

ZB# 06-28

Robert Farrell

63-8-12

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 6-12-06

06-28 Robt. Farrell - (AREA)
300 OAK DR. (63-8-12)

Publisk 19th

44 969

In the Matter of the Application of

ROBERT FARRELL

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-28

WHEREAS, Charlotte Farrell , owner(s) of 300 Oak Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 15 ft. Front Yard Setback for existing front deck in an R-4 Zone (63-8-12)

WHEREAS, a public hearing was held on June 12, 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-4 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.
- (f) The deck has been in existence for a number of year, during which time there have been no complaints, either formal or informal about the deck.
- (g) The deck does not cause the house to appear closer to the roadway than other houses fronting this same roadway.

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).

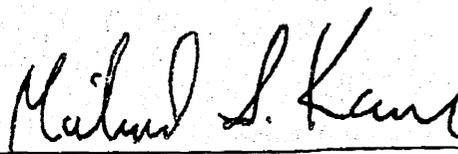
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 15 ft. Front Yard Setback for existing front deck at 300 Oak Drive in an R-4 Zone (63-8-12) 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: June 12, 2006



Chairman

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

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: July 26, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 168.70 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-28

NAME & ADDRESS:

**Robert Farrell
8 Berry Road
Marlboro, NY 12542**

THANK YOU,

MYRA

L.R.7/26/06



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



FILE #06-28 TYPE:AREA TELEPHONE: 236-3731

APPLICANT:
Robert Farrell
8 Berry Road
Marlboro, NY 12542

RESIDENTIAL:	\$ 50.00	CHECK # <u>8660</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 8661



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

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

LEGAL AD: Publish Date:05-19-06 \$12.30

TOTAL: \$61.30 \$70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 131.30

AMOUNT DUE: \$ _____

REFUND DUE: \$168.70

Cc:

L.R. 7/26/06

June 12, 2006

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CHARLOTTE FARRELL (06-28)

Mrs. Charlotte Farrell appeared before the board for this proposal.

MR. KANE: Request for 15 ft. front yard setback for existing front deck at 300 Oak Drive.

MR. LUNDSTROM: For the record, I must state that this particular property abuts my property, the outcome of this public hearing will have no direct affect on the value of my property, plus or minus, and will have no affect on my family or anything.

MR. KANE: Do you feel then you can make a fair judgment?

MR. LUNDSTROM: Yes.

MR. KANE: I have no problem with you staying on the board. Tell us what you want to do again.

MS. FARRELL: Well, it's done. We lived in the house for 22 years and we did a lot of stuff over the years that was the one deck we hired somebody to build, the other two decks we did ourselves.

MR. KANE: And you did it right.

MS. FARRELL: No, I got all the permits now but the young man who did the construction never got a permit and the deck is there.

MR. KANE: Do you know cutting down any trees or substantial vegetation in the building of the deck?

MS. FARRELL: No.

MR. KANE: Create any water hazards or runoffs?

MS. FARRELL: No.

MR. KANE: Any easements running through where the deck is?

MS. FARRELL: No.

MR. KANE: Any complaints formally or informally about the deck over the years?

MS. FARRELL: No.

MR. KANE: The deck itself is similar in size and nature to other decks that are in your neighborhood?

MS. FARRELL: Yes, it's not a big deck.

MR. KANE: Okay, take it to the next step on up, the public portion, ask if anybody's here for this particular hearing? Nobody cares. We'll close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On May 19, I mailed out 34 envelopes and had no response.

MR. KANE: Any further questions from the board?

MR. KRIEGER: Is the deck in the front of the house or in the back?

MS. FARRELL: This is the deck in the front of the house, it's not closer, in fact, on either side of us the houses are closer to the street, the house was built in 1949 before all the rules went into effect and the house it's now 30 feet from the street, it's supposed to be 45 before the deck it was 43, 40 feet from the street, the other two are closer than ours, yes.

June 12, 2006

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MR. KRIEGER: Thank you.

MR. KANE: I'll accept a motion from the board.

MS. LOCEY: I will offer a motion to grant the requested variance on the application of Charlotte Farrell for a 15 foot front yard setback for existing front deck at 300 Oak Drive in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
6/8/2006	7771

Bill To	<i>MM</i>
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553	

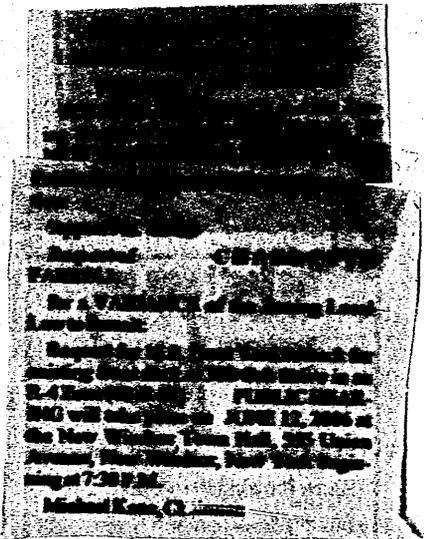
RECEIVED
JUN 27 2006
 TOWN OF NEW WINDSOR
 COMPTROLLER'S OFFICE

P.O. No.	Terms	Project
44969	Due on receipt	

Issue Date	Description	PCS/Units	Amount
5/19/2006	LEGAL ADS: APPEAL NO. 06-28 CHARLOTTE FARRELL 1 AFFIDAVIT	8.30 4.00	8.30 4.00
Total			\$12.30

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 1x
in said newspaper, commencing on
the 19 day of May A.D., 2006
and ending on the 19 day of May
A.D. 2006



Patricia Quill

Subscribed and shown to before me
this 22nd day of June, 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
498 005
Commission Expires July 15, 2007

My commission expires _____

May 8, 2006

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CHARLOTTE FARRELL (06-28)

Ms. Charlotte Farrell appeared before the board for this proposal.

MR. KANE: Request for 15 ft. front yard setback for existing front deck at 300 Oak Drive.

MR. LUNDSTROM: If I may, this particular property is, this particular application is a neighbor of mine abutting my property, whether this variance is granted or not will have no financial implication, will not benefit or deter my family at all and I will ask the board now if they would want me to rescue myself on this or not.

MR. KANE: You feel you can make a fair decision?

MR. LUNDSTROM: Yes.

MR. KANE: I see no reason to recuse. Thank you for the statement. Hi, tell us what you want to do.

MS. FARRELL: Well, we did it. When we have bought the house, it was a concrete what I would call a stoop, steps, and few years ago, we had them removed and we put a deck on the front. I didn't realize that there was, we're now 30 feet from the street, we're supposed to be 45 and it, we have pictures there that show the houses, actually, our house is not as close to the street as the houses on either side of us.

MR. KANE: Does it extend passed any of the other homes that are on your side of the street?

MS. FARRELL: No.

MR. KANE: Actually further back?

MS. FARRELL: Yes.

May 8, 2006

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MR. KANE: Without a deck there or the steps walking out your front door would be a little hazardous?

MS. FARRELL: Absolutely, very big first step.

MR. KANE: Some questions may seem a little ridiculous but we have to ask them. Cut down any trees or substantial vegetation in the building of the deck?

MS. FARRELL: No.

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

MS. FARRELL: No.

MR. KANE: Is there any easements where the deck is?

MS. FARRELL: No.

MR. KANE: Has there been any complaints formally or informally about the deck?

MS. FARRELL: No.

MR. KANE: And the size of the deck?

MR. BABCOCK: Eight by ten right now.

MR. KANE: Eight foot out from the house with a ten foot length and the steps are going down to the side?

MR. BABCOCK: Yes, the house is 38 feet from the property line and today's code the house is required to be 45 feet, so she's not allowed any deck there so no matter what size deck she would build--

MR. KANE: She walks out the front of the house she'll keep falling down.

MR. BABCOCK: No matter what size she'll need a variance.

MR. KANE: Thanks, Mike. Any further question? I have none. I'll accept a motion also.

MS. GANN: I will offer a motion that we set up Charlotte Farrell for a public hearing for her request for 15 foot front yard setback for existing front deck at 300 Oak Drive in an R-4 zone.

MS. LOCEY: I'll second that.

ROLL CALL

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

MR. KANE: In New Windsor, what we do is a preliminary hearing this way we can get an idea of what you need to do and if we had any specific requests we would have asked you about it. Now to make a decision we have to do it in a public hearing which will be later on, some towns you walk in cold, if you don't have the right information and they vote you lose, you got to wait six months to come back, that's why we do a two step process.

MS. FARRELL: Now, how will I know what the next step is?

MS. MASON: Just read that paper. If you really want to talk, call me tomorrow.

MR. KANE: She'll answer any questions you have.

May 8, 2006

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MS. FARRELL: Thank you.



RESULTS OF Z.B.A. MEETING OF: June 12, 2006

PROJECT: Rott. Farrell ZBA # 06-28

P.B.# _____

USE VARIANCE: NEED: EAF PROXY _____

LEAD AGENCY: 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 _____

PUBLIC HEARING: 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) I VOTE: A 4 N 0.

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

CARRIED: Y N _____

No Public Comment



Town of New Windsor

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

ZONING BOARD OF APPEALS

May 18, 2006

Robert Farrell
8 Berry Road
Marlboro, NY 12542

SUBJECT: REQUEST FOR VARIANCE #06-28

Dear Mr. & Mrs. Farrell:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel 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:

Oak Drive
New Windsor,, NY

is scheduled for the June 12, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor

Town Hall

555 Union Ave.

New Windsor, NY 12553

TEL: (845) 563-4623 / FAX: (845) 563-4693

PURCHASE ORDER

44969

SENTIN

DATE	5/16/2006
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

SIGN & RETURN TO ADDRESS ABOVE

VENDOR	SHIP TO
THE SENTINEL PO BOX 406 VAILS GATE, NY 12584	Zoning Department Town of New Windsor 555 Union Avenue New Windsor, NY 12553 Attn: Myra Mason

SPECIAL INSTRUCTIONS

MM

Ref 562-0488

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	LEGAL NOTICE: 5/19/06 FARRELL 10-1070-108010-4-4131	1	25.00	25.00

NO ORDER VALID UNLESS SIGNED BELOW

TOTAL → **25.00**

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

DEPARTMENTAL CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

[Signature]
SIGNATURE

DATE

NAME (PRINT OR TYPE)

OFFICIAL POSITION

COMPTROLLER

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VENDOR - SIGN AT X AND RETURN WITH INVOICE

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:

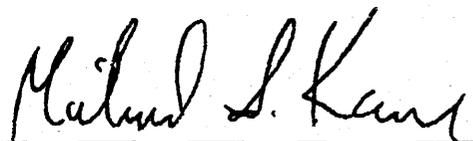
Appeal No. 06-28

Request of CHARLOTTE FARRELL

for a VARIANCE of the Zoning Local Law to Permit:

Request for 15 ft. Front Yard Setback for existing front deck at 300 Oak Drive in an R-4 Zone (63-8-12)

PUBLIC HEARING will take place on JUNE 12, 2006
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

May 10, 2006

Robert Farrell
8 Berry Road
Marlboro, NY 12542

Re: 63-8-12

ZBA#: 06-28 (34)

Dear Mr. Farrell:

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

62-6-9 & 63-1-12
Frederick & Florence Laux
8 Willow Avenue
New Windsor, NY 12553

62-7-19, 20 & 21
Joan Carlough
309 Oak Drive
New Windsor, NY 12553

62-7-27
Michael Scalia
19 Shore Drive
New Windsor, NY 12553

62-9-41
Marjorie Lindemann
Leslie Emery
513 Shore Drive
New Windsor, NY 12553

63-1-10
Ronald Cuttica
Kristen Gunsch
4 Willow Avenue
New Windsor, NY 12553

63-2-1.7
James Loniak
Luanne Paton
314 Hickory Avenue
New Windsor, NY 12553

63-7-2
Kristen & Roman Rodriguez, II
307 Chestnut Avenue
New Windsor, NY 12553

63-7-10
Carol-Ann Indiveri
7755 Naples Heritage Drive
Naples, FL 34112

63-7-14
Christopher Savino
Elizabeth Schwartz
310 Hickory Avenue
New Windsor, NY 12553

63-8-3
Joann Newcomb
311 Hickory Avenue
New Windsor, NY 12553

62-7-11.2
Edward & Lisa Bankos
327 Oak Drive
New Windsor, NY 12553

62-7-23
Robert & Lynnea Vassas
303 Oak Drive
New Windsor, NY 12553

62-7-29
Melville Palmer, Jr.
504 Shore Drive
New Windsor, NY 12553

62-9-44
Anna Kurz
505 Shore Drive
New Windsor, NY 12553

63-1-13
William & Margaret Ferris
10 Willow Avenue
New Windsor, NY 12553

63-2-1.8
Leroy & Genevieve Loughlin
324 Hickory Avenue
New Windsor, NY 12553

63-7-4
Christopher & Lynn Sherwood
305 Chestnut Avenue
New Windsor, NY 12553

63-7-11
Carmela Mangiaracina
302 Hickory Avenue
New Windsor, NY 12553

63-7-16
Sally & Edward Behrens
121 Chestnut Avenue
New Windsor, NY 12553

63-8-6
William & Stephanie Tesar
307 Hickory Avenue
New Windsor, NY 12553

62-7-18
Thomas & Andrea Cardinal
315 Oak Drive
New Windsor, NY 12553

62-7-26
Edward Ebert
13 Oak Street
New Windsor, NY 12553

62-7-37.1
Jerry White
P.O. Box 702
Vails Gate, NY 12584

62-9-45
Mary Vecchio
501 Shore Drive
New Windsor, NY 12553

63-1-2.2, 3 & 16
Lawrence & Kathleen Rossini
319 Hickory Avenue
New Windsor, NY 12553

63-2-2
Frances Carbone
313 Chestnut Avenue
New Windsor, NY 12553

63-7-7
John Riggle
Kate Shadrin
301 Chestnut Avenue
New Windsor, NY 12553

63-7-12
Albert & Margaret Rosselli
2 Pope Street
Levittown, NY 11756

63-8-1, 63-2-20 & 21
Diana & Victor Lucas, Jr.
314 Oak Drive
New Windsor, NY 12553

63-8-9
Eric Lundstrom
303 Hickory Avenue
New Windsor, NY 12553

63-8-10
Hans & Margaret Linden
117 Hickory Lane
New Windsor, NY 12553

63-8-12
Charlotte Farrell
300 Oak Drive
New Windsor, NY 12553

63-8-14
Ralph & Anne Marie Desiderio
302 Oak Drive
New Windsor, NY 12553

63-8-17, 18 & 19
Mary Lovely
306 Oak Drive
New Windsor, NY 12553

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

RECEIPT
#378-2006

05/09/2006

Farrell, Robert S. *ZBA 06-28*

Received \$ 50.00 for Planning Board Fees, on 05/09/2006. 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: 05-08-06

FOR: ESCROW 06-28

FROM:
Robert Farrell
8 Berry Road
Marlboro, NY 12542

CHECK FROM:
SAME

CHECK NUMBER: 8661

TELEPHONE: 236-3731

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:


NAME _____ DATE 5/9/06

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

CHECKED BY MYRA: _____
TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 05-08-2006 PROJECT NUMBER: ZBA# 06-28 P.B. # _____

APPLICANT NAME: ROBERT FARRELL

PERSON TO NOTIFY TO PICK UP LIST:

Robert Farrell
8 Berry Road
Marlboro, NY 12542

TELEPHONE: 236-3731

TAX MAP NUMBER: SEC. 63 BLOCK 8 LOT 12
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 300 OAK DRIVE
NEW WINDSOR, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)



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: 8662

TOTAL CHARGES: _____



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



APPLICATION FOR VARIANCE

04/07/06
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Robert + Charlotte Farrell
(Name) see below
(Address)

Phone Number: (845) 236-3731
Fax Number: ()

II. Applicant:

Same
(Name)
(Address)

Phone Number: ()
Fax Number: ()

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

Robert + Charlotte Farrell
(Name)
8 Berry Road, Marlboro NY 12542
(Address)

Phone Number: 845-236-7170
Fax Number: ()

IV. Contractor/Engineer/Architect/Surveyor/:

()
(Name)
(Address)

Phone Number ()
Fax Number: ()

V. Property Information:

Zone: R-4 Property Address in Question: 300 Oak Drive
Lot Size: _____ Tax Map Number: Section 63 Block 8 Lot 12

a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? Yes
c. When was property purchased by present owner? Yes
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? _____
f. Is there any outside storage at the property now or is any proposed? Yes

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

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

COMPLETE THIS PAGE

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

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	45'	30'	15'
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*	45'	30'	
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:

*Home is still further back than
homes on either side of us -*

**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 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)

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:

11th day of April 2006.

Charlotte M. Farrell
 Owner's Signature (Notarized)

Charlotte M. Farrell
 Owner's Name (Please Print)

DL# 944-835-009 exp 07-06-12

Jennifer Mead
 Signature and Stamp of Notary

JENNIFER MEAD
 Notary Public, State Of New York
 No. 01ME6050024
 Qualified in Orange County
 Commission Expires 10/30/2006
 Applicant's Signature (If not Owner)

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

5/8



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
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
* ESCROW :	\$500.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
* ESCROW :	\$500.00
** DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
* ESCROW :	\$500.00
** DEPOSIT 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.