

ZB# 07-44

Dominic Desmond

75-9-3

07-44

Dominic Desmond
319 Burroughs Lane (75-93)

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

Granted 9/24/07

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

DOMINIC DESMOND

MEMORANDUM OF
DECISION GRANTING

AREA VARIANCE

CASE #07-44
-----X

WHEREAS, DOMINIC DESMOND, owner(s) of 319 Burroughs Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 12ft rear yard setback for existing deck at 319 Burroughs Lane in an R-4 zone.

WHEREAS, a public hearing was held on September 24, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant's wife, Mrs. Tonya Desmond 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 Sentinel, 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) The deck for which the variances are sought has been in place for approximately 7 years, during which time there have been no complaints formally or informally about the deck.
 - (c) The deck is no on top of nor does it interfere with any easements including but not limited to water, sewer or electrical easements

- (d) The deck does not create the ponding or collecting of water or divert the flow of water drainage.
- (e) In constructing the deck the applicant did not remove any trees or substantial vegetation.
- (f) The deck is similar in size and nature to other decks in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 12ft rear yard setback for existing deck at 319 Burroughs Lane in an R-4 zone 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: September 24, 2007

A handwritten signature in cursive script, appearing to read "Michael S. Kane".

Chairman

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

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 12-28-07
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 173.34 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-44

NAME & ADDRESS:

**Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F. 12-28-07

J.F.12-28-07

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 4, 2006

**APPLICANT: Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/23/07

FOR : Existing attached rear deck.

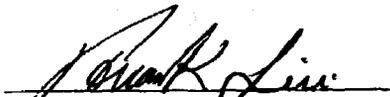
LOCATED AT: 319 Burroughs Lane

ZONE: R-4 Sec/Blk/ Lot: 75-9-3

DESCRIPTION OF EXISTING SITE: One family house.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing rear deck does not meet minimum 50ft. set-back.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4			
USE: Bulk Tables			
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:			
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD: G-6	50'	38'	12'
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

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

COPY

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 re-inspected after correction.

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

MAY 23 2007

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2007-386

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 Dominic & Tanya Desmond
Address 319 Burroughs Lane New Windsor, NY 12553 Phone # 565-4544
Mailing Address SAME Fax # N/A
Name of Architect N/A
Address N/A Phone N/A
Name of Contractor N/A (Self)
Address N/A

State whether applicant is owner, leasee, agent, architect, engineer or builder NIA

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

1. On what street is property located? On the WEST side of Burroughs Lane
and APPROX. 500 feet from the intersection of Burroughs Ln. & Keats Drive.
(N, S, E or W)
2. Zone or use district in which premises are situated _____ is property a flood zone? Y N ✓
3. Tax Map Description: Section 75 Block 9 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy DECK (PERSONAL) Intended use and occupancy DECK (PERSONAL)
5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other
existing deck
6. Is this a corner lot? _____
7. Dimensions of entire new construction. Front 290" (W) Floor 220" (D) Depth 12" Height NIA No. of stories NIA
8. If dwelling, number of dwelling units: NIA Number of dwelling units on each floor _____
Number of bedrooms 3 Baths 1 1/2 Toilets 2 Heating Plant: Gas ✓ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use NIA

10. Estimated cost \$1200.00

Fee

PAID

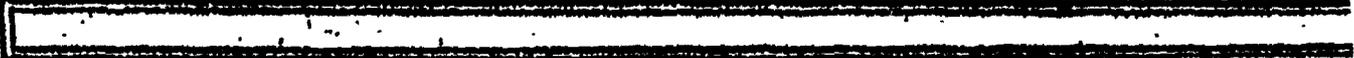
ZONING BOARD

date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lia & Lennie Krysheer
New Windsor Town Hall
855 Union Avenue
New Windsor, New York 12553
(845) 863-4818
(845) 863-4895 FAX

Blg 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 Constructor 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.

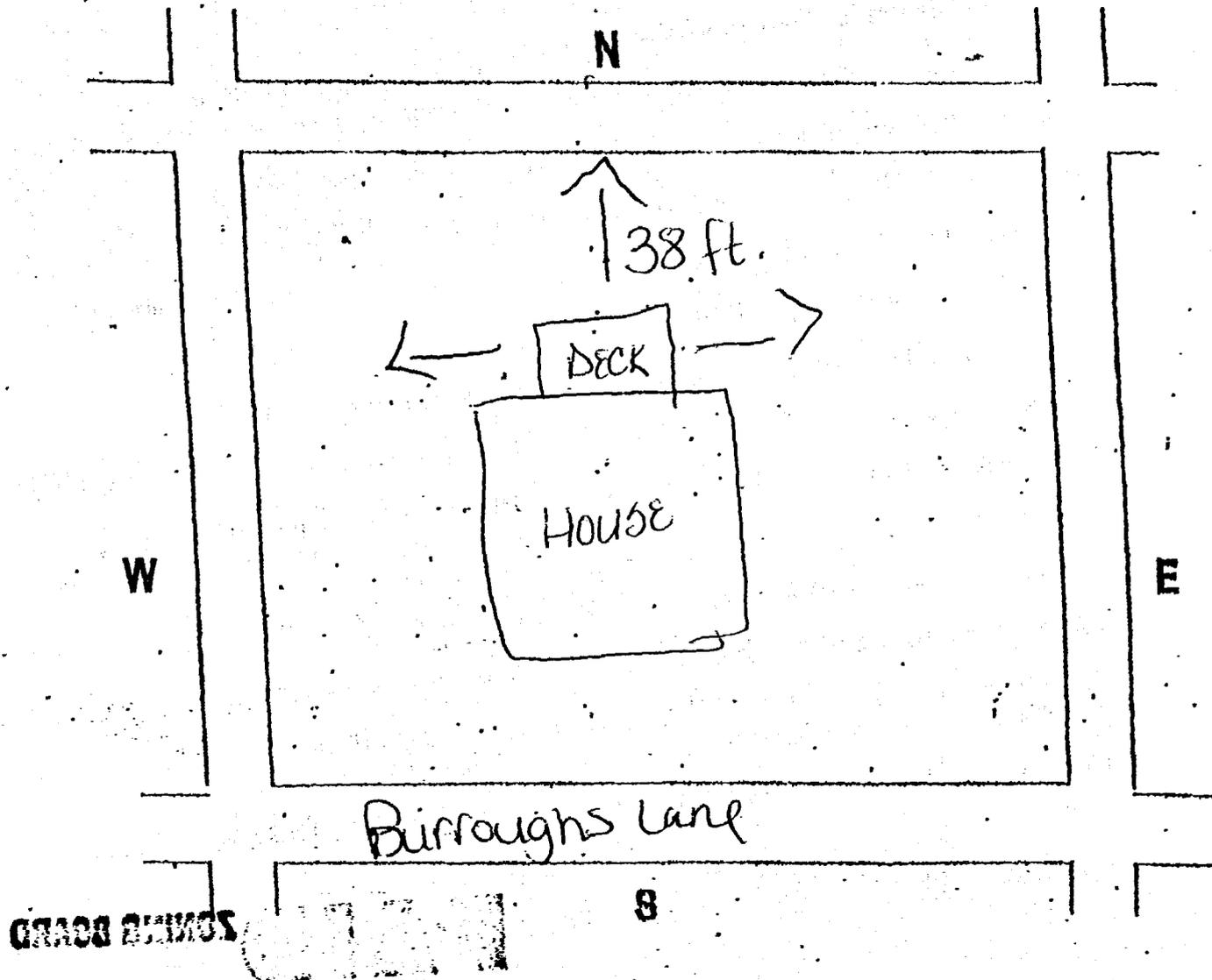
Janya Desmond 319 Burroughs Lane NEW WINDSOR
 (Signature of Applicant) (Address of Applicant) N.Y. 12553

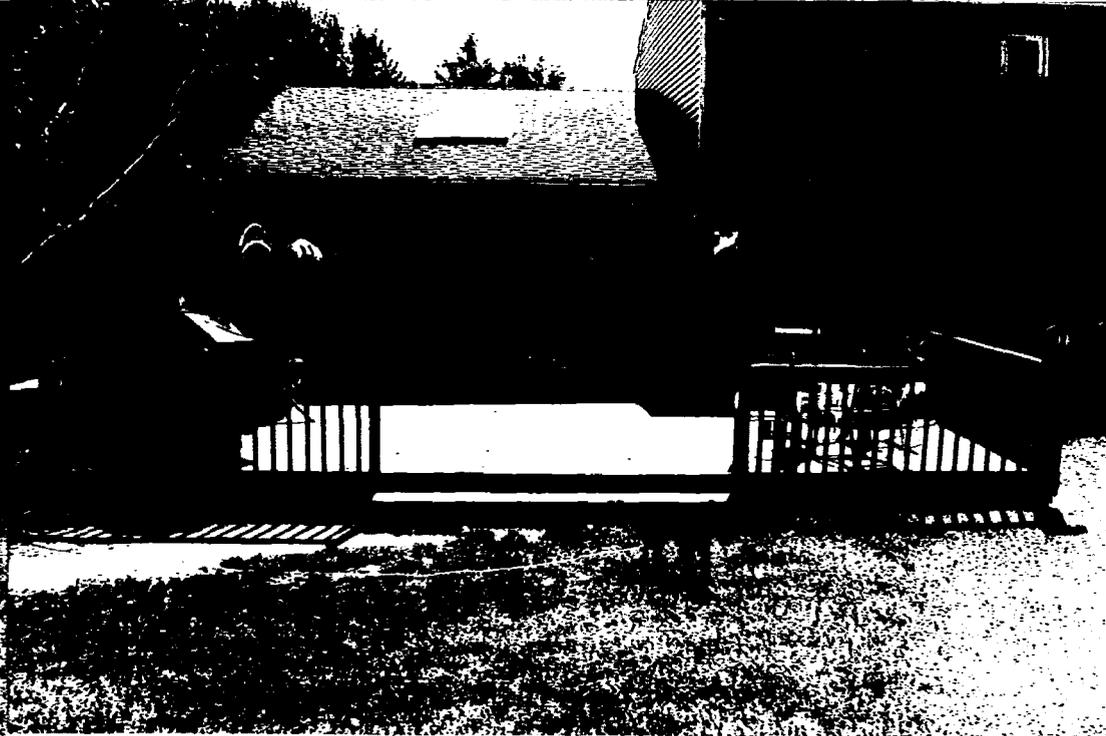
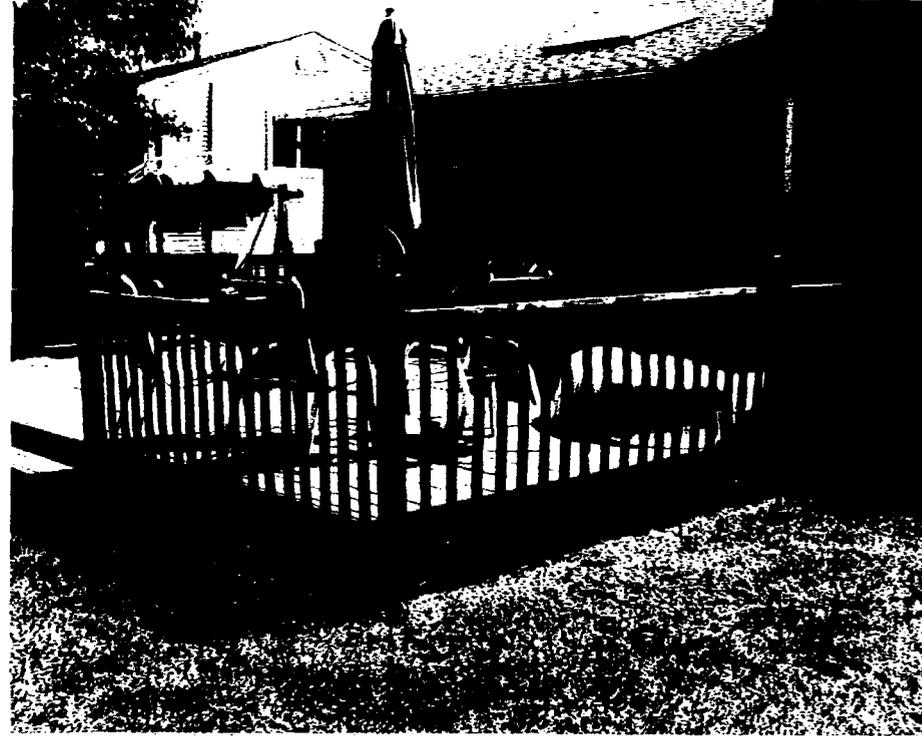
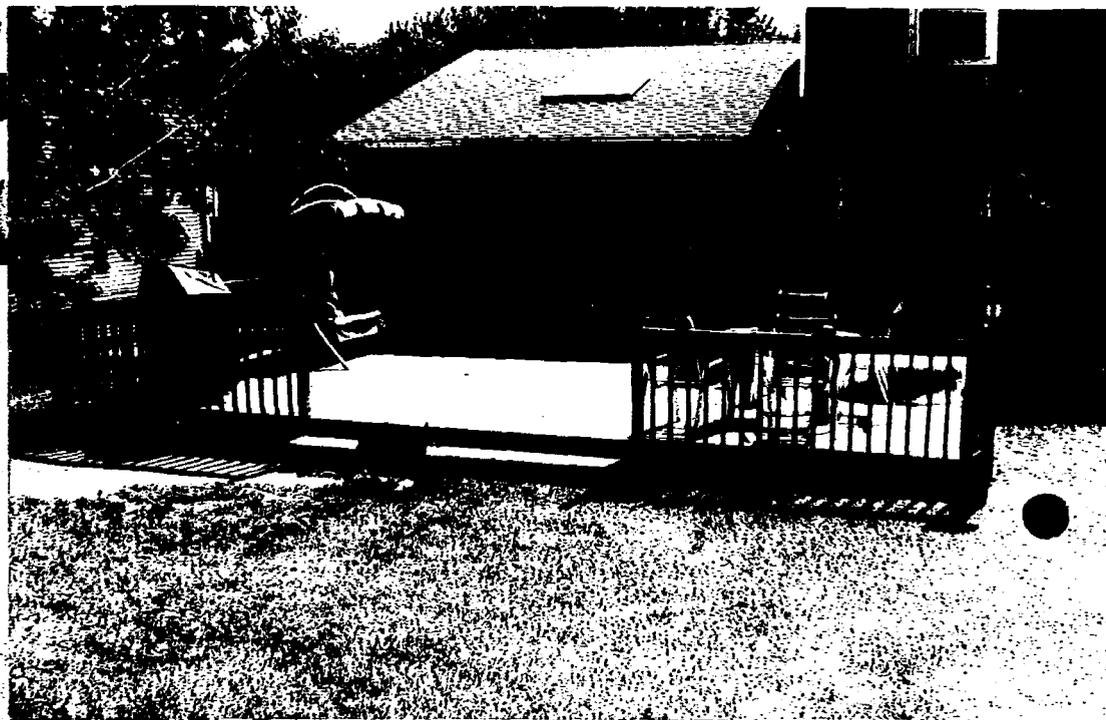
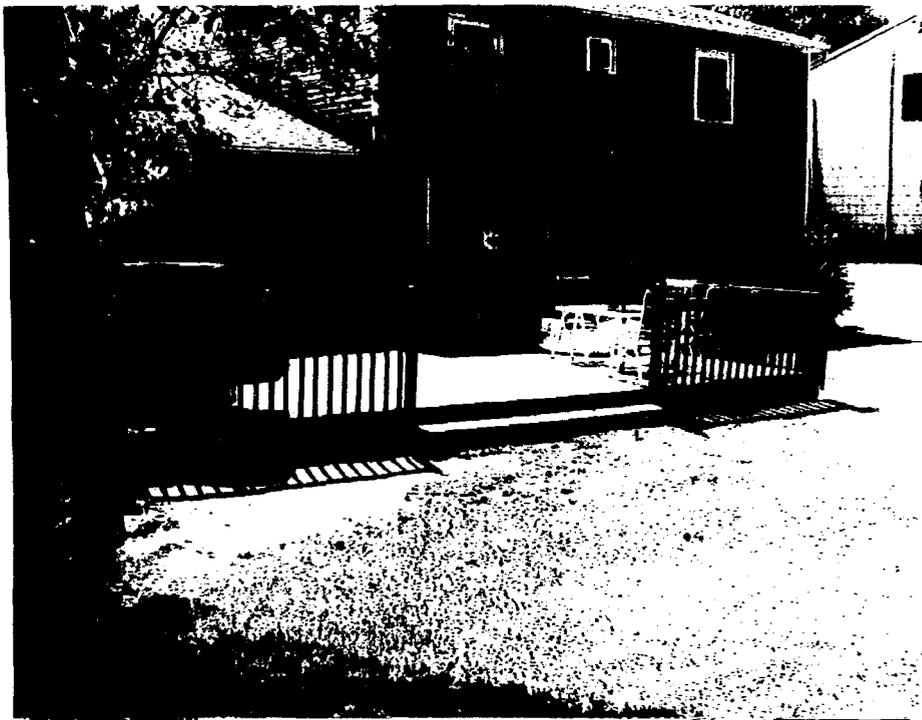
Patricia Desmond 319 Burroughs Lane NEW WINDSOR, N.Y. 12553
 (Owner's Signature) (Owner's Address)

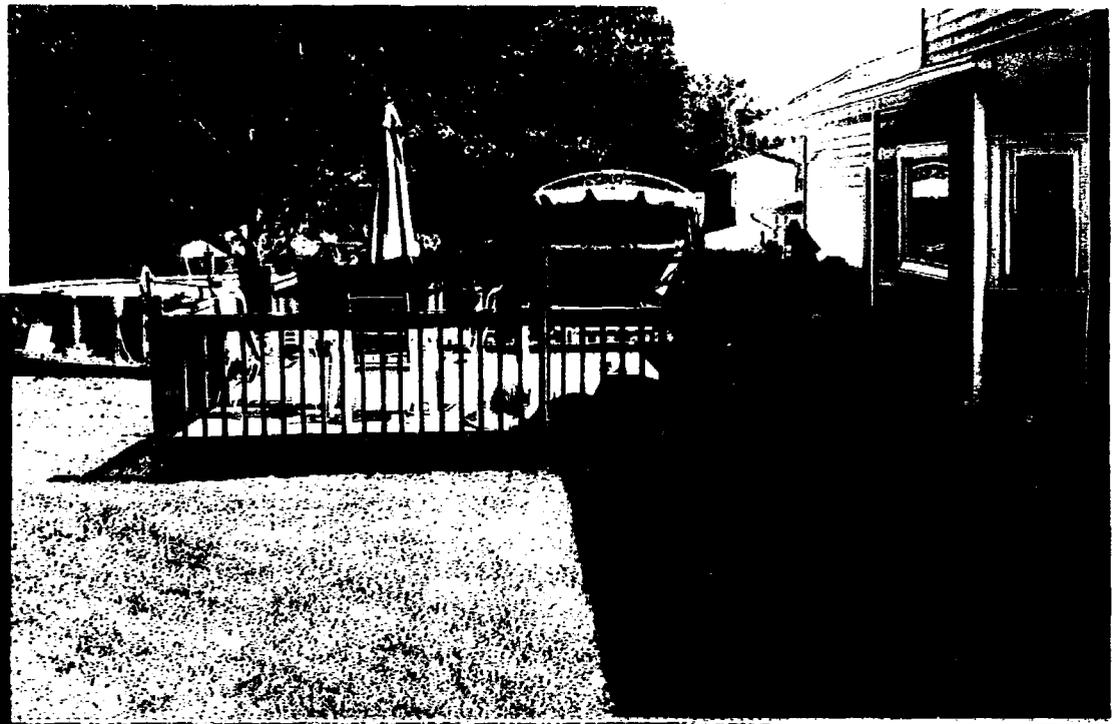
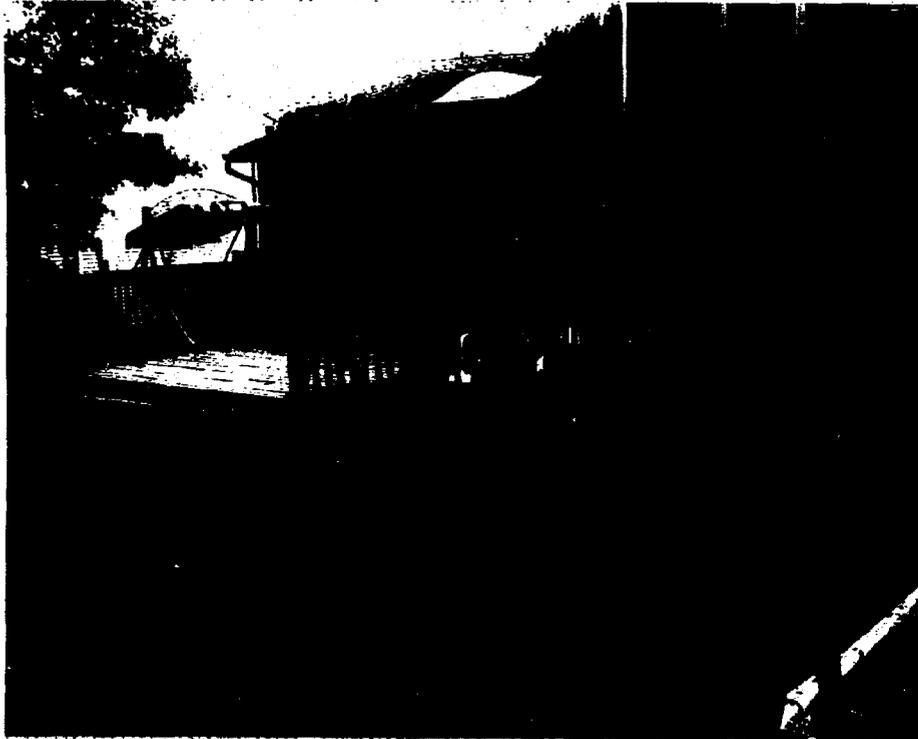
PLOT PLAN

NOTE:

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









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



FILE #07-44 TYPE:AREA TELEPHONE: 845-565-4544

APPLICANT:

Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #207
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #206



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

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

LEGAL AD: Publish Date:9-14-07 \$ 14.66

TOTAL: \$ 56.66 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 126.66

AMOUNT DUE: \$ _____

REFUND DUE: \$ 173.34

Cc:

J.F. 12-28-07

Invoice



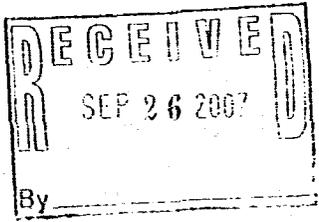
THE SENTINEL

P.O. BOX 406
 VAILS GATE, NY 12584

Date	Invoice #
9/25/2007	815

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

P.O. No.	Terms	Project
<i>MM</i>		

Issue Date	Description	Rate	Amount
9/14/2007	LEGAL ADS: PUBLIC HEARING NOTICE - DESMOND - 07-44	10.66	10.66
	1 AFFIDAVIT	4.00	4.00
			
Total			\$14.66

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. 07-44

Request of DOMINIC DESMOND

for a VARIANCE of the Zoning Local Law to Permit:

Request for 12ft rear yard setback for existing deck at 319 Burroughs Lane in an R-4 zone (75-9-3)

PUBLIC HEARING will take place on SEPTEMBER 24, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.

Michael Kane, Chairman

State of New York
County of Orange, ss:
Kathy Amanatides 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 in said newspaper, 1 time(s) commencing on the 14th day of Sept A.D., 2007 and ending on the 14th day of Sept. A.D. 2007.



Subscribed and shown to before me this 24th day of Sept., 2007

Kathleen O'Brien
Notary Public of the State of New York County of Orange.

My commission expires 7-31-09.

KATHLEEN O'BRIEN
Notary Public, State of New York
Qualified in Orange County
No. 0164703612
Commission Expires July 31, 09

September 24, 2007

19

PUBLIC HEARINGS:

DOMINIC_DESMOND_(07-44)

MR. KANE: Request for 12 foot rear yard setback for existing deck at 319 Burroughs Lane.

Ms. Tanya Desmond appeared before the board for this proposal.

MR. KANE: May I ask if there's anybody here for this particular hearing? Seeing as there's not, okay, tell us what you want to do.

MS. DESMOND: Well, we just have a deck that was, our house was a foreclosure when we bought it, it had a concrete slab with wood over the concrete and we put railings up on the side because it was already existing and the footings were in because they don't come out that far down because it's just a slab that we had to get a permit to put the railings all the way around so--

MR. KANE: So you're here.

MS. DESMOND: So we're here.

MR. KANE: Cut down, well, I still have to ask the questions, cut down any trees, substantial vegetation in the building of the deck?

MR. KANE: Create any water hazards or runoffs?

MS. DESMOND: No.

MR. KANE: Any easements running through?

MS. DESMOND: No.

MR. KANE: How long has the deck been up?

MS. DESMOND: Seven years.

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

MS. DESMOND: No.

MR. KANE: Is it similar in size and nature to other decks in your neighborhood?

MS. DESMOND: Yes.

MR. KANE: At this point again I will ask if, I will open the public portion of the meeting and ask if there's anybody here for this public hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On September 12, I mailed out 80 addressed envelopes and had no response.

MR. KANE: Any questions, Eric?

MR. LUNDSTROM: I have none, Mr. Chairman.

MR. KANE: Then I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will offer a motion that the application by Dominic and Tanya Desmond as documented on the agenda of the ZBA September 24, 2007 be approved by this board.

MR. TORPEY: I'll second it.

ROLL CALL

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

September 24, 2007

21

MR. KANE

AYE



Town of New Windsor

ZONING BOARD OF APPEALS

WHAT TO DO NEXT.....

The Zoning Board of Appeals has just authorized a Public Hearing for your case.

If the Assessor's Office has not already contacted you to come in and pick up the Public Hearing List and pay the balance due for the list (see sample chart of cost for list below), they will call you as soon as the list is complete.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST THEN:
 - A. COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
 - B. BRING ENOUGH LEGAL SIZE ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR STAMP WITH YOU....YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.
2. WHEN YOU COME IN TO PICK UP YOUR LIST, ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL. AT THIS TIME YOU WILL BE GIVEN ENOUGH NOTICES OF PUBLIC HEARING AND ASKED TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)

BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY

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

Myra Mason,
Secretary to the ZBA.

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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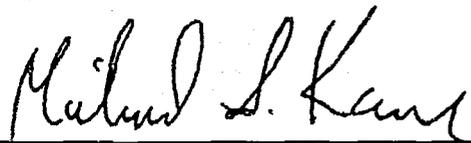
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**PUBLIC HEARING will take place on SEPTEMBER 24, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



1763

Town of New Windsor

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

Assessor's Office

August 15, 2007

Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553

Re: 75-9-3 ZBA#07-44 (81)

Dear Mr. Desmond:

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 \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA



73-2-16
Dacota M. Shariff
336 Nina Street
New Windsor, NY 12553

73-5-6
Robert & Pamela Ramos
320 Nina Street
New Windsor, NY 12553

75-3-12
Robert & Diane Mounier
77 Keats Drive
New Windsor, NY 12553

73-2-17
Marilyn Mutinelli
334 Nina Street
New Windsor, NY 12553

73-5-7
Anthony Thomas
Myra Davis-Thomas
322 Nina Street
New Windsor, NY 12553

75-3-13
Robert Jr. & Antoinette Faig
79 Keats Drive
New Windsor, NY 12553

73-2-18
Vicki & Robin Cohen
332 Nina Street
New Windsor, NY 12553

73-5-8
Steven Weissman
324 Nina Street
New Windsor, NY 12553

75-4-1
John & Lois Jordan
207 Melville Drive
New Windsor, NY 12553

73-2-19
Francis & Geraldine Nicolosi
330 Nina Street
New Windsor, NY 12553

75-3-4
Sava & Anna Toromanides
61 Keats Drive
New Windsor, NY 12553

75-4-2
Eileen Dietz
205 Melville Drive
New Windsor, NY 12553

73-2-20
David & Anthony Gomez
328 Nina Street
New Windsor, NY 12553

75-3-5
Isaac & Eloise Capers
63 Keats Drive
New Windsor, NY 12553

75-4-3
Geraldo & Linda Perez
203 Melville Drive
New Windsor, NY 12553

73-2-21
Mary & Christopher Hagen
326 Nina Street
New Windsor, NY 12553

75-3-6
Joachin & Rochelle Walters
65 Keats Drive
New Windsor, NY 12553

75-4-5
Robert & Jennifer Vasta
300 Stephenson Lane
New Windsor, NY 12553

73-4-11
Joseph Hafner
Hyon Lemons
333 Nina Street
New Windsor, NY 12553

75-3-7
James & Rose Trinka
67 Keats Drive
New Windsor, NY 12553

75-4-6
Jerome & Michele Galinsky
302 Stephenson Lane
New Windsor, NY 12553

73-4-12
Daniel & Maria Peralta
331 Nina Street
New Windsor, NY 12553

75-3-8
Agostinho & Nannette Domingues
69 Keats Drive
New Windsor, NY 12553

75-4-7
John & Jamie Guelberg
304 Stephenson Lane
New Windsor, NY 12553

73-4-13
Jose Escobar
329 Nina Street
New Windsor, NY 12553

75-3-10
Ronald & Maureen Avallone
73 Keats Drive
New Windsor, NY 12553

75-4-8
Kyriake Mylonas-Ramos
306 Stephenson Lane
New Windsor, NY 12553

73-4-14
John & Catherine Canale
327 Nina Street
New Windsor, NY 12553

75-3-11
Robert & Catherine Kaspra
75 Keats Drive
New Windsor, NY 12553

75-5-1
Jerry & Judith Epstein
305 Stephenson Lane
New Windsor, NY 12553



75-5-2
Khaled & Pamela Baroud
303 Stephenson Lane
New Windsor, NY 12553

75-6-6
Michael & Eleni Toromanides
322 Burroughs Lane
New Windsor, NY 12553

75-7-6
Manuel & Lourdes Delarosa
365 Byron Lane
New Windsor, NY 12553

75-5-3
John & Jacqueline Callanan
58 Keats Drive
New Windsor, NY 12553

75-6-7
Herman & Brenda Belton
347 Shelly Road
New Windsor, NY 12553

75-7-7
Harold & Nancy Cahill
363 Byron Lane
New Windsor, NY 12553

75-5-4
Daniel & Susan Twomey
60 Keats Drive
New Windsor, NY 12553

75-6-8
John & Janice Pope
345 Shelly Road
New Windsor, NY 12553

75-7-9
Andre Powell
Carmen Maldonado-Powell
219 Melville Drive
New Windsor, NY 12553

75-5-5
Joseph & Doris Connotillo
314 Burroughs Lane
New Windsor, NY 12553

75-6-9
Etrulia Orange
Tracy Wright
343 Shelly Road
New Windsor, NY 12553

75-7-10
William & Denise Brechue
342 Shelly Road
New Windsor, NY 12553

75-5-6
Leo & Kathleen Braun
316 Burroughs Lane
New Windsor, NY 12553

75-6-10
Sandra Herr
213 Melville Drive
New Windsor, NY 12553

75-7-11
Jenny Sung
Andrew Mulholland
344 Shelly Road
New Windsor, NY 12553

75-6-1
Tasiana & Jesus Chevalier
211 Melville Drive
New Windsor, NY 12553

75-7-1
Norma Severino
Jose Figueroa
375 Byron Lane
New Windsor, NY 12553

75-7-12
Roland & Sheila Casto
346 Shelly Road
New Windsor, NY 12553

75-6-2
Patrick & Linda Quinn
332 Hemmingway Road
New Windsor, NY 12553

75-7-2
Edward & Kristin Domanico
373 Byron Lane
New Windsor, NY 12553

75-7-13
Richard & Lisa Spencer
348 Shelly Road
New Windsor, NY 12553

75-6-3
Robert & Diana Delgado
334 Hemmingway Road
New Windsor, NY 12553

75-7-3
Marc & Barbara Berger
371 Byron Lane
New Windsor, NY 12553

75-7-14
Wyatt & Ayshah Tual
350 Shelly Road
New Windsor, NY 12553

75-6-4
Warren & Jean Stumpf
336 Hemmingway Road
New Windsor, NY 12553

75-7-4
Hilarion Guevara
369 Byron Lane
New Windsor, NY 12553

75-7-15
Joseph & Celeste Cacciola
352 Shelly Road
New Windsor, NY 12553

75-6-5
Federal National Mortgage Association
510 Walnut Street
Philadelphia, PA 19106

75-7-5
Ricardo Dutaille
367 Byron Lane
New Windsor, NY 12553

75-7-16
Inez Montilla
354 Shelly Road
New Windsor, NY 12553



75-9-1
Joseph & Maria Ritosa
323 Burroughs Lane
New Windsor, NY 12553

75-9-12
Joseph & Angela Bell
82 Keats Drive
New Windsor, NY 12553

75-10-9
Glenn Branca
Diana Rodriguez
380 Frost Lane
New Windsor, NY 12553

75-9-2
David Barile
Stephanie Hannigan
321 Burroughs Lane
New Windsor, NY 12553

75-9-13
Ksenia Krylova
John Gallo
84 Keats Drive
New Windsor, NY 12553

75-9-4
Crystal & Hugh Glenn
317 Burroughs Lane
New Windsor, NY 12553

75-9-14
Michael & Jane Lauria
86 Keats Drive
New Windsor, NY 12553

75-9-5
Joan Ruffino
315 Burroughs Lane
New Windsor, NY 12553

75-9-15
Anthony & Beverley Marchesani
88 Keats Drive
New Windsor, NY 12553

75-9-6
Andrew & Sharon Resler
313 Burroughs Lane
New Windsor, NY 12553

75-10-3
Dirk & Anita Fields
93 Keats Drive
New Windsor, NY 12553

75-9-7
Edwin & Luz Carrillo
311 Burroughs Lane
New Windsor, NY 12553

75-10-4
Ben & John Eng
Marcellina Eng
91 Keats Drive
New Windsor, NY 12553

75-9-8
Catherine Kasprak
Diane Mounier
66 Keats Drive
New Windsor, NY 12553

75-10-5
David Jr. & Debra Ann Patterson
89 Keats Drive
New Windsor, NY 12553

75-9-9
Maurice & Theresa Swansson
76 Keats Drive
New Windsor, NY 12553

75-10-6
Margarita Ioannidis
87 Keats Drive
New Windsor, NY 12553

75-9-10
Melissa Henneberry
78 Keats Drive
New Windsor, NY 12553

75-10-7
Daniel & Claudia Hickey
85 Keats Drive
New Windsor, NY 12553

75-9-11
George Baltas
Michelle Vina-Baltas
80 Keats Drive
New Windsor, NY 12553

75-10-8
Leo & Sandra Talbot
83 Keats Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: _____

DATE: 8/7/07 PROJECT NUMBER: ZBA# 07-44 P.B. # _____

APPLICANT NAME: Dominic Desmond

PERSON TO NOTIFY TO PICK UP LIST:

Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553

TELEPHONE: 845-565-4544

TAX MAP NUMBER: SEC. 75 BLOCK 9 LOT 3
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 319 Burroughs Lane
New Windsor, NY 12553

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: 0208

TOTAL CHARGES: _____

ZBA 07-44

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

RECEIPT
#605-2007

08/07/2007

Desmond, Dominic & Tanya

Received \$ 50.00 for Zoning Board Fees, on 08/07/2007. 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: 8/7/07

FOR: Escrow 07-44

FROM:

Dominic Desmond
319 Burroughs Lane
New Windsor, NY 12553

CHECK FROM:

Same

CHECK NUMBER: 0206

TELEPHONE: 845-565-4544

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Ferrigno 7-7-07
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



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



APPLICATION FOR VARIANCE

7/1/07
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Dominic Desmond

(Name)

319 Burroughs Ln. New Windsor, N.Y. 12553

(Address)

e-mail address: DDTT98@aol.com

Phone Number: (845) 565-4544

Fax Number: (N/A)

II. Applicant:

Dominic Desmond

(Name)

(Address)

e-mail address: DDTT98@aol.com

Phone Number: (845) 565-4544

Fax Number: ()

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

(Name)

(Address)

Phone Number: ()

Fax Number: ()

IV. Contractor/Engineer/Architect/Surveyor/:

(Name)

(Address)

Phone Number ()

Fax Number: ()

V. Property Information:

Zone R-4 Property Address in Question:

Lot Size: _____ Tax Map Number: Section 75 Block 9 Lot 3

- a. Is pending sale or lease subject to ZBA approval of this Application? _____
- b. When was property purchased by present owner? _____
- c. Has property been subdivided previously? _____ If so, When: _____
- d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____

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

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

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

APPLICATION FOR VARIANCE - continued

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

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	50 ft.	38 ft.	12 ft.
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. 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; NO

2. Whether the requested area variance is substantial; NO

3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO

4. Whether the alleged difficulty was self-created. NO

**After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

PRE-existing DECK

PLEASE NOTE:

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

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-

XIII. ATTACHMENTS REQUIRED:

NO SURVEY

- 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 variance(s) is/are 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:

2ND day of July 2007.

Dominic Desnoes

Owner's Signature (Notarized)

ANTHONY P. MACCHIAROLA JR.

Dominic Desnoes

NOTARY PUBLIC STATE OF N.Y.

Owner's Name (Please Print)

NO. 01MA4892856

QUALIFIED IN DUTCHESS CO.

COMMISSION EXPIRES MAY 18, 2011

[Signature]
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

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 Dominic Desmond	2. PROJECT NAME
3. PROJECT LOCATION: Municipality 319 Burroughs Ln County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 319 Burroughs Lane New Windsor, N.Y. 12553	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: SELF EXISTING DECK	
7. AMOUNT OF LAND AFFECTED: Acres Initially 12 Acres Ultimately 12 Acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input 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: Dominic Desmond	Date: 7/2/07
Signature: D. Desmond	

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 617.6? 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:

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

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

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:

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

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

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

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

 Signature of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Preparer (if different from responsible officer)

 Date



TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

ZONING BOARD APPLICATION PACKAGE

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) 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 (PRELIMINARY) MEETING.

*

ESCROW
 THIS 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

COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).

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). BRING ENOUGH ENVELOPES PREPARED WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

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

PAGE 2

READ THIS PAGE CAREFULLY □