

ZB# 05-66

Julian Payne

39-4-18

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

05-66

JULIAN PAYNE (AREA) 39-4-18
30 BIRCHWOOD DR.

05-66

11/25
48.22

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: September 21, 2005

APPLICANT: Julian M. & Jeannette Payne
30 Birchwood Drive
New Windsor, New York 12553

COPY

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

FOR : Julian M. & Jeannette Payne

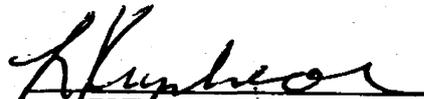
LOCATED AT: 30 Birchwood Drive

ZONE: R-4 Sec/Blk/ Lot: 39-4-18

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING W/ PROPOSED ADDITION

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 USE/BULK TABLE R-4 ZONE LINE 6 COLUMN F – REQUIRED SIDE YARD/TOTAL BOTH YARDS (20/40) PROPOSED SIDE YARD/TOTAL BOTH YARDS (15.8/27.7).


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: ADDITION

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 20'

15.8'

4.2'

REQ'D TOTAL SIDE TD: 40'

27.7'

12.3'

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 work.
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.

SEP 19 2005

FOR OFFICE USE ONLY:
Building Permit #: PA 2005-1003

**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 JULIAN & JEANNETTE PAYNE

Address 30 BIRCHWOOD DRIVE, N. WINDSOR Phone # 565-8458

Mailing Address SAME Fax # _____

Name of Architect JAY S. KLEIN

Address 49 GREENSHIRE WAY, WALDEN, NY Phone 566-6111

Name of Contractor _____

Address _____ Phone _____

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 BIRCHWOOD DRIVE
and 120' feet from the intersection of NORTH DRIVE
(N, S, E or W)
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 39 Block 4 Lot 18
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy HOME b. Intended use and occupancy HOME
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 12' Rear 12' Depth 24' Height 12' 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 _____ 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 _____

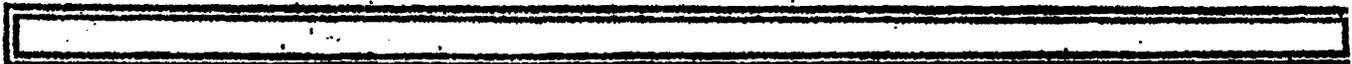
ZONING BOARD

____/____/____
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 Liel & 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, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X

(Signature of Applicant)
X

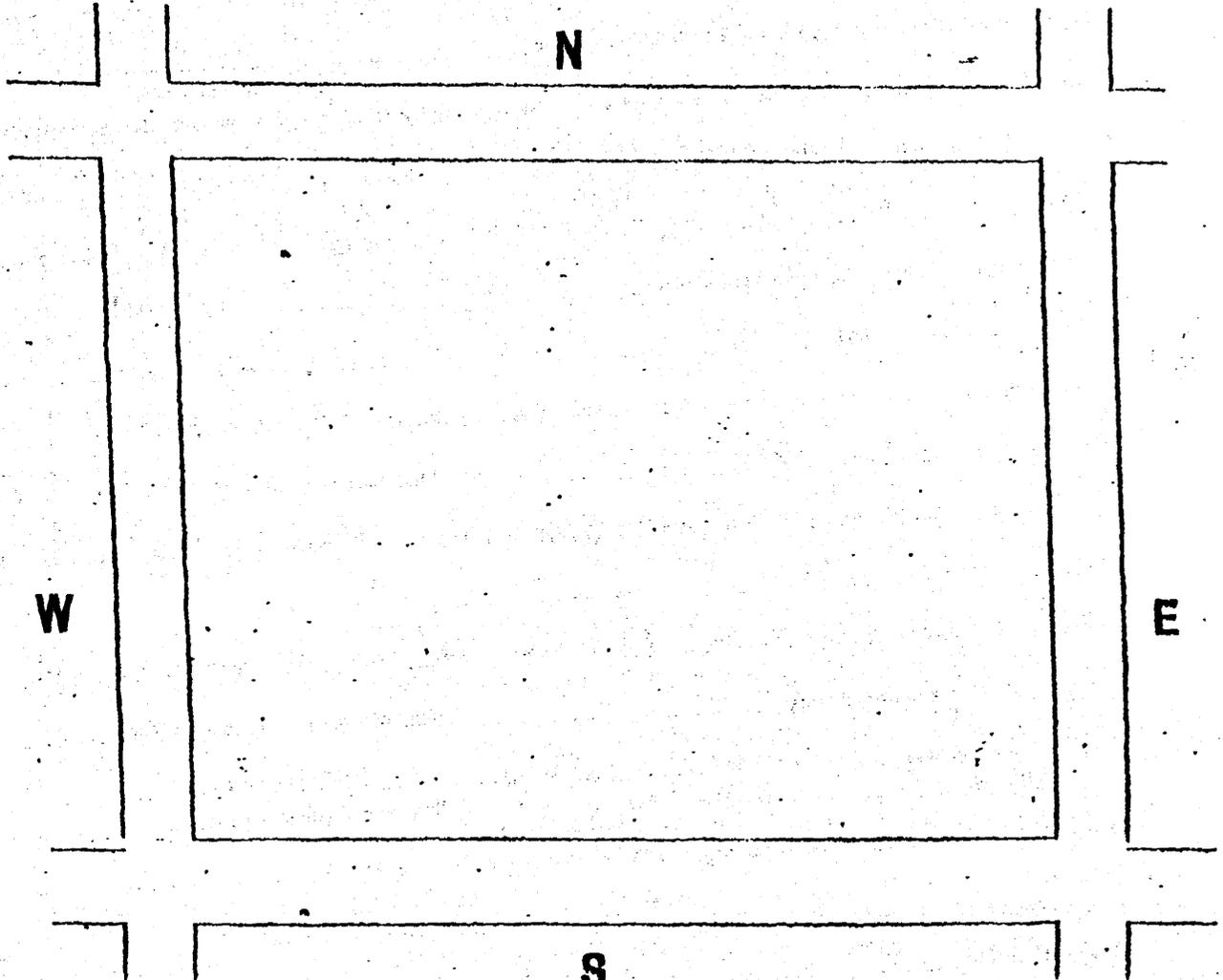
(Owner's Signature)

30 Birchwood Drive
(Address of Applicant)
30 Birchwood Drive

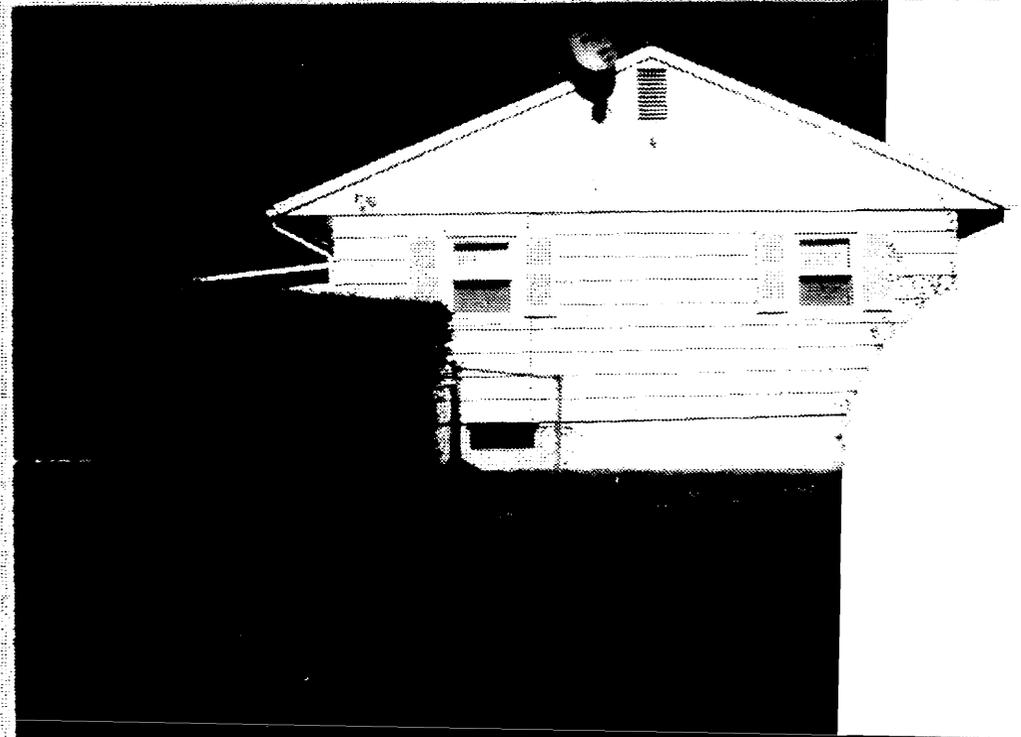
LOT PLAN

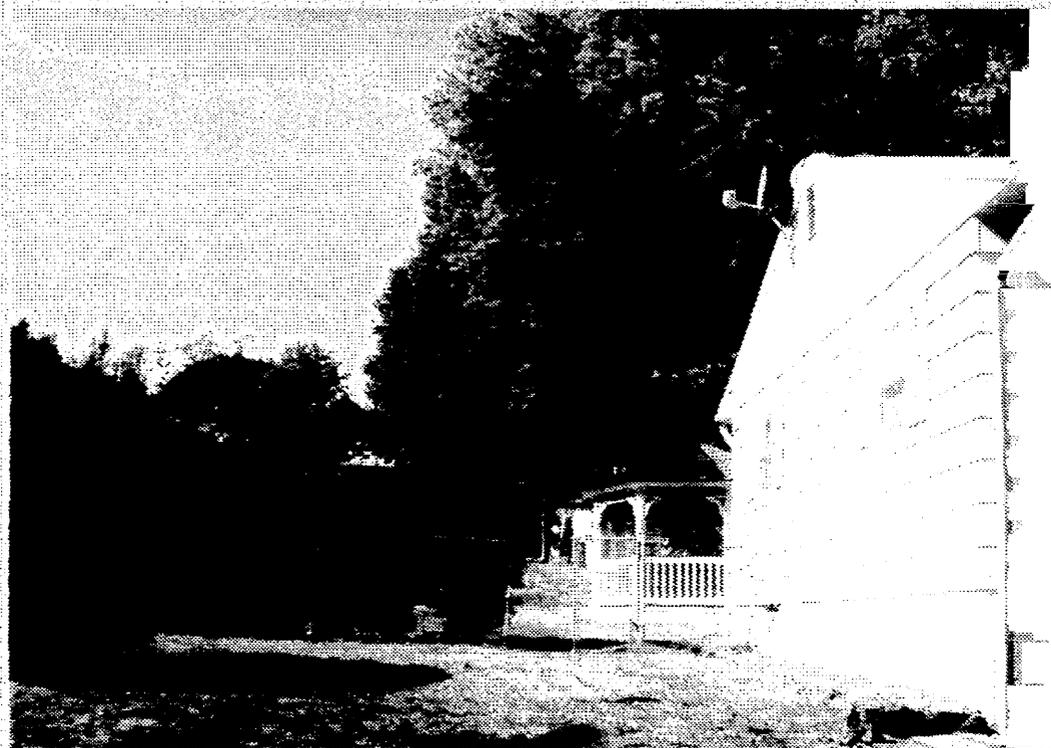
NOTE:

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



ORANGE COUNTY





-----x
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

JULIAN PAYNE

AREA

CASE #05-66
-----x

WHEREAS, Julian Payne, owner(s) of 30 Birchwood Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 4.2 ft Side Yard Setback and; 12.3 ft. Total Side Yard Setback for proposed addition at 30 Birchwood Drive in an R-4 Zone (39-4-18)

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, Jay Klein, Architect appeared along with the Applicant 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 one Family Dwelling located in a neighborhood of one Family Dwellings in an R-4 zone.
 - (b) The applicant seeks to place an addition on an existing home
 - (c) In placing the addition, the applicant will not be removing any substantial trees or vegetation.

- (d) The addition will not create the ponding or collection of water or divert the flow of water drainage.
- (e) The addition will not be on top of nor will it interfere with any easements including, but not limited to, water, sewer and electrical easements.
- (f) With the addition, the house will be similar in size and appearance to other houses 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 4.2 ft Side Yard Setback and; 12.3 ft. Total Side Yard Setback for proposed addition at 30 Birchwood Drive in an R-4 Zone (39-4-18) 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

A handwritten signature in cursive script, reading "Michael S. Kears", is written 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

April 25, 2006

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-66

Dear Mr. Payne:

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

**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 \$ 154.28 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-66

NAME & ADDRESS:

**Julian Payne
30 Birchwood Drive
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 #05-66 TYPE:AREA TELEPHONE: 565-8458

APPLICANT:

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>3009</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 3010



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

PRELIMINARY:	<u>2</u>	PAGES	\$ <u>11.00</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: 11/25 \$ 48.22

TOTAL: \$ 75.72 \$ 70.00



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>145.72</u>

AMOUNT DUE: \$ _____

REFUND DUE: \$ 154.28

Cc:

L.R. 3/28/2006

December 12, 2005

9

JULIAN_PAYNE_(05-66)

Mr. Jay Klein and Mr. Julian Payne appeared before the board for this proposal.

MR. KANE: Request for 4.2 ft. side yard setback and 12.3 ft. total side yard setback for proposed addition at 30 Birchwood Drive in an R-4 zone.

MR. KLEIN: My name is Jay Klein, architect for Mr. and Mrs. Payne who are present here this evening. We presented this a month and a half ago and this is our public hearing. Should I post this on the board, the site plan?

MR. KANE: Whatever's convenient.

MR. KLEIN: It's really so simple, it's a 12 foot addition, the existing side yard is 27.8 feet from the property line to the existing side yard of the house, Paynes wish to add a 12 foot addition for a, to make a from a one car to a two car garage and above this garage would be enlargement of the master bedroom. So what we're left with is 12 foot addition, we're left with 16.8 feet side yard clear, that's all that the Paynes wish to do, no change with the rest of the building and the other side, they're going to put new siding on, dress it up and that's, it's pretty straightforward.

MR. KANE: Any cutting down of trees or substantial vegetation?

MR. PAYNE: No.

MR. KANE: Creating any water hazards or runoffs?

MR. PAYNE: No.

MR. KANE: Is there any easements going down the side

of your building?

MR. PAYNE: No.

MR. KANE: With the addition of the two car garage with the one car garage to the two it's going to keep your house the same size and nature to other homes in your neighborhood?

MR. PAYNE: Yes.

MR. KANE: Garage itself is not going to stick out further than the rest of the front of the house?

MR. KLEIN: No, the same sight lines, the house, the front of the elevation stays the same, as I say, 12 foot addition on the side. The rear elevation also stays the same, there's no change in configuration just actually just a 12 foot enlargement of the existing home.

MR. KANE: Okay, anybody have any questions? At this point I will open it up to the public and ask if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing, bring it back to the bench and ask Myra how many mailings.

MS. MASON: On November 21, I mailed out 72 envelopes and had no response. No further questions, I'll accept a motion.

MS. GANN: I will offer a motion that we grant Julian Payne's request for the 4.2 foot side yard setback and 12.3 foot total side yard setback for proposed addition at 30 Birchwood Drive.

MR. BROWN: Second the motion.

ROLL CALL

December 12, 2005

11

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

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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

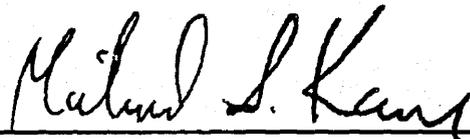
Appeal No. 05-66

Request of JULIAN PAYNE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 4.2 ft Side Yard Setback and; 12.3 ft. Total Side Yard Setback for proposed addition at 30 Birchwood Drive in an R-4 Zone (39-4-18)

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



1763

Town of New Windsor

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

Assessors Office

November 1, 2005

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

Re: 39-4-18 ZBA#: 05-66 (72)

Dear Mr. Payne:

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 \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

25-1-20
Orville & Margery Orts
36 Birchwood Drive
New Windsor, NY 12553

39-1-18
Christopher O'Connell
Jennifer Hersh
79 Harth Drive
New Windsor, NY 12553

39-1-21
Charles Botsford
c/o Debra Iorio & Steven Botsford
317 Sunrise Drive
Newburgh, NY 12550

39-1-24
Mark & Susan Schotsch
34 Birchwood Drive
New Windsor, NY 12553

39-3-11
Daniel & Lori Canissario
20 Cresthaven Drive
New Windsor, NY 12553

39-3-14
Eugene Loughran
26 Cresthaven Drive
New Windsor, NY 12553

39-3-17
Frank & Filomena Cantoli
27 Valewood Drive
New Windsor, NY 12553

39-3-20
Roland & Evelyn DeAgostino
21 Valewood Drive
New Windsor, NY 12553

39-4-10
Heriberto Velez
Norma Rodriguez
18 Valewood Drive
New Windsor, NY 12553

39-4-13
Rosette Anderson
4 Harvey Way
Newburgh, NY 12550

25-5-51.2
Edgar Vidal
526 Balmoral Circle
New Windsor, NY 12553

39-1-19
Lillian Toffler
81 Harth Drive
New Windsor, NY 12553

39-1-22
Natalie Navarra
34 TenBroeck Lane
Newburgh, NY 12550

39-2-13
Eric & Kimberly Caban
25 Cresthaven Drive
New Windsor, NY 12553

39-3-12
Herbert & Karen Pratt
22 Cresthaven Drive
New Windsor, NY 12553

39-3-15
Anthony & Lisa Nester
28 Cresthaven Drive
New Windsor, NY 12553

39-3-18
Dominick & Katherine Citta
25 Valewood Drive
New Windsor, NY 12553

39-3-21
Janet & Edwin Rodriquez, Jr.
19 Valewood Drive
New Windsor, NY 12553

39-4-11
Edward & Robin Klouda
20 Valewood Drive
New Windsor, NY 12553

39-4-14
Karl Zachow
26 Valewood Drive
New Windsor, NY 12553

25-5-51.3
George & Kimberly Ciaschi
129 Glendale Drive
New Windsor, NY 12553

39-1-20
Robert & Ana Gotz
83 Harth Drive
New Windsor, NY 12553

39-1-23.1
Herbert & Bernice Gordon
89 Harth Drive
New Windsor, NY 12553

39-3-10
Harry & Doris Bonnett
18 Cresthaven Drive
New Windsor, NY 12553

39-3-13
Frances & George Backofen, Jr.
24 Cresthaven Drive
New Windsor, NY 12553

39-3-16
Candace & Alfred Magliano, Jr.
29 Valewood Drive
New Windsor, NY 12553

39-3-19
Glenn & Monica Donato
23 Valewood Drive
New Windsor, NY 12553

39-3-22
Salvatore Vecchio
17 Valewood Drive
New Windsor, NY 12553

39-4-12
Richard & Kathleen Fenwick
22 Valewood Drive
New Windsor, NY 12553

39-4-15
Pat & Sarah DeGiorgio
28 Valewood Drive
New Windsor, NY 12553

39-4-16

Anthony & Lucy Carcaramo
30 Valewood Drive
New Windsor, NY 12553

39-4-20

Elizabeth Mulligan
26 Birchwood Drive
New Windsor, NY 12553

39-4-23

Charles & Ann Rhodes
20 Birchwood Drive
New Windsor, NY 12553

39-5-8

William & Lynn Corti
15 Birchwood Drive
New Windsor, NY 12553

39-5-11

Thomas & Zillah Stacklum
21 Birchwood Drive
New Windsor, NY 12553

39-5-14

Margaret Maroon
27 Birchwood Drive
New Windsor, NY 12553

39-5-17

Betty Capicotto
31 Hudson Drive
New Windsor, NY 12553

39-5-20

Gabriel Diaz
Marelyn Rodas
25 Hudson Drive
New Windsor, NY 12553

39-5-23

Stephanie Wajda
226 Leslie Avenue
New Windsor, NY 12553

40-1-12

Michael Carey
Joan Miller
37 Hudson Drive
New Windsor, NY 12553

39-4-17

Janet Rigoli
32 Birchwood Drive
New Windsor, NY 12553

39-4-21

Irvin Roller
24 Birchwood Drive
New Windsor, NY 12553

39-4-24

Marlene Babicz
18 Birchwood Drive
New Windsor, NY 12553

39-5-9

Daniel & Diane Loughran
17 Birchwood Drive
New Windsor, NY 12553

39-5-12

Manfred & Ofelia Muller
23 Birchwood Drive
New Windsor, NY 12553

39-5-15

Mary Faleni
29 Birchwood Drive
New Windsor, NY 12553

39-5-18

Stanley & Jean Dempsey
29 Hudson Drive
New Windsor, NY 12553

39-5-21

Aaron Riley
23 Hudson Drive
New Windsor, NY 12553

40-1-10

Deanne Illenberger
41 Hudson Drive
New Windsor, NY 12553

40-1-13

Patrick & Eileen McGarvey
35 Hudson Drive
New Windsor, NY 12553

39-4-19

Gregory & Deborah Webber
28 Birchwood Drive
New Windsor, NY 12553

39-4-22

Steven & Teresita Pearce
22 Birchwood Drive
New Windsor, NY 12553

39-5-7

Harry Tompkins, III
13 Birchwood Drive
New Windsor, NY 12553

39-5-10

Thomas & Patricia Schroeder
19 Birchwood Drive
New Windsor, NY 12553

39-5-13

James & Felicia Reid
25 Birchwood Drive
New Windsor, NY 12553

39-5-16

Anita Gandolfo
33 Hudson Drive
New Windsor, NY 12553

39-5-19

Gisela Chrisley
27 Hudson Drive
New Windsor, NY 12553

39-5-22

Michael & Catherine Thompson
21 Hudson Drive
New Windsor, NY 12553

40-1-11

Susan & Daniel Arnold
39 Hudson Drive
New Windsor, NY 12553

40-1-14

Robson & Mayra Araujo
P.O. Box 317
Vails Gate, NY 12584

40-1-15
Catherine Rice
33 Birchwood Drive
New Windsor, NY 12553

44-1-3
Frances Schorno
28 Hudson Drive
New Windsor, NY 12553

44-1-6
James & Barbara Sloane
34 Hudson Drive
New Windsor, NY 12553

44-1-9
Jeanette & Wilfred Garcia
40 Hudson Drive
New Windsor, NY 12553

40-1-16
Carl & Joan Ponesse
35 Birchwood Drive
New Windsor, NY 12553

44-1-4
Jilda Lodato
30 Hudson Drive
New Windsor, NY 12553

44-1-7
King of Kings Evangelical
Lutheran Church
543 Union Avenue
New Windsor, NY 12553

44-1-10
Anthony Fuccello
Elizabeth Rollo
42 Hudson Drive
New Windsor, NY 12553

40-1-17
Nicholas Carfizzi
37 Birchwood Drive
New Windsor, NY 12553

44-1-5
Gregory & Christina Ceccarelli
32 Hudson Drive
New Windsor, NY 12553

44-1-8
James Butler
38 Hudson Drive
New Windsor, NY 12553

44-1-11
Luis Jimenez
44 Hudson Drive
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. 05-66
Request of JULIAN PAYNE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 4.2 ft Side Yard Setback and; 12.3 ft. Total Side Yard Setback for proposed addition at 30 Birchwood Drive in an R-4 Zone (39-4-18)

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: 1819420 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

ORDER:

Printed By: THRFOODRIL 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 26.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

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

PRICING:

Price: 48.22 Payment Method: B1 Amount Paid: 0 Amount Owed: 48.22

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

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RECEIVED
NOV 30 2005
TOWN OF NEW WINDSOR
COMPTROLLER'S OFFICE

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

11/25/05

Signature of Representative:

Patricia Foddrill

Sworn in before me this

28

Day of

Nov,

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, 2006



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

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-66

Dear Mr. Payne:

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:

30 Birchwood Drive
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



RESULTS OF Z.B.A. MEETING OF: October 24, 1965

PROJECT: Julian Payne ZBA # 05-66
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) RS S) G VOTE: A 5 N 0

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

CARRIED: Y _____ N _____

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

October 24, 2005

12

JULIAN_PAYNE_(05-66)

MR. KANE: Request for 4.2 ft. side yard setback and 12.3 ft. total side yard setback for proposed addition at 30 Birchwood Drive.

Mr. Jay Klein appeared before the board for this proposal.

MR. KLEIN: My name is Jay Klein, the architect. What we propose is a 12 foot addition on the existing home and the previous zoning was 15 foot side yard now it's 20 foot with the 12 foot addition that we propose encroaches in this 20 foot minimum side yard zoning previous would allow it. What we what, the Paynes want to do is add 12 feet to put a garage on the lower level and add to their master bedroom and the same house of the lines remain from the house, the roof line stays the same, everything stays the same in the rear yard, just the 12 foot addition on the rear yard.

MR. KANE: Cutting down any trees, substantial vegetation in the building of that?

MR. PAYNE: No.

MR. KANE: Creating any water hazards or runoffs?

MR. PAYNE: No.

MR. KANE: With the addition onto the home, does that keep the home similar to size and nature of other homes in the neighborhood?

MR. PAYNE: Yes.

MR. KANE: Any easements going through the area where the addition is going to be put?

MR. PAYNE: No.

October 24, 2005

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MR. KANE: Any further questions?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up Mr. Julian Payne for a public hearing for request for 4.2 foot side yard setback and 12.3 foot total side yard setback for proposed addition at 30 Birchwood Drive.

MS. GANN: Second the motion.

ROLL CALL

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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 10-18-05

FOR: ESCROW 05-66

FROM:

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

CHECK NUMBER: 3010

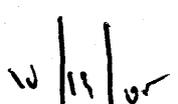
TELEPHONE: 565-8458

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
#994-2005**

10/19/2005

Payne, Jeannette M
30 Birchwood Dr
New Windsor, NY 12553

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# 06-66 application fee



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

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-66

Dear Mr. Payne:

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:

30 Birchwood Drive
New Windsor, NY

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

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 10-18-05 PROJECT NUMBER: ZBA# 05-66 P.B. # _____

APPLICANT NAME: JULIAN PAYNE

PERSON TO NOTIFY TO PICK UP LIST:

Julian Payne
30 Birchwood Drive
New Windsor, NY 12553

TELEPHONE: 565-8458

TAX MAP NUMBER: SEC. 39 B LOCK 4 LOT 18
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 30 BIRCHWOOD DRIVE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

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

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

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



NEW WINDSOR ZONING BOARD XXX

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



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3011

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

10-3-05 _____ Application Type: Use Variance Area Variance
Date Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 565-8458
Julian H. & Jeannette Payne Fax Number: ()
(Name)
30 Birchwood Drive New Windsor New York 12553
(Address)

II. **Applicant:** Phone Number: (845) 565-8458
Julian H. & Jeannette Payne Fax Number: ()
(Name)
30 Birchwood Drive New Windsor, New York 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) 566-6111
Fax Number: ()
Jay Klein
(Name)
49 Greenshire Way, Walden N.Y. 12586
(Address)

V. **Property Information:**
Zone: R-4 Property Address in Question: 30 Birchwood Drive, New Windsor
Lot Size: 90 x 125 Tax Map Number: Section 39 Block 4 Lot 18
a. What other zones lie within 500 feet? none
b. Is pending sale or lease subject to ZBA approval of this Application? no
c. When was property purchased by present owner? December 2, 1986
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? no

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

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

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

APPLICATION FOR VARIANCE - continued

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'	15.8'	4.2'
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.**

**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:

We need the extra room and
it was previously allowed by the old
zoning.

**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.) *Show proposed location in relationship to the property lines.*

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:

3rd day of October 2005,

Jeannette Payne
Owner's Signature (Notarized)

Jeannette Payne
Owner's Name (Please Print)

JUANITA NICKERSON
Notary Public, State of New York
Reg. No. 01NI6124317
My Commission Expires March 28, 2009

Juanita Nickerson
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.**