

ZB# 06-45

Deborah Menkens

52-1-79.1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

*Application dismissed
due to insufficient
information or false
information supplied.
8/28/06*

06-45

Deborah Menkens (AREA)
1 Sean Ct. - Rock Tavern
(52-1-79.1)

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/08/06

APPLICANT: Lawrence E. & Deborah A. Menkens
1 Sean Court
Rock Tavern, New York 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/2/06

FOR : Lawrence E. & Deborah A. Menkens

LOCATED AT: 1 Sean Court

ZONE: R-1 Sec/Blk/Lot: 52-1-79.1

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-13 C ACCESSORY USES – NOT MORE THAN TWO HORSES PROVIDED THE ANIMAL(S) IS RESTRAINED SUCH THAT ANIMAL(S) CANNOT ENTER ANY PORTION OF THE PREMISES WITHIN 75' OF ANY PROPERTY LINE. A VARIANCE TO PERMIT 6 HORSES MAINTAINED 25' FROM BOTH SIDE /REAR AND FRONT (PROPERTY LINES).

35'


BUILDING INSPECTOR

COPY

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE:

MIN LOT AREA:

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

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and 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 perc 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 - 1 2006
TOWN ENGINEER

FOR OFFICE USE ONLY:
Building Permit #: W-562

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 Lawrence Menkens Deborah Menkens

Address 1 Sean Court Rock Tavern Phone # 496-3732

Mailing Address 1 Sean Court Rock Tavern Fax # (C) 914-865-5843

Name of Architect ∅

Address ∅ Phone ∅

Name of Contractor

Address

Phone

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

If applicant is a corporation, signature of duly authorized officer.
(Name and title of corporate officer)

1. On what street is property located? On the North side of 1 Sean Court
(N,S,E or W)
and toleman Road feet from the intersection of Ø

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

3. Tax Map Description: Section 52 Block 1 Lot 79,1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Ø b. Intended use and occupancy horse barn

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

6. Is this a corner lot? yes

7. Dimensions of entire new construction. Front 38 Rear 38 Depth 72 Height 15 No. of stories Ø

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

Number of bedrooms Ø Baths Ø Toilets Ø Heating Plant: Gas Ø Oil Ø

Electric/Hot Air Ø Hot Water Ø If Garage, number of cars Ø

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Portable Barn
Portable Run in Shed

10. Estimated cost 9,699.00 Fee

PAID
#1012
#50

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

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

INSTRUCTIONS

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

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

(Signature of Applicant)

(Owner's Signature)

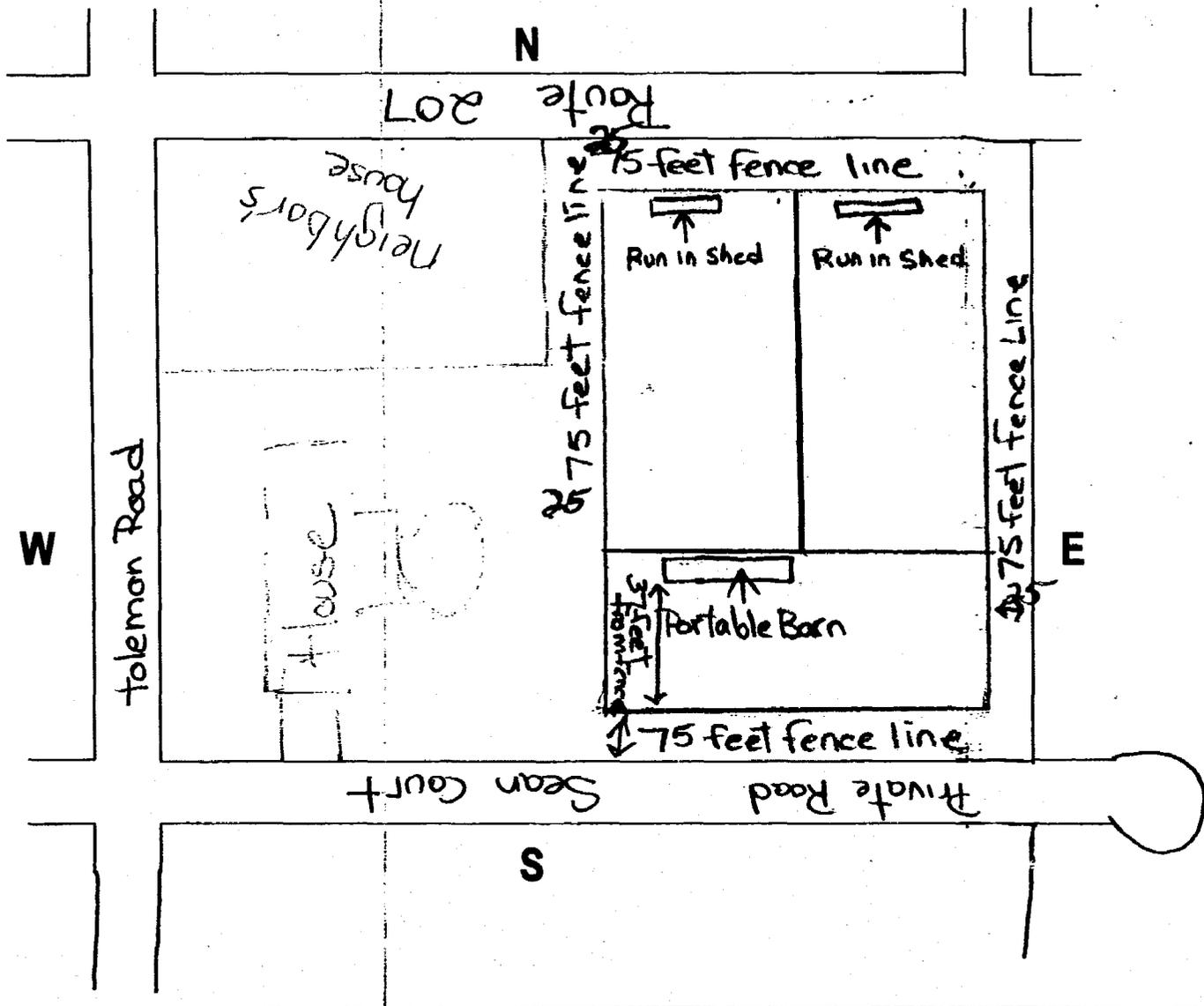
(Address of Applicant)

(Owner's Address)

PLOT PLAN

NOTE:

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



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
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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.
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JUN - 6 2006

FOR OFFICE USE ONLY:
Building Permit # 2006-591

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 Deborah Menkens, Lawrence Menkens
Address 1 Sean Court Rock Tavern Phone # 496-3732
Mailing Address same as above Fax #
Name of Architect
Address Ø Phone
Name of Contractor

Address _____ Phone _____

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

If applicant is a corporation, signature of duly authorized officer.
(Name and title of corporate officer)

1. On what street is property located? On the north side of Sean Court
and toleman Road (N,S,E or W) feet from the intersection of _____

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

3. Tax Map Description: Section 52 Block 1 Lot 79.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy horse fence line change
25 feet from property line.

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

6. Is this a corner lot? yes

7. Dimensions of entire new construction. Front 350ft Rear 350ft Depth 300ft Height Ø No. of stories Ø

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

Number of bedrooms Ø Baths Ø Toilets Ø Heating Plant: Gas Ø Oil Ø

Electric/Hot Air Ø Hot Water Ø If Garage, number of cars Ø

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

10. Estimated cost 6,100 -

Fee \$
check returned
no need
with
owner
to pay

"Low"

____ / ____ / ____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
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Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

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(Signature of Applicant)

Deborah Mearns

(Owner's Signature)

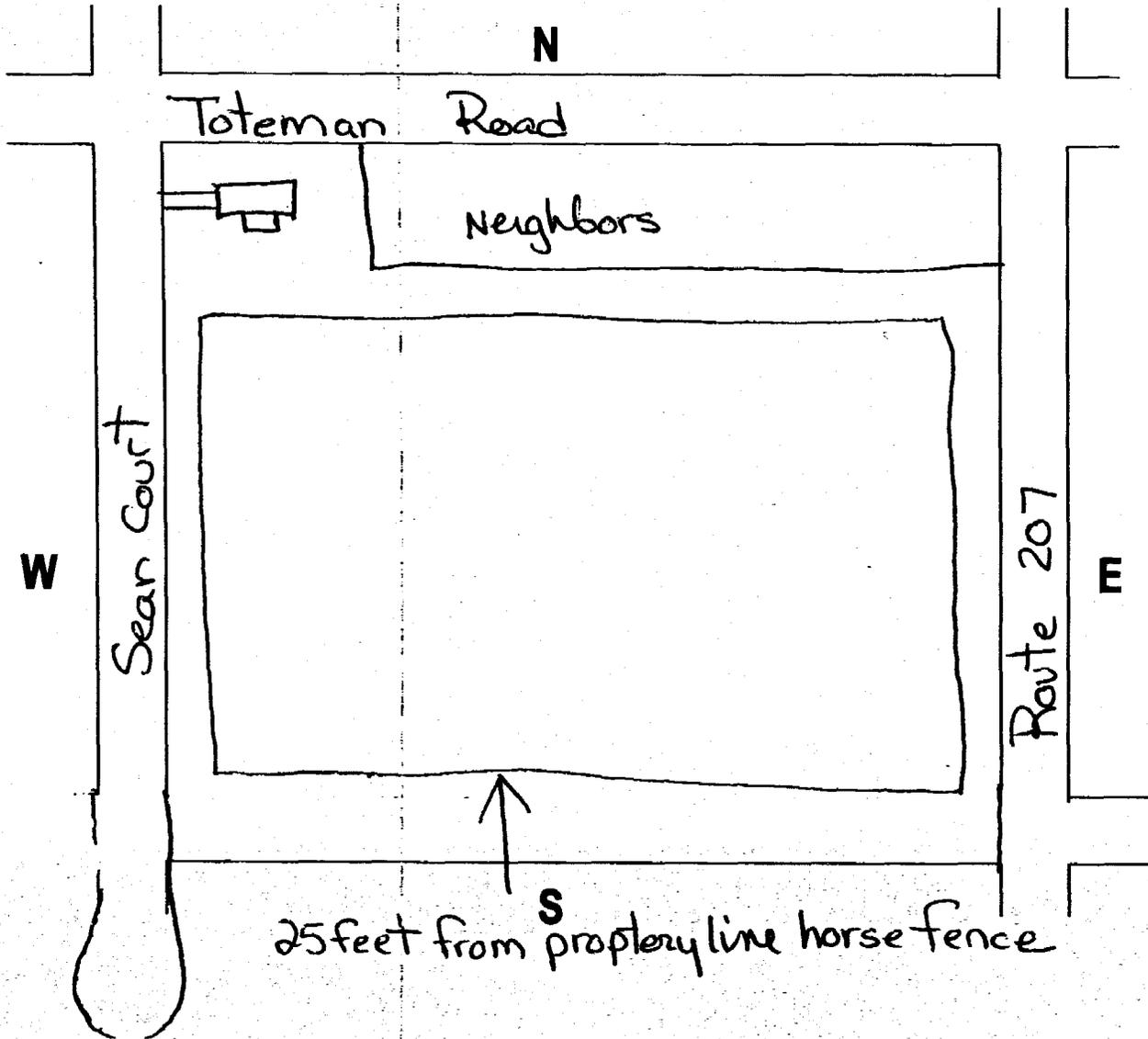
(Address of Applicant)

1 Sean Court Rock Tavern NY 12575

(Owner's Address)

PLOT PLAN

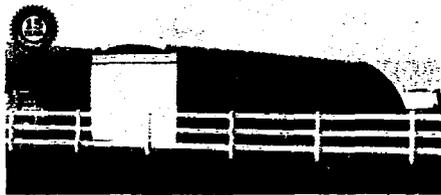
NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



38' Wide 72' Length PREMIUM Horse Barn w/ SKYLIGHT and 2 STEEL ROLL-UP DOOR

**LOOKING FOR AN EASY AND AFFORDABLE SOLUTION
FOR A NEW BARN?**

Look no further!! Our line of PREMIUM super heavy duty fabric covered buildings are the top of the line on the market today! Width of 38' and to length 72' (Please see options below) and an interior height of 15'. These make a wonderful horse barn or serve as an extra large run-in shelter, equipment storage shed, hay building, workshop and more! This exceptional and affordable unit comes with all the features you want!



This unit features our exclusive SOLARGUARD skylight panel to let the outdoors in. Bright and airy without sacrificing durability. The deluxe 12.5 oz cover, including the skylight panel, are covered by our 15 year warranty! Our heavy duty end frame includes one 12'x12' STEEL roll up door!

The building priced is 38 feet wide, 72 feet long, and 15' high. Available in HUNTER GREEN (shown in photo)! It can be FULLY ASSEMBLED and ready for use in as little as 2 days! The perfect solution for that extra stall space at a price you can afford! **NOTE: For longer lengths please add options from the dropdown box below to ascertain pricing.**

Your purchase includes:

Heavy duty 2 3/8" Allied Gatorshield structural steel Frame Components for Maximum Strength & Long Life This structure is built to last!

Deluxe Heavy Duty RipStop 12.5 oz UV treated fabric, in either white, tan, grey or hunter green. Interior of cover and doors is WHITE to ensure brightness and maximum light! Skylight panel running the length of the roof ridge is included at no extra charge! Cover is protected by our 15 YEAR WARRANTY!

Includes two Steel 12'x12' chain hoist rollup door, protected by a 25 year paint and 3 yr materials warranty.

Anchor kit.

Shed Row Round Style PREMIUM Run-In Shelters 22' deep, 4 lengths + optional rollup front panels!

**Extra Large 22' deep Round Wall Shed Row Style PREMIUM Run-In Shelter with optional rollup front door panels
PREMIUM 12.5 oz ripstop fabric, white color only, with 15 YEAR WARRANTY!**

A great deal on this premium quality shed row style run-in shelter for your horses or other livestock.

This building comes in FOUR standard sizes and can be customized with front rollup panels – you decide how much enclosure you want! Standard building comes with side panels and roof.

These shelters install in hours and are easily moved to different paddocks whenever you wish!

• Heavy Duty 1 3/8" 17 gauge Allied Gatorshield structural steel tubing, for extra long life and durability.

- Easy Bolt Together and Slip Fit Connection Design**
- 12.5 oz HEAVY DUTY All Weather RipStop Cover, UV Treated**
- Front Panels optional - design it the way you want!**
- Ground Anchors included**
- Average Install time - 2-4 hours, depending on size**



UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

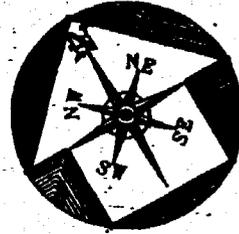
EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

BEING:

LOT 1 AS SHOWN ON A MAP ENTITLED "SUBDIVISION PLAT FOR FOXWOOD ENTERPRISES LLC", FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON MAY 14, 2002 AS MAP #101-02.

ALSO BEING LOT 79.1; BLOCK 1, SECTION 52 AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

AREA = 4.1151 ACRES



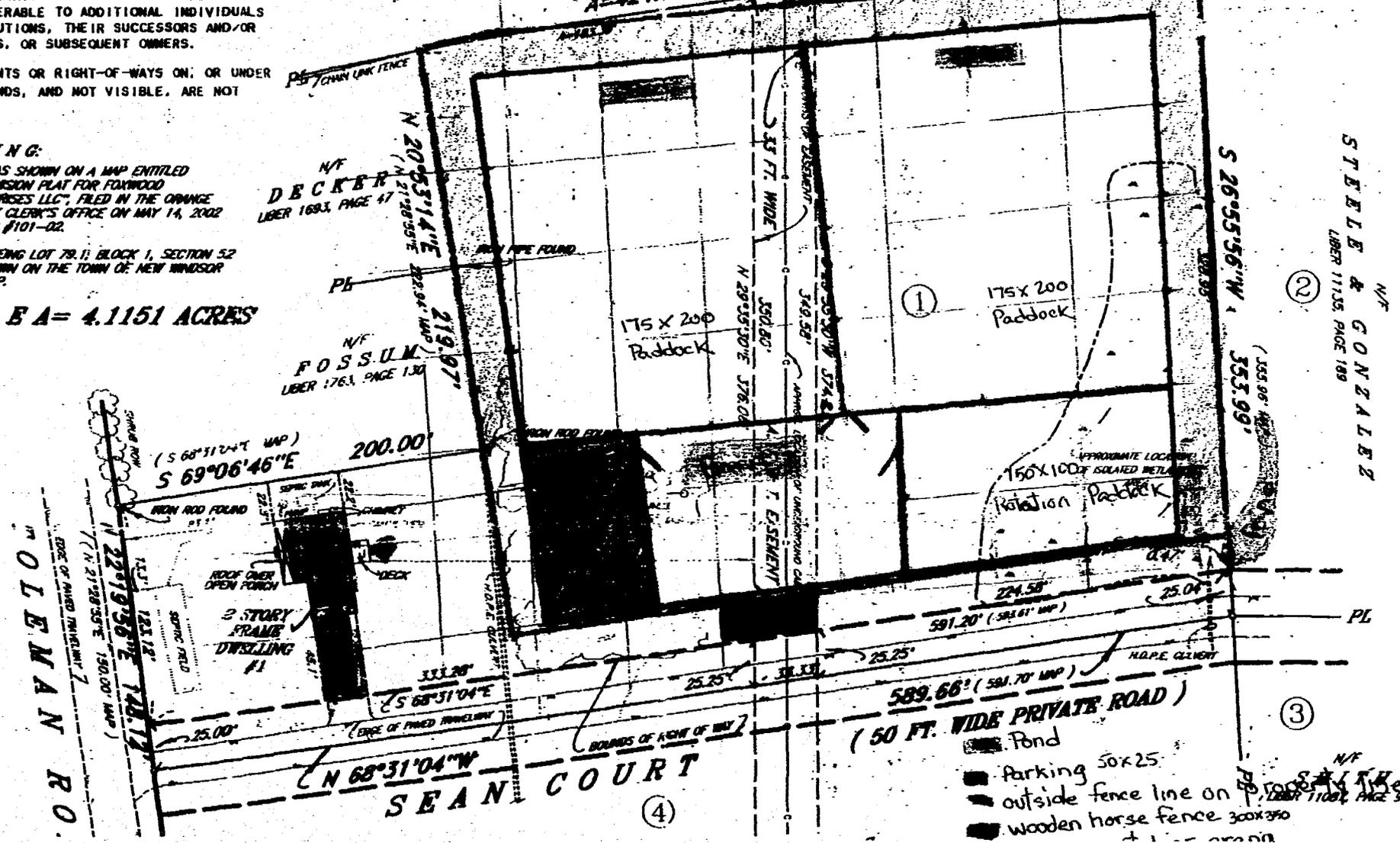
STEVEN P. DRABICK P.L.S., PC
PROFESSIONAL LAND SURVEYOR

PO BOX 530
CORNWALL, N.Y. 12518
(845)-694-2208

N/F
KEAN
LIBER 1858, PAGE 432

(A = 126.56 MAP)
A = 424.38'

R = 2246.83'



N/F
DECKER
LIBER 1693, PAGE 47

N/F
FOSSUM
LIBER 1763, PAGE 130

N/F
STEELE & GONZALES
LIBER 1135, PAGE 189

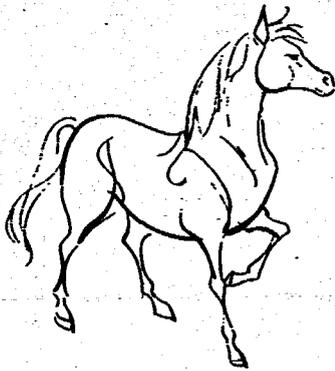
OLEMAN RO.

SEAN COURT

(50 FT. WIDE PRIVATE ROAD)

- Pond
- Parking 50x25
- outside fence line on
- wooden horse fence 300x350

N/F
LIBER 1104, PAGE 367



Black Bear Stables
 1 Sean Court
 Rock Tavern, NY 12575
 blackbearstables@netscape.net
 914-805-5843



Date: February 15, 2006
 To: Michael Kane
 From: Deborah Menkens
 Subject: Zoning for Therapeutic Riding Stable

Dear Mr. Kane,

I would like to open and operate a Therapeutic Horse Backing Riding Stable in New Windsor.

Therapeutic riding uses equine-related activities to positively enhance the physical, cognitive, emotional, and social well being of people with disabilities. There are 4 areas of therapeutic riding: Therapy (Hippo therapy), recreational and leisure, educational, and sport.

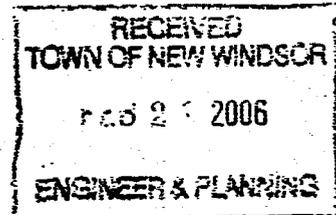
Our town is lacking a stable dedicated to Therapeutic Horse Back Riding. I would like to open and operate a Therapeutic Riding Center for children at 1 Sean Court, Rock Tavern. The property is located in R-1 Zone district C. I would not board, breed or raise horses. The horses would be strictly used for Therapeutic riding.

In order to make this a successful venture, I need permission to house more then two horses on my 4.1 acres. If this is possible, or not possible. I need your help.

Thanks You

Deborah Menkens

Deborah Menkens



52-1-79, 1
 Stake tower 2-20-06 Need Planning 2006

William B. Hildreth
Land Surveying, P.C.

407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, NEW YORK 12550
TEL: (845) 566-6650

LAND SURVEYS
SUBDIVISIONS

SITE PLANNING
LOCATION SURVEYS

y
28 August 2006

Brittany Terrace Mobile Home Park
1 Brittany Terrace
Station Road
Rock Tavern, New York
12575

Attention: Mr. Peter Kean

Subject: Adjoining Lands of Menkens

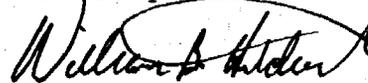
Dear Mr. Kean,

Pursuant to your request, this office performed a field survey on 24 August 2006 for the purpose of locating a wood fence and two drainage culverts on the vicinity of the common boundary between your lands (Sec 52 Blk 1 Lot 18) and lands of Menkens (Sec 52 Blk 1 Lot 79.1). Property corner monumentation for the Foxwood Enterprises Subdivision, consisting of iron rods, was also located during the field survey.

The attached plan, dated 25 August 2006, shows the relationship between the improvements located and the property lines as indicated by the monumentation found. The dimensions indicated are the nearest offset distance to the property lines.

Although this plan is not the result of a complete perimeter boundary survey, nor should it be construed as a Boundary Survey Map, it is my opinion that it correctly depicts the relationship between the improvements located and the nearest property lines. The fence is 23', more or less, south of the property line at its westerly corner; 32', more or less, south of the property line at its easterly corner and 31', more or less, south of the property line approximately midway between fence corners. The discharge end of the most westerly culvert is 8', more or less, north of the property line and the most easterly culvert discharge end is 9', more or less, north of the property line.

Sincerely,



William B. Hildreth, L.S.

Myra Mason

From: Myra Mason

Sent: Tuesday, February 21, 2006 8:59 AM

To: 'blackbearstables@netscape.net'

Subject: THERAPEUTIC RIDING STABLE

Hi Deborah;

I received your letter to Michael Kane inquiring about a "Therapeutic Riding Stable".

The questions you have with regard to this project are handled by the Building And Zoning Department. I am sending a copy of your letter to that department and they will contact you with regard to your project.

If I can be of any further assistance in this matter, please let me know.

Myra Mason,
Secretary to the Zoning Board and Planning Board

that I sent this board is based on what they told me and this information that you have is not correct, these fences are not 35 feet from the property line, this thing is totally existing, this says proposed, all the stuff is proposed, not existing, the AT&T easement I'm not even sure of.

MR. KANE: Well, let's--

MS. LOCEY: I just feel that on July 10 when the preliminary meeting was held there was absolutely no doubt that the application was to bring more horses on the property and to construct a fence according to the application 35 feet from the property line and it was very clear that variances were needed to do both of those things. And I just feel this is a blatant disregard of the New Windsor zoning law because all of that was done before this process even had a chance to go forward and now when we're examining it, the application was wrong or was changed and those changes were never brought to your attention so they could be brought to ours.

MR. KANE: I think this is the way to proceed, personally, correct me if I'm wrong, since the application is basically wrong, I'm going to leave it, I can leave it to the applicant if you want us to vote on it tonight we can, we can dismiss it because the application obviously has a lot of wrong information in it and you can reapply and come back at some point I can allow you to do that. So those would be the two options that are available this evening.

MS. MENKENS: Dismiss it and I will reapply.

MR. SPINDLER: Until that time, what happens to the six horses?

MR. KANE: Until that time she's in violation, having those extra horses there they're in violation and the

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MR. KANE: Until that time she's in violation, having those extra horses there they're in violation and the

September 22, 2006

Michael Babcock
Building Inspector
555 Union Ave.
New Windsor, NY 12553

COPY

RECEIVED

SEP 26 2006

BUILDING DEPARTMENT

Dear Mr. Babcock,

I am writing this letter to express my strong displeasure with Debbie and Larry Menken's horse farm project at 1 Sean Ct. My wife and I attended the variance meeting on August 28th and was extremely disappointed with the outcome of the meeting. We recognize that the Menkens may resubmit their variance request. In the meantime they have been issued violations for their current horse structure, fence line and number of horses. The Menkens have done nothing to rectify the situation to this point. As you are well aware, this project was started and completed with no permits or approvals from the New Windsor building department. A few other issues that have impacted our quiet neighborhood:

- 1) **Drainage** – There are isolated wetlands in the front of my house at 4 Sean Ct. and straddling the property lines of 1 (Menkens) and 3 (David Steele) Sean Ct. The water that accumulates on my property drains through a culvert and under Sean Ct. towards 1 and 3 Sean Ct and than out to the railroad bed on the north side of these properties. Since the Menkens have done their excavation the water is not draining as well and tends to sits on my property. I do believe the drainage pattern is interrupted on the Menkens property and is not letting the water drain properly. The Menkens have cut trees, put up a fence, and have completely changed the landscape where the water used to drain. I am not familiar with local law, but I was not aware that you could disturb wetlands without proper approval from the building department.
- 2) **Horse odor** – The Menkens currently have 6 horses on their property. The property is only zoned for 2. The smell is foul and is disrupting my quality of life. I can no longer utilize my front porch because the smell of horses (manure and urine) is so strong. I often have to close the windows in my home to avoid this odor. I am extremely concerned about my property value and my way of life. All the homes on Sean Ct. and Toleman Rd. (vicinity of the Menkens) are too close to the horses to not be negatively impacted by them.
- 3) **Horse Flies** – The number of horse flies have increased dramatically since the horses arrived. It has only been 6 weeks. What will it be like after 6 months or a year?
- 4) **Horse stable** – The Menkens have erected a permanent 8-stall stable for their horses. This structure was erected without permits and is right on top of AT&T lines. I am not aware of local law but I did not think any permanent structure could be erected over those types of lines. I assume and worry they may also try to increase the number of horses on their property to 8.
- 5) **Business** – Sean Ct. is a small *private* road with only 4 houses. There are constantly vehicles coming down Sean Ct. to visit the horse farm. Vehicles are

parked on the road and disrupting this quiet neighborhood. The Menken's have also created a new road, off Sean Ct., to their horse stable. This has turned into a busy intersection with cars constantly going in and out. This horse project has turned Sean Ct. into a busy thoroughfare. This is a residential neighborhood that is not zoned for a business. Recently a car pulled down Sean Ct. and asked me if the horse farm offered pony rides? This is the type of negative attention this horse farm is drawing.

The Menkens have acted in such an irresponsible manner concerning the development of this project. They have shown complete disregard for their neighbors and the town of New Windsor building department. I hope you will consider this information and recognize what a negative impact this project has had on our neighborhood.

Regards,



Brett Smith
4 Sean Ct.
845 497 3712

**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: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 30.68 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-45

NAME & ADDRESS:

**BLACK BEAR STABLES (for Menkens)
1 Sean Court
Rock Tavern, NY 12575**

THANK YOU,

MYRA

L.R.10-24-06



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



FILE #06-45 TYPE:AREA TELEPHONE: 496-3732

APPLICANT:

Deborah Menkens
1 Sean Court
Rock Tavern, NY 12575

RESIDENTIAL:	\$ 50.00	CHECK # <u>1017</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1018



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

PRELIMINARY:	<u>6</u>	PAGES	\$ <u>42.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>21</u>	PAGES	\$ <u>147.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 08-08-06 \$ 10.32

TOTAL: \$ 199.32 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 269.32

AMOUNT DUE: \$ _____

REFUND DUE: \$ 30.68

Cc:

L.R. 10-24-06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/12/2006	8189

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

<i>W.K.</i> P.O. No.	Terms	Project
<i>45722</i> <i>46225</i>	Due on receipt	

Issue Date	Description	PCS/Units	Amount
8/8/2006	LEGAL ADS: DEBORAH MENKENS 1 AFFIDAVIT	6.32 4.00	6.32 4.00
RECEIVED OCT 2 2006 TOWN OF NEW WINDSOR COMPTROLLER'S OFFICE			
Total			\$10.32

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 ix
in said newspaper, commencing on
the 8 day of Aug A.D., 2006
and ending on the 8 day of Aug
A.D. 2006

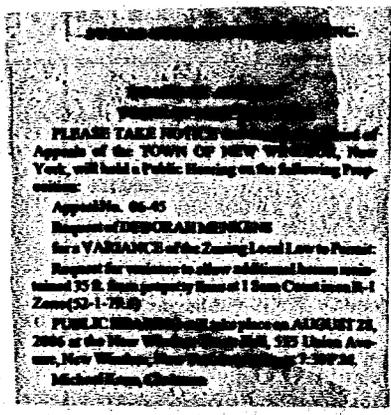
Patricia Quill

Subscribed and shown to before me
this 18th day of Sept, 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
4984065
Commission Expires July 15, 2009

My commission expires _____





RESULTS OF Z.B.A. MEETING OF:

August 7, 2006

PROJECT: Deborah Menbers

ZBA # 06-45

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) _____ S) _____ VOTE: A _____ N _____

GANN _____
 LUNDSTROM _____
 LOCEY _____
 TORPEY _____
 KANE _____

CARRIED: Y _____ N _____



Horses are on site now for approx 4 weeks

Barn is there.

April Kean - 1 Brittany Terrace

August 28, 2006

46

DEBORAH_MENKENS_(06-45)

Ms. Deborah Menkens appeared before the board for this proposal.

MR. KANE: Request for variance to allow additional horses maintained 35 ft. from property line at 1 Sean Court. Tell us what you want to do.

MS. MENKENS: I'm requesting an additional four horses to be housed on my property along with a 35 foot fence line long the property line, off the property line.

MR. KANE: How many horses do you currently have on the property?

MS. MENKENS: Six.

MR. KANE: Mike, what's the allowable amount?

MR. BABCOCK: Two.

MR. KANE: So you're here to allow the additional horses that are already existing?

MS. MENKENS: Yes.

MR. BABCOCK: And also maintain them 35 feet from the property line instead of 75 feet that's required.

MR. LUNDSTROM: Once again for the record if you would just why are you requesting this from two to four horses?

MS. MENKENS: There's six members of my family and each of us owns a horse, each of us rides a horse, it's purely recreational for our family.

MR. KANE: How long have you had the horses?

MS. MENKENS: Four weeks.

MR. LUNDSTROM: They're physically there now?

MS. MENKENS: Yes.

MS. GANN: The portable barn, is that the pictures that are in this book right here?

MS. MENKENS: Yes.

MS. GANN: And it's portable cause it's movable?

MS. MENKENS: Yeah, they have brackets on it where you can pull it back onto a tractor.

MR. LUNDSTROM: Portable barn there is to store the six horses?

MS. MENKENS: Yes, hay and a tack room.

MR. LUNDSTROM: Just a question for the building inspector, is there, is it currently a violation to have six horses on that property?

MR. BABCOCK: Yes, it is.

MR. LUNDSTROM: If I may back to the applicant, did you know it would be a violation to put six horses on there and if so why did you do it?

MS. MENKENS: No, I didn't know it was a violation.

MR. LUNDSTROM: Even though you came before the board before in the preliminary asking permission to increase it to four and we had not yet issued our decision you went ahead and brought the other horses to the property?

MS. MENKENS: Yes.

MR. KANE: Okay, I think at this point I'm going to open it up to the public, please state your name and address and if you have any comments, questions.

MS. KEAN: My name is April Kean and I'm going to be speaking for my family, Peter and Joan Kean who reside at 1 Brittany Terrace, Rock Tavern, New York. And Mr. Chairman, before we begin, I have a few handouts so everybody is aware of what we're talking about. My family's property backs their property on the north side and first I'd like you to take a look, if you take off your clip there's a picture book that will kind of give a pretty good summation of what's transpired now.

MR. KANE: If you look at this diagram here, the black line around the outside of the square is the borderline of the Menkens' property. The green line, the green square, the green line is what's required by the setback regulations of 75 feet. The red line is what they have already built.

MS. KEAN: Which you can see in the pictures in the photograph.

MR. KANE: The red line is the fence all the way around the property, no part of that fence is 35 feet away from their property line so in fact, they should be asking for a variance larger than 35 feet.

MS. KEAN: To continue on what my father was saying, if you take a look at, we had a certified land surveyor, Mr. Bill Hildreth, come out and survey our property lines and there is a letter that's attached and Mr. Chairman has a copy of the surveyor's map and it clearly states that the fence that she has installed on one area is 35 feet, the middle is 31 feet and the far side is 32 feet, excuse me, 25 feet across, away from our property line, so as is the entire perimeter of the already installed horse fencing. Now, one of our

concerns when they first started their project I went down to the building department and through public access took a look at the file and noticed that they had a nice letter in there which stated she wants to run a business, a therapeutic stable and knowing that it is an R-1 zone was quite curious so investigated a little bit more, then proceeded to notice that all of her building applications had been turned down and low and behold, the buildings kept proceeding. So if you want to just go ahead and take a look at the picture book starts with different views of the Menkens' different properties, of their property.

MR. KEAN: Each one is labeled and what we did is to kind of go around the property first picture on the cover is the picture of Menkens' property from Toleman Road, the second picture is going down Sean Road which is a private road, Sean Court, excuse me, showing a shed and some kind of a truck and couple of bikes and a stable in the background, you can only see the roof of the stable in this picture. The next picture is a little further down, it shows another part of the shed and some wood stored and something evidently has blown over, I don't know what it is with a metal frame around it. Next picture shows their back yard and their swimming pool and their deck. Another picture number 5 is pretty much the same thing, I guess that's a hot tub with a plastic top over it. Then we show a picture of six horses, you'll notice that there's absolutely no vegetation on the ground for the horses to eat. Next picture number 7 shows a couple of horses in manure and puddles, the ground out there has very, very low perc, there's a tremendous amount of clay in it and everything that the horses do is ultimately going to run off onto our property. The average horse produces 50 pounds of manure a day, that's 9 tons a year so 9 times 6 is 54, 54,000 pounds of horse manure going to run down through a little stream into our pond at Brittany Terrace and while I'm not concerned about germs I am very, very much concerned about the

nutrients from the horse manure and what it's going to do to our pond, our little lake because it's going to just destroy it insofar as plant growth is concerned.

MS. KEAN: So if you continue on, you'll notice on different markings if you take a look at picture 10 in the album right there you'll see a surveyor's tape from another surveyor that had come out and you'll see the fence line is 25 feet from the surveyor's tape. Same thing depicted on picture number 11 on the opposite side, yet another property. Now on picture 12, there's a person standing in the picture and you'll see I drew a red line across the top. Now if you notice all of the clearing the whole entire area that the horse is now living in was totally cleared and not only did they clear their land but they also cleared a portion of our land and our land falls down into a gully which used to be an old railroad bed, thus they pushed all of their debris or a portion of their debris over our hill and onto our properties. Then if you continue on to page 13 there used to be a property fence which was pretty much obliterated. Page 14 gives you a better picture of the destroyed property line fence. And page 15 if you will notice right in the picture the X, the red X that's the property line and it's quite clear of where their clearing went to. Now, page 16 will show you approximately three to four feet deep 16 inch drainage pipe that they installed, had put in through the length of their properties which extended over in this one 9 feet onto our property draining all of the water, sludge, puddles, everything, wetlands that used to exist there onto our property. Now, after we have discovered this which was on the 27th after walking and taking pictures, we came back two days later, excuse me, I have the date wrong on here, to notice the whole thing is covered up, not necessarily capped or rectified but machines came in and covered the whole pipe.

MR. KEAN: This picture number 17 is taken, the top

edge here is probably about 15 feet higher than where the picture was taken from so we're looking up a bank and what they did was go over to our bank, dig back and put a pipe in and as April correctly points out the first picture was taken on the 25th, is that right?

MS. KEAN: I'm sorry, I wrote the dates wrong.

MR. KEAN: And then two days later the trench is filled in so--

MS. KEAN: On page 18 on the opposite end of the fence on our property line they put yet another drainage system in also extending the far part is our currently existing drainage ditch which is at the bottom of the bed, they dug down and installed their drainage to extend into ours but of course leaving a big gap so we would get all the affluent and everything from the horses.

MR. KEAN: If you look very closely you'll see a black pipe, that's our black pipe and everything else on this side was installed by Menkens. Also just trying to be a friendly neighbor if you go back to page 9 please and you'll see on page 9, their household domestic water well is right smack in the middle of where all their horses do their business and that's rather bizarre. I don't know whether that's a health department matter or not but I certainly think if I lived there I would be very, very concerned about the quality of the water. I think what my, aside from the fact that this is going to severely impact Mrs. Menkens, we'd like that back, that's not for you, is the fact that we have been in Town since 1964 and some folks know me, some people don't, but we usually try to follow whatever the rules are to the best of our ability and I'm absolutely bedazzled that somebody can come in, clear out property, put up fences put and install a stable, move in six horses and then come and ask for permission to do it after being turned down by the planning board.

MS. KEAN: If I can just tack on to what my father had said when I was at the building department I did clearly look at the plans and she submitted the request for her portable stable and as you can see as depicted in the picture it is not a portable stable. It is a full blown eight stall wooden structure with a tack room in the middle so and if your plan or the legalities are to have two horses you have six, you certainly don't put up a stable for eight horses.

MR. KEAN: There's a right-of-way from AT&T that runs through our property and runs right through the Menkens' property, right-of-way requires no permanent structures be built on it, I know it's not the zoning board's concern but it just it's indicative of how I fail to understand how certain people can operate the way they operate.

MS. KEAN: Thank you for your time and we'll give the floor to somebody else.

MR. KANE: Anybody else? Next?

MR. SPINDLER: Tim Spindler, I live at 2 Sean Court. I'm speaking for my wife and my rest of my family, my son and my daughter. We have concerns not so much of what the Keans had, the horses have been there about a month, we have seen an increase in horse flies. I have expressed my concern to Larry the other day, you know, I, we were getting chased off by horse flies in our back yard a few days ago.

MR. LUNDSTROM: You said you mentioned it to Larry, for the benefit of the board, who's Larry?

MR. SPINDLER: Larry is Debbie's husband. We don't get as much smell from the horses but we don't, we live south and we don't get the wind as much, we do get a little bit of smell early evening sometimes in the

morning but I think my concern is more it's so early it's only been four weeks and we're already getting horse flies and we haven't even had it through the major part of the summer. I grew up around dairy farms and with a grazing animal a rule of thumb is one acre per animal, there will never be any vegetation there, I'm concerned about standing water with mosquitoes, we plan on putting a pool in next year, I don't want to be chasing horse flies and swatting mosquitoes instead of chasing my kids around. I didn't know it but I'm concerned if there's going to be a school of some, riding school going there, there's an increase, we have a private road and from this building that's been going on it's almost like an attraction now, we have an increase already on our private roads from people just seeing what's going on. I don't understand how they could have a school on a private road that's only one fourth of their road, it's owned by three other people also. I'm also concerned, we have two small children so my wife and I are awake early in the morning to the Menkens' benefit they are out there early with the horses, but my concern is what happens when the novelty wears off and Debbie goes back to school, she goes back to school in September, who takes care of all this then and it starts to get dark at 5 o'clock and she gets home at three or four, that doesn't leave very much time to clean up anything. And finally we're, the building's already done but we're concerned about the value of our property, I can't imagine that that's increased our property value. That's pretty much all I have.

MR. KANE: Thank you. Anybody else?

MR. SMITH: My name is Brett Smith, I live at 4 Sean Court on the same road that Debbie and Larry Menkens live. I have a lot of the same concerns Tim does, Tim Spindler who just spoke in front of you all. One of my other concerns is smell, any time the wind blows out of the west or the northwest I smell horses. Not too long

ago sitting on my back deck with my wife and having dinner and I smell horses. Now I know they're probably doing their best to try to control the smell of horses but any time you have six animals in such a small parcel of land I don't know how you're going to be able to control horses' manure, the smell of the horse, the flies and things like that. So I'm really concerned about the value of my house, if I do decide to sell my house, who is going to want to buy a house when they smell horses when they pull up to it. Also just as far as I have a very big family, we love having barbecues outside and it's embarrassing when we have the family come over and you have to smell horses in your own yard. So those are my concerns.

MR. KANE: Next?

MR. DECKER: Jack Decker, 462 Tolman Road. I have the same concerns, I have a view out of my back, I have a pool, I had company over one day, all I do is smell the horse manure. I have a deck on the back, can't sit on it and smell horse manure, can't open windows in the house, smell horse manure, I'm thinking about selling my house, I'm not sure what that's going to do to the value looking out onto that farm. My concerns are just like everybody elses.

MR. KANE: Thank you, sir.

MR. STEELE: My name is David Steele, my concern is the smell of the horses. I live directly behind him, their house and the pasture comes near my house, I open my bedroom window and I smell nothing but horses. She even asked me if I smelled the horses, I told her yes, I smelled the horses, I smell horses all the time because I'm closer than anyone else in the rear of them and that's my biggest concern. I don't like that at all because I bought that home there, spent a lot of money for it and I don't want the value of it to go down because of eight horses or six horses. That's my

complaint, the smell of the horses. They put up some trees but trees cannot contain the smell of those horses, they smell all the time, even when the wind is not blowing you can smell those horses.

MR. KANE: Thank you, sir. Next?

MR. MC ELDUFF: My name is Tim McElduff from the law firm of Drake Loeb and I represent the Keans and I just want to emphasize some of the information the Keans have already provided to you today. As a member of the board already was quick to point out there is already a violation, the variance request here starts with a request to reduce the space needed by over 50% from 75 feet to 35 feet, the 75 feet is a requirement for two horses, there's two there, that's three times what the 75 foot requirement would require for compliance and they are now seeking to reduce the space between the Kean's property and there's with the fence to 35 feet which they have already done and put the, but the horses are already there so when you consider the factors I would say that this situation is self-created. There's a jurisdictional point I'd like to bring up. The application for the variance here in questions makes a reference to an area variance which I have just spoke about and the SEQRA form entitles the project a 35 foot fence line and requesting a horse fence 35 feet from property line. There is no mention in either of these documents and then the last page of the environmental assessment states changing 75 foot fence line to 35 foot fence line from their property line, there's no request to add additional horses to this property. I would point out to the board or I'd submit that that is not even properly before you and just to point out some of the information that you're provided by the Keans, Mr. William Hildreth pointed out that although the request is for 35 feet if you look in the last paragraph of his letter the fence is already there and it's already either 23 feet to 32 feet from the Kean's property line and they're requesting

something that's impossible, they have already put it there so 35 feet is irrational. And the diagram that was provided by the Keans points out that it is not just for the Keans, there's no point on this property where the fence that's already been constructed is at least 35 feet from anyone's property line, it's closer on all sides and the purpose of providing Mr. Hildreth's letter and map was so that you didn't have to rely on just the Kean's words, they actually commissioned somebody and paid them to do that. And as the Keans pointed out there's an issue of whether or not the real intent is for a commercial operation and in the information packets that you guys have there's an initial letter Chairman Kane reciting they'd like to open and operate a therapeutic riding stable, the term open and operate is used twice in the letter, citing that the Town lacks such a riding stable. And then finally as you've heard from the neighbors there's a severe detriment to the health and welfare of the community, the change is obviously undesirable but I'd like to point out that there's enough property here what the Menkens are seeking to do they can comply with the law here, they have enough property they can have two horses and a fence 75 feet from everyone's property line, they just choose not to do that. They don't need a variance to comply with the existing codes and you've heard about already the adverse impact physically and environmentally that the neighbors would suffer and finally that the problem that requires a variance was self-created by the applicant. And there was also there's an issue of how many members of the family. It was our understanding that there were four members, the testimony from the applicant was six, I don't have any evidence to refute that but that's something that should probably be looked into by the board when considering this application. Thank you.

MR. KANE: Thank you. Anyone else?

MR. KEAN: I just wanted to assure Mrs. Menkens that I

didn't walk all over your property, I have an instrument that allows measurements from a distance so that's how I got the side lines. I probably did walk on the Menkens' property a little bit along our fence line because most of the fence isn't there and I didn't know where the property line was so--

MR. KANE: Okay, anybody else? We'll close the public portion of the meeting and bring it back to the board, ask Myra how many mailings we had.

MS. MASON: On August 7, I mailed out 22 addressed envelopes and had no response.

MR. KANE: Miss Menkens, would you care to address the issues?

MS. MENKENS: All right, back property along the railroad bed they claim that the fence that's existing there is their property line when in fact is 10 feet beyond that, I own the cow fence plus 10 feet to that which brings you to the edge of the railroad bed which has an incline on it. When I measured it, it was 45 feet.

MR. KANE: You did the measuring, ma'am?

MS. MENKENS: Yes, quite a few times. Mr. Steele just had a survey of his property and I believe the corner of his property back property and my fence line is about 40 feet. The only violation I see here as far as the fence goes is Mr. Decker's where I'm 25 feet off the property line, Mr. Decker also has his leach field on my property.

MR. KANE: Ma'am, this isn't tit for tat.

MS. MENKENS: I understand that.

MR. KANE: Just need to address what's going on.

Honestly, I just don't--put a lot of money at risk.

MS. MENKENS: Well, actually, the existing fence line that I have could be my exterior fence line that I was going to put up on my property line and then I could put 75 foot inside that so I still would have my double fence for protection. Follow?

MR. KANE: I follow. Can you explain why you went from a portable building to a huge wooden building without a permit?

MS. MENKENS: It's a shed without a floor and as far as when I met with Dave from Verizon Structures it's still considered portable.

MR. KANE: This wooden structure is considered portable?

MS. MENKENS: It's got wooden blocks on the bottom, the bottoms are open, they're not closed, there's no floors and there's bars in there where you just connect it to a flatbed and you pull it up and it's removable.

MR. KANE: What about the connecting roof across the top?

MS. MENKENS: That has to be dismantled. I have here the plans for the shed.

MR. KANE: I don't need to see those.

MS. MENKENS: Which exceed New Windsor's building codes.

MR. LUNDSTROM: You said it exceeds New Windsor building codes?

MS. MENKENS: Yes, wind and snow.

MR. LUNDSTROM: Has that decision been made by the building inspector or yourself?

MS. MENKENS: No, I was given the specs by Lou and he told me what I needed to have and gave me a piece of paper, I had to meet certain specifications. As far as the smell, we're doing our best, we rake it right now onto the property, it's all clay surface and we're trying to grow grass, we have put acres and acres of grass seed out on the paddocks. There's four paddocks for rotation, two would be in the summer and two in the winter so we can rotate the horses, therefore, we can have greenery grow. As far as the well's concerned, it has a six foot barrier around it to keep the horses away from it. Right now we have two feeders in the back yard which hold round bales, on an average we put about six bales in there a day so they're constantly eating cause they're grazers. I have already gone back to work, I'm up at 5:00 in the morning, I muck and I feed and then when I get home at 4 o'clock I feed and I muck.

MR. LUNDSTROM: Mucking means just for the record?

MS. MENKENS: Cleaning up the manure. We have three compost bins for the manure but we haven't been using it because we have been spreading it in the fields so we can get some sort of topsoil started for the seed. Horse flies, I feed them Simplify, I also have automatic sprayers that go off every 15 minutes at the barn which eliminates flies. I also have these fly containers that catch the flies. As far as the mud that's something we're dealing with now, we're York raking it every evening, I want this to look like a beautiful piece of property when you drive up to it, I want it to be absolutely gorgeous and we're working at it. As far as the property line and the destruction that's been said, I own 10 feet beyond the fence line so therefore, it's my property. The drainage drains onto my property and I also, we also built a about 15

foot round by 10 foot deep pond in the back part by Mr. Steele's house so that when the water drains from the right side of the property onto my property the water has someplace to go, it's like a catch basin and then when the catch basin gets too high there's a pipe that will drain into and out onto my property. As far as the value of the property, I have been told that I have been actually offered quite a bit as far as the value of the property goes.

MR. KANE: For your property?

MS. MENKENS: For my property, yes.

MR. KANE: What about the commercial enterprise?

MS. MENKENS: When was that letter dated?

MR. TORPEY: February.

MS. MENKENS: At that time I was involved at Risky Business and the woman I was involved with owns Risky Business and she and I were kicking around the idea that we would work on a school but as the more I got into the horses I realized this is not something I want to do.

MR. LUNDSTROM: Just for the record, what type of business is Risky Business in?

MS. MENKENS: She's a western barrel racer.

MR. LUNDSTROM: Meaning what?

MS. MENKENS: She trains children how to become better at barrel racing, western barrels.

MS. GANN: Just curious why you have an eight horse stable.

MS. MENKENS: Needed room for hay and needed room for the tack room.

MS. GANN: And you couldn't put all that in the two shed barns?

MS. MENKENS: Yeah, they are here, they are in the center ones for the hay which I store 150 bales of hay and the other one's the tack room where I have the feed and our saddles so then there's three on this side and three on that side.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Mr. Chairman, I'm somewhat confused here. The item before us is request for a variance to allow additional horses maintained 35 feet from the property line yet as I understand it the property is zoned only for two horses.

MR. KANE: Correct.

MR. LUNDSTROM: But now there's six horses there?

MS. MENKENS: Right.

MR. LUNDSTROM: And there has been no variance granted for that so that's currently in violation of the zoning code?

MS. MENKENS: Correct.

MR. LUNDSTROM: Another question that's been raised here is that according to the application you're looking for a permit for or a variance for a fence 35 feet from your property line, yet now you're presenting evidence in saying that you own 10 feet beyond that so it's actually--

MS. MENKENS: Not beyond the fence line.

MR. LUNDSTROM: But beyond the perceived property line so now you're saying it's 45 back. If I were to vote in favor, I would insist on seeing a surveyor's survey of your property marking where every parcel, where every fence is, where every building is resurveyed.

MR. BABCOCK: Well, Mr. Chairman, if I can the Keans submitted a letter from Bill Hildreth which is a land surveyor stating the fence is only 23 feet, 32 feet and 31 feet, I mean, that's an official survey, what she's saying although I understand she's saying it's, she owns farther than that, this is an official survey, official letter.

MR. KANE: That's why I asked her who measured it.

MR. BABCOCK: Is there minutes back from the last meeting? Do we have the minutes yet because Mr. Chairman we asked the applicant several questions about this stuff and I don't know that the applicant was up front with us totally, they told us that the horses weren't even here.

MS. MENKENS: No, they weren't there but I needed to get them home.

MR. BABCOCK: The application that she has is for 35 feet, the fence is not 35 feet, the paperwork that I submitted to this board is not correct based on her information, based on the survey she shows me she has a picture of the storage shed in her application, that's not what she built.

MS. MENKENS: No because when I talked to Lou--

MR. BABCOCK: But ma'am that's a complete application that's submitted to this board.

MS. MENKENS: But when I spoke to Lou, he told me that

that didn't meet the codes, the wind codes and the snow loads, so I asked him if I could replace it with something else.

MR. BABCOCK: I don't have anything.

MS. MENKENS: He gave me a sheet to fill out and then I had brought it back cause that one didn't meet the New Windsor standards so he said I needed to find a barn to meet the standards.

MR. BABCOCK: And you submitted that stuff back here?

MS. MENKENS: Yeah, with a new picture and everything.

MR. BABCOCK: According to the survey there's also an AT&T underground cable easement that goes right through the middle of this.

MS. MENKENS: I spoke to AT&T, Time Warner, Central Hudson.

MR. BABCOCK: We need something in writing from them.

MS. MENKENS: I have a number that they gave us.

MR. BABCOCK: No, you need something in writing from them. The other thing is there's some on her own survey it's got some locations of wetlands area that apparently she's in, I don't know what type of wetlands it is. One last quick thing, all my paperwork is wrong, it's not correct in any manner.

MR. KANE: This really actually with the horses it should go under a use variance too because you're changing the use of the property, it's not an area variance.

MR. BABCOCK: Especially with these pictures, I mean, I didn't visit the site, I went based on this information

that I sent this board is based on what they told me and this information that you have is not correct, these fences are not 35 feet from the property line, this thing is totally existing, this says proposed, all the stuff is proposed, not existing, the AT&T easement I'm not even sure of.

MR. KANE: Well, let's--

MS. LOCEY: I just feel that on July 10 when the preliminary meeting was held there was absolutely no doubt that the application was to bring more horses on the property and to construct a fence according to the application 35 feet from the property line and it was very clear that variances were needed to do both of those things. And I just feel this is a blatant disregard of the New Windsor zoning law because all of that was done before this process even had a chance to go forward and now when we're examining it, the application was wrong or was changed and those changes were never brought to your attention so they could be brought to ours.

MR. KANE: I think this is the way to proceed, personally, correct me if I'm wrong, since the application is basically wrong, I'm going to leave it, I can leave it to the applicant if you want us to vote on it tonight we can, we can dismiss it because the application obviously has a lot of wrong information in it and you can reapply and come back at some point I can allow you to do that. So those would be the two options that are available this evening.

MS. MENKENS: Dismiss it and I will reapply.

MR. SPINDLER: Until that time, what happens to the six horses?

MR. KANE: Until that time she's in violation, having those extra horses there they're in violation and the

building department can do whatever they need to be doing if there's a complaint filed.

MR. KRIEGER: Somebody has to file a formal complaint with the building inspector.

MR. KANE: I don't want to, not that I wouldn't want to see this issue put to bed this evening, I am just questioning us voting on it with improperly filed papers, I wouldn't like to get this into more of a legal mess. So my feeling is to really just toss it out at this point, let her file the proper application if the applicant wishes.

MR. KRIEGER: She indicated she wants to withdraw.

MR. KANE: Then she can try to go through the process again.

MR. KEAN: If the second course of action is decided upon to go through the process again we'll be able to submit additional evidence?

MR. KANE: It starts from square one and everybody proceeds from there. In the meantime, you've got a lot of violations on your property at this point so if the decision is up to you whether you want us to proceed or--

MS. MENKENS: If the current fence line that I have stays and I put up a 75 foot fence line within the fence that's not a violation?

MR. BABCOCK: Well, the issue of having two fences I don't see where it's necessary, you know, what I would be concerned about is that if you have a fence at 75 feet you just open the gate, let them go out in the other fence.

MS. MENKENS: Actually, my intentions were to have the

August 28, 2006

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fence that's existing and on the property line put a fence, it's just a safety precaution in case the first fence breaks.

MR. KANE: Either way it's not for me alone to say, the board votes on that so it's not something I can say.

MS. MENKENS: Yeah, but the law is 75 feet.

MR. KANE: Two horses, yes, ma'am so your decision?

MS. MENKENS: I will start over from scratch.

MR. KANE: Withdraw the application without prejudice, okay.

MS. MENKENS: Yeah.

MR. KANE: We'll consider this application withdrawn. Thank you.

July 10, 2006

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DEBORAH MENKENS (06-45)

MS. GANN: Request for variance to allow additional horses maintained 35 ft. from property lines at 1 Sean Court.

Ms. Deborah Menkens appeared before the board for this proposal.

MS. MENKENS: I'd like to bring six of my horses home to my back yard.

MR. LUNDSTROM: Where are the horses now?

MS. MENKENS: They're at Risky Business in Wallkill, it's about a 20 minute drive from my home and I'd like to make my life easier by having them in the back yard, it will also save me a big expense, right now, I'm spending \$2,000 a month for board.

MS. GANN: Now what's the legal amount of horses she can have?

MS. MENKENS: Two.

MR. BABCOCK: You're allowed to have two horses not more than six months old which means you can have the third horse for six months, if the one horse had had a baby you could keep it for six months then you'd have to find a home or place to put it. So typically two horses and they must be maintained 75 feet from the property line, they got them wrote up here to maintain them 35 feet, I notice that you have a diagram here shows 25 feet.

MS. MENKENS: I changed it.

MR. BABCOCK: You changed it to 35?

MS. MASON: Yes, changed on the front of your paper.

July 10, 2006

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MR. BABCOCK: But I just want to make sure all the numbers are right. And what's the total number of horses you want?

MS. MENKENS: Six, actually, one's a yearling, one's a pony and the other four are quarter horses.

MS. GANN: How close are your neighbors?

MS. MENKENS: I'm on 4.18 acres, one neighbor's I'd say 30, 40 feet from me, my property's an L shape, the house is on the smaller part of the L, then it goes out and that's the 4 acres.

MR. LUNDSTROM: Mike, just point of clarification, you said currently zoning allows for two horses, we're asking for six horses?

MR. BABCOCK: That's correct, so I guess she's asking for a variance of having four more horses and to maintain them 35 feet from the property line instead of 75 feet. She also backs up to a railroad, an old railroad bed which is 100 and some feet wide of a buffer I would say and then not very far from there is a Central Hudson utility easement which is probably A T & T.

MS. MENKENS: I spoke to them and it's still their easement but there's nothing there.

MR. BABCOCK: Yeah, it's also Central Hudson according to the tax map, according to them, they must have some right-of-way but that's probably some almost 200 feet.

MS. GANN: And your barn can actually fit up to four more horses? I'm sorry, I'm missing numbers here.

MS. MENKENS: I don't have a barn, all I have is the vacant property that you see in the pictures. What I'm

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doing is Horizon Structures builds shed barns and we're going to have two shed barns for the horses which will be placed center, in the middle of the 4 acres.

MR. TORPEY: What's the portable barn?

MS. MENKENS: That's the shed, it can be moved.

MS. GANN: So where do you keep the other two right now?

MS. MENKENS: They're still at, they're up at the, in Walkkill at Risky Business, nobody's at the house now.

MR. TORPEY: What do your neighbors say?

MS. MENKENS: They had two questions, they asked me about flies and smell, so I told them that we feed them Simplify, which kills the flies before they're pooped out and the manure we're going to compost and cover, that was their only two concerns.

MS. GANN: Will they be having babies all of them together?

MS. MENKENS: No, no, that's it, two are girls and the others are boys and they're gelded and this is, this is just recreation for my family.

MR. KRIEGER: I was going to ask this isn't a commercial enterprise, this is strictly for--

MS. MENKENS: This is, I have a special needs child who has done hippotherapy (phonetic) and it's done wonders for me, that's how we got involved with the horses so we want to continue that.

MR. LUNDSTROM: For the novice, hippotherapy is?

MS. MENKENS: It's therapy with horses.

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MR. BABCOCK: You wouldn't be having like horses shows or horse gatherings?

MS. MENKENS: No, strictly private for our own recreational use.

MR. BABCOCK: You wouldn't be advertising rides?

MS. MENKENS: No.

MR. LUNDSTROM: And it will remain that way in perpetuity?

MS. MENKENS: Till the next 10, 15 years then I'm--

MR. LUNDSTROM: But we're saying it will remain residential, not commercial?

MS. MENKENS: Not commercial whatsoever.

MR. TORPEY: Where else could you ride and be allowed to ride?

MS. MENKENS: My next door neighbors have three horses and they have built a path on his property out to the Stewart buffer zone so I can hook up onto their buffer zones and ride out there cause we're not far, we're half a mile from the buffer zones.

MR. LUNDSTROM: Also significant to that your neighbor also has horses.

MS. MENKENS: Yeah.

MR. BABCOCK: But not three.

MR. TORPEY: They're not going to be jumping the fence back and forth?

July 10, 2006

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MS. MENKENS: We're going to put up a second fence on the property line as a buffer so in case the paddock fence breaks that they have another fence to keep them confined.

MS. GANN: Anything else?

MR. BABCOCK: No, I really think it's, I think this one's going to be up for the public, open it up to the public hearing, I mean, as long as she's not gonna run any commercial operation whatsoever, have horse shows or have riding, whether you have two or six I think the two concerns that her neighbors had probably are the only thing that can, I mean, if you're going to have horses, you're going to have some smell and you're going to have horses, so whether there's two or six, I think it just may compound somewhat but as far as having horses or not having horses I think the Town Code is, I don't think it's a normal thing that most people don't have six horses, I don't know of anybody that has that many horses on a residential piece of property, two and three maybe so this is, you know, quite a request but I think it's, the public hearing will tell.

MS. GANN: Okay.

MR. LUNDSTROM: How many horses do you normally use at any one time?

MS. MENKENS: We all go riding at the same time.

MR. LUNDSTROM: Six members in your family?

MS. MENKENS: Yes.

MR. LUNDSTROM: Therefore that's the six horses that you need?

MS. MENKENS: Yes.

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MS. GANN: I'll accept a motion.

MR. LUNDSTROM: I will offer a motion that we allow the application of Deborah Menkens request for variance to allow additional horses maintained 35 feet from property line at 1 Sean Court in an R-1 zone to allow that to proceed to a public hearing.

MR. TORPEY: Second it.

ROLL CALL

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

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Debra Merlen ZBA #06-45

DATE: 8-28-06

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Peter Kean	1 BRITTANY TERRACE	845-496-4087
2.	Joan Kean	ROCK TAVERN NY 12575	
3.	April Kean	6 BEECH ACRES DRIVE ROCK TAVERN NY 12572	845-497-8245
4.	Tim McEluff, Esq.	Atty fr Kean Kears	561-0550
5.	Jack Decker	462 Tolman Rd	496-4196
6.	Brett Smith	4 Sean Ct,	497-3712
7.	Tim Spindler	2 Sean Ct	496 6196
8.	David Steele	(3) Sean COURT	497 2317
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
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20.			

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

DEBORAH MENKENS

**AFFIDAVIT OF
SERVICE
BY MAIL**

#06-45

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 7TH day of AUGUST, 2006, I compared the 22 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

7th day of August, 20 06

Lisa R. DiStefano
Notary Public

LISA R. DISTEFANO
Notary Public, State Of New York
No. 01DI6050022
Qualified in Orange County
Commission Expires 10/30/ 06

**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:

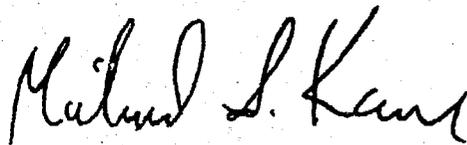
Appeal No. 06-45

Request of DEBORAH MENKENS

for a VARIANCE of the Zoning Local Law to Permit:

Request for variance to allow additional horses maintained 35 ft. from property lines at 1 Sean Court in an R-1 Zone (52-1-79.1)

**PUBLIC HEARING will take place on AUGUST 28, 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

July 12, 2006

Deborah Menkens
1 Sean Court
Rock Tavern, NY 12575

Re: 52-1-79.1

ZBA#: 06-45 (22)

Dear Ms. Menkens:

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 \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

52-1-15.223

JOSEPH JABLONSKI & THERESA
CHEEVERS
467 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-77

DENNIS & ROBYN MORGAN
433 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-5-23

SILVANO GRECH
151-38 7TH AVE.
WHITESTONE, NY 11357

52-1-18

PETER & JOAN KEAN
1 BRITTANY TERRACE
ROCK TAVERN, NY 12575

52-1-78.1

JESSICA DIZZINE & KYLE COLEMAN
439 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-5-24

ARTHUR BEAL & ROBIN RITNOUR
360 TOLEMAN RD
WASHINGTONVILLE, NY 10992

52-1-21

JACK & MARION DECKER
462 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-78.21

ANGELO & MICHELE SAKADELIS
445 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-22

HAROLD & AVA FOSSUM JR.
380 BREEZEWAY LN, NE
PALM BAY, FL 32907

52-1-79.2

DAVID STEELE & JOSERA GONZALEZ
3 SEAN CT.
ROCK TAVERN, NY 12575

52-1-23

RONALD SHIPMAN
448 TOLEMAN RD
ROCK TAVERN, NY 12575

52-1-79.3

BRETT & KARYN SMITH
4 SEAN COURT
ROCK TAVERN, NY 12575

52-1-24

ANGELA CABRI
34-19 IRWIN AVE. APT. 511
BRONX, NY 10463

52-1-79.4

TIMOTHY & IVANA SPINDLER
2 SEAN CT.
ROCK TAVERN, NY 12575

52-1-25.22

LAMBERTUS & SUSAN ROOSJE
415 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-80

RAYMOND & KATHERINE BROWNE
461 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-44.3

LINDA & ARTHUR NADAS
502 BULL RD.
ROCK TAVERN, NY 12575

52-1-81

LISA THOMAS
453 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-75

ROBERT H. & ROBERT J. SPARKS
421 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-107

LESTER CLARK & HENRY
VANLEEJWEN
400 BAMAR DR.
STONY POINT, NY 10980

52-1-76

JAMES SCHNEIDER
425 TOLEMAN RD.
ROCK TAVERN, NY 12575

52-1-111.2

RONALD & ALICIA HOUSTON
4 ROOSJE LN.
ROCK TAVERN, NY 12575



RESULTS OF Z.B.A. MEETING OF: _____

July 10, 2006

PROJECT: Deborah Neiders

ZBA # 06-45

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) LU S) T VOTE: A 3 N 0

GANN A
LUNDSTROM A
LOCEY _____
TORPEY A
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.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-05-06

FOR: ESCROW 06-45

FROM:
BLACK BEAR STABLES (for Menkens)
1 Sean Court
Rock Tavern, NY 12575

CHECK FROM:
Same

CHECK NUMBER: 1018

TELEPHONE: 496-3732

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

7/6/06
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

RECEIPT
#553-2006

07/06/2006

Black Bear Stables

ZBA # 06-45

Received \$ 50.00 for Zoning Board Fees, on 07/06/2006. 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

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

ZONING BOARD OF APPEALS

July 6, 2006

Deborah Menkens
1 Sean Court
Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #06-45

Dear Ms. Menkens:

This letter is to inform you that you have been placed on the July 10th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

1 Sean Court
Rock Tavern, NY

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

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

6/19/06

Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 496-3732
Deborah Menkens Fax Number: ()
(Name)
1 Sean Court Rock Tavern NY 12575
(Address)

II. **Applicant:** Same as above Phone Number: ()
(Name) Fax Number: ()
(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-1 Property Address in Question: 1 Sean Court
Lot Size: 4.1151 acres Tax Map Number: Section 52 Block 1 Lot 79.1
a. Is pending sale or lease subject to ZBA approval of this Application? NO
b. When was property purchased by present owner? 2003
c. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

****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

- 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:

Horse families have always know horses are good for kids and family, but now research is proving it. Horses do indeed enhance life skills in children and adults. Horses make wonderful childhood and adult companions. Children are naturally attracted to them, and that makes horses a desirable alternative to TV watching, internet-surfacing or just hanging out. Horses also put children and adults intouch with nature. Family time spent together with horses can enhance family bonds. Handling, riding and caring for horses can develop positive traits, including responsibility, accountability, patience, level-headedness, empathy, kindness, self-discipline, improved classroom performance, teach important nutrition, veterinary check-ups, dental work and regular exercise. Overall bring the horses home would allow them to become part of our family.

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.)

Evergreen buffer zone will be planted along Sean Court
entire length of road. There will be a double fence
protecting horses and neighborhood. Compost manure and
use Simplifly with larva stop to prevent flies.

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:

30th day of June 2006.

Deborah A. Menkens
 Owner's Signature (Notarized)

Deborah A. Menkens
 Owner's Name (Please Print)

Deborah Green
 Signature and Stamp of Notary

DEBORAH GREEN
 Notary Public, State of New York Applicant's Signature (If not Owner)
 Qualified in Orange County
 # 4984065
 Commission Expires July 15, 2007

PLEASE NOTE:

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

COMPLETE THIS PAGE

6/30/06

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 Deborah Menkens	2. PROJECT NAME 35 foot fence line
3. PROJECT LOCATION: Municipality _____ County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1 Sean Court and Toleman Road Rock Tavern New York	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Requesting a horse fence 35 feet from property line	
7. AMOUNT OF LAND AFFECTED: Initially <u>3</u> acres Ultimately <u>3</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Zoning is for 75 feet from property line	
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 type="checkbox"/> Yes <input checked="" 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: Deborah Menkens	Date: 6/19/06
Signature: Deborah Menkens	

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

OVER

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

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

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency.
 Yes No

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.
 This will not effect any of the above.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly.
 This will not effect any of the above.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.
 Trees have been removed but will be replaced.

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.
 Changing 75 foot fence line to 35 foot fence line from property line.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
 There will be none of the above.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.
 No effect.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.
 No effect. Backyard has been certified Backyard Wildlife Habitat by NWF

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

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 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 FURTHER INSTRUCTIONS.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

WHEN YOU COME IN WITH YOUR ENVELOPES, PLEASE ALLOW TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.

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 INSTRUCTIONS ON COMPLETION. PLEASE ALLOW YOURSELF TIME TO PUT THE NOTICES IN THE ENVELOPES WHILE HERE, THEN YOU WON'T HAVE TO RETURN AGAIN.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.