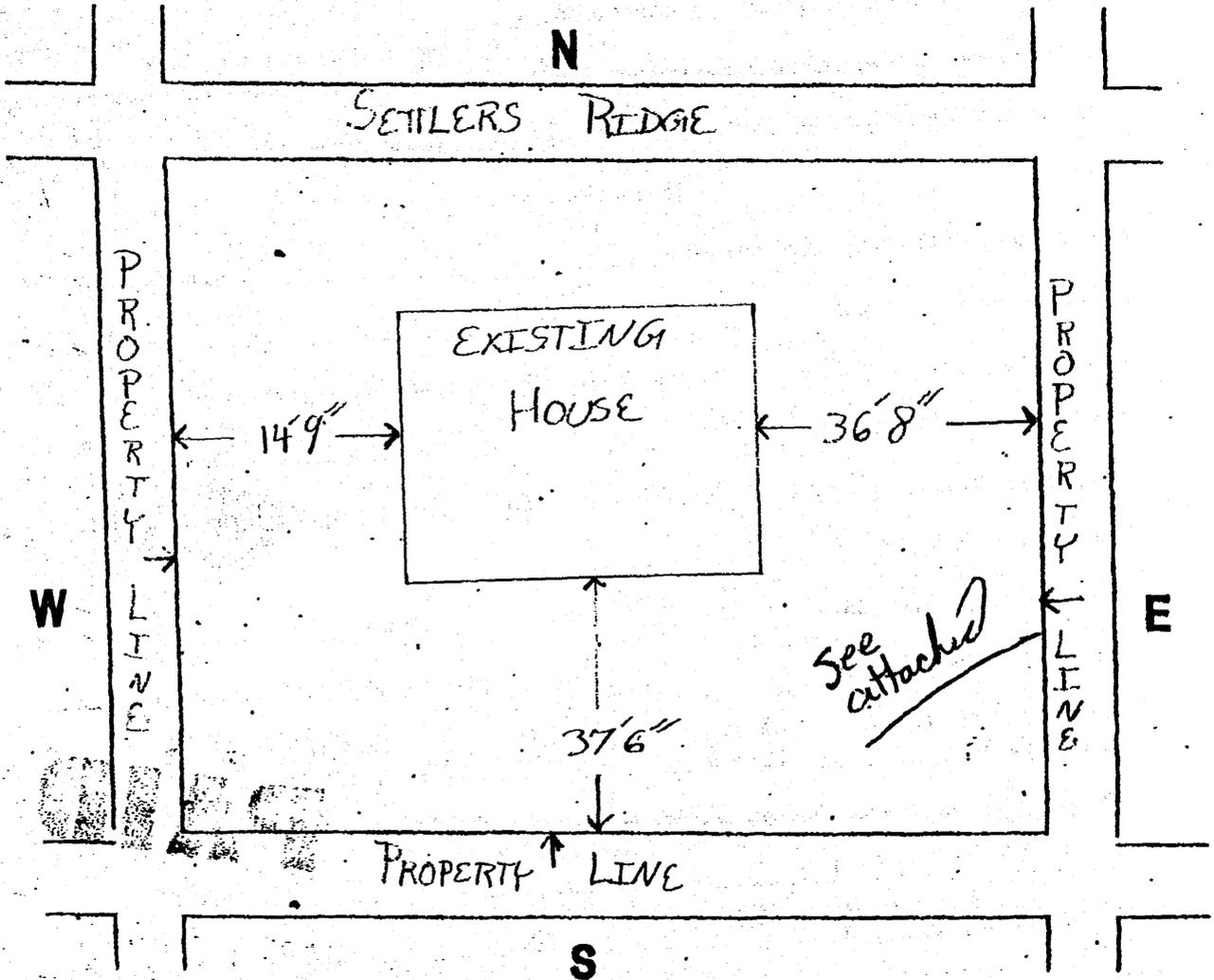
Jimmy Evans, Richard
(Owner's Signature)

2415 SETTLES RIDGE NEW WINDSOR, NY
(Owner's Address)

PLOT # _____

NOTE:

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



REV OF LINES

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

IMPORTANT

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

37'6"



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

April 25, 2006

Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-63

Dear Mr. Evans:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

RICHARD EVANS

AREA

CASE #05-63

WHEREAS, Tammy Evans, owner(s) of 2415 Settler's Ridge, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 8 ft. 6 inches Rear Yard Setback for proposed rear deck at 2415 Settler's Ridge in an R-3 Zone (77-11-3)

WHEREAS, a public hearing was held on December 12, 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 in an R-3 zone.
 - (b) The applicant proposes to install a deck on the rear of the premises. The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probable fall and sustain serious physical injury if the deck were not in place.

- (c) In constructing the deck, the applicant will not be removing any substantial trees or vegetation.
- (d) The deck will not cause the ponding or collection of water or interfere with the flow of water drainage.
- (e) The deck will be similar in size and appearance to other decks in the neighborhood.

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

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

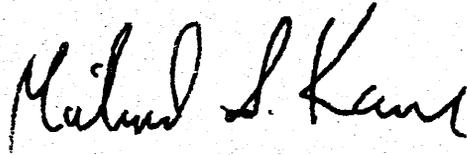
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 8 ft. 6 inches Rear Yard Setback for proposed rear deck at 2415 Settler's Ridge

in an R-3 Zone (77-11-3) 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: December 12, 2005



Chairman

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

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MARCH 28, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 155.75 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-63

NAME & ADDRESS:

**Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.03-28-2006



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



FILE #05-63 TYPE: AREA TELEPHONE: 567-1927

APPLICANT:
Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>301</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 300



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<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>2</u> PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	____ PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 11/25 \$ 46.75

TOTAL: \$ 74.25 \$ 70.00

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 144.25

AMOUNT DUE: \$ _____

REFUND DUE: \$ 155.75

Cc:

L.R. 03-28-2006

December 12, 2005

27

RICHARD_EVANS_(05-63)

MR. KANE: Request for 8 ft. 6 inches rear yard setback for proposed rear deck at 2415 Settler's Ridge in an R-3 zone.

Mrs. Tammy Evans appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, name and address.

MRS. EVANS: Tammy Evans, 2415 Settler's Ridge, we're trying to get a variance for a deck 16 x 34 in the back of the house.

MR. KANE: Deck going to go right where the steps are here?

MRS. EVANS: Yes.

MR. KANE: Steep single steps and the deck will actually make that having a deck there would make it a safer situation?

MRS. EVANS: Yes, yes.

MR. KANE: Cutting down any, I know it's an obvious question by cutting down any trees or substantial vegetation in the building of the deck?

MRS. EVANS: No.

MR. KANE: Creating any water hazards or runoffs?

MRS. EVANS: No.

MR. KANE: You said 16 x 30, is that similar in size and nature to other decks in your neighborhood?

MRS. EVANS: Yeah, I believe my neighbor to the right, I don't know if you can see it there it would be this house over here, they have a similar deck, yup, there you are.

MNR. KANE: So it's similar to the neighbor?

MRS. EVANS: Yeah, about the same size, yeah.

MR. REIS: You said 16 x 34, your application says 16 x 32.

MRS. EVANS: 16 x 32.

MR. KANE: At this point, I will, do you want to say anything? There's nobody in the audience for the public portion so we'll close it and bring it back to Myra.

MS. MASON: On the 21st of November, I mailed out 42 envelopes and had no response.

MR. KANE: Any further questions? Accept a motion.

MS. LOCEY: I will offer a motion to grant the request of the application of Richard Evans for an eight foot six inch rear yard setback for a proposed rear deck at 2415 Settler's Ridge in an R-3 zone.

MR. REIS: Second it.

ROLL CALL

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

RESULTS OF Z.B.A. MEETING OF: December 12, 2005

PROJECT: Richard Evans

ZBA # 05-163

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 _____ CARRIED: Y _____ N _____
KANE _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

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

GANN A
LOCEY A
BROWN A
~~MCDONALD~~ A
REIS A
KANE A

CARRIED: Y ✓ N _____.

Empty rectangular box with horizontal lines for notes or additional information.

**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:

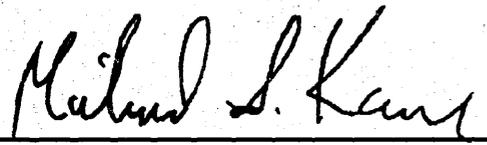
Appeal No. 05-63

Request of RICHARD EVANS

for a VARIANCE of the Zoning Local Law to Permit:

Request for 8 ft. 6 inches Rear Yard Setback for proposed rear deck at 2415 Settler's Ridge in an R-3 Zone (77-11-3)

PUBLIC HEARING will take place on DECEMBER 12, 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) 563-4631
Fax: (845) 563-3101

Assessors Office

October 28, 2005

Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

Re: 77-11-3 ZBA#: 05-63 (42)

Dear Mr. Evans:

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 \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

65-1-61.1

Etruscan Enterprises, Inc.
Route 94
New Windsor, NY 12553

77-7-3

Nancy Weber
2621 Liberty Ridge
New Windsor, NY 12553

77-7-6

Kenneth & Annette McTigue
2615 Liberty Ridge
New Windsor, NY 12553

77-7-14

Alicio & Michele Valle
2510 Constitution Way
New Windsor, NY 12553

77-7-17

Christine & Kevin Brelesky
2516 Constitution Way
New Windsor, NY 12553

77-8-2

Ragotham & Faustin Venkatesh
2517 Constitution Way
New Windsor, NY 12553

77-8-5

John & Karen Ferri
2511 Constitution Way
New Windsor, NY 12553

77-8-8

Robert & Elizabeth DePaolis
2505 Constitution Way
New Windsor, NY 12553

77-8-15

Jason & Grace Vazquez
2410 Settlers Ridge
New Windsor, NY 12553

77-8-18

Ronald Yeadon
2416 Settlers Ridge
New Windsor, NY 12553

77-7-1

Robert & Alma Aponte
2625 Liberty Ridge
New Windsor, NY 12553

77-7-4

Todd & Kelly Belanger
2619 Liberty Ridge
New Windsor, NY 12553

77-7-12

Jijy & Susan James
2506 Constitution Way
New Windsor, NY 12553

77-7-15

Earl & Latoya Rattray
2512 Constitution Way
New Windsor, NY 12553

77-7-18

Jeffrey & Amy Dunko
2518 Constitution Way
New Windsor, NY 12553

77-8-3

Anthony & Paula Natale
2515 Constitution Way
New Windsor, NY 12553

77-8-6

Rodney & Sophia Goitia
2509 Constitution Way
New Windsor, NY 12553

77-8-13

Barney & Darlene Brice
2406 Settlers Ridge
New Windsor, NY 12553

77-8-16

Ming Qiang & Zhao Lin
2412 Settlers Ridge
New Windsor, NY 12553

77-8-19

L. Brett Herzog
2418 Settlers Ridge
New Windsor, NY 12553

77-7-2

Amunatequi & Ana Rosario
2623 Liberty Ridge
New Windsor, NY 12553

77-7-5

Marc Valentino
Colleen Garvey
2617 Liberty Ridge
New Windsor, NY 12553

77-7-13

Edward & Karen D'Esposito
2508 Constitution Way
New Windsor, NY 12553

77-7-16

Keith Holloway
2514 Constitution Way
New Windsor, NY 12553

77-8-1

Fausto & Awilda Fienco
2519 Constitution Way
New Windsor, NY 12553

77-8-4

Jeffrey & Lore Hannes
2513 Constitution Way
New Windsor, NY 12553

77-8-7

Thomas & Gina Smith
2507 Constitution Way
New Windsor, NY 12553

77-8-14

Brent & Melissa Ridenour
2408 Settlers Ridge
New Windsor, NY 12553

77-8-17

Dashawn & Damaris Jones
2414 Settlers Ridge
New Windsor, NY 12553

77-8-20

Inez Cooper
2420 Settlers Ridge
New Windsor, NY 12553

77-10-3
Nadeen Tuzo
2405 Settlers Ridge
New Windsor, NY 12553

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

77-11-5
Erol Ozkural
2419 Settlers Ridge
New Windsor, NY 12553

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

77-10-4
Junior & Beverly Gaynor
2407 Settlers Ridge
New Windsor, NY 12553

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

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

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

77-10-5 & 77-12-1
Mt. Airy Estates, Inc.
c/o Sarna Enterprises
15 Engle St. - Suite 100
Englewood, NJ 07631
77-11-4
Victor Reich
Lois Lugo Reich
2417 Settlers Ridge
New Windsor, NY 12553
77-11-7
Jose Rodriguez
Shantella Bailey
2423 Settlers Ridge
New Windsor, NY 12553
77-11-10
Angela Roman
Sonia Guzman
2429 Settlers Ridge
New Windsor, NY 12553

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

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. 05-63
Request of RICHARD EVANS

for a VARIANCE of the Zoning Local Law to Permit:

Request for 8 ft. 6 inches Rear Yard Setback for proposed rear deck at 2415 Settler's Ridge in an R-3 Zone (77-11-3)

PUBLIC HEARING will take place on December 12, 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: 1819417 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

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

RECEIVED

NOV 30 2005

TOWN OF NEW WINDSOR
COMPTROLLER'S OFFICE

ORDER:

Printed By: THRFODDRIL Date: 11/22/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 11/25/2005 End Date - 11/25/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

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

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt 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

October 24, 2005

3

PRELIMINARY MEETINGS:

RICHARD EVANS (05-63)

MR. KANE: Request for 8 ft. 6 inches rear yard setback for proposed rear deck at 2415 Settler's Ridge.

Mr. Richard Evans appeared before the board for this proposal.

MR. KANE: Basically, so everybody knows, the Town of New Windsor has a two step process, we hold a preliminary meeting so we can get an idea of what you want to do and make sure that we have enough information to make a decision on your request. So we go through the preliminary meeting to get all of that information then by law we have to do everything in a public meeting to make the approval. So we'll go through a preliminary, you'll do the exact same thing when you come back for the public hearing, if we have any requests we may need things like pictures. Tell us what you want to do, sir.

MR. EVANS: I want to build a proposed deck 30 x 16, I guess I need a variance because it's like a little bit close to the property line.

MR. KANE: You say 30 x 16, 30 on the length of the house and 16 coming out?

MR. EVANS: Coming out.

MR. KANE: Normal size deck?

MR. EVANS: Yes.

MR. KANE: Some questions may seem a little ridiculous as you look at your property but we have to ask them anyway. Cutting down any trees or substantial vegetation in the building of the deck?

October 24, 2005

4

MR. EVANS: No.

MR. KANE: Creating any water hazards or runoff in the building of the deck?

MR. EVANS: No.

MR. KANE: Are there any easements running through the area where you're going to build the deck?

MR. EVANS: No.

MR. KANE: The deck itself is replacing the set of steps that are coming off of the double doors on the back of the house?

MR. EVANS: Yes.

MR. KANE: So you would consider building the deck to be a safety issue making that entrance exit to the back of your home more safe too?

MR. EVANS: Yes.

MR. KANE: And are there other decks in your area that are similar in size and nature to the deck that you have, right?

MR. EVANS: Yes.

MR. KANE: Any other questions? Accept a motion.

MS. GANN: I'll make a motion we set up Richard Evans for request for eight foot six inch rear yard setback for proposed rear deck at 2415 Settler's Ridge.

MR. REIS: Second it.

ROLL CALL

October 24, 2005

5

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

MR. KANE: Just follow the directions right on there
and we'll see you at the public hearing. Thank you.

MR. EVANS: Thank you.



Town of New Windsor

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

ZONING BOARD OF APPEALS

December 1, 2005

Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-63

Dear Mr. Evans:

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:

2415 Settlers Ridge
New Windsor, NY

is scheduled for the DECEMBER 12, 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
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 10-18-05

FOR: ESCROW 05-63

FROM:

Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

CHECK NUMBER: 300

TELEPHONE: 567-1927

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
#997-2005**

10/19/2005

Evans, Tammy

Received \$ 50.00 for Zoning Board Fees, on 10/19/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 05-63 application fee

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 10-18-05 PROJECT NUMBER: ZBA# 05-63 P.B. # _____

APPLICANT NAME: RICHARD EVANS

PERSON TO NOTIFY TO PICK UP LIST:

Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

TELEPHONE: 567-1927

TAX MAP NUMBER: SEC. 77 BLOCK 11 LOT 3
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 2415 SETTLERS RIDGE
NEW WINDSOR

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: 302

TOTAL CHARGES: _____



Town of New Windsor

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

ZONING BOARD OF APPEALS

October 18, 2005

Richard Evans
2415 Settlers Ridge
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-63

Dear Mr. Evans:

This letter is to inform you that you have been placed on the October 24, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2415 Settlers Ridge
New Windsor, NY

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

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



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



APPLICATION FOR VARIANCE

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

I. Owner Information:

Richard and Tammy EVANS Phone Number: (845) 567-1927
(Name) Fax Number: ()
2415 Settlers Ridge, New Windsor, N.Y. 12553
(Address)

II. Applicant:

Richard and Tammy EVANS Phone Number: (845) 567-1927
(Name) Fax Number: ()
2415 Settlers Ridge, New Windsor, N.Y. 12553
(Address)

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

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

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 728-3676
Fax Number: ()
GREG WEBBER
(Name)
28 Birchwood Dr New Windsor, NY 12553
(Address)

V. Property Information:

Zone: _____ Property Address in Question: _____
Lot Size: _____ Tax Map Number: Section _____ Block _____ Lot _____
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? _____
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? _____
f. Is there any outside storage at the property now or is any 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			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30'	21'-6"	8'-6"
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:

I believe the ZBA should grant my application for an area variance because in no way would our deck be a detriment to anyone's health, safety and welfare to the neighborhood or community. This would also enhance the beauty of our home.

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 (5 or 6) 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:

14th day of Sept. 2005.

Tammy Evans *
Owner's Signature (Notarized)

TAMMY EVANS
Owner's Name (Please Print)

Joann Borchardt
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

JOANN BORCHARDT
Notary Public, State of New York
No. 01BO4922537
Qualified in Orange County
Commission Expires 03 14, 2006

COMPLETE THIS PAGE

10/24



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



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) 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
** <u>DEPOSIT</u> 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

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST 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

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list - they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. 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.

SETTLERS RIDGE
(UNDER CONSTRUCTION)

FACE OF CURB

FACE OF CURB

AS PER F.M. #3485



SIDEWALK
S 82°-51'-17" E

100.00' o.w.v.

UNDERGROUND
UTILITIES

PAVED
DRIVE

2 STORY
FRAMED
DWELLING

BUILDING
SETBACK LINES

F.M. LOT

8

F.M. LOT

9

N 07°-08'-43" E
100.00'

100.00'
S 07°-08'-43" W

100.00'
N 82°-51'-17" W

LANDS N/F OF
ETRUSCAN ENTERPRISES INC.
L. 1748, P. 615
S. 65, B. 1, L. 6U

AREA:
0.230 Ac.±

TAX MAP REFERENCE:

TOWN OF NEW WINDSOR
SECT. 77, BLK. 11, LOT 3

FILED MAP RE:

BEING LOT #8, BLOCK 'N' O,
MAP ENTITLED "MOUNT AIR"
FILED IN THE ORANGE COU
AS MAP #3485 ON JUNE 21

NOTES:

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A
INKED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2
OF THE NEW YORK STATE EDUCATION LAW.

THE ALTERATION OF SURVEY MAPS BY ANYONE OTHER THAN THE ORIGINAL
PREPARED IS MISLEADING, CONFUSING AND NOT IN THE GENERAL WELFARE AND
BENEFIT OF THE PUBLIC. INKED LAND SURVEYORS, OR OTHER, SHALL NOT
ALTER SURVEY MAPS, PLANS OR PLATS PREPARED BY OTHERS.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH AN
ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR FAKESSEAL SEAL SHALL BE
CONSIDERED TO BE VALID.

CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED
IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS
ADOPTED BY THE STATE OF NEW YORK ASSOCIATION OF PROFESSIONAL LAND
SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM
THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY,
GOVERNMENTAL AGENCY, AND LENDING INSTITUTION LISTED HEREON.
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR
SUBSEQUENT OWNERS.

III
J
U



LEO J. CARROLL, J
& ASSOCIATE

83 Cemetery Rd, Middletown, NY 109

PROPERTY SURVEY

FOR: RICHARD H. EVANS and
TAMMY M. WILLIAMS
SETTLERS PROOF