

ZB# 06-13

Betty Lawrence

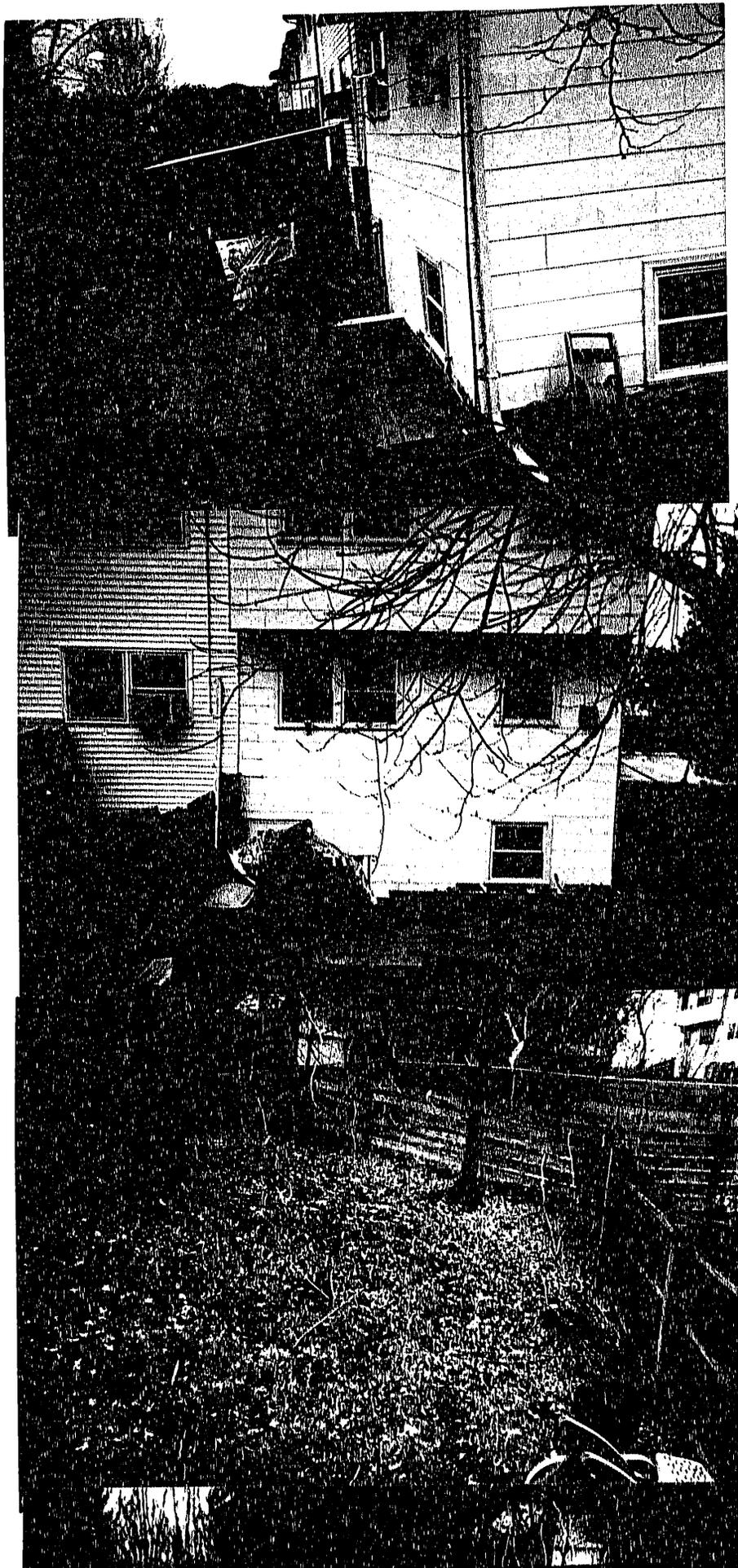
71-1-8

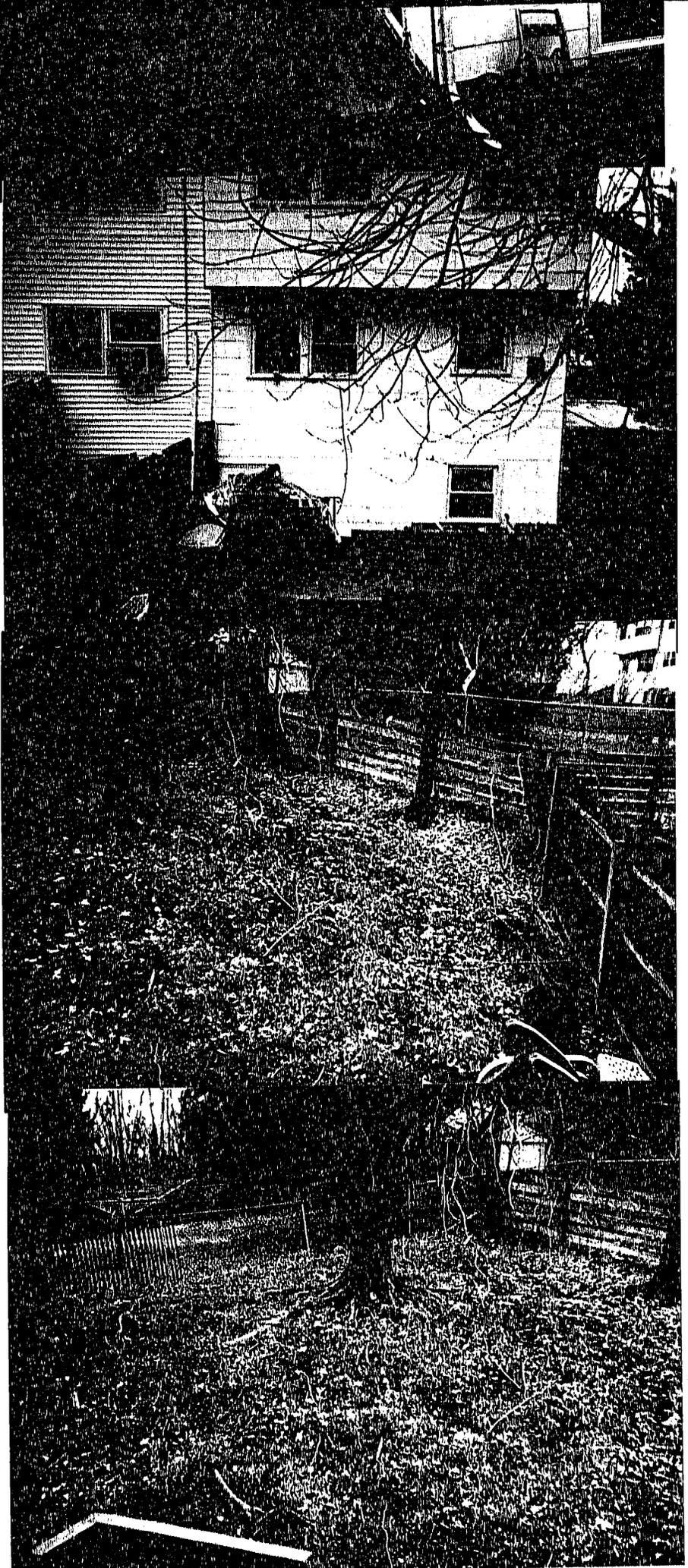
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 4-24-06

Betty Lawrence (Area)
405 Old Forge Hill Rd.

06-130

44500





In the Matter of the Application of
BETTY LAWRENCE

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-13
-----X

WHEREAS, Betty Lawrence, owner(s) of 405 Old Forge Hill Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 80 ft. Rear Yard Setback for proposed attached rear deck in an R-5 Zone (71-1-8)

WHEREAS, a public hearing was held on April 24, 2006 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 Official Town Newspaper, 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-5 zone.
 - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.
 - (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements

(d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage

(e) With the deck, the house will be similar in size and nature 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).

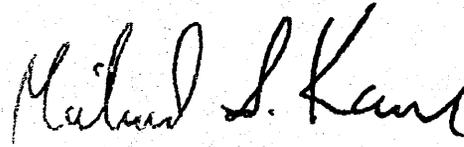
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 3. Request for 80 ft. Rear Yard Setback for proposed attached rear deck at 405 Old Forge Hill Road in an R-5 Zone (71-1-8) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: April 24, 2006



Chairman

BETTY LAWRENCE_(06-13)

Ms. Betty Lawrence appeared before the board for this proposal.

MS. GANN: Request for 80 foot rear yard setback for proposed attached rear deck at 405 Old Forge Hill Road. Tell us why you're her again.

MS. LAWRENCE: Request for 80 foot rear yard deck setback for 405 Old Forge Hill Road.

MS. GANN: So the deck that's here right now.

MS. LAWRENCE: Yeah, it's above that from the dining room area.

MS. GANN: And you're going to take this out?

MS. LAWRENCE: No, that stays there, just going to raise the one, put one up by the dining area itself going to be, you can't see that from there.

MS. GANN: And you're going to make, there's going to be a sliding door or something to get onto the deck from the kitchen?

MS. LAWRENCE: From the dining area.

MS. GANN: Will you be taking down any substantial vegetation in the building of the deck?

MS. LAWRENCE: No, just trimming some trees.

MS. GANN: Is this the next neighbor over from you?

MS. LAWRENCE: Yes.

MS. GANN: So you'll be able to look down into their back yard, in other wards, once you're on your deck?

MR. TORPEY: No, it's all woods right there, her corner to her left is all woods.

MS. GANN: Isn't that your home?

MS. LAWRENCE: I have a corner property.

MS. GANN: She's got someone next to her though.

MR. BABCOCK: If you look at the tax map, the number 68 over here was the two lots, the one above 68 was the two lots we looked at for the two-family house and the townhouses wrap all the way around so this is one of the townhouses.

MS. GANN: How big is the deck, what size deck are you planning on putting up?

MS. LAWRENCE: It's the same as that one just raised.

MR. LUNDSTROM: Your plot plan shows 19 x 15, is that correct?

MS. LAWRENCE: For my plot?

MR. BABCOCK: Yes.

MR. LUNDSTROM: Mike, is that correct?

MR. BABCOCK: Yes.

MS. GANN: Will you be using the deck, this existing deck?

MS. LAWRENCE: Probably not as often if I was using the top one cause the one at the bottom leads out to the basement which is the laundry room.

MR. BABCOCK: She has two exits from her house, one on

the ground level and one eight foot up from her probably her dining room living room area.

MS. LAWRENCE: That's what I have, I want to have.

MR. KRIEGER: The one that's eight foot up that will be exiting onto this deck?

MS. LAWRENCE: It will be exiting out to the back yard.

MS. LOCEY: Yeah but this proposed deck that you want will be 8 feet up and you'll get to it from your--

MS. LAWRENCE: My dining room area, but you can also go out the back yard to it, it's going to be to the back.

MR. LUNDSTROM: From the deck you can go to the back yard from the house you can go from the deck to the back yard?

MS. LAWRENCE: Right.

MS. GANN: Are there decks similar to the one that you're looking to build in the area?

MS. LAWRENCE: Yes.

MS. GANN: And they similar in size?

MS. LAWRENCE: Yes.

MR. LUNDSTROM: Do you envision any substantial vegetation, trees to be affected by this?

MS. LAWRENCE: No.

MR. LUNDSTROM: Any easements that that deck would go over?

MS. LAWRENCE: None that I'm aware of.

MR. LUNDSTROM: Will this deck create any water problems?

MS. LAWRENCE: No.

MS. GANN: Any other questions from the board?

MS. LOCEY: You can open it up to the public who's not here.

MS. GANN: Looks like there's no one for the public hearing so we'll close the public portion, ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 44 envelopes and had no response.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variance on the application of Betty Lawrence for an 80 foot rear yard setback for proposed attached rear deck at 405 Old Forge Hill Road in an R-5 zone.

MR. TORPEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MS. GANN: Motion to adjourn?

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

**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: 7/20/06
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 169.88 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-13

NAME & ADDRESS:

**Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.7/20/06



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



FILE #06-13 TYPE:AREA TELEPHONE: 565-2603

APPLICANT:

Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>305</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 306



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$21.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$28.00</u>	<u>\$35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:04-18 \$ 11.12

TOTAL: \$60.12 \$70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$130.12

AMOUNT DUE: \$ _____

REFUND DUE: \$169.88

Cc:

L.R. 7/20/06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
6/2/2006	7869

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
SEE BELOW	Due on receipt	

Issue Date	Description	PCS/Units	Amount
4/18/2006	LEGAL ADS: PO 44500 LAWRENCE 06-13 1 AFFIDAVIT	7.12 4.00	7.12 4.00
4/18/2006	LEGAL ADS: PO 44502 ALEMAN 06-11 1 AFFIDAVIT	7.12 4.00	7.12 4.00
		Total	\$22.24

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218

State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The

Supervisor of Legal Dept. of the E.W. Smith

Publishing Company; Inc. Publisher of The

Sentinel, a weekly newspaper published and

of general circulation in the Town of New

Windsor, Town of Newburgh and City of

Newburgh and that the notice of which the

annexed is a true copy was published 11

in said newspaper, commencing on

the 14 day of Apr A.D., 2006

and ending on the 14 day of Apr

A.D. 2006

Patricia Quill

Subscribed and shown to before me

this 10th day of July, 2006

Deborah Green

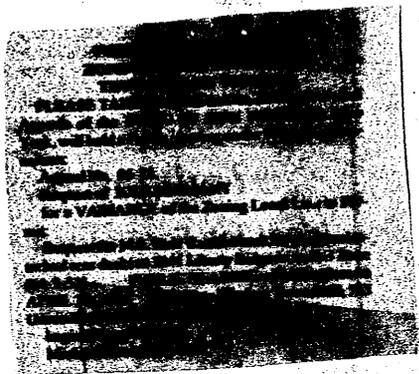
Notary Public of the State of New York

County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4884066

Commission Expires July 15, 2007

My commission expires _____



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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/23/04

**APPLICANT: Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/14/04

FOR : Proposed 19' x 15' Attached Rear Deck.

LOCATED AT: 405 Old Forge Hill Road

ZONE: Sec/Bik/ Lot: 71-1-8

DESCRIPTION OF EXISTING SITE: Existing Attached Town House.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed 19' x 15' Attached Rear Deck will not meet minimum rear yard set back of 100'.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-5 USE: G-11

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 100' 20' 80'

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

PLEASE CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

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

JUN 14 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Betty J. Lawrence

Address 405 Old Forge Hill Road Phone # 565-2603

Mailing Address s/ala Fax # _____

Name of Architect _____

Address _____ Phone _____

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 SOUTH side of Old Forge Hill Road
(N, S, E or W) and _____ feet from the intersection of Rt 32

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

3. Tax Map Description: Section 71 Block 1 Lot 8

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 DECK

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

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front 19' W X 15' DEEP X 54" H. Rear _____ Depth _____ Height _____ No. of stories _____

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

Number of bedrooms 4 Baths 1 1/2 Toilets 2 Heating Plant: Gas Oil _____
Electric/Hot Air _____ Hot Water If Garage, number of cars one

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

10. Estimated cost \$4,500.00

Fee _____

\$50.00

ZONING BOARD

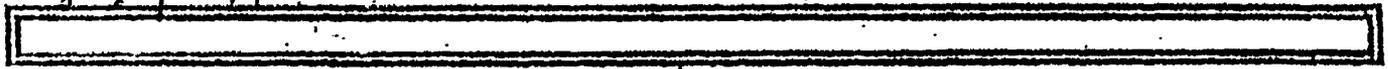
Ch#455

4.11.04
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 Lal & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 583-4885 FAX
8:30 - 4:30 M-F

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.

Robert Lawrence 405 Old Forge Hill Road, New Windsor, NY
(Signature of Applicant) (Address of Applicant)
Robert Lawrence 405 Old Forge Hill Road New Windsor

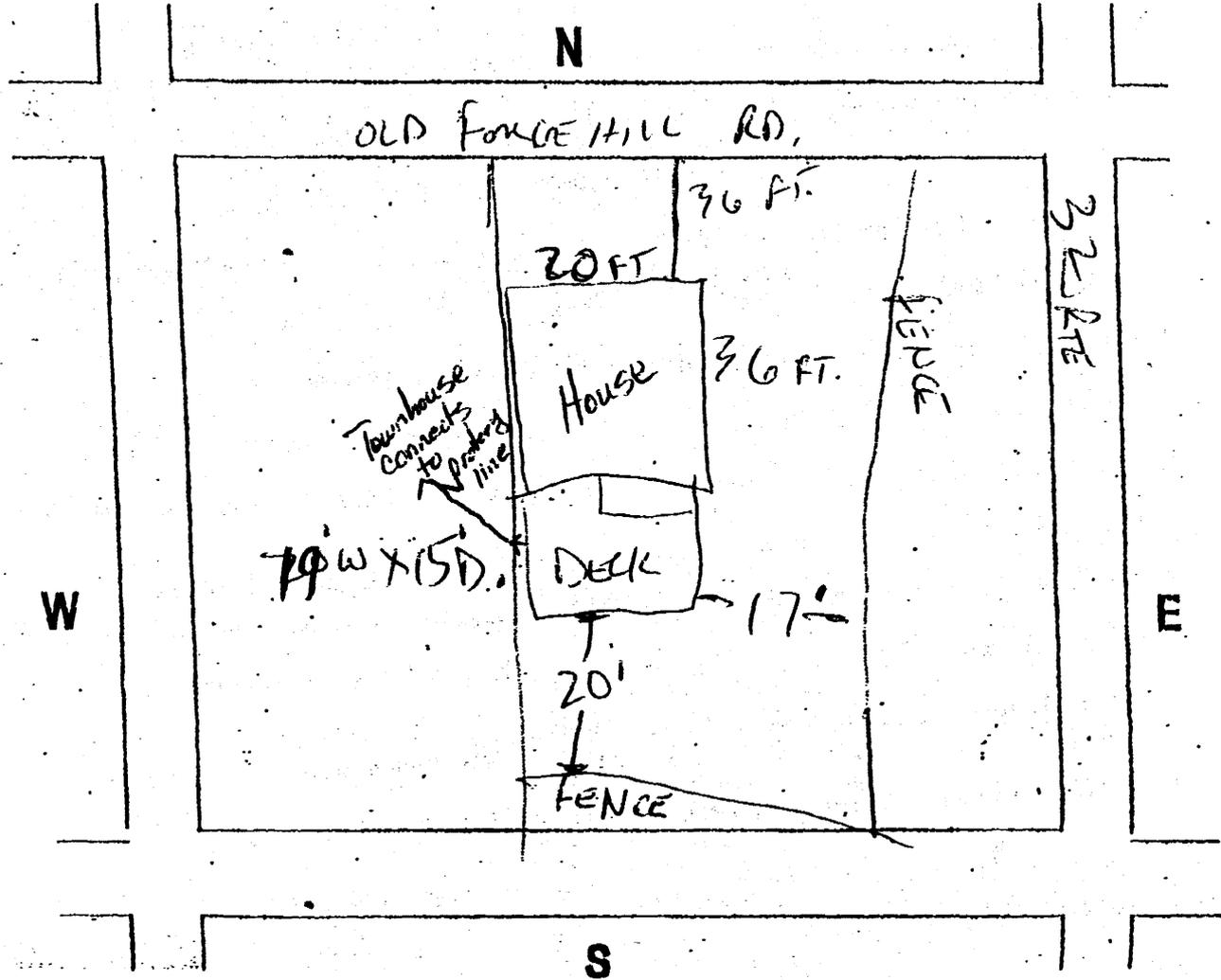
(Owner's Signature)

(Owner's Address)

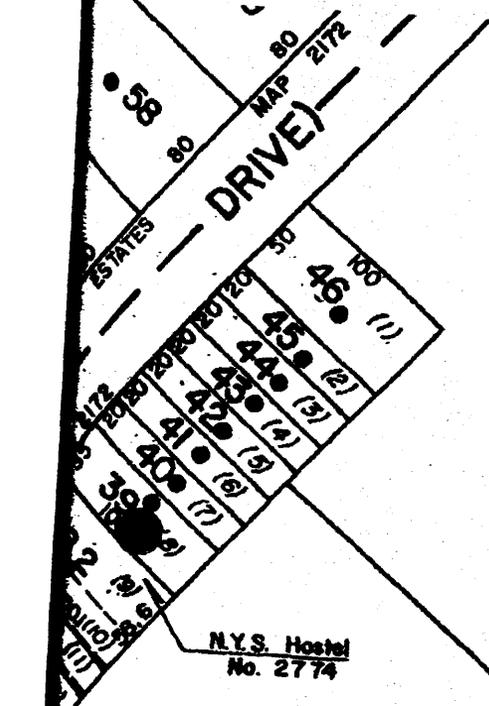
PLOT PLAN

ney

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



SECTION



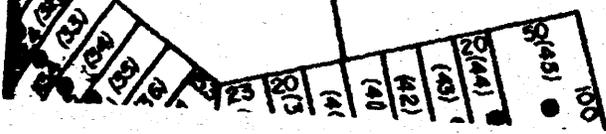
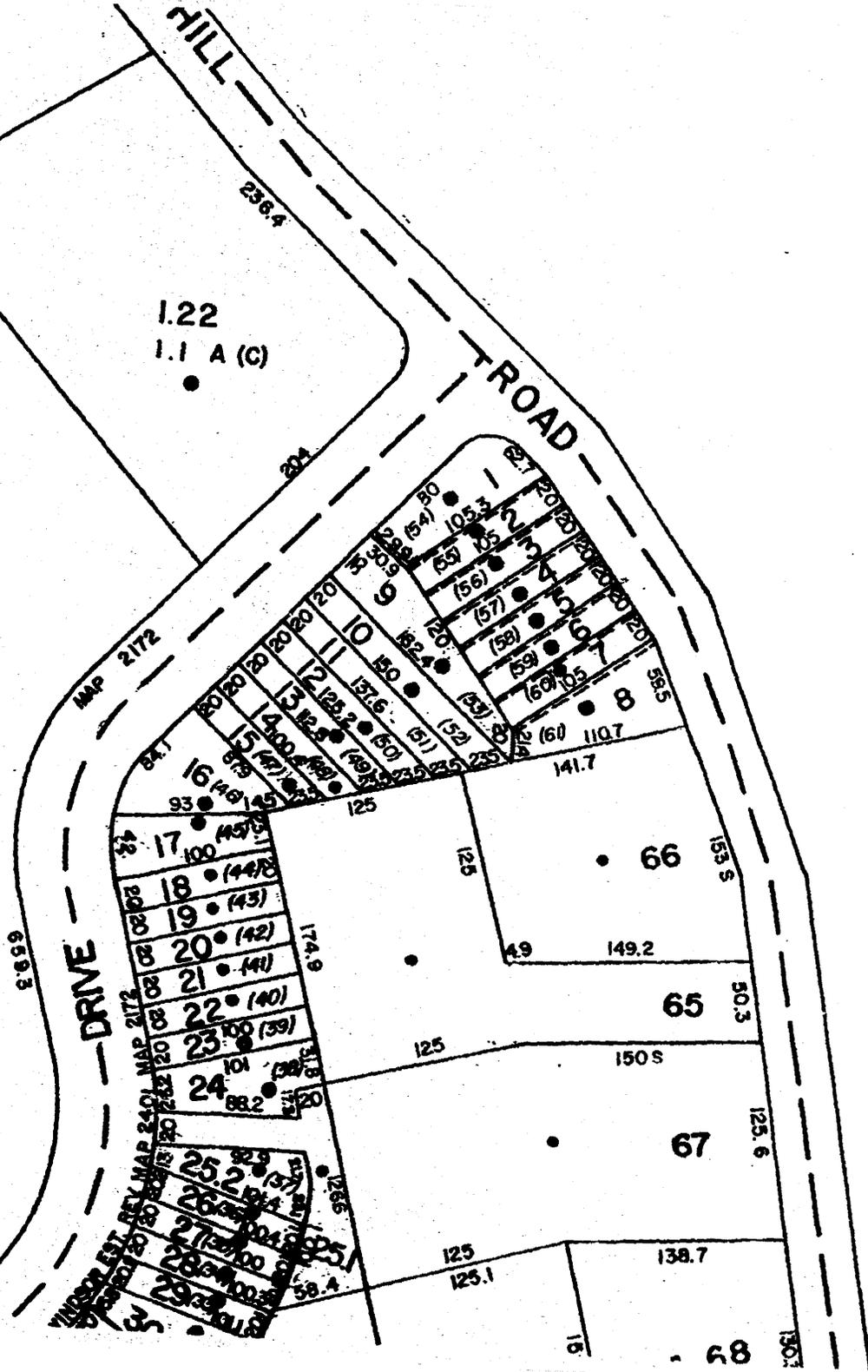
1.23
2.1 A(C)

1.22
1.1 A(C)

1.21
2.9 A(C)

1.1
3.5 A(C)

2





RESULTS OF Z.B.A. MEETING OF: April 24, 2006

PROJECT: Betty Lawrence ZBA # 06-13
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) Lo S) 1 VOTE: A 4 N 0.

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
~~KANE~~ _____

CARRIED: Y N _____

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



1763

Town of New Windsor

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

Assessors Office

March 23, 2006

Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553

Re: 71-1-8 ZBA#: 06-13 (44)

Dear Mrs. Lawrence:

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 Wile, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

35-1-61
Newburgh Enlarged City Schl Dst.
ATT: E. Phillips
124 Grand Street
Newburgh, NY 12550

65-2-12.1
WVR Real Estate II, LLC
4 Coates Drive – Suite 1
Goshen, NY 10924

71-1-3
Roseanna & Alfred Ruger, Sr.
415 Old Forge Hill Road
New Windsor, NY 12553

71-1-6
Luis & Jeanine Rosado Maisonet
409 Old Forge Hill Road
New Windsor, NY 12553

71-1-10
Sonnie & Diane Warshaw
23 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-13
Annette Ziegler
29 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-16
Raymond & Grace Skopin
35 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-19
Stephen & Annelie Coyle
41 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-22
Jun Hui Yang
47 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-25.1 & 67
Carmine Pacione
393 Old Forge Hill Road
New Windsor, NY 12553

35-1-115
Drucila & Melanio Lopez, Jr.
424 Old Forge Hill Road
New Windsor, NY 12553

71-1-1
Catherine & John Encke
419 Old Forge Hill Road
New Windsor, NY 12553

71-1-4
Amadika Harris
Dorothy Huffman
413 Old Forge Hill Road
New Windsor, NY 12553

71-1-7
Irma Martini
407 Old Forge Hill Road
New Windsor, NY 12553

71-1-11
Ronald & Marie Perry
25 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-14
David & Sonia Borrero
31 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-17
Vincent & Gertrude Schmidt
37 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-20
Meredith Elaine Baker
43 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-23
Juvencio Navedo
Harriet Johnson Navedo
49 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-25.2
Derek Carney
55 Vails Gate Heights Drive
New Windsor, NY 12553

35-1-116
Veronica Herring
422 Old Forge Hill Road
New Windsor, NY 12553

71-1-2
Yang Ying Qi
P.O. Box 188
Vails Gate, NY 12584

71-1-5
Michael & Sheila Brock
411 Old Forge Hill Road
New Windsor, NY 12553

71-1-9
Rose Karpinski
21 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-12
Barbara Levy
27 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-15
Steven & Ronni Warshaw
33 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-18
Thelma Zelkind
39 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-21
Martin & Frances Shapiro
45 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-24
Frank Robinson
51 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-26
Eric Asmann
57 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-27
Sally Scheiner
9130 Taverna Way
Boyton Beach, FL 33437

71-1-30
Peter & Lucy Martini
65 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-32
Drena Cocchia
71 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-66
Jerline & Zeldia Ware
401 Old Forge Hill Road
New Windsor, NY 12553

71-3-3
Jamal Realty, LLC
P.O. Box 311
Yonkers, NY 10710

71-1-28
Christopher Isaacs
Sandra Jackson
61 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-31.1 & 69
Highland Operating LTD
P.O. Box 479
Washingtonville, NY 10992

71-1-33
James Kilcullen
632 South 8th Street
New Hyde Park, NY 11040

71-1-68
Emil Mihalco, Jr.
Bernice Sapiel
387 Old Forge Hill Road
New Windsor, NY 12553

86-2-2
Exeter Building Corp.
c/o Gem Management Corp.
P.O. Box 992
Poughkeepsie, NY 12602

71-1-29
David & Edith Herring
63 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-31.2
George Encke
Jean Dalton
69 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-65
Alton & Theresa Christianson
397 Old Forge Hill Road
New Windsor, NY 12553

71-2-1.1, 1.21, 1.22 & 1.23
New Windsor Properties, LLC
c/o Peck & Heller
545 Madison Avenue – 11th floor
New York, NY 10022

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:

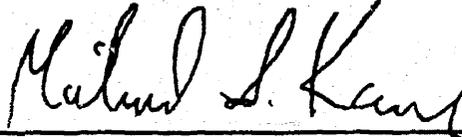
Appeal No. 06-13

Request of BETTY LAWRENCE

for a VARIANCE of the Zoning Local Law to Permit:

Request for 80 ft. Rear Yard Setback for proposed attached rear deck at 405 Old Forge Hill Road in an R-5 Zone (71-1-8)

PUBLIC HEARING will take place on APRIL 24, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

BETTY_LAWRENCE_(06-13)

MS. GANN: Request for 80 ft. rear yard setback for proposed attached rear deck at 405 Old Forge Hill Road.

Ms. Betty Lawrence appeared before the board for this proposal.

MS. LAWRENCE: My name is Betty Lawrence, currently reside at 405 Forge Hill Road requesting a variance to add a deck to my back yard. I have an existing lower deck I want a raised deck.

MS. LOCEY: So you already have a deck where you want and you want to replace it?

MS. LAWRENCE: I want it out over the dining room, I have one now I go through the basement to get to.

MS. GANN: Looking at these pictures here, where would the dining room be?

MS. LAWRENCE: Dining room is this window over here.

MS. GANN: So you would make a sliding door right there where the window is onto the deck?

MS. LAWRENCE: Yes.

MS. GANN: It would be the same size as the deck that you have here already?

MS. LAWRENCE: I believe it's going to come out further, this is 16, I think he wanted another 20 feet.

MS. GANN: Taking down any substantial vegetation to build the deck?

MS. LAWRENCE: I might take down a tree or two that's in the back yard because I have 4 trees back there.

MS. GANN: So looking at this picture, will it be longer than the home?

MS. LAWRENCE: No, coming down the same side just extending right here, this part is extending.

MS. GANN: Will it be going over any easements that you know of?

MS. LAWRENCE: No, not that I know of.

MS. GANN: Will it be similar in size to other decks that are in your neighborhood?

MS. LAWRENCE: Yes, only one other deck in the neighborhood right now and it's about similar, same size.

MS. GANN: Any other questions?

MR. LUNDSTROM: In the diagram that you provided you're saying her townhouse connects to the property line, is that right on the property line then?

MR. BABCOCK: Yes.

MR. LUNDSTROM: And the deck does not because the property is there the deck doesn't interfere with that?

MR. BABCOCK: No, the property lines go right through the houses, that's how these were built.

MS. LOCEY: When were they built?

MR. BABCOCK: The side yard setback is zero, the requirement in a townhouse situation.

MS. LAWRENCE: She wants to know when it was built?

March 13, 2006

22

MS. LOCEY: I mean it pre-existed zoning or something why would there be a zero foot?

MR. BABCOCK: They got a C.O. in 1968 for this unit.

MS. GANN: Any other questions for the board?

MR. LUNDSTROM: Question of Mike, Mike, the application here says requesting an 80 foot rear yard setback, explain that to me on the diagram I'm looking at.

MR. BABCOCK: Yeah, in the back where it says fence and says 20 feet to the fence there the requirement is 100 feet in today's world, probably not when these were built.

MR. LUNDSTROM: That explains it.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Betty Lawrence for an 80 foot rear yard setback for a proposed attached rear deck at 405 Old Forge Hill Road in an R-5 zone.

MR. LUNDSTROM: Madam Chairman, I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MS. GANN	AYE



RESULTS OF Z.B.A. MEETING OF: March 13, 2006

PROJECT: Betty Lawrence ZBA # 06-13
P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lo S) Lu VOTE: A 3 N 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY _____
KANE _____

CARRIED: Y N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

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

ZBA # 06-13 application Fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#211-2006

03/17/2006

Lawrence, Betty
405 Old Forge Hill Road
New Windsor, New York 12553

Received \$ 50.00 for Zoning Board Fees, on 03/17/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-11-06

FOR: 06-13 ESCROW

FROM:

CHECK FROM:

Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553

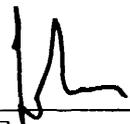
SAME

CHECK NUMBER: 306

TELEPHONE: 565-2603

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3-17-06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 03-17-2006 PROJECT NUMBER: ZBA# 06-13 P.B. # _____

APPLICANT NAME: BETTY LAWRENCE

PERSON TO NOTIFY TO PICK UP LIST:

Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553

TELEPHONE: 565-2603

TAX MAP NUMBER: SEC. 71 BLOCK 1 LOT 8
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 405 OLD FORGE HILL RD
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: 307

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

10/7/05
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Betty J. Lawrence
(Name)

Phone Number: 845, 565-2603

Fax Number: ()

403 Old Forge Hill Road New Windsor, NY 12553
(Address)

II. Applicant:

Betty J. Lawrence
(Name)

Phone Number: 845 565 2603

Fax Number: ()

405 Old Forge Hill Road New Windsor, NY 12553
(Address)

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

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: R-5 Property Address in Question: 405 Old Forge Hill Road

Lot Size: _____ Tax Map Number: Section 71 Block 1 Lot 8

a. What other zones lie within 500 feet? School, Zoner

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? 1999

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.			
Reqd. Rear Yd.			
Reqd. St Front*	100	20	80
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 would greatly appreciate, to be granted, an area variance. I would like to have access to my backyard from my middle floor (top dining room area) it's sometimes difficult to go outside from the back deck and enjoy a Bar-B-Que. The kitchen is on the middle floor. Sometimes we pass things from the window to the yard. This would be more enjoyable if the area became open. I have the corner property, so some else could be in danger. Thank you.

PLEASE NOTE:

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

COMPLETE THIS PAGE

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:

7th day of October 2005

Betty J. Lawrence
Owner's Signature (Notarized)

ALEXIS J. MCKOY-YAKLE
Notary Public - State of New York
No. 01MC6121178
Qualified in Orange County

Betty J. Lawrence
Owner's Name (Please Print)

Alexis J. McKoy-Yakle
Signature and Stamp of Notary

Molag
Applicant's Signature (If not Owner)

PLEASE NOTE:

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

COMPLETE THIS PAGE



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.