

ZB# 07-38

Peter McLoughlin

7-1-29

07-38 Peter McLoughlin (INT/us)
502 Union Ave (7-1-29)

07-38

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

Granted 9/10/07

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 7-1-29

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

MEMORANDUM OF
DECISION GRANTING

PETER MC LOUGHLIN

INTERPRETATION

CASE #07-38
-----X

WHEREAS, PETER MC LOUGHLIN, owner(s) of 502 Union Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for interpretation and/or use variance for Existing Single Family Dwelling with proposed addition and three kitchens at 502 Union Avenue in an R-4 Zone.

WHEREAS, a public hearing was held on September 10, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one member of the public present at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application. The member of the public present had questions, which questions were answered to her satisfaction; 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) When the applicant originally purchased the property it had two kitchens on the property. The applicant has recently completed an addition which addition is for the use of applicant's wife in conducting a licensed day care and contains a sink which is characterized by the New Windsor Building Department as a third kitchen.

- (c) The "third kitchen" consists only of a sink and there is no range there nor does the applicant intend to add a range in the future.
- (d) The house is a single family house and has always been maintained as a single family house and will be sold as a single family house.

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 Premises is a One-Family Dwelling occupied by a single family as defined in the Zoning Law of the New Windsor Town. This is a use allowed by said law.
2. There is a single Dwelling Unit on the premises which contains no cooking or sanitary facilities in common with any other dwelling unit.
3. The unit contains two kitchens and a third area with a sink which the Zoning Board of Appeals interprets to be a utility since the area contains no stove. It is a specific condition of this decision and this decision is also based on the representation of the applicant that no stove will be installed in this additional "utility" area.
4. The existence of more than one "Kitchen" on the premises does not effect its status as a One-Family Dwelling and its use as a Two-Family Dwelling or a Multi-Family Dwelling is expressly prohibited.
5. This decision is not intended to permit and may not be used, cited or interpreted to permit or allow the use of this premises as a Two-Family Dwelling or a Multi-Family Dwelling.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for interpretation and/or use variance for Existing Single Family Dwelling with proposed addition and three kitchens at 502 Union Avenue 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 10, 2007



Chairman

**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, 2007

APPLICANT: Peter & Catherine McLoughlin
502 Union Avenue
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/31/07

FOR : Finished Basement with Kitchen

LOCATED AT: 502 Union Avenue, New Windsor, NY 12553

ZONE: R-4 **Sec/Blk/ Lot:** 7-1-29

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with 3 kitchens (1 on the 1st floor, 1 in the basement and 1 in the addition)

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 300-84 -- Interpretation -- Single Family Dwelling with 3 Kitchens or a Multiple Dwelling**

Louis J. Vignone
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:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

COPY

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. Installation.
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. Walk 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 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 per 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

MAY 31 2007

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2007-421

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 Catherine + Peter McLoughlin

Address 502 Union Avenue Phone # 565-9603

Mailing Address same Fax # -

Name of Architect N/A

Address _____ Phone _____

Name of Contractor Homeowner / existing work when we bought the house

Address _____ Phone _____

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

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

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of Nina St. and Union Avenue

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

3. Tax Map Description: Section 7 Block 1 Lot 29

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy residential b. Intended use and occupancy same

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other Removal of BP # 326 per finished basement

6. Is this a corner lot? yes

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height Kitchen in basement No. of stories _____

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

Number of bedrooms 3 Baths 3 Toilets 3 Heating Plant: Gas _____ Oil
Electric Hot Air _____ Hot Water Garage, number of cars 2

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

PAID

ZONING BOARD

10. Estimated cost _____ Fee \$50 CH# 1202
Low

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 Krychewski
New Windsor Town Hall
888 Union Avenue
New Windsor, New York 12553
(845) 863-4818
(845) 863-4888 FAX

Blg Insp Examined _____
Prc Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INTERPRETATION

- 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 include 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 codes 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.

Catherine M. Koughli
(Signature of Applicant)

502 Oxen Cr. New Windsor
(Address of Applicant)

Catherine M. Koughli
(Owner's Signature)

502
(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 site plan.

N

W

E

8

Building Permit Tracking Log

Permit Application:

PA2004-0326

Tax Parcel ID:

7-1-29

Application Date: **3/15/2004**

Type Of Permit: **RESIDENTIAL ALTERATION**

Street Address of Property: **502 UNION AVE**

Property Owner's Name: **M CLOUGHLIN PETER J &
CATHERINE &**

Property Owner's Address: **502 UNION AVE
NEW WINDSOR NY 12553**

Occupant's Name:

Applicant's Name:

Applicant's Relation To Owner:

Phone:

Fax:

3/17/04 Must ^{OKAY} inspect ceiling apt and Egress - move
from Bedroom before permit OK

Occupancy Classification: **A1**

Description of Work: **FINISHED BASEMENT BEDROOM & FULL BATH**

Dimensions of Work:

4/1/04 - Finished basement, Play Room RECREATION ROOM,
BATH ROOM AND STORAGE

Building Permit Application Review Approvals

| Review Type | Building Inspector | Date | Fire Inspector | Date |
|-------------|--------------------|---------|----------------|------|
| application | P. Lybeor | 3/19/04 | | |
| Framing | | | | |
| Plumbing | | | | |
| Electrical | | | | |
| insulation | | | | |
| Final | | | | |

* ~~SMOKE DETECTORS REQUIRED IN ALL BEDROOMS, IN THE
HALLWAYS OUTSIDE BEDROOMS AND ON EACH FLOOR LEVEL~~

* MUST CHECK EGRESS IN BEDROOM + CEILING H/B
→ will delineate Bedroom

* Needs variance for 2nd Kitchen - will remove Kitchen
Needs smoke detectors, electricaling. hall light, Egress
window in Bedroom.

BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State Of New York
hereby issues permit for project as described herein:

Permit Number:

PA2004-0326

Tax Parcel ID:

7-1-29

Issue Date:

April 1, 2004

Permit Issued To: **Owner**

Permit Fee:

\$50.00

Permit Application Reference: **PA2004-0326**

Type Of Permit:

RESIDENTIAL

ALTERATION

Street Address of Property:

502 UNION AVE

Property Owner's Name:

**MCLOUGHLIN PETER J &
CATHERINE &**

Property Owner's Address:

**502 UNION AVE
NEW WINDSOR NY 12553**

FILE COPY

Occupant's Name:

Occupancy Classification: **A1**

Description Of Work:

**EXISTING FINISHED BASEMENT: PLAYROOM, RECREATION ROOM, FULL BATH
AND STORAGE** →

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.


Signature of Applicant

A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspections will not be scheduled. **YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE** when calling for any inspections or inquiries

You must call for the following phases

FRAMING

BUILDING DEP

ROUGH PLUMBING

BUILDING DEP

ROUGH ELECTRIC

UNDERWRITE

INSULATION

BUILDING DEP

C.O. OR C.C.

BUILDING DEP 845-563-4618


Signature of Building Inspector

VALID UNTIL

10/1/2005

SEE LIST ON ORIGINAL PERMIT 5/29/07 YK

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

Bathroom + Bedroom

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 disapproval or code violation inspected after correction.

RECEIVED

MAR 15 2004

BUILDING DEPARTMENT

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.

FOR OFFICE USE ONLY:
Building Permit #: 2004-326

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 Peter J. + Catherine McLaughlin CELL 224-7862

Address 502 Union Ave. Phone # 565-9603

Mailing Address New Windsor N.Y. Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor owner

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 N. EAST side of N. 1st St.
(N, S, E or W)
and Union Ave feet from the intersection of Corner lot

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

3. Tax Map Description: Section 7 Block 1 Lot 29

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

a. Existing use and occupancy Residential b. Intended use and occupancy zone

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 _____ Rear _____ Depth _____ Height _____ No. of stories _____

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

Number of bedrooms _____ Baths _____ Toilets _____ 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 _____

10. Estimated cost _____ Fee \$50.00

cut# 1159

PAID

3 / 15 / 04

date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank 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.
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- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
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(Signature of Applicant)

Peter J. ...
Peter M. ...

500 Union Ave New Windsor
N.Y.
12553
Same

x

(Owner's Signature)

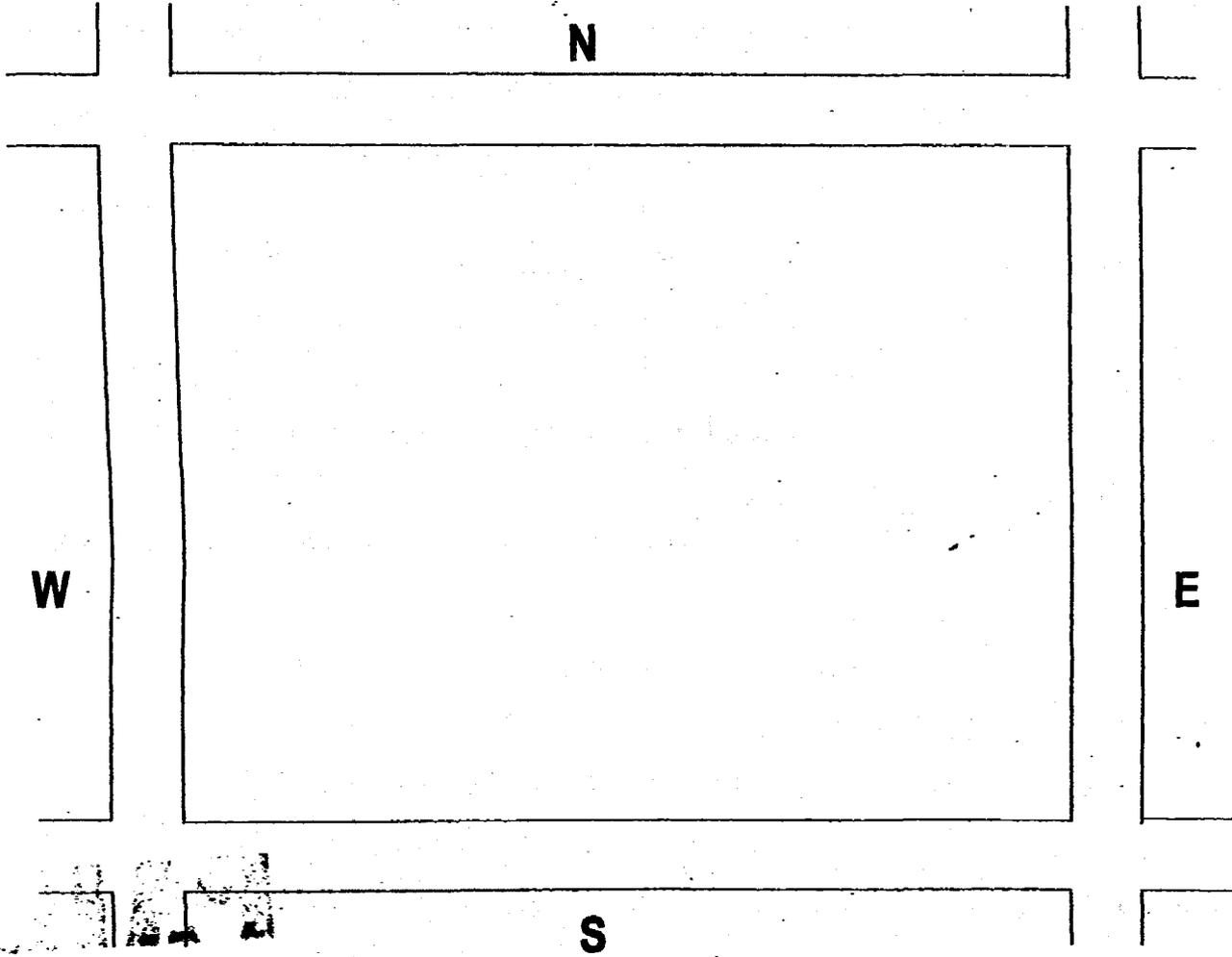
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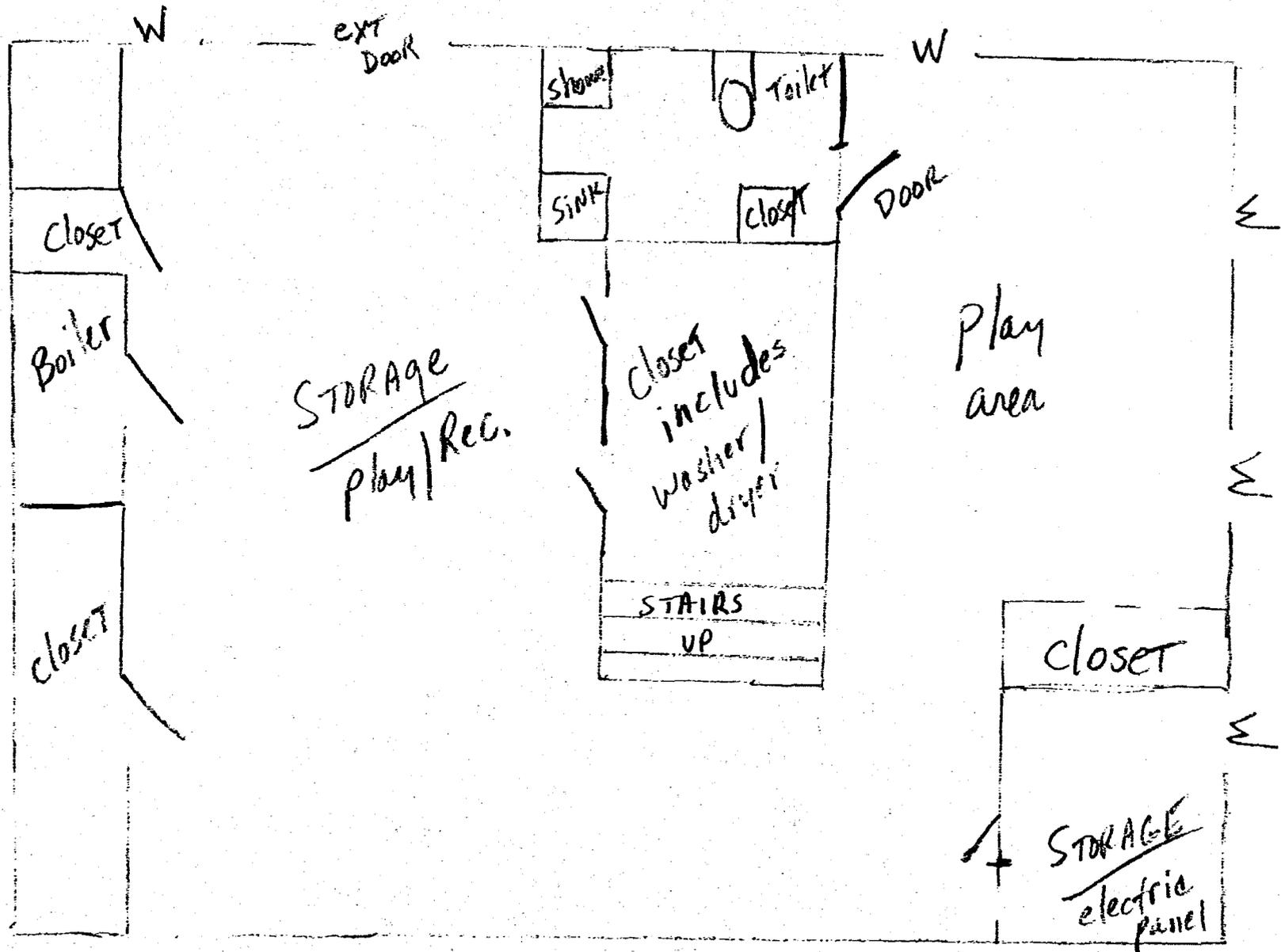
PLOT PLAN

(Owner's Address)

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

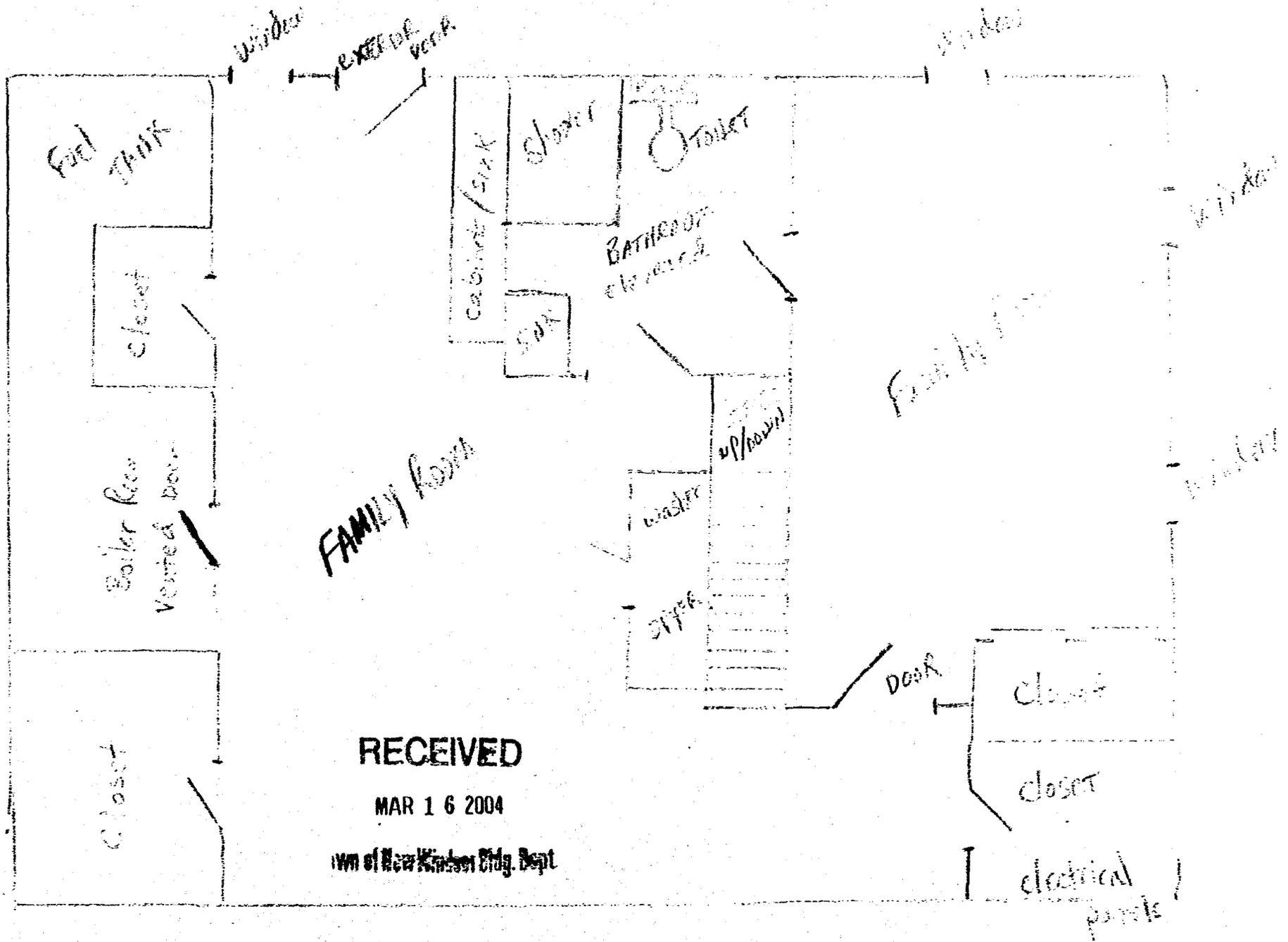


Finished Play room - 502 UNION AVE.



ceiling - 7'1" Windows - 18" x 24" ext. door 3'0"

LAYOUT of DOWNSTAIRS - 307 DOWN STAIRS - NEW 1000



RECEIVED

MAR 16 2004

City of New Kensington City Dept

Specifications of Youngstons 502 Union Ave.

Ceiling HEIGHT: 7'1"

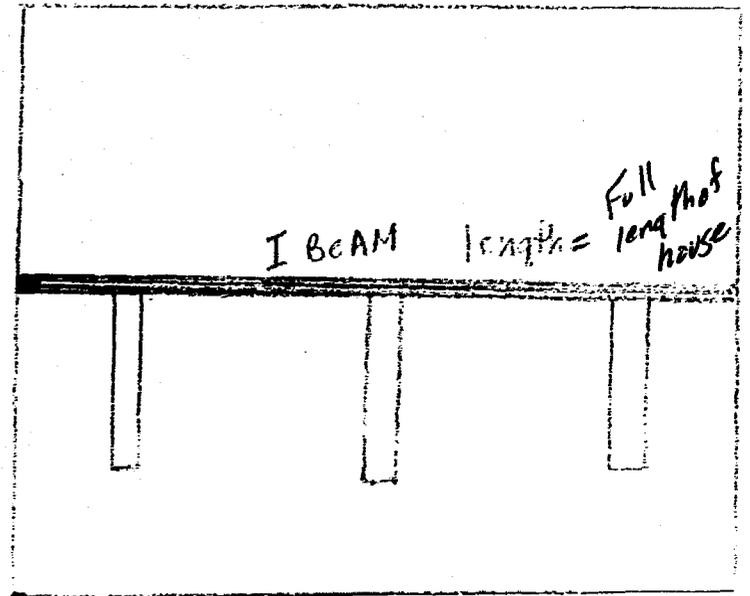
ext. stairs - 7 steps 5' high

HEIGHT of Beams 77" Required 80" LK

Size of windows 30' x 12' - 

Size of doors - 36" ext. door

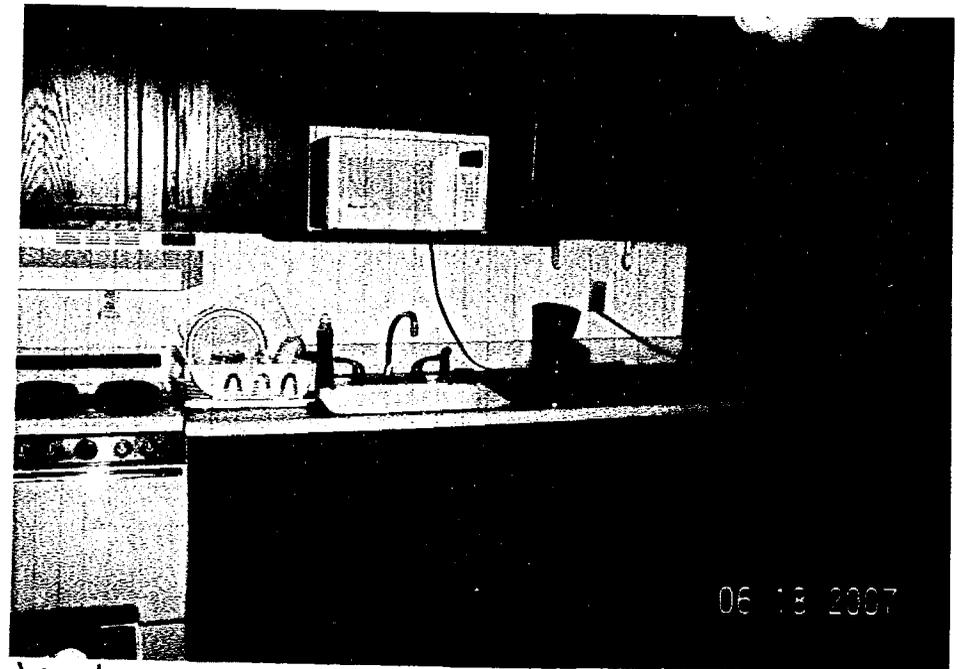
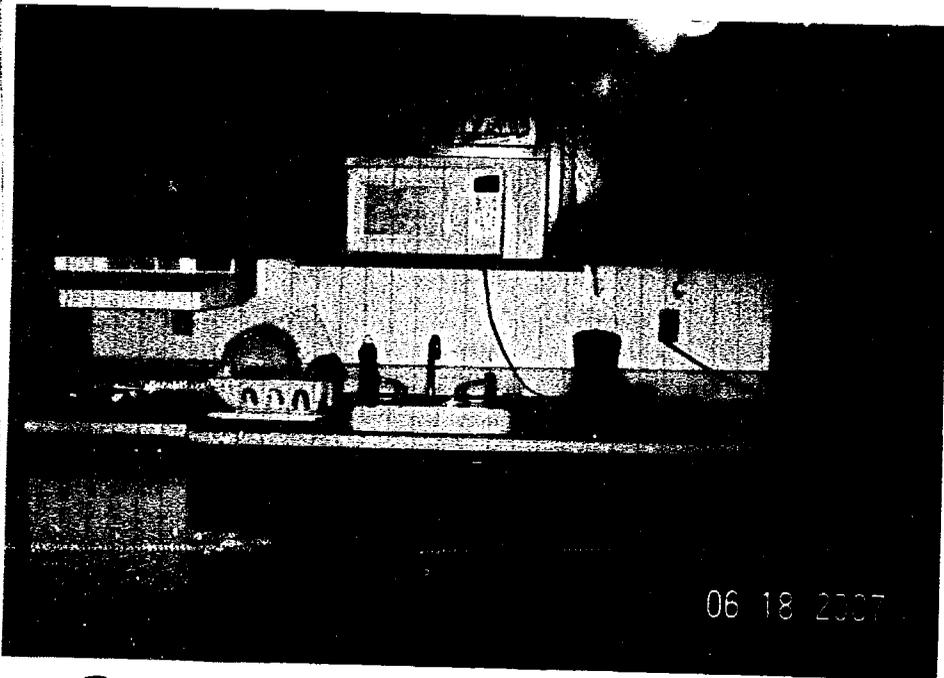
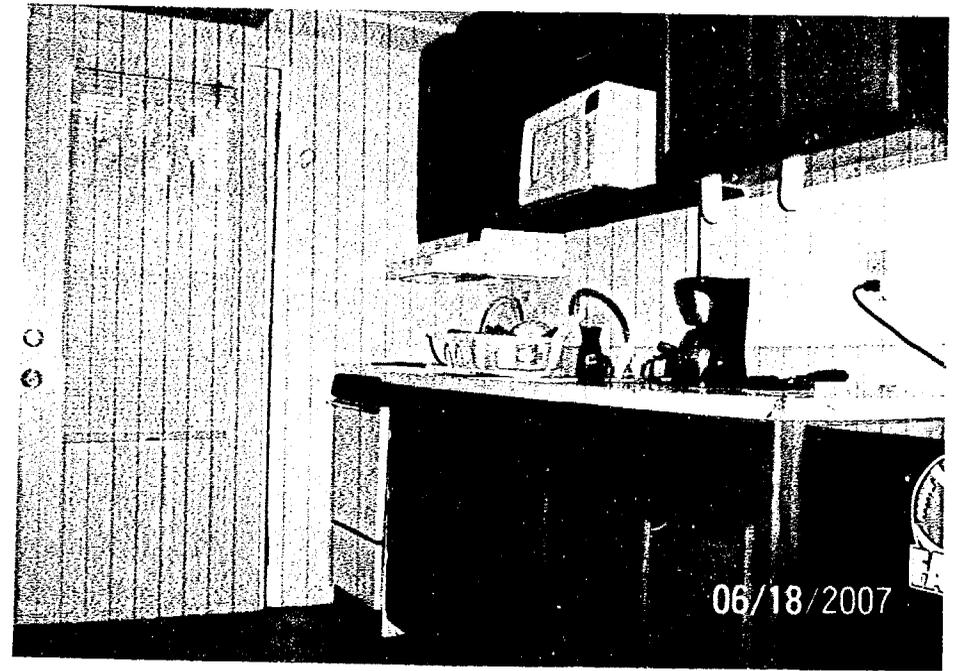
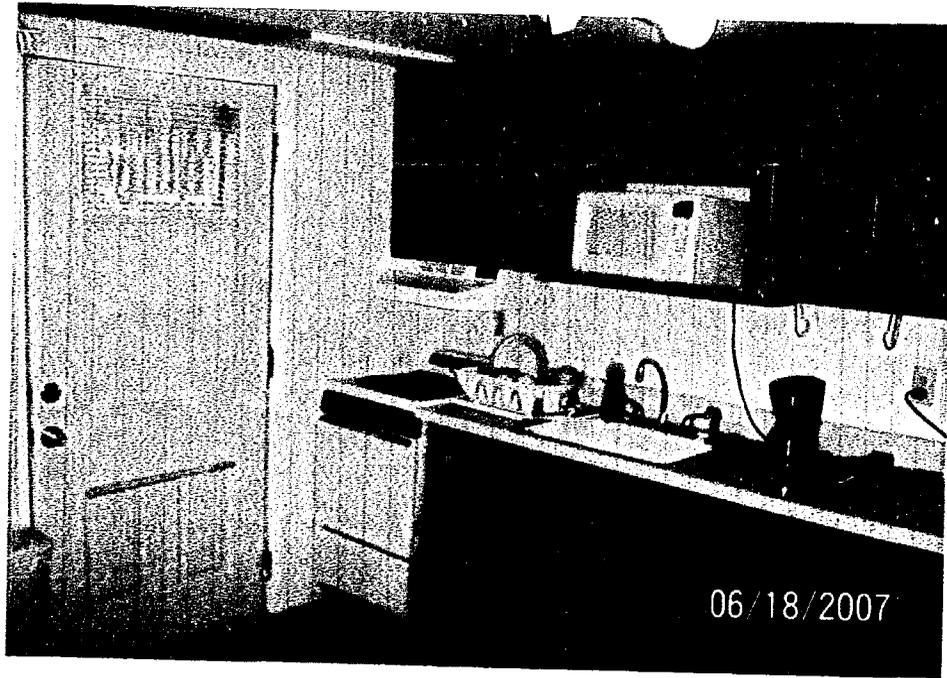
Beams



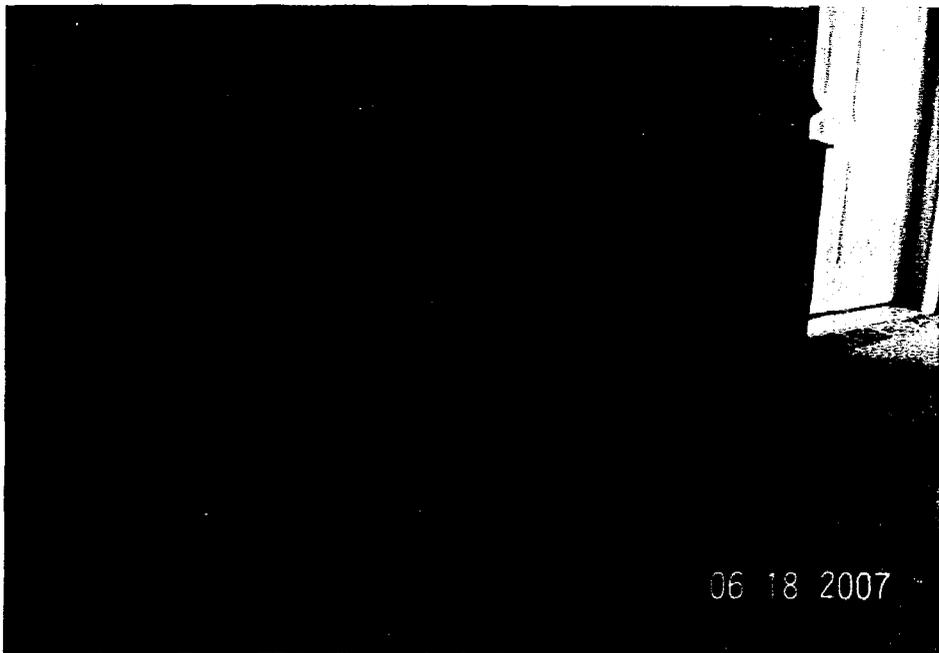
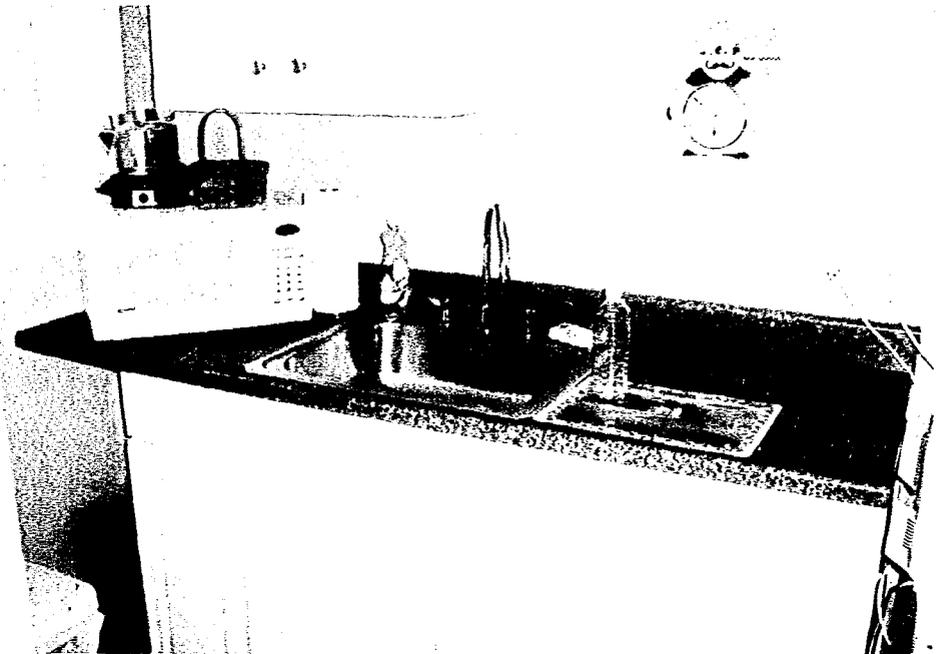
RECEIVED

MAR 16 2004

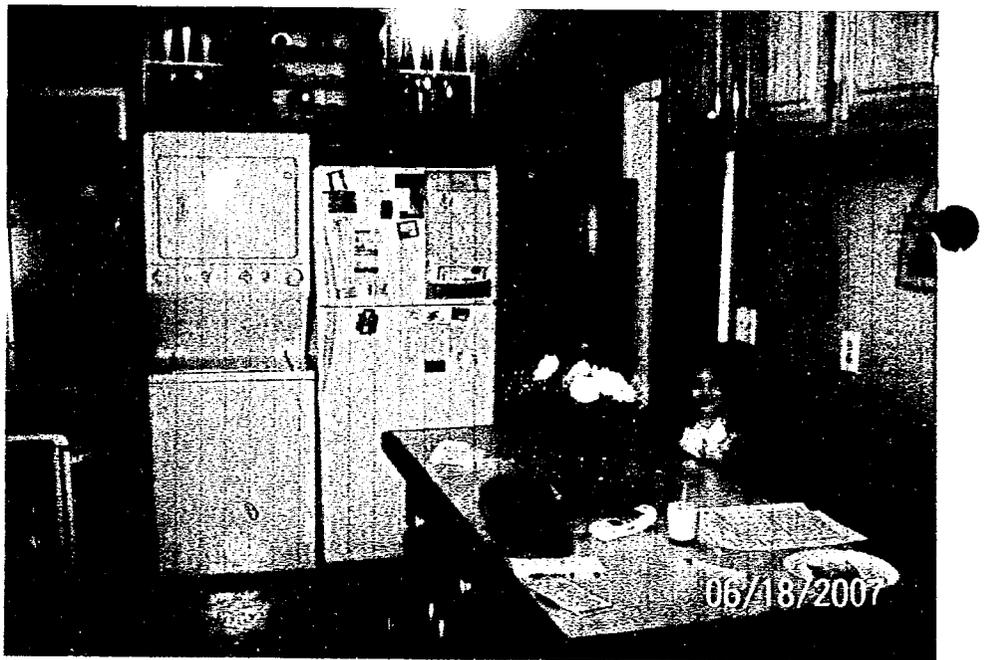
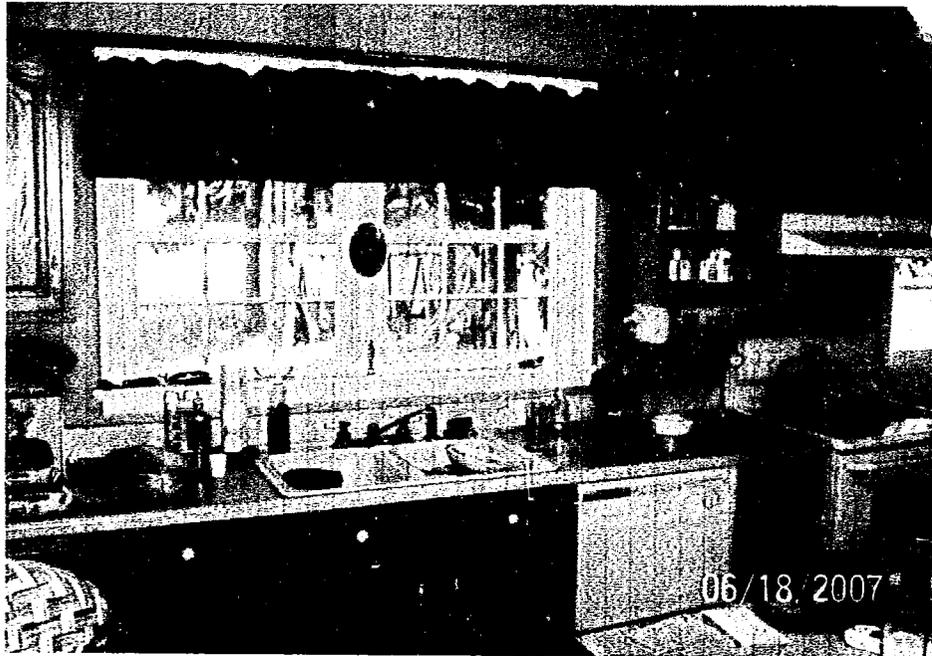
City of New York, Dept.



DOWNSTAIRS Kitchen- EXISTING without permit prior to my purchase-



DAYCARE SINK/COUNTER Resale for Drs office/business etc.



MAIN Kitchen

**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: NOVEMBER 9, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 322.36 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-38

NAME & ADDRESS:

**Peter McLoughlin
327 Nina Street
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F.11/09/07

July 23, 2007

327 Nava St

PETER McLOUGHLIN (07-38)

MR. KANE: Tonight's next preliminary meeting is Peter McLoughlin. Request for interpretation and/or use variance for existing sink family dwelling with proposed addition and three kitchens at 502 Union Avenue in an R-4 zone. Hello.

MR. McLOUGHLIN: How are you?

MR. KANE: Good. Tell us what you want to do, sir.

MR. McLOUGHLIN: Well, it's already done. It was transferred -- the title was transferred to me in 1994 for a second kitchen in the lower level and the title was transferred to me from the other gentlemen without being -- he used to pride himself when he sold me the house that he never let anybody in, so now I am selling the home, so now I have that second kitchen which has come in handy as a guest kitchen. I married an Italian and --

MR. KANE: I remember well.

MR. McLOUGHLIN: So anyway, it's become useful, but the third one looks like a third kitchen. It looks excessive, but I recently put an addition on my home and it was for my wife. She has a daycare here on the corner and for code compliance with the county you cannot bring the children across the house to wash their hands. You have to bring all of the children to this sink. I put it in when I did the addition. I put in a sink with a counter, no stove. It's just a --

MR. KANE: Basically a utility sink.

July 23, 2007

MR. McLOUGHLIN: That's right. So on that level I have my main kitchen and then the same level on my L ranch that I put on I put in a sink to comply with code for my wife to wash the hands of the kids. And hopefully some day it would be my mini bar there and then the kitchen downstairs has become -- my father has stayed there.

MR. KANE: There is no closed doors, no external entrance that might --

MR. McLOUGHLIN: To which one? To downstairs?

MR. KANE: To the downstairs.

MR. McLOUGHLIN: One egress downstairs.

MR. KANE: But you have free open access from inside of the home?

MR. McLOUGHLIN: It had a bilco when I moved in. It has access when we have parties, people walk down the stairs.

MR. KANE: And everything is all on one meter coming in for electricity and gas?

MR. McLOUGHLIN: Absolutely.

MR. KANE: Your intent is that this will be sold as a single family home?

MR. McLOUGHLIN: Absolutely.

MR. KRIEGER: Always will be a one family house.

MR. McLOUGHLIN: Right. I understand that fully.

MR. LUNDSTROM: This question is directed to the Building Inspector. Mike, this daycare sink/counter on the first floor, is that considered a kitchen or is that considered a

July 23, 2007

utility room? There doesn't appear to be a stove in there.

MR. BABCOCK: Well, I think -- I really didn't work on this project myself, Lou did. I just think Lou is covering all bases. I don't think he would be here if it was just for that. I think it's the idea that there is -- typically looks like there is a kitchen on each floor.

MR. McLOUGHLIN: My wife did ask how that was a kitchen and Lou said it's characterized as one. You just have to go in and explain it and as long as they are okay with it --

MR. BABCOCK: I think it's best we have it on record that he is here tonight. Whether it's called a kitchen or not it's the whole idea it was --

MR. KANE: So there will be no questions later on, whether there is bank that questions it or --

MR. BABCOCK: It's a single family house, always a single family house.

MR. McLOUGHLIN: There is no dedicated 30 amp line for a stove that is in there. There is nothing like that, just a sink.

MR. LUNDSTROM: Would there be any problem putting a caveat if the approval were to come through a public hearing that there would never be a stove put in?

MR. McLOUGHLIN: Absolutely. In the daycare addition, sure, absolutely fine with me.

MR. KANE: Okay. Any further questions?

MR. LUNDSTROM: I will offer a motion that the application by Peter McLoughlin as per the agenda

July 23, 2007

of the Zoning Board of Appeals, Town of New Windsor regular session dated July 23rd, 2007 be allowed to proceed to a public hearing.

MS. GANN: Second the motion.

MR. KANE: Roll call.

ROLL CALL

| | |
|---------------|-----|
| MS. GANN | AYE |
| MR. LUNDSTROM | AYE |
| MS. LOCEY | AYE |
| MR. KANE | AYE |

PETER_MC_LOUGHLIN_(07-36)

MS. GANN: Request for interpretation and/or use variance for existing single family dwelling with proposed addition and three kitchens at 502 Union Avenue.

MR. MC LOUGHLIN: Peter McLoughlin, 502 Union Avenue. When I discussed this in the preliminary I discussed it looks a little much like three kitchens, what it is is my main kitchen I'm in and then my second kitchen downstairs is a country kitchen which was the title was transferred to me back in '94 without ever having a permit so when Lou came to finalize my addition which has a sink in it and he says he called this a third kitchen and he, the reason for the sink is for the licensed daycare, my wife can't leave the children on one end and bring them to the other end of the house. So she has to have that sink. I have no intentions of putting in nor is there a dedicated line coming out of the wall right there, there's not a space for a stove, it is certainly, I don't even want three kitchens, but the second one downstairs is a country kitchen which was existing which he was able to transfer title to me without that C.O. so I have to get that done now and I don't really want to rip it apart, it's a hardship with the tile, I don't want to rip it apart so for me to redo that downstairs and then the upstairs is just like I said a sink and the pictures show that.

MS. GANN: So, Mike, the daycare sink are we characterizing that as a kitchen just has a sink in it, is that it?

MR. BABCOCK: That's what we did, he's here for the second one and then all of a sudden there's the third sink, you know, and you could have a kitchen with a microwave and whatever, he has no intention of doing that, we believe he does not have any intention of doing that, but he's here, we want to make sure it's

clear and gets clear for the record while he's here.
There's no stove, there's no line, there's no gas line.

MR. MC LOUGHLIN: I have an upgraded service, I'd be willing, you mentioned a caveat, I have no problem with that, put that in as far as stove, future stove because that's just not my intention.

MR. KRIEGER: No refrigerator, no microwave?

MR. MC LOUGHLIN: There's a refrigerator, what's going to happen if my wife stops, I'm going to put in my bar that I always wanted in the house and probably going to put a bar downstairs there, I'd like a breakfast bar, I can't even put out beer signs, it's going to have to be like a breakfast nook.

MR. KRIEGER: Refrigerator suitable for that but not household size refrigerator?

MR. MC LOUGHLIN: No, it's going to go underneath the bar if I do it.

MR. KRIEGER: Other than that there would be no stove, no microwave?

MR. MC LOUGHLIN: Absolutely no stove there, all it is is my wife what she did was she served, there's a table right there in the corner she served the kids from that sink and she washed their hands there. So she, you can't leave in Orange County licensing you can't leave the children to go across and wash their hands across the house, so when I put the addition I put a small sink in.

MR. LUNDSTROM: If I may ask a question of the building inspector, Mike, that third kitchen which is now in the addition which is part of the daycare, is it proper to consider that a kitchen or can that be considered utility room since there's no stove there?

MR. BABCOCK: Yeah, that's why he's here tonight.

MR. LUNDSTROM: Could that be an interpretation that that would be a utility room therefore we'd still need an interpretation that two kitchens is acceptable in that house?

MR. BABCOCK: That's correct.

MR. LUNDSTROM: So we're not looking for a variance for three kitchens in that house.

MR. BABCOCK: That's fine.

MR. KRIEGER: Two kitchens and an interpretation and it's a single family house, is purchased as a single family house?

MR. MC LOUGHLIN: Yes, sir.

MR. KRIEGER: Sold as a single family house, always been maintained as a single-family house?

MR. MC LOUGHLIN: Absolutely, everybody here knows the house, everybody, it's right across, it's got the hedges and the stone pillars.

MS. GANN: It's a very nice home.

MR. MC LOUGHLIN: People seem to know it.

MR. KRIEGER: It's a very nice single family home.

MR. MC LOUGHLIN: Yes, I got your drift at the preliminary.

MS. GANN: And your daughter is adorable, she's in this picture. Just a quick question, resale for doctor's office, that seems to be one of the notes here, are you

selling it to a doctor?

MR. MC LOUGHLIN: I took it off, I can't sell it, the price I had it priced 30,000 less and so it's not a good time to sell.

MS. GANN: No longer on the market, you're staying there?

MR. MC LOUGHLIN: Absolutely, we're staying there. Suzanne said you have to market along Union Avenue, we tried to market it for, there's a few things like that, there's an artist's shop, there's--

MR. BABCOCK: Chiropractor.

MR. MC LOUGHLIN: We tried to market it and nothing.

MS. GANN: Any other questions from the board? Is there anyone here for this public hearing?

MS. GENTRY: Yes, my name is Becky Gentry, I own the house at 5 Cimorelli Drive. And three kitchens of course got me alarmed cause I didn't know if it was three new kitchens in addition to one or what was going on. So what I'm understanding is your home has one kitchen for family use?

MR. MC LOUGHLIN: That's right.

MS. GENTRY: Then there's an extra kitchen?

MS. GANN: Ma'am, if you want to come on up we can show you the pictures.

MR. MC LOUGHLIN: Do you remember the Tapalo's (phonetic)?

MS. GENTRY: No.

MR. MC LOUGHLIN: Well, right downstairs here he put in this kitchen and he prided himself on never letting the zoning people in so he was able to transfer title to me and when Lou came to do the daycare it's an L-shaped ranch, this is an addition with the two car garage now I put in a sink and a little small refrigerator and a little T.V., you can see the little chairs here.

MS. GANN: This is not a full kitchen.

MS. GENTRY: This is not a full kitchen, this is almost a standard size refrigerator, it's not an under the counter small refrigerator.

MR. MC LOUGHLIN: No, but when he said that when the daycare goes away if we, what I'm going to do is put a wet bar with a refrigerator underneath for myself but no beer signs.

MS. GENTRY: Given that we put the sink in now and allow that down the road if someone else buys the house what's to preclude them from then since we have already got a sink there making a kitchen?

MR. MC LOUGHLIN: He made a good suggestion which I agreed with at the preliminary caveat that says I can't put in a stove and I'm perfectly agreeable with that because that's not my intention to if I sell it, I'm not going to sell it and show a person look, I have a stove, you can make an in-law apartment here, I'm going to sell it and that person who buys it if they want to be a doctor's office they're going to come before you guys and then they're going to have to ask you to do it.

MR. BABCOCK: The nice part about him being here tonight that this all goes on the record and all goes in his file.

MR. KRIEGER: The way when they talk about a caveat

legally speaking what it is is a condition and it will be written into the decision, it's a condition if the board should decide to grant the variance it would be conditioned on the fact that as he stated there's no stove or other appliance put in and that means that if somebody wants to come in and do that then they would have to go back to square one and there's no way legally that that could prevent somebody in the future nor could they foresee somebody in the future making that application, so somebody can always ask but this is how the condition becomes enforceable. And it's stated right in the decision so that's not only binding on every subsequent owner of the property the variance if it's granted goes with the property, not with the particular individual and it will be set forth as part in the decision as part of it in plain language so that people know when they acquire it that they are bound.

MS. GENTRY: So are you saying that we would call it two kitchens and a utility room?

MR. LUNDSTROM: That I think is what the board is currently talking about.

MR. KRIEGER: It's not so important what you call the third location as a limitation that you put on it, you can call it a kumquat if you want to, doesn't matter as long as the limitations are there that it can't be added to doesn't matter if you call it a kitchen, utility room or anything else, it is what it is and it can't be anymore.

MS. GENTRY: Cause that's really almost a full size refrigerator and sink there, it wouldn't take much to put a small stove in there.

MR. LUNDSTROM: If you put a stove in it becomes a kitchen.

MR. KRIEGER: That will specifically be ruled out you

can't get around that by changing its name to a utility room or to a kitchen or calling it something, I don't care what you call it, the condition will be whatever it is, you can't put a stove in there.

MS. GENTRY: Okay.

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

MR. KRIEGER: Or have no opinion?

MS. GENTRY: I have an opinion, I think it opens the door for future problems and I have no problems with mother-daughter homes, it's just that and on the street where you are that's opened up to there's a chiropractor's office and wouldn't take much to turn this into whatever else and I don't happen to live as close to your house as some other people do who are trying to maintain single family homes and it's difficult.

MR. MC LOUGHLIN: I just tried to market that way and the person who, you can't market, what I tried to do like one house in but right where I am I get to market it that way, it's not different zoning but I get to have Remax write an ad a certain way because of my location whether or not I put a stove in that's up to me or Lou, if Lou comes by and catches me. The point is I'm not going to do that to the person who did that to me and afterwards they're going to have to come here, if I have market it that way, they're not going to see a stove, I'm going to say hey, you could put a stove and you know and you could put a wall up here but guess what, you might have to go before the zoning board and they'll make you pull out the kitchens downstairs because it is zoned residential and that's what would happen in the future and if you'd like to come by and see you can come by and have a cup of tea.

MS. GENTRY: No, I've seen the outside and you keep it very nicely.

MR. LUNDSTROM: One comment, ma'am, this board has granted variances before for single family homes with two kitchens, there have been some religious and ethnic reasons for that and that's something that is acceptable and I think in this case the interpretation would be that it is a house with two kitchens.

MR. KRIEGER: But that's why we went through this on the record that it will remain a single family house.

MR. MC LOUGHLIN: That's alarming but it is alarming to read but I was surprised that Lou classified it that way.

MR. LUNDSTROM: It's good that he did because it forces the issue and this way you're covered.

MS. GENTRY: All right, I don't have any further objection.

MR. MC LOUGHLIN: Thank you.

MS. GANN: So are you for or against it?

MR. KRIEGER: That's enough.

MS. GANN: All right, I'm going to close the public portion, ask Myra how many mailings we had.

MS. MASON: On August 28, I mailed out 48 addressed envelopes, had no response.

MS. GANN: I will bring it back to the board, ask if there's any additional comments or questions?

MR. LUNDSTROM: I have none, Madam Chairman.

September 10, 2007

51

MS. GANN: I will accept a motion.

MR. LUNDSTROM: May I ask for the counsel to draft the wording of that motion just to make sure that everything is proper and accurate.

MR. KRIEGER: That the application of Peter Mcloughlin as it appears on the zoning board agenda for September 10, 2007 be granted to the extent that two kitchens are permitted and the third location presently housing only a sink be also allowed provided that as a condition no stove or other cooking, similar cooking device is added to it.

MR. LUNDSTROM: And remain as a utility room basically.

MR. KRIEGER: Yes.

MR. LUNDSTROM: I will make that as a motion.

MR. TORPEY: I'll second it.

ROLL CALL

| | |
|---------------|-----|
| MR. LUNDSTROM | AYE |
| MR. TORPEY | AYE |
| MS. GANN | AYE |



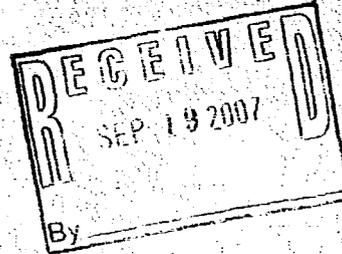
THE SENTINEL

P.O. BOX 406
VALS GATE, NY 12584

Invoice

| | |
|-----------|-----------|
| Date | Invoice # |
| 9/13/2007 | 775 |

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



| | | |
|-------------|-------|---------|
| P.O. No. | Terms | Project |
| <i>M.U.</i> | | |

| Issue Date | Description | Rate | Amount |
|------------|---------------------------------------------------|---------------|---------------|
| 8/28/2007 | LEGAL ADS: 07-37 ZALOGA 1 AFFIDAVIT | 11.45 4.00 | 11.45 4.00 |
| 8/28/2007 | LEGAL ADS: 07-36 MICHAEL PISACRETA 1 AFFIDAVIT | 14.61 4.00 | 14.61 4.00 |
| 8/28/2007 | LEGAL ADS: 07-38 McLOUGHLIN 1 AFFIDAVIT | 12.64 4.00 | 12.64 4.00 |
| 8/28/2007 | LEGAL ADS: 07-40 COOPER 1 AFFIDAVIT | 10.66 4.00 | 10.66 4.00 |
| 8/28/2007 | LEGAL ADS: 07-42 STEVEN LARMON 1 AFFIDAVIT | 11.45 4.00 | 11.45 4.00 |
| 8/28/2007 | LEGAL ADS: 07-41 STANFORD 1 AFFIDAVIT | 11.06 4.00 | 11.06 4.00 |
| | | Total | 595.87 |

**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. (07-38)

Request of Peter & Catherine McLoughlin

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or Use variance for existing single family dwelling with proposed addition and three kitchens at 502 Union Avenue in an R-4 zone (7-1-29)

PUBLIC HEARING will take place on SEPTEMBER 10, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

Michael Kane, Chairman

State of New York

County of Orange, ss:

Kathleen O'Brien 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 28th day of August A.D., 2007

and ending on the 28th day of

August A.D. 2007

Kathleen O'Brien

Subscribed and shown to before me

this 19th day of Sept, 2007.

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, 2011

My commission expires _____.



Town of New Windsor

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

Assessors Office

August 3, 2007

Peter & Catherine McLoughlin
502 Union Ave.
New Windsor, NY 12553

Re: 7-1-29 ZBA#: 07-38 (48)

Dear Mr. & Mrs. McLoughlin:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00 minus your deposit of \$25.00,

Please remit the balance of \$40.00 to the Town Clerks Office.

Sincerely,

A handwritten signature in cursive that reads "J. Todd Wiley" followed by a circled "R".

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board



4-2-7.1
NEWBURGH CITY SCHOOL DIS
124 GRAND ST.
NEWBURGH, NY 12550

7-1-22
ESTEBAN CASTILLO &
LUZ LOPEZ CASTILLO
6 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-11
JAMES & JENNIFER REYNOLDS
PO BOX 4278
NEW WINDSOR, NY 12553

7-1-11
GARIN BAKER
478 UNION AVE.
NEW WINDSOR, NY 12553

7-1-23
CHARLES D. &
MARY ELIZABETH CLAYTON
8 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-12
GEORGE & ATHENA CARLONE
14 SAMANTHA CT.
NEW WINDSOR, NY 12553

7-1-14
ANTHONY &
SHIRLEY FERRAIULO
11 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-1-24
GEORGE &
MARISOL HERNANDEZ
10 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-13
JOSEPH & FRANCES ROCA
26 SAMANTHA CT.
NEW WINDSOR, NY 12553

7-1-15
ROBERT & GINA O'NEILL
9 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-1-25
ERIC & ROMENA HARRIS
12 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-14.2
MARK & DIVINA WICHER
19 SAMANTHA CT.
NEW WINDSOR, NY 12553

7-1-16
BARRY & NANCY WILKINS
7 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-1-26
DAVID & LYDIA NEGRON
308 NINA ST.
NEW WINDSOR, NY 12553

7-3-15
WILLIAM &
EDA MCPHILLIPS
481 UNION AVE.
NEW WINDSOR, NY 12553

7-1-17
HASSELTINE BECK GENTRY
5 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-1-27
CHRISTOPHER &
ANTOINETTE MCLAUGHLIN
306 NINA ST.
NEW WINDSOR, NY 12553

7-4-1
RICHARD & PATRICIA LARK
532 UNION AVE.
NEW WINDSOR, NY 12553

7-1-18
TUNG THANH &
EDITH NGUYEN
3 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-1-28
DOMINICK &
LORRAINE LUCERA
304 NINA ST.
NEW WINDSOR, NY 12553

7-4-2
VIRGINIA YOUNG &
NAOMA BABCOCK
524 UNION AVE.
NEW WINDSOR, NY 12553

7-1-19
MEHMET & AYSE BAGSEVER
1 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-6
EDA & WILLIAM MCPHILLIPS
481 UNION AVE.
NEW WINDSOR, NY 12553

7-4-3
MATTHEW ZALOGA
522 UNION AVE.
NEW WINDSOR, NY 12553

7-1-20
PASQUALE &
ANNA MARIA MUGNANO
2 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-7
TODD & BETH WALDO
4 SAMANTHA CT.
NEW WINDSOR, NY 12553

7-4-4
JACQUELINE &
EUGENE SCARANO
516 UNION AVE.
NEW WINDSOR, NY 12553

7-1-21
ALBERTO &
ANNA ROSE LAUDATO
4 CIMORELLI DR.
NEW WINDSOR, NY 12553

7-3-8,9
DUANE TAMBURINI
515 UNION AVE.
NEW WINDSOR, NY 12553

7-4-5
VINCENT CALOSSO
510 UNION AVE.
NEW WINDSOR, NY 12553



7-4-6
EVA VENUS
303 NINA ST.
NEW WINDSOR, NY 12553

73-7-16
MARK & SUZANNE HALLISEY
426 PHILO ST.
NEW WINDSOR, NY 12553

73-5-1
KEITH & KATHERINE GOSDA
310 NINA ST.
NEW WINDSOR, NY 12553

73-7-17
THOMAS &
MAUREEN MCCAFFREY
428 PHILO ST.
NEW WINDSOR, NY 12553

73-5-2
SHELLY ANN MATHIEU
312 NINA ST.
NEW WINDSOR, NY 12553

73-7-18
BERNARD GARRISON
430 PHILO ST.
NEW WINDSOR, NY 12553

73-5-3
J. TODD & MARLAYNA WILEY
314 NINA ST.
NEW WINDSOR, NY 12553

73-7-31
CAROL MUCCI
313 NINA ST.
NEW WINDSOR, NY 12553

73-6-1
JOSEPH & REGINA LIEBY
411 PHILO ST.
NEW WINDSOR, NY 12553

73-7-32.1
MICHAEL, JAMES, &
DAWN MARIE MCGILLICUDDY
311 NINA ST.
NEW WINDSOR, NY 12553

73-6-10
RICHARD &
CYNTHIA MUSE
415 PHILO ST.
NEW WINDSOR, NY 12553

73-7-32.2
RONNIE & CAROL ANN HICKS
309 NINA ST.
NEW WINDSOR, NY 12553

73-6-11
THOMAS &
FRANCINE LAURINO
413 PHILO ST.
NEW WINDSOR, NY 12553

73-7-33
RICHARD & PATRICIA LANGLE
307 NINA ST.
NEW WINDSOR, NY 12553

73-7-13
GARY &
ANN MARIE SULLIVAN
420 PHILO ST.
NEW WINDSOR, NY 12553

73-7-34
CHERYL DIVINCENZO WATTS &
DAVID WATTS
305 NINA ST.
NEW WINDSOR, NY 12553

73-7-14
GARCIA HUGO
422 PHILO ST.
NEW WINDSOR, NY 12553

73-7-15
ROBERT & VICKY FLEMING
424 PHILO ST.
NEW WINDSOR, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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

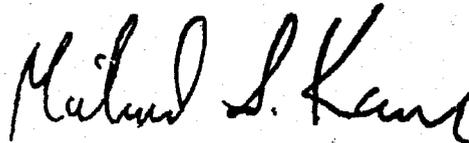
Appeal No. (07-38)

Request of Peter & Catherine McLoughlin

for a VARIANCE of the Zoning Local Law to Permit:

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PUBLIC HEARING will take place on SEPTEMBER 10, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



RESULTS OF Z.B.A. MEETING OF: Sept. 10, 2007

PROJECT: Peter McLaughlin ZBA # 07-38

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LUNDSTROM _____ LOCEY _____ TORPEY _____ KANE _____ CARRIED: Y _____ N _____ PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LUNDSTROM _____ LOCEY _____ TORPEY _____ KANE _____ CARRIED: Y _____ N _____ | NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LUNDSTROM _____ LOCEY _____ TORPEY _____ KANE _____ CARRIED: Y _____ N _____ APPROVED: M) _____ S) _____ VOTE: A _____ N _____ GANN _____ LUNDSTROM _____ LOCEY _____ TORPEY _____ KANE _____ CARRIED: Y _____ N _____ |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

ALL VARIANCES - PRELIMINARY APPEARANCE:
SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

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

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES
VARIANCE APPROVED: M) LU S) I VOTE: A 3 N 0.

GANN A
 LUNDSTROM A
~~LOCEY~~ -
 TORPEY A
~~KANE~~ -
 CARRIED: Y _____ N _____



Betty Gentry - Cimorelli Dr - Questions

Town of New Windsor

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

RECEIPT
#532-2007

07/19/2007

McLoughlin, Peter
502 Union Avenue
New Windsor, NY 12553

Received \$ 150.00 for Zoning Board Fees, on 07/19/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 07-38



COUNTY OF ORANGE

DEPARTMENT OF PLANNING

EDWARD A. DIANA
COUNTY EXECUTIVE

RECEIVED

AUG 13 2007

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecountygov.com/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

BUILDING DEPARTMENT
ORANGE COUNTY DEPARTMENT OF PLANNING
239 L. MORRIS REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: New Windsor Zoning Board

Reference/County ID No.: NWT32-07M

Tax Parcel ID: 7-1-29

Applicant: Peter & Catherine McLoughlin

Proposed Action: Use variance: Interpretation

Reason for Review: Within 500' of CO RTE 69

Date of Full Statement: July 20, 2007

Comments: The Department has received the appeal for a use variance requiring interpretation of whether the structure is a single or multi family unit based upon the presence of multiple kitchens, and offers the following.

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board unnecessary hardship. Such demonstration includes all of the following:

1. the land in question cannot yield a reasonable return, in dollars and cents, if used for any use permitted in the zone,
2. the use to be authorized by the variance will not alter the essential character of the locality,
3. the hardship is unique to the parcel and not general throughout the zoning district, and
4. the hardship is not self-created.

In reviewing the application, these circumstances have not been proven. The proposed action however has no county wide significance nor inter-municipal impact, therefore the County defer to the Board to render a decision.

County Recommendation: The County recommends local determination.

Date: August 3, 2007

Reviewed By: Kathy V. Murphy, Planner

David Church, AICP
Commissioner of Planning

***IMPORTANT NOTE:** As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.



REPORT OF FINAL LOCAL ACTION

**To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924**

From:

Date:

Subject: GML 239 Referral ID# NWT32-07M

Name of Project/Applicant: Peter & Catherine McLoughlin: Use Variance:
As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:

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

DATE RECEIVED: 07-17-07

FOR: ESCROW 07-38

FROM:

Peter & Catherine McLoughlin
502 Union Avenue
New Windsor, NY 12553

CHECK FROM:
SAME

CHECK NUMBER: 1225

TELEPHONE: 565-9603

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

J. Henne

DATE

7-19-07

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

RESULTS OF Z.B.A. MEETING OF: July 23, 2007

PROJECT: Peter McLoughlin ZBA # 07-38

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

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

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

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

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

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

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

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

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

ALL VARIANCES - PRELIMINARY APPEARANCE:
SCHEDULE PUBLIC HEARING: M) Lu S) _____ VOTE: A _____ N _____

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

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Three Kitchens existing
Single Family home

July 23, 2007 Agenda



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 18, 2007

Peter & Catherine McLoughlin
502 Union Avenue
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANC/INTERPRETATION #07-38

Dear Mr. & Mrs. McLoughlin:

This letter is to inform you that you have been placed on the July 23, 2007 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

502 Union Avenue
New Windsor, 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

Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

MUNICIPALITY: Town of New Windsor

TAX MAP ID: 7-1-29
(Section-Block-Lot)

Local File #: 07-38
Please refer to this number in any correspondence.

Project Name: Peter McLoughlin

Applicant: Peter & Catherine McLoughlin
502 Union Avenue
New Windsor, NY 12553

Send Copy of Letter to Applicant: (check one)
Yes No

Attorney, Engineer, Architect: _____

Location of Site: 502 union avenue - New Windsor, NY
(Street, highway, nearest intersection)

Size of Parcel: _____ Existing Lots: _____ Proposed Lots/Units: _____

Present Zoning District: _____

TYPE OF REVIEW:

- Site Plan (SP): _____
- Special Use Permit* (SUP) _____
- Variance* USE (UV): Interpretation of a two family home or a single family home with two kitchens.
AREA (AV): _____
- Zoning District Change* From: _____ To: _____
- Zoning Amendment To Section: _____
- Subdivision: Major _____ Minor _____
 Sketch Preliminary Final (Please indicate stage)
- Other Comments: _____

Date: 07-28-07

Signature Myra Mason, Secretary to the ZBA

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____

GML 239 Referral Guide - 02/27/2007



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

6-18-07

Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

e-mail address: pmcm826@aol.com

I. Owner Information:

Peter J. + Catherine McLoughlin

(Name)

502 Union Ave. New Windsor N.Y. 12533

(Address)

Phone Number: (845) 565-9603

Fax Number: ()

II. Applicant: Peter J. + Catherine McLoughlin

(Name)

502 Union Ave

(Address)

New Windsor N.Y.

e-mail address: pmcm826@aol.com

Phone Number: (845) 565-9603

Fax Number: ()

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

(Name)

McLoughlin

(Address)

327 NINA ST.

Phone Number: (845) 565-7637

Fax Number: ()

NEW Windsor N.Y. 12533

IV. Contractor/Engineer/Architect/Surveyor/:

(Name)

(Address)

Phone Number ()

Fax Number: ()

V. Property Information:

Zone: R-4

Property Address in Question: 502 Union Ave

Lot Size: 1 Acre

Tax Map Number: Section 7 Block 1 Lot 29

a. Is pending sale or lease subject to ZBA approval of this Application? yes

b. When was property purchased by present owner? 1994

c. Has property been subdivided previously? NO If so, When: _____

d. 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.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

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

Describe proposal: The reason for this proposal
for a variance for three kitchens is as
follows:
We have our main kitchen upstairs.
We have our second kitchen for family parties
which is downstairs closer to our future pool.
We have a sink in the daycare section of
our house, but no stove which is
identified as a third kitchen. Our property
is commercial / residential.

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

I am presently selling my home and
I do not have the time or money to remove
these areas. I also feel it will be detrimental
to the sale of my home as they are selling
features.

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; One of the Kitchens is purposeful as a second kitchen for entertaining and one is used as a sink area as a requirement to be code compliant as a daycare provider as this is a potential commercial property
2. Whether the requested area variance is substantial; No, it is inclusive to the area in which it is contained.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; No, it will not because the downstairs kitchen is for parties and is not an apartment. The upstairs sink is for resale potentially for commercial use.
4. Whether the alleged difficulty was self-created.
No, it was not.
The downstairs kitchen was built before I moved in and title was transferred to me without a permit.
The upstairs sink - I built for our daycare -

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

Because the ^①downstairs kitchen is used for entertaining - it is not inhabitable to the codes of New Windsor. It is needed for resale -

PLEASE NOTE:

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

② The upstairs sink/counter is a great asset for resale because of the house location.

COMPLETE THIS PAGE

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

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

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

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

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

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

XI. INTERPRETATION:

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

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

- ① I want to retain the downstairs kitchen as a second kitchen for entertaining.
- ② The kitchen upstairs is our main kitchen.
- ③ The sink/counter in our new addition is for resale/potential use as a daycare/DA's office -

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

XII. ADDITIONAL COMMENTS:

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

N/A

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - One in the amount of \$ 300.00 or 500.00 (escrow)
 - One in the amount of \$ 50.00 or 150.00 (application fee)
 - One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of area that 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:

18th day of June 2007,

Pat J McLaughlin

Owner's Signature (Notarized)

Owner's Name (Please Print)

JOHN L. MOLFESI
Notary Public, State of New York
Registration # 01M06090904
Qualified in Orange County
My Commission Expires April 21, 2011

John L. Molfesi

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

Appendix C

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

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

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 1. APPLICANT /SPONSOR <i>Peter J. McLoughlin</i> | 2. PROJECT NAME <i>Use variance</i> |
| 3. PROJECT LOCATION: Municipality <i>New Windsor</i> County <i>ORANGE</i> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>502 Union AVE New Windsor NY. Corner of Nika St. and Union Ave across from Temple Hill School</i> | |
| 5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <i>I need a use variance for an entertaining kitchen that existed when I purchased the property - I also need a use variance for a SMK for an day care</i> | |
| 7. AMOUNT OF LAND AFFECTED: Initially _____ acres <i>N/A</i> Ultimately _____ acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" 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: <i>Peter J. McLoughlin</i> | Date: <i>6-18-07</i> |
| Signature: <i>Peter J. McLoughlin</i> | |

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

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? 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:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.
 No

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

C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly.
 None

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

2



2 copies

7/9 informed per tentative 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.



Town of New Windsor

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

ZONING BOARD OF APPEALS

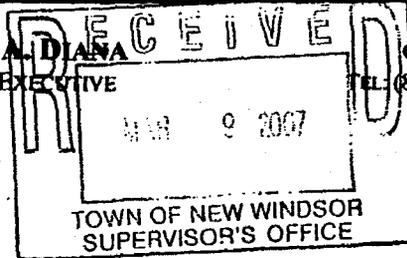
TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING****EDWARD A. DIANA**
COUNTY EXECUTIVE124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533**DAVID CHURCH, A.I.C.P.**
COMMISSIONER

5 March, 2007

POLICY REMINDER**REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;