

ZB# 06-15

Mt. Airy Estates

64-2-3

06-15

MT. AIRY ESTATES (for Gomilla)
2075 INDEPENDENCE DR. (64-2-3)

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

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

MT. AIRY ESTATES

INTERPRETATION

CASE #06-15
-----X

WHEREAS, Marvin Rosenzweig represented the, owner(s) of 2075 Independence Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for interpretation of single family dwelling with two kitchens and/or Use Variance for a two-family dwelling in an R-3 Zone (64-2-3)

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 was one spectator(s) appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and the public person who spoke was neither in favor of nor opposed 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 consisting of a single-family dwelling located in a neighborhood of residential/single family properties in an R-3 zone.
 - (b) The applicant seeks to place a second kitchen in a one-family home.
 - (c) The applicant proposes to place a second kitchen in the premises to accommodate a family member. The applicant purchased this property as a single-family

residence, has maintained it as a single-family residence and will market same always maintain same as a single-family residence.

- (d) All facilities will be operated on a single gas/electric meter.
- (e) The applicant in constructing the kitchen, will not remove any trees or substantial vegetation.
- (f) In building the kitchen, 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
- (g) In building the kitchen, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) Where the entrance to the addition is proposed, is a space that is already being used by the house.
- (i) After construction, if permitted, the appearance of 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).
9. This property is a single-family residence.
10. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family
11. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

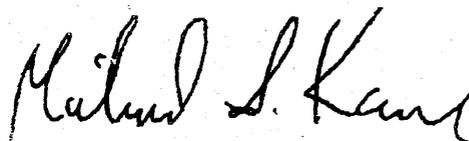
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for interpretation of single family dwelling with two kitchens and/or Use Variance for a two-family dwelling in an R-3 Zone at 2075 Independence Drive (64-2-3) 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: April 24, 2006



Chairman

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 4, 2006

**APPLICANT: Mt. Airy Estates
16 Engle St. Suite 100
Englewood, N.J.**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/4/06

FOR : Second kitchen in a one family house.

LOCATED AT: 2075 Independence Dr.

ZONE: R-3 Sec/Blk/ Lot: 64-2-3

DESCRIPTION OF EXISTING SITE: Existing one family house

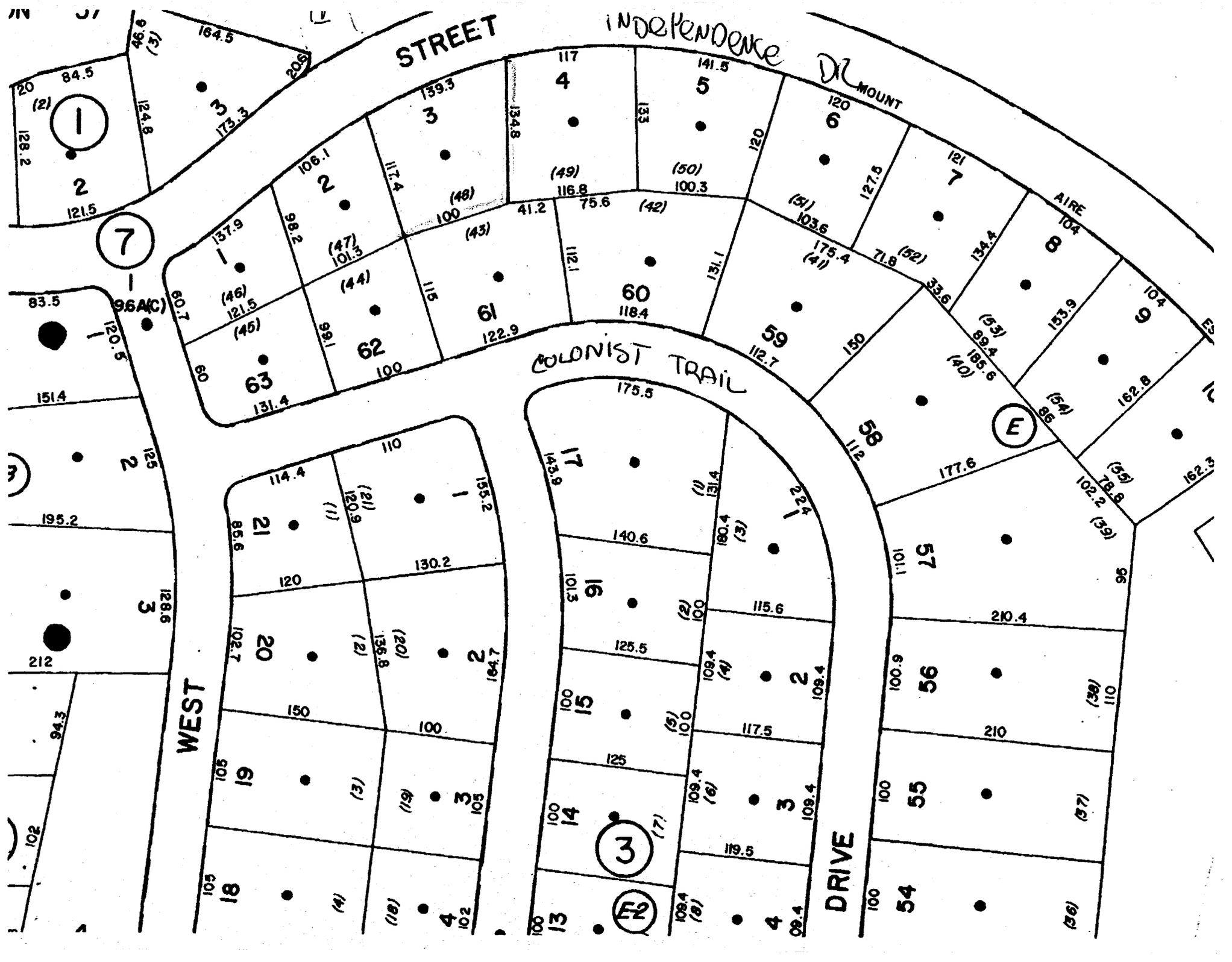
IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Second kitchen will create a two family house.**


BUILDING INSPECTOR

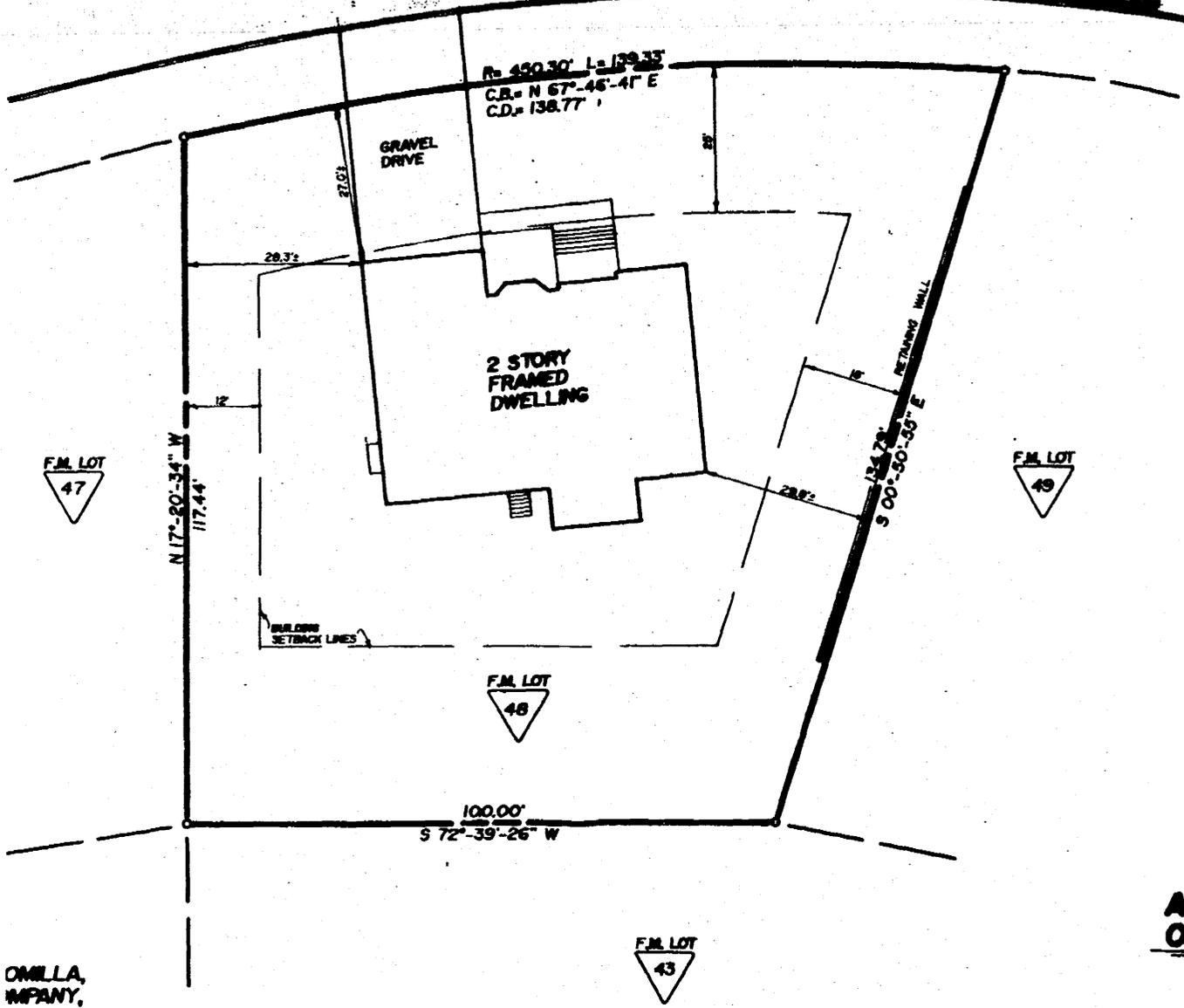
	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3 USE:	Bulk Tables 7-C		
MIN LOT AREA:	120,000 sq.ft.	11,700 sq.ft.	108,300sq.ft.
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD:			
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



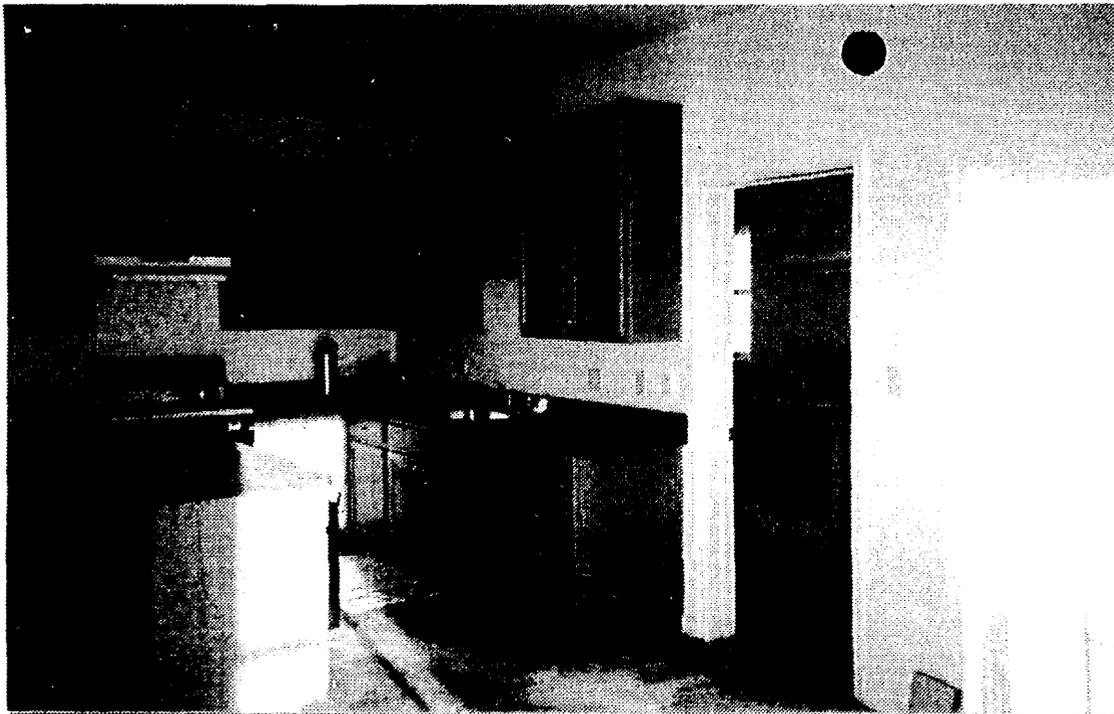
INDEPENDENCE DRIVE

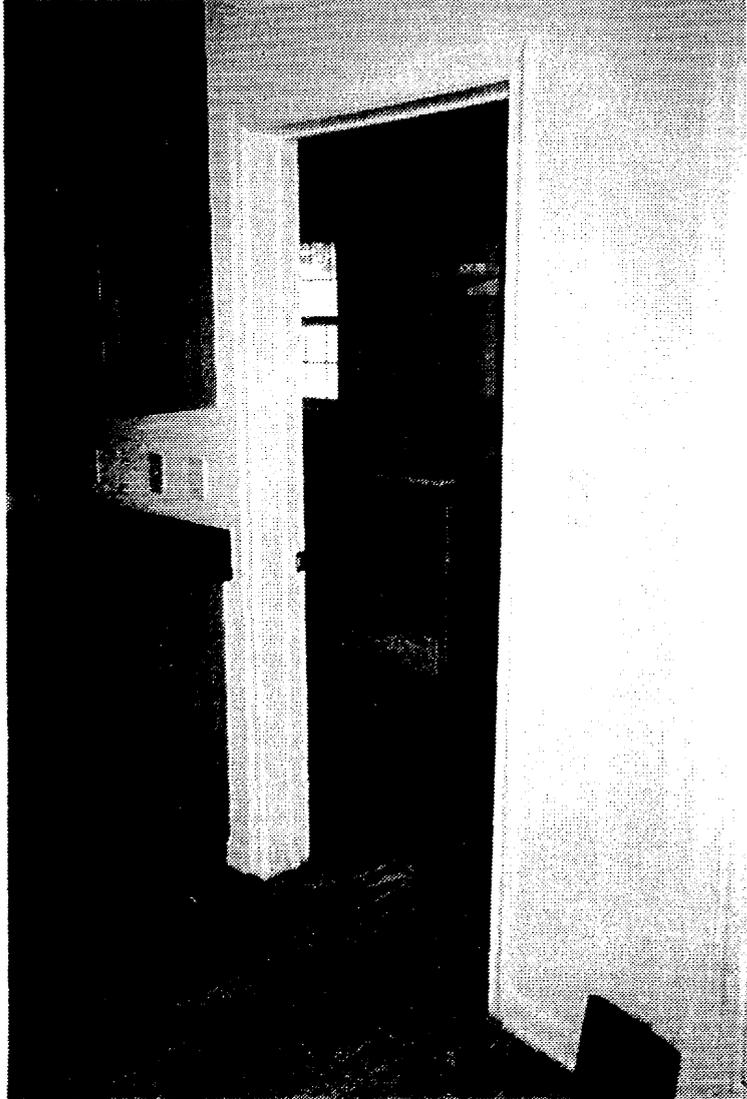
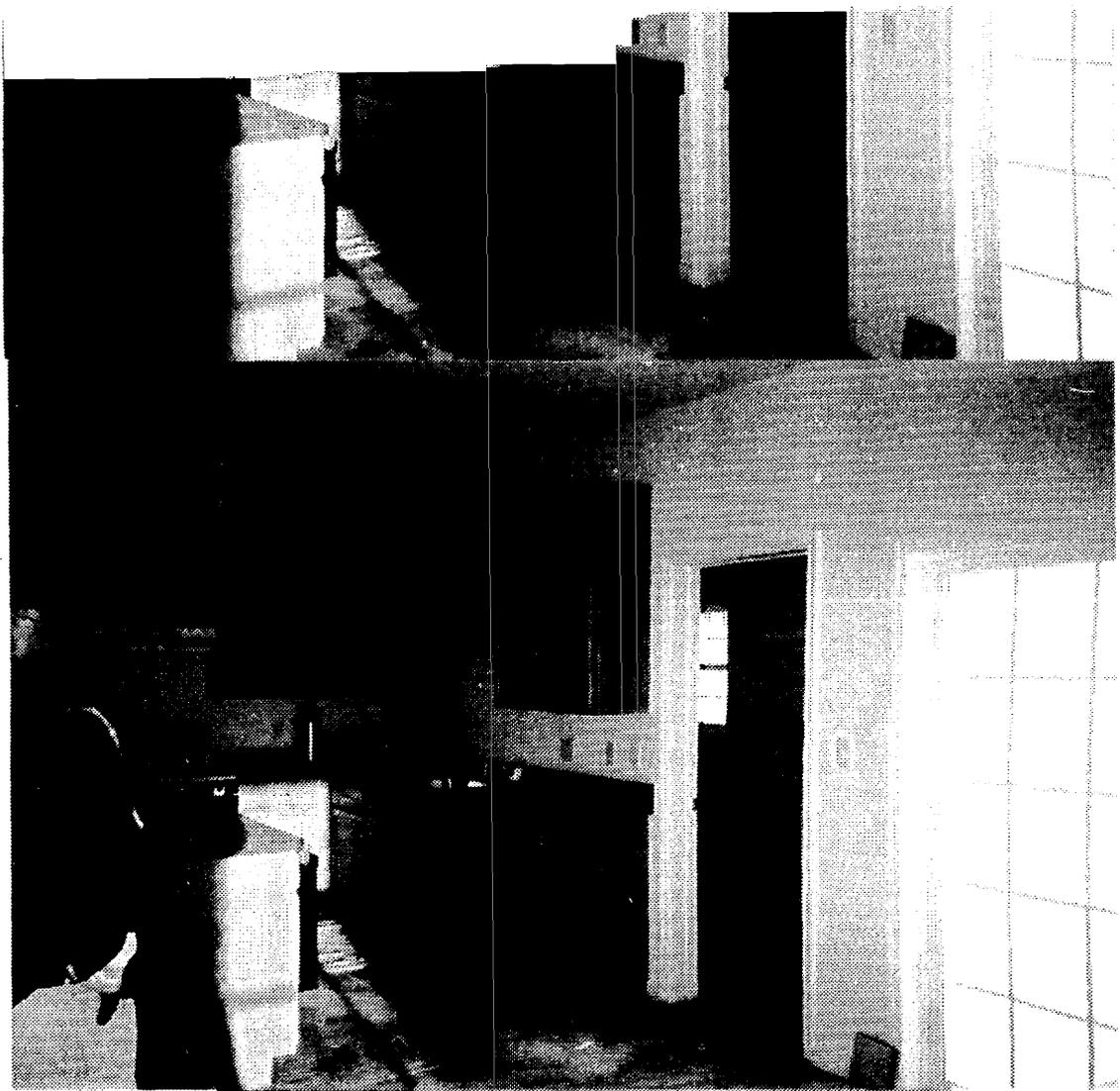
(UNDER CONSTRUCTION)



AREA:
0.346 Acs

OMILLA,
INFANY,





**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 \$ 170.28 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-15

NAME & ADDRESS:

**Mt. Airy Estates (for Susan Gomilla)
15 Engle Street
Englewood, NJ 07631**

THANK YOU,

MYRA

L.R.7/20/06



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



FILE #06-15 TYPE:AREA TELEPHONE: 908-208-1923

APPLICANT:
Mt. Airy Estates (for Susan Gomilla)
15 Engle Street
Englewood, NJ 07631

RESIDENTIAL:	\$ 50.00	CHECK # 110569
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 110570



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

PRELIMINARY:	4	PAGES	\$28.00	\$35.00
2 ND PRELIMINARY:	___	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	3	PAGES	\$21.00	\$35.00
PUBLIC HEARING:	___	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:4/18/06 \$10.72

	TOTAL:	<u>\$59.72</u>	<u>\$70.00</u>	129.72
--	---------------	----------------	----------------	--------

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>129.72</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>170.28</u>

Cc:

L.R. _____

State of New York
County of Orange, ss:
Lucas Ladlee being duly
sworn disposes and says that he 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 1X
in said newspaper, commencing on
the 18 day of Apr A.D., 2006
and ending on the 18 day of Apr
A.D. 2006

Lucas W. Ladlee

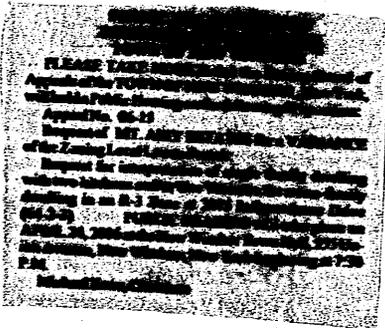
Subscribed and shown to before me
this 22nd day of May, 2006

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
3804065
Commission Expires July 15, 2007

My commission expires _____





THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
4/28/2006	7611

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

RECEIVED

MAY 24 2006

P.O. No. <i>44498</i>	Terms	Project
SEE BELOW	Due on receipt	

Issue Date	Description	PCS/Units	Amount
4/18/2006	LEGAL ADS: PO #44498 06-15 1 AFFIDAVIT	6.72 4.00	6.72 4.00
4/18/2006	LEGAL ADS: PO #44499 06-14 1 AFFIDAVIT	6.33 4.00	6.33 4.00
4/18/2006	LEGAL ADS: PO #44501 06-16 1 AFFIDAVIT	6.33 4.00	6.33 4.00
		Total	\$31.38

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

MT. AIRY ESTATES (06-15)

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MS. GANN: Request for interpretation of single family dwelling with two kitchens and/or use variance for a two family dwelling in an R-3 zone at 2075 Independence Drive.

MR. KRIEGER: Same admonition.

MR. ROSENZWEIG: I'd like to proceed. This was the issue regarding the dirty kitchen.

MS. GANN: Right.

MS. GANN: So this has already been looks as though it's a different appliance, this is the kitchen?

MR. ROSENZWEIG: That's the only appliance that's there, the stove, it's attached to the existing kitchen and there's no separate entrance from the outside there's no separate gas, electric meter.

MS. LOCEY: And the reason for the second kitchen?

MR. ROSENZWEIG: It's a Philippine family, they have a separate kitchen, it's called a dirty kitchen, I guess where the, it's not supposed to be in the same room as the regular kitchen so--

MR. KRIEGER: But it's a single family home, it will remain a single-family home?

MR. ROSENZWEIG: Yes.

MR. KRIEGER: It will always be marketed as a single-family home?

MR. ROSENZWEIG: Yes, it is.

MS. GANN: Any other questions from the board?

MR. LUNDSTROM: If I may ask counsel what should this motion read because right now it says either a two family, two kitchens or use variance for two-family dwelling, is this the point where we say two kitchens?

MR. KRIEGER: The motion should be to interpret the application so as to allow two kitchens in a single family home.

MR. LUNDSTROM: With that interpretation, I'd be honored to make that motion.

MR. BABCOCK: Did you open it to the public?

MS. GANN: No, hasn't been opened.

MR. LUNDSTROM: Sorry, withdraw my motion.

MS. GANN: Anyone here for this public hearing this evening? Come on up, please and state your name and give us your address.

MS. O'SHEA: I'm Lisa O'Shea, I'm at 182 Bethlehem Road and my property is adjacent to the development and I wanted to know whether it was just one home or a series of multi-family homes that was being proposed.

MS. LOCEY: It's just one single family home and they have a second room off of the main kitchen for cultural reasons the people who are going to be purchasing the residence--

MR. TORPEY: It's not really a full kitchen.

MR. KRIEGER: The whole point of the inquiry is that it's not a multi-family use, it's a single family use.

MS. O'SHEA: That's why we're here.

MR. ROSENZWEIG: Strictly single family home, just like all the other homes.

MR. BABCOCK: It's got a room off the kitchen with an extra stove.

MS. O'SHEA: Thank you.

MS. GANN: So for the record, ma'am, are you for or against it?

MR. KRIEGER: Or have no opinion.

MS. O'SHEA: No opinion.

MS. GANN: Thank you. I will close the public portion, ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 27 envelopes and had no response.

MR. LUNDSTROM: With that in mind, I will make the previous motion.

MS. LOCEY: I will second the motion.

ROLL CALL

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



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

PROJECT: Mt. Airy Estates

ZBA # 06-15
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) 11 S) 10 VOTE: A _____ N _____

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.

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Mt. Airy Estates

DATE: April 24, 2006

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	<u>Liza O'Shea</u>	<u>182 Bethlehem</u>	<u>- No Opinion</u>
2.			
3.			
4.			
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17.			
18.			
19.			
20.			



1763

Town of New Windsor

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

Assessors Office

March 29, 2006

New Windsor Development
16 Microlab Drive – Suite D
Livingston, NJ 07039

Re: 64-2-3

ZBA#: 06-15 (27)

Dear Gentlemen:

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 \$45.00, 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

57-1-11.1
Kevin & Karen Fox
176 Bethlehem Road
New Windsor, NY 12553

57-1-12
Alex & Helen Szuna
325 Kenilworth Road
Ridgewood, NJ 07451

64-2-3
Susana Gomilla
2075 Independence Drive
New Windsor, NY 12553

64-2-17
Douglas Pettus
Virna Jusino
2047 Independence Drive
New Windsor, NY 12553

64-2-20
Stanley & Beena George
2041 Independence Drive
New Windsor, NY 12553

64-5-11
Elizabeth Cannon
148 Bethlehem Road
New Windsor, NY 12553

76-4-14
Israel Perez
Therezabeth Garcia
2038 Independence Drive
New Windsor, NY 12553

76-4-17
Michael & Charisse Deas
2044 Independence Drive
New Windsor, NY 12553

76-4-20
Jason & Pauline Honecker
2050 Independence Drive
New Windsor, NY 12553

57-1-11.2
Elizabeth & Thomas O'Shea
182 Bethlehem Road
New Windsor, NY 12553

57-1-13
Richard & Debra Farrow
171 Bethlehem Road
New Windsor, NY 12553

64-2-15
Richard & Michele Janke
2051 Independence Drive
New Windsor, NY 12553

64-2-18
Melba Fawcett Sands
2045 Independence Drive
New Windsor, NY 12553

64-2-21
John & Eileen Weber
2039 Independence Drive
New Windsor, NY 12553

76-4-12
Gaurav & Monika Suri
2034 Independence Drive
New Windsor, NY 12553

76-4-15
Juan Curillo
Anita Pinos
2040 Independence Drive
New Windsor, NY 12553

76-4-18
Robert & Janet Garcia
2046 Independence Drive
New Windsor, NY 12553

76-4-21
Nathaniel Moore
Tabatha Williams
2052 Independence Drive
New Windsor, NY 12553

57-1-11.3
James & Denise Luhrs
192 Bethlehem Road
New Windsor, NY 12553

57-1-14
Grantham & Marion Thomas
163 Bethlehem Road
New Windsor, NY 12553

64-2-16
Baby & Shantee Thomas
2049 Independence Drive
New Windsor, NY 12553

64-2-19
Donald Cambridge
Sabrina Walker-Cambridge
2043 Independence Drive
New Windsor, NY 12553

64-2-22
George & Annmarie Weir
2037 Independence Drive
New Windsor, NY 12553

76-4-13
Thomas & Marybeth Hurley
2036 Independence Drive
New Windsor, NY 12553

76-4-16
Rakowski Family Irr. Trust
Michal & Christina Klim
2042 Independence Drive
New Windsor, NY 12553

76-4-19
Steven & Darlene Ford
2048 Independence Drive
New Windsor, NY 12553

76-5-24
Kerry & John Eckel, Jr.
2076 Independence Drive
New Windsor, NY 12553

**PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

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

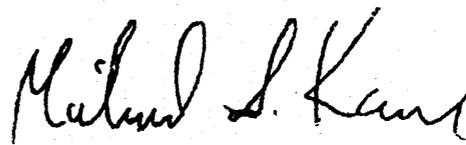
Appeal No. 06-15

Request of MT. AIRY ESTATES

for a VARIANCE of the Zoning Local Law to Permit:

Request for interpretation of single family dwelling with two kitchens and/or Use Variance for a two-family dwelling in an R-3 Zone at 2075 Independence Drive (64-2-3)

**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



RESULTS OF Z.B.A. MEETING OF: March 27, 2006

PROJECT: Mt. Airy Estates - 2075 Independence Dr ZBA # 06-15

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) 6n VOTE: A 5 N 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

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 _____.

Need Short form EAF

ZBA # 06-15 application Fee

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

RECEIPT
#246-2006

03/27/2006

Windsor, Development New

Received \$ 50.00 for Zoning Board Fees, on 03/27/2006. 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: 03-27-2006

FOR: ESCROW 06-15

FROM:

Mt. Airy Estates (for Susan Gomilla)
15 Engle Street
Englewood, NJ 07631

CHECK FROM:

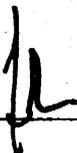
NEW WINDSOR DEVELOPMENT CO., LLC.
16 MICROLAB ROAD - SUITE D
LIVINGSTON, NJ 07039

CHECK NUMBER: 110570

TELEPHONE: 908-208-1923

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 3/28/06

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

March 27, 2006

6

MT. AIRY ESTATES (06-15)

Mr. Marvin Rosenzweig appeared before the board for this proposal.

MR. KANE: Request for interpretation of single family dwelling with two kitchens and/or use variance for a two-family dwelling in an R-3 zone.

MR. ROSENZWEIG: It's really not a full kitchen, just a stove with two cabinets next to it, it's right off the kitchen, there's no other rooms attached to the area and as you can see from the picture that was the intention right from the get-go with the homeowner who purchased the house, they added on that little area for the kitchen.

MR. KANE: Your intent though at the public hearing what we're going to have is just get your intent that it is a single family home, it's always going to be sold as a single-family home, always used as a single family home, you'll have single gas and electric meter coming into the home.

MR. ROSENZWEIG: That's what's in there already.

MR. KANE: That's what we'll ask, make sure you say yes, that's the idea.

MR. KRIEGER: And you'll ask to make sure it's not, can't be divided off or locked off from the rest of the house.

MR. KANE: That's correct, yeah, the pictures are obvious.

MS. GANN: Why do they want this?

MR. ROSENZWEIG: Apparently their Filipino and they have a, what's known as a dirty kitchen and a--you can

March 27, 2006

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confirm that?

MR. TORPEY: Oh, yeah, that's the way they live, they have a dirty and clean kitchen.

MR. LUNDSTROM: On the agenda it says and/or use variance for a two family dwelling.

MR. KANE: Well, basically, if the interpretation knocks down then what they do is they go ahead and try to go for a use variance so we always put both on for the applicant so in case with an interpretation which we have to do in a public hearing anyway if that gets knocked down he can proceed to try a use variance.

MR. LUNDSTROM: Current resolution would be?

MR. KANE: Current resolution is set him up for a public hearing.

MR. KRIEGER: Public hearing for either or.

MR. KANE: We'll ask him the same questions and his statements that it is for a single-family home, et cetera, and that puts everything on record for us and at that point if we, everybody votes on it if it goes through then we drop the whole use thing.

MR. ROSENZWEIG: I have a clarification to make, there's a C.O. issued on the house already and the house is closed so and this is something that was found out afterwards that a variance was required so I just, I have to let you know that the people have already closed on the house, we just want to make it official and they're ready to say and explain to me that's the fact why they're doing it.

MR. KRIEGER: So you're not the record owner of the house anymore, they are?

March 27, 2006

8

MR. ROSENZWEIG: Yes, in a way, yes, but I'm representing, they assigned me as a representative.

MR. KRIEGER: Do we have a proxy?

MS. MASON: We do.

MR. KRIEGER: Also needs to submit a short form environmental.

MR. BABCOCK: We're hoping that this is going to be an interpretation like the other ones, this is really not a full kitchen, there was some pictures, did you see them?

MR. KANE: I saw it, they're really good pictures.

MR. BABCOCK: We think it should come here, go on record.

MS. GANN: What's the definition of a full kitchen, looks like there's a sink?

MR. ROSENZWEIG: No, there's no sink, two cabinets, counterspace on each side and a stove.

MR. KANE: You can see there's no other area extending out where somebody could rent it out.

MR. LUNDSTROM: Just on here identify where.

MR. ROSENZWEIG: That's not the same house as I thought you were looking at the other map, I'll show you where it is, it's right there.

MR. KANE: Basically, the reason that the building department is sending them here is that we can cover any fire hazards, anything like that, make it safe. No further questions on my part, I'll accept a motion.

March 27, 2006

9

MS. GANN: I'll offer a motion to schedule a public hearing on the application of Mt. Airy Estates for the request for an interpretation of a single family dwelling with two kitchens and/or a use variance for a two-family dwelling in an R-3 zone at 2075 Independence Drive.

MS. GANN: Second it.

ROLL CALL

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

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR <i>New Windsor Dev Co / Mt Airy Estates</i>		2. PROJECT NAME <i>same</i>	
3. PROJECT LOCATION: Municipality <i>New Windsor</i> County <i>ORANGE</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>2075 INDEPENDENCE DRIVE NEW WINDSOR, NY 12553</i>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>ADDITIONAL KITCHEN (STOVE ONLY W 2 COUNTERS). ATTACHED TO EXISTING KITCHEN. NO OTHER ACCESS. NO PLUMBING/SINK, CUSTOMER KNOW AS A "DIRTY" KITCHEN</i>			
7. AMOUNT OF LAND AFFECTED: Initially <i>N/A</i> acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>New Windsor Dev Co / Mt Airy Estates</i>		Date: <i>3/29/06</i>	
Signature: <i>[Handwritten Signature]</i>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? Yes No If No, a negative declaration may be superseded by another involved agency.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 03-27-2006 PROJECT NUMBER: ZBA# 06-15 P.B. # _____

APPLICANT NAME: MT. AIRY ESTATES

PERSON TO NOTIFY TO PICK UP LIST:

NEW WINDSOR DEVELOPMENT (MARVIN ROSENZWEIG)
16 MICROLAB DRIVE - SUITE D
LIVINGSTON, NJ 07039

TELEPHONE: 908-208-1923

TAX MAP NUMBER: SEC. 64 B LOCK 2 LOT 3
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 2075 INDEPENDENCE 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: 110571

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

3/23/06
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (616) 206 3165
~~ROBERTA WILSON~~ SESAN GOHILLA Fax Number: ()
(Name)
2075 INDEPENDENCE DRIVE NEW WINDSOR NY
(Address)

II. **Applicant:** Phone Number: 201 816-1200
MARY ESTATES Fax Number: ()
(Name)
15 EGGLEST FEDGEWOOD NJ 07631
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: 908 208-1923
NEW WINDSOR DEVELOPMENT CO Fax Number: ()
(Name)
16 MICRO LAB DRIVE, SUITE D, LIVINGSTON, N.J. 07039
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
SAME AS III Fax Number: ()
(Name)

(Address)

V. **Property Information:**

Zone: R-3 Property Address in Question: 2075 INDEPENDENCE DRIVE
Lot Size: 1/4 ACRE Tax Map Number: Section 64 Block 2 Lot 3
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? JANUARY 2006
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? YES
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

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

Describe proposal:

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

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*			
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:

THE FOLLOWING CHANGE AFFECTS
NONE OF THE COMMUNITY OR NEIGHBORHOOD
IT IS ONLY AN INTERNAL CHANGE
TO THE HOUSE FOR NATIONALITY
REASONS.

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

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section 7-C

- (b) Describe in detail the proposal before the Board:

TO ALLOW AN EXTRA KITCHEN (STOVE
AND COUNTER SPACE ONLY) AS FILIPINO
WE NEED ONE REGULAR KITCHEN AND ONE
"DIRTY" KITCHEN. THERE WILL BE NO
TWO FAMILY 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.)

N/A

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 area that variances is being requested for showing relationship to property lines (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)

Frank Partina
 Notary Public, State of New York
 Registration #01PA6028064
 Qualified in Queens County
 My Commission Expires July 19, 2009

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:

23 day of MARCH 2006

[Handwritten Signature]

 Signature and Stamp of Notary

X *[Handwritten Signature]*

 Owner's Signature (Notarized)

[Handwritten Signature]

 Owner's Name (Please Print)

[Handwritten Signature]

 Applicant's Signature (If not Owner)

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

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

[REDACTED] SUSAN COMILLA, deposes and says that he resides
(OWNER)
at 2075 INDEPENDENCE DRIVE in the County of ORANGE
(OWNER'S ADDRESS)
and State of NEW YORK and that he is the owner of property tax map

(Sec. Block Lot)
designation number (Sec. 64 Block 2 Lot 3) which is the premises described in
the foregoing application and that he authorizes:

MT AIRY ESTATES 15 SINGLE ST ENGLEWOOD NJ
(Applicant Name & Address, if different from owner)
MORVIN ROSENZWEIG
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Frank Pankina
Notary Public, State of New York
Registration #01PA6028064
Qualified in Queens County
My Commission Expires 07/19/09

Date: 3/23/06

**
[Signature]
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this 23 day of March 2006
[Signature]
Signature and Stamp of Notary

[Signature]
Applicant's Signature (if different than owner)

[Signature]
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**



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 \$.39 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.