

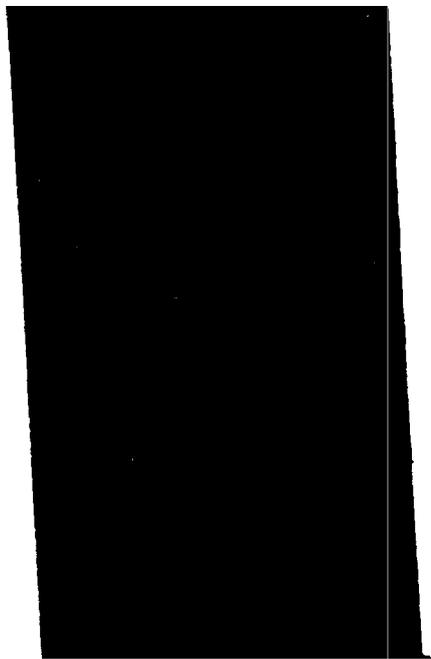
ZB# 07-54

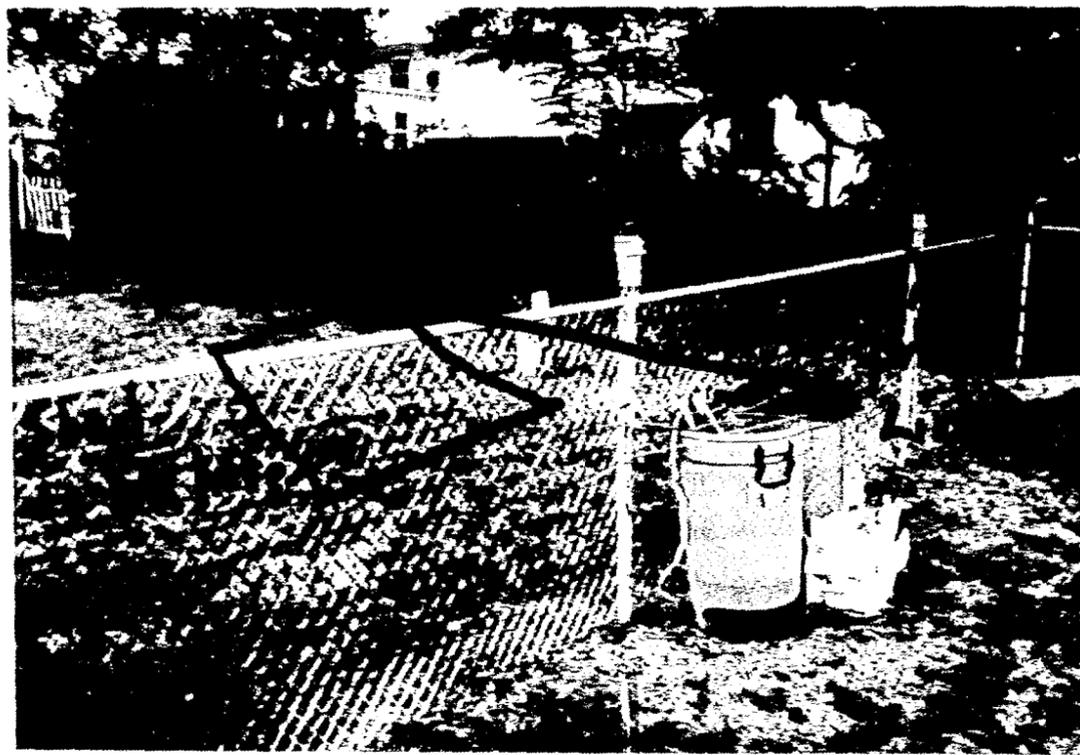
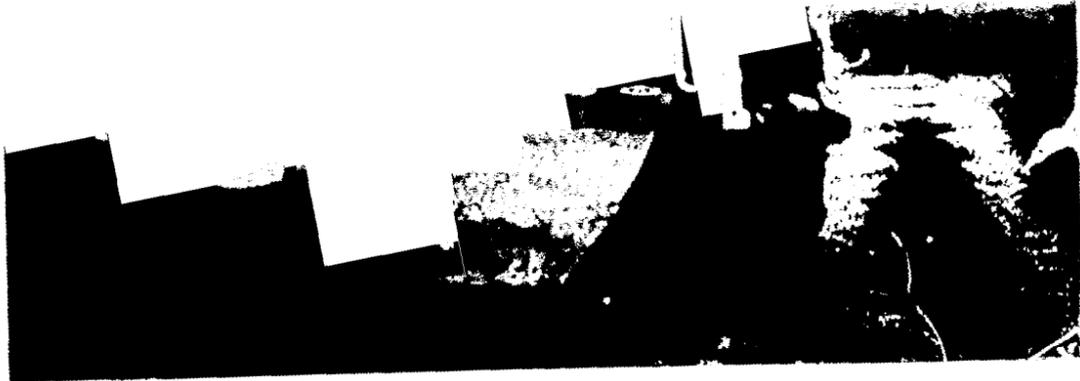
William Hightower

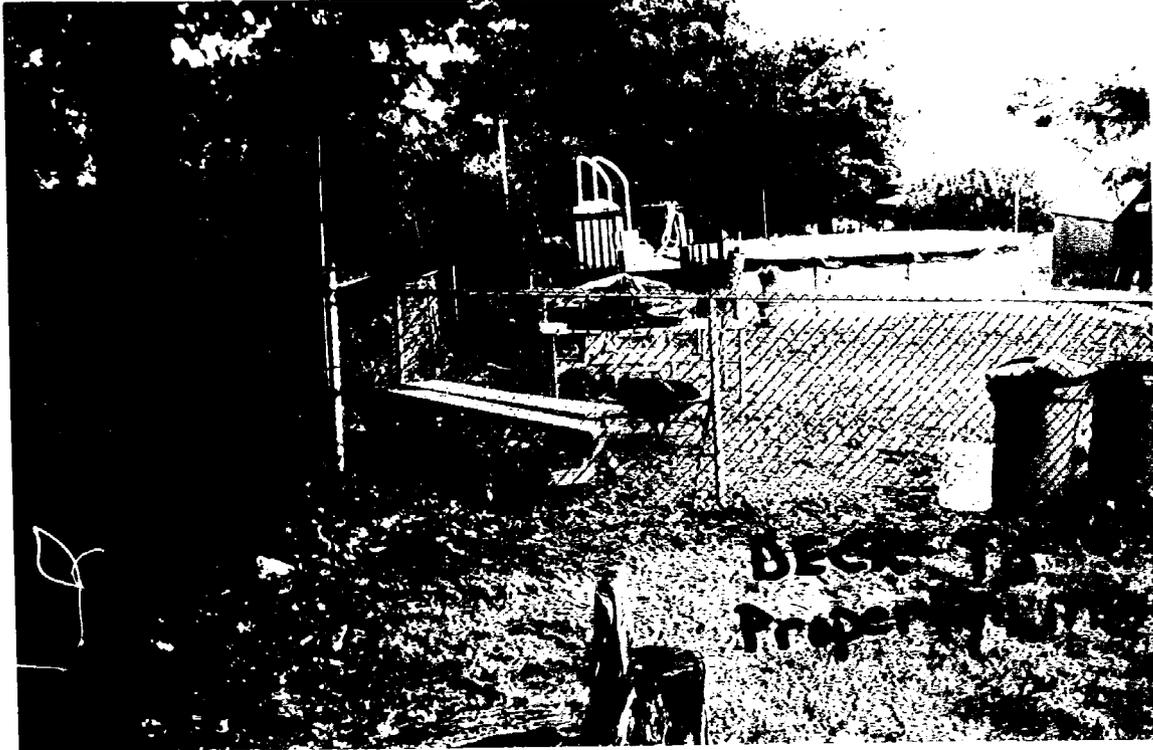
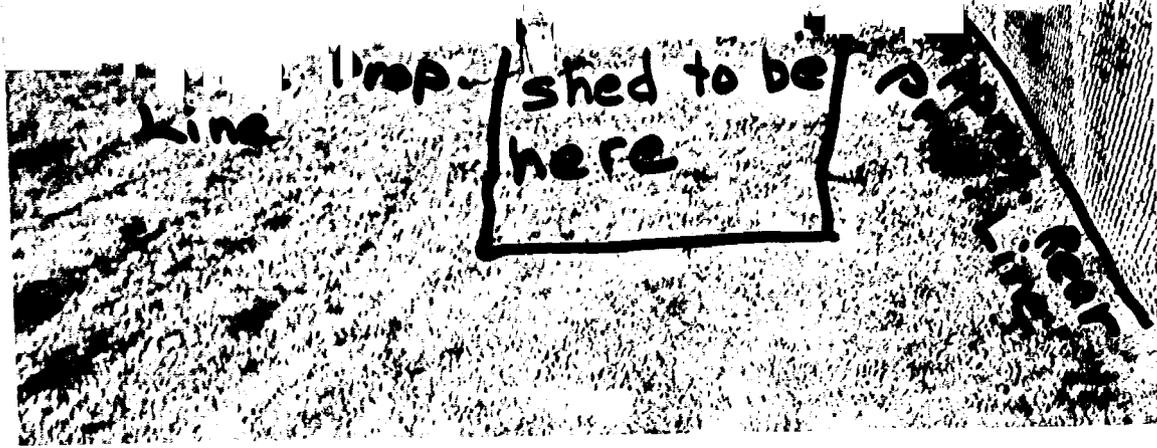
39-3-23

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Closed Aug. 08

07-54 sqm. Hightower (Area) (39-3-2)
15 Valewood - (shed, deck + Porch)







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

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 5/23/07

APPLICANT: William Hightower
15 Valewood Drive
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing detached deck

LOCATED AT: 15 Valewood Drive

ZONE: R-4 Sec/Blk/ Lot: 39-3-23

DESCRIPTION OF EXISTING SITE: One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing detached deck does not meet minimum 10ft rear yard set-back.

Paul Lin
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 300-11-A-1-B

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10ft

2ft

8ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and 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. Wet 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. \$60.00 charge for any site that calls for the inspection visit.
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 permit fee.
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 there is no fee for this.

MAY 09 2007

FOR OFFICE USE ONLY:
Building Permit #: 2007-34

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP A 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 William Hightower

Address 15 - VALEWOOD DRIVE Phone # 562-0822

Mailing Address SAA Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

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 _____

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

3. Tax Map Description: Section 39 Block 3 Lot 23

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

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

6. Is this a corner lot? _____

*existing deck
12x12 1/2"*

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 _____

PAID

10. Estimated cost _____ Fee \$50

ZONING BOARD

Cash

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

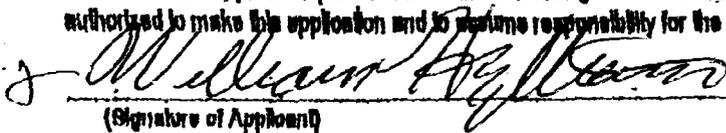
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lioi & Louis Kiyehar
New Windsor Town Hall
855 Union Avenue
New Windsor, New York 12553
(848) 863-4818
(848) 863-4888 FAX

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

INSTRUCTIONS

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

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



(Signature of Applicant)

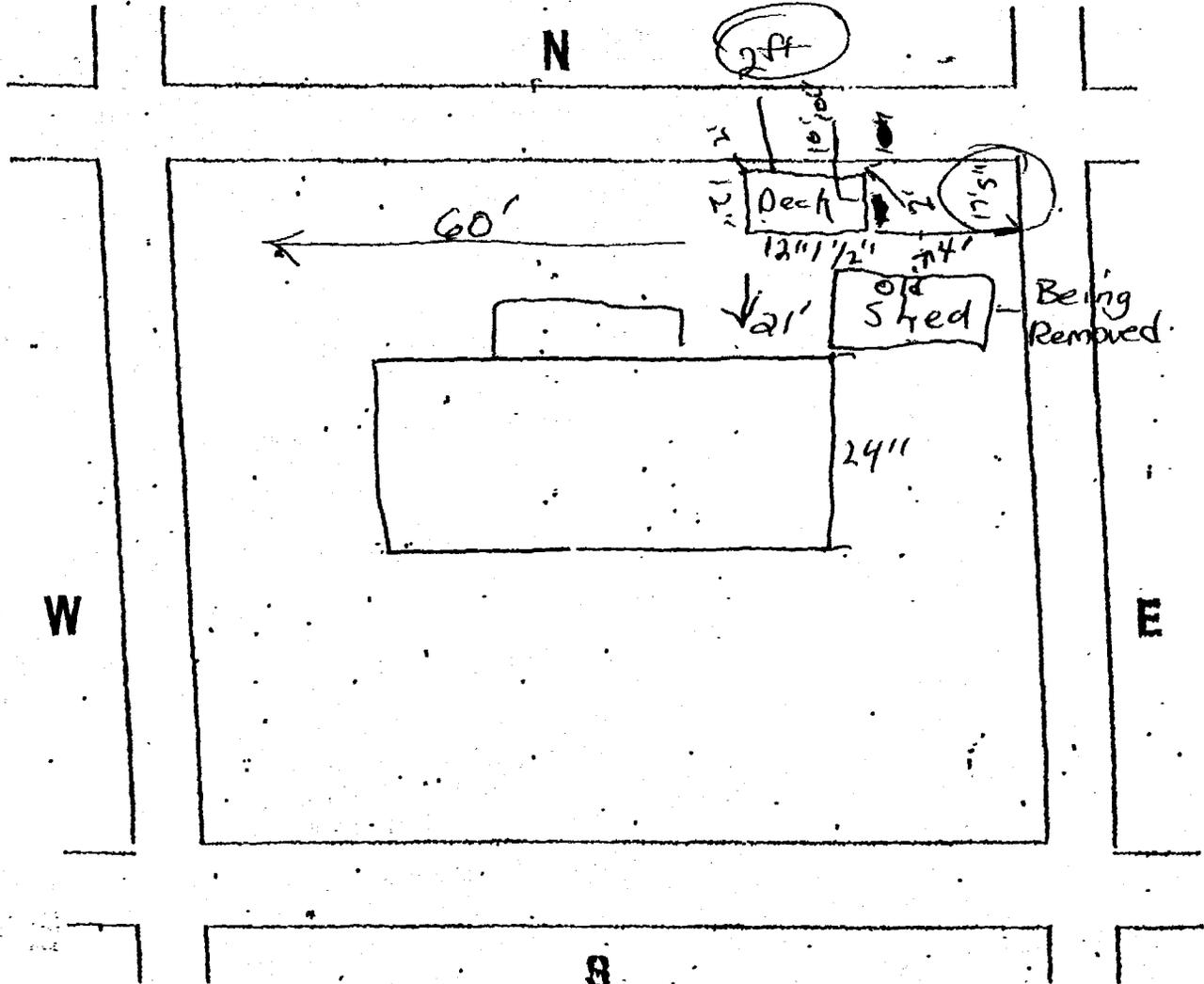
(Address of Applicant)

(Owner's Signature)

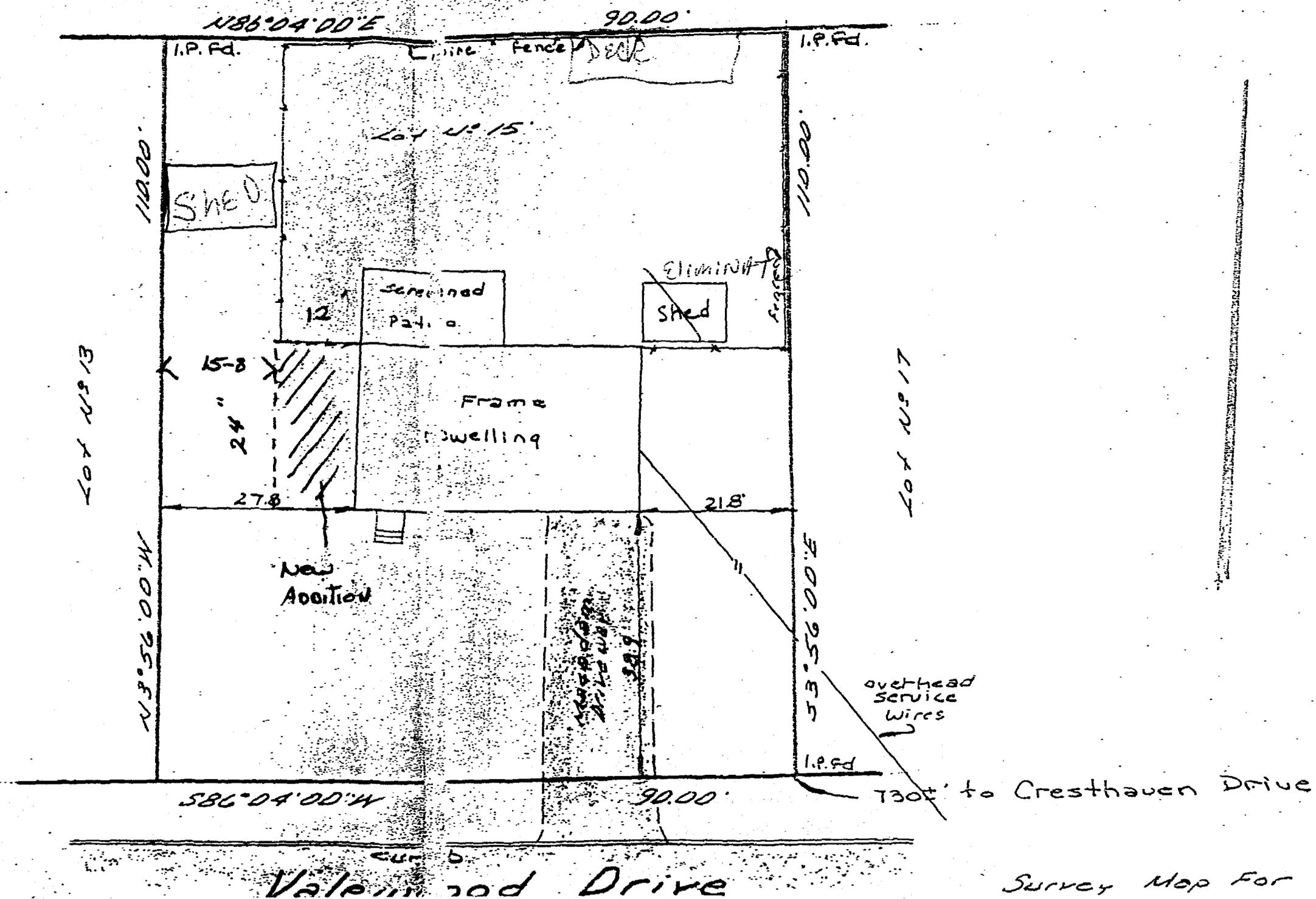
(Owner's Address)

PLOT PLAN

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



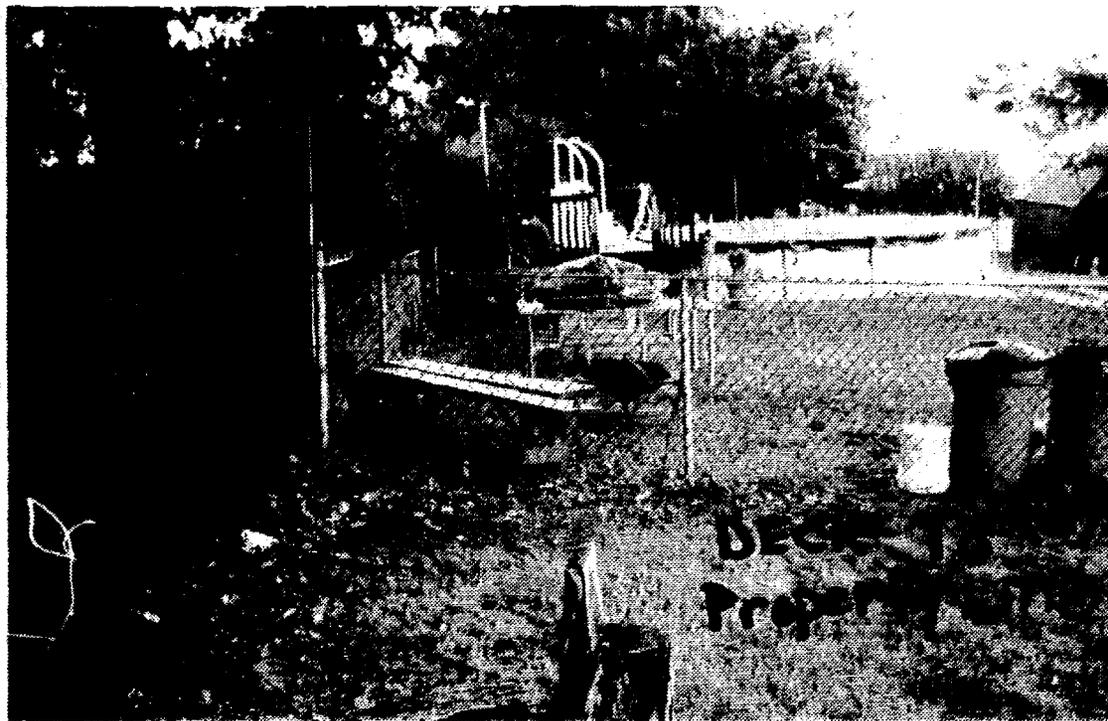
YOU MUST CALL FOR ALL REQUIRED PERMITS AND APPROVALS
APPLICANT
RECORDS SECTION



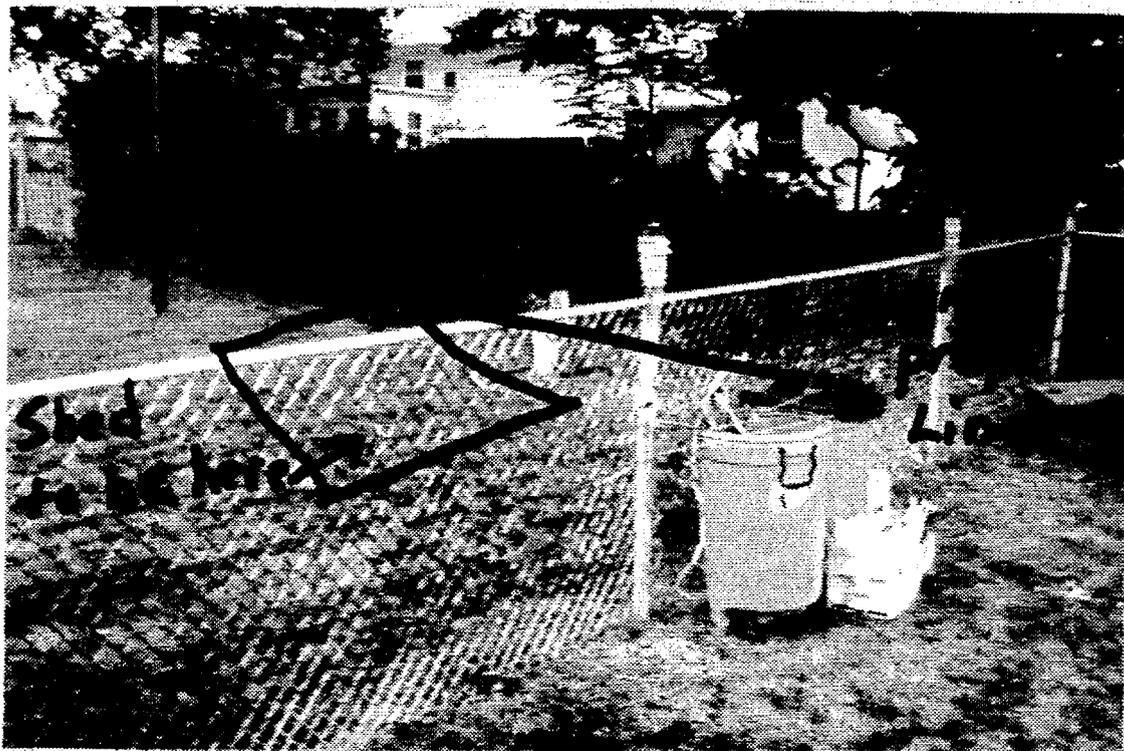
1300' to Cresthaven Drive

Valeriod Drive

Survey Map For







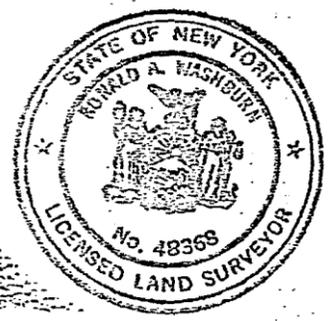
Washburn Associates
 24-52 Route 9W
 New Windsor, N.Y.

Map Reference:
 Willow Acres
 Filed Oct. 25, 1961
 Map No. 1236

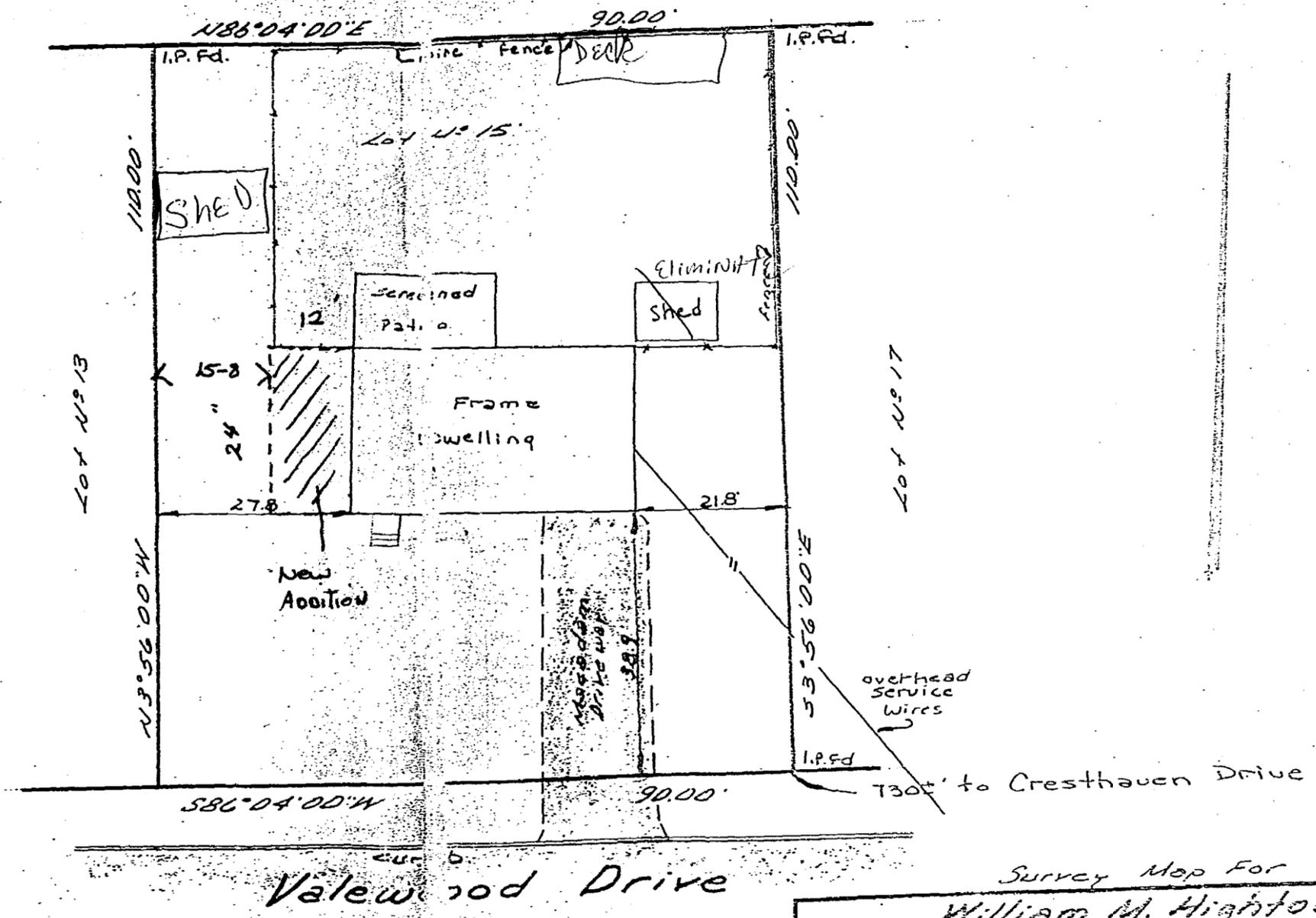
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."

"Certifications Indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency or lending institution listed hereon, and the assignees of the lending institution. Certifications are not transferable to other institutions or subsequent owners."



William M. Hightower
 Eleonora Hightower
 Federal Housing Administration
 Inter County Mortgage Corp.
 Commonwealth Land Title Ins. Co.
 Certified true and correct
 as shown hereon.
 Ronald A. Washburn
 Lic. No. 48368



Survey Map For		
William M. Hightower Eleonora Hightower		
SCALE: 1"=20'	APPROVED BY:	DRAWN BY:
DATE: Dec. 27, 1982		REVISED:
Town of New Windsor		Orange Co., N.Y.
		DRAWING NUMBER: 2577

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: (39-3-23)

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

WILLIAM HIGHTOWER

AREA

CASE #(07-54)

WHEREAS, WILLIAM HIGHTOWER , owner(s) of 15 Valewood Drive in an R-4 Zone, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 8 ft. Rear Yard Setback for existing detached deck and; 3 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 12' shed and; 18 ft. Rear Yard Setback for existing enclosed porch at 15 Valewood Drive in an R-4 Zone

WHEREAS, a public hearing was held on December 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 were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 Zone zone.
 - (b) The existing attached deck has been placed for approximately 15 years, during which time there have been no complaints, either formal or informal.
 - (c) In constructing the deck, the applicant did not remove any trees or substantial vegetation.

- (d) In building the deck the applicant did not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (e) In building the deck the applicant did not create the ponding or collection of water or divert the flow of water drainage.
- (f) With the deck, the house is similar in size and nature to other houses in the neighborhood.
- (g) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probably fall and sustain serious physical injury if the deck were not in place.
- (h) The applicant seeks to replace a shed which was originally part of the property when it was purchased in approximately 1982.
- (i) The applicant proposes to place the new shed in a different area of the lot because the proposed area has better drainage and the shed will not stand out as much.
- (j) The new location of the shed has been selected to improve the drainage so that the shed will not create the ponding or collection of water or divert the flow of water drainage.
- (k) In constructing the shed, the applicant will not remove any trees or substantial vegetation.
- (l) During the time the old shed has been in place, no complaints have been received about that shed, either formal or informal.
- (m) The applicant's porch has been in existence since approximately 1982, during which time there have been no complaints, either formal or informal about the porch.
- (n) In constructing the porch, the applicant did not remove any trees or substantial vegetation.
- (o) The porch does not create the ponding or collection of water or divert the flow of water drainage.
- (p) The porch is not on top of, nor does it interfere with, any easements including, but not limited to, water, sewer or electrical easements.

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).

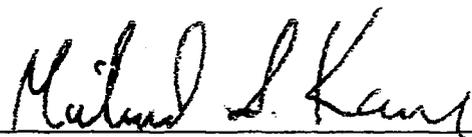
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 8 ft. Rear Yard Setback for existing detached deck and; 3 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 12' shed and; 18 ft. Rear Yard Setback for existing enclosed porch at 15 Valewood Drive 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: December 10, 2007



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: 04-18-08
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 139.52 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-54

NAME & ADDRESS:

**Eleonora Hightower
12 Valewood Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F.04-18-08



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



FILE #07-54 TYPE:AREA TELEPHONE: 562-0822

APPLICANT:

Eleonora Hightower
12 Valewood Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1495</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1496



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

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>7</u>	PAGES	\$ <u>49.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:12-04-07 \$ 13.48

TOTAL: \$ 90.48 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 160.48

AMOUNT DUE: \$ _____

REFUND DUE: \$ 139.52

Cc:

L.R. 04-18-08

October 22, 2007

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WILLIAM_HIGHTOWER_(07-54)

MR. KANE: Request for 8 foot rear yard setback for existing detached deck and 3 foot side yard setback and 8 foot rear yard setback for existing 8' x 12' shed and 18 foot rear yard setback for existing enclosed porch at 15 Valewood Drive.

Mr. William Hightower appeared before the board for this proposal.

MR. KANE: Good evening, Mr. Hightower.

MR. HIGHTOWER: Hello everybody.

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

MR. HIGHTOWER: I have a shed that I bought that was there rather the shed was there when I bought the house and it's run its life's use and I want to knock it down and I want to move it to the left-hand side of the property in the rear because right now where it is it's in an awkward spot, it's a one foot, it's one foot, it's like a couple inches from the house. So according to the codes that's not legal. So I want to move it away from the house to the rear of the property. The screened-in porch when I purchased the house was part of the house and that too is wearing its life away and I have to replace it. So if I'm going to bother to replace it I might increase the size marginally and requesting a variance for that. And the deck I need a variance also for, when I put that up, I put it in the rear of the property and that has to be part of this also.

MR. TORPEY: You're not knocking the shed down?

MR. HIGHTOWER: Yeah, I'm going to knock it down, new shed, move it in the rear of the property.

October 22, 2007

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MR. TORPEY: You said you're going to knock it down and move it.

MR. HIGHTOWER: No, that's got to go in the garbage.

MR. KANE: Let's take the shed first. There's no place in your property right now to put the shed that wouldn't require a variance?

MR. HIGHTOWER: No, I can't say that I can put it right where it is, it's just that it's--

MR. KANE: Then again if it was right where it is then it wouldn't be, it's not legal either.

MR. KRIEGER: The shed's in the front yard, isn't it?

MR. HIGHTOWER: No, it's in the back yard, it's in the back of the house.

MR. BABCOCK: Touching the back corner of the house, should be by code 6 feet away.

MR. KANE: So it's not legal in that spot in any case?

MR. HIGHTOWER: Right, and it's in an awkward spot.

MS. GANN: How large is the new shed?

MR. HIGHTOWER: Ten by twelve.

MS. GANN: How does that compare to the old shed?

MR. HIGHTOWER: It's basically the same size.

MR. KANE: Similar to other sheds in your neighborhood?

MR. HIGHTOWER: Yeah.

MR. KANE: Any complaints about that shed formally or

October 22, 2007

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informally?

MR. HIGHTOWER: No.

MR. KANE: Just to speed it up on all of your applications, have there been any complaints formally informally about the deck on the rear?

MR. HIGHTOWER: No.

MR. KANE: Concerning the shed, and what about the enclosed porch, any complaints on that?

MR. HIGHTOWER: No.

MR. KANE: The deck itself is for, it's not attached to the house and it's for a pool use?

MR. HIGHTOWER: No, it's for the pool, yes, in fact, my wife can't make a straight a ladder into the pool, that's the main reason why I put the deck there.

MR. KANE: Any easements running through your property?

MR. HIGHTOWER: No.

MR. KANE: Will you be cutting down any trees, substantial vegetation?

MR. HIGHTOWER: No.

MR. KANE: Creating any water hazards or runoffs?

MR. HIGHTOWER: Not at all.

MR. KANE: Once we get to the public meeting, you understand that even if everything is passed by the board that it still has to pass inspection by the building department?

October 22, 2007

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MR. HIGHTOWER: Sure, no problem.

MR. KANE: No further question from me. Anybody else on the board? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of William Hightower for the requested variances as detailed on the agenda of the New Windsor Zoning Board of Appeals meeting of October 22, 2007.

MS. GANN: I'll second the motion.

ROLL CALL

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

WILLIAM_HIGHTOWER_(07-54)

MR. KANE: Request for 8 foot rear yard setback for existing detached deck and 3 foot side yard setback and 8 foot rear yard setback for existing 8' x 12' shed and 18 ft. rear yard setback for existing enclosed porch at 15 Valewood Drive.

Mr. William Hightower appeared before the board for this proposal.

MR. KANE: Same thing as the preliminary hearing, tell us exactly what you want to do.

MR. HIGHTOWER: Well, the deck first of all was built when I put the pool up first. Second, the shed there's--

MR. KANE: The deck went up, approximately how long has it been there?

MR. HIGHTOWER: About 15 years.

MR. KANE: And let me just as long as we're on the deck ask a question on that, any easements running through where the deck is?

MR. HIGHTOWER: No.

MR. KANE: Cutting down any substantial trees or vegetation?

MR. HIGHTOWER: No.

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

MR. HIGHTOWER: To me personally, no.

MR. KRIEGER: That you know of?

MR. HIGHTOWER: Not that I know of.

MR. KANE: Okay, and that was with the deck, the shed itself--

MR. HIGHTOWER: The shed was original, it came with the house when we moved here in '82, it's got to be replaced, it's collapsing.

MR. KANE: So your proposal is to replace the shed with a new shed?

MR. HIGHTOWER: No, not the same spot, off to the left.

MR. KANE: In a better area?

MR. HIGHTOWER: In a better area, right, which has got better drainage and it doesn't stand out as much.

MR. KANE: Got it. And the reason that again that you require the 8 foot rear yard setback is because the way your property is situated?

MR. HIGHTOWER: The 8 foot setback for the shed, yeah, because it's right on the property line, I moved it right to the back of the property.

MR. KANE: And the reason for moving it all the way in is to give--

MR. HIGHTOWER: Just to get it more out of way, not to be as conspicuous.

MR. KRIEGER: You said there was drainage questions and topographical questions?

MR. HIGHTOWER: Yeah where it is is not a good spot.

MR. KANE: Where you're going to put it not cutting

down substantial trees, creating any water hazards where there was a possible water hazard in the old situation?

MR. HIGHTOWER: No, no.

MR. KRIEGER: The agenda says existing, he's talking about in essence proposed which is fine. Does the public announcement take into account, say either existing or proposed that would bar him from this?

MR. BABCOCK: Well, we said he has an existing shed, we're actually getting the variance from the, where he wants to locate the new one. So I guess he does have an existing shed, we shouldn't have mentioned that though because that's being removed, if we take the word existing out.

MR. KRIEGER: We have a copy of the public announcement?

MS. MASON: Yes, it's just like this.

MR. KRIEGER: Says existing shed on it?

MS. MASON: Yes.

MR. KRIEGER: I think you can go ahead but I think the applicant should be made aware of the fact if it's challenged the court's decision may go the other way.

MR. KANE: If for some reason in a public notice you have to be exact so really should have stated instead of the existing that it should of stated proposed. If at some point somebody wanted to take issue with a positive finding this evening down the line that would give them an opening for that issue. Personally, I don't think it's a reality but you should be aware of it.

MR. KRIEGER: You should be aware that sometime down the line there's a very short period, the law allows a very short period for an Article 78 challenge to a zoning board declaration.

MR. HIGHTOWER: I don't have to worry about this for 10 or 15 years?

MR. KRIEGER: No, if an Article 78 is not filed within 30 days to the Supreme Court they'll be out of time.

MR. KANE: But we need to tell you that.

MR. HIGHTOWER: I'll hold my breath.

MR. KANE: You have no problem with proceeding?

MR. HIGHTOWER: No, not a problem at all.

MR. KANE: Okay.

MR. BEDETTI: Is there any reason why it wouldn't be prudent to reissue a public notice in the correct form?

MR. KRIEGER: Because, well, all I'm thinking of is if the applicant wanted to there's a time and expense consideration for the applicant, that's all.

MR. BEDETTI: That might be more expensive if he does get challenged after the fact.

MR. KRIEGER: Oh, yeah, sure, certainly would be more expensive but I think in this particular issue the chances of such a challenge such as an Article 78 being issued--

MR. HIGHTOWER: In 30 days.

MR. KRIEGER: --within that time period considering the lack of public attendance.

MR. KANE: Let me jump ahead for one second. How many mailings did we have?

MS. MASON: Eighty-six.

MR. KANE: We had 86 mailings to neighbors which is quite large in your area. The odds of somebody at this point challenging it in the next 30 days I think are minimal here, so I'm gonna leave the option up to you.

MR. HIGHTOWER: I'm okay with it. May I ask you a question? Was there any objections to this shed in writing?

MS. MASON: No.

MR. HIGHTOWER: Okay then.

MS. LOCEY: Nobody's here.

MR. BABCOCK: We have to open it up to the public.

MR. KANE: Right, which I will be doing officially in a couple of minutes. Seem reasonable?

MR. BEDETTI: Yes.

MR. HIGHTOWER: All right.

MR. KANE: Sometimes what we look at too is the expense to them versus what's going on here. If there were people in the audience I'd take it down, kick it back and open it up for public opinion, ask if somebody has an issue then we'd go back and do it quote unquote the right way.

MR. KRIEGER: I'm not sure if it would be the right way or not. Ultimately, it's the zoning board's obligation to make the applicant aware of the possibility but the

December 10, 2007

18

choice to proceed or not proceed is up to the applicant. You're right that there's a, they're gambling the odds of spending a larger expense as opposed to the inconvenience of a lesser expense at this point possibly but that again that's not an assessment that I think the board should be making for the applicant. Let the applicant after he's been fully informed make his own choice as to which risk he'd like to run with.

MR. KANE: Okay, under the circumstances then we'll go ahead and proceed. An 18 foot rear yard setback for the existing enclosed porch. How long has the porch been in existence?

MR. HIGHTOWER: Since I bought the house.

MR. KANE: '88?

MR. HIGHTOWER: '82

MR. KANE: Any complaints formally or informally that you're aware of?

MR. HIGHTOWER: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. HIGHTOWER: No.

MR. KANE: To your knowledge, creating any water hazards or runoffs?

MR. HIGHTOWER: Not to my knowledge.

MR. KANE: Any easements running through the area?

MR. HIGHTOWER: No.

MR. KANE: At this point, I'll open it up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as there's nobody else here, I'll close the public position of the meeting, bring it back to the board and ask the board if they have any further questions. No questions? All right, then I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of William Hightower as detailed on the New Windsor Zoning Board of Appeals agenda dated December 10, 2007.

MRS. VOLPE: Do we have to amend the existing word?

MR. KANE: I would amend that to proposed.

MRS. VOLPE: Second it.

ROLL CALL

MRS. VOLPE	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



THE SENTINEL
 P.O. BOX 406
 VAILS GATE, NY 12584

Invoice

Date	Invoice #
12/14/2007	1055

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

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount			
12/4/2007	LEGAL ADS: PUBLIC HEARING NOTICE - HIGHTOWER 07-54Q 1 AFFIDAVIT	9.48 4.00	9.48 4.00			
12/4/2007	LEGAL ADS: MEE 07-53 1 AFFIDAVIT	7.90 4.00	7.90 4.00			
<table border="1" data-bbox="599 1162 906 1363"> <tr> <td style="text-align: center; font-size: 2em; font-weight: bold;">RECEIVED</td> </tr> <tr> <td style="text-align: center;">JAN 08 2008</td> </tr> <tr> <td>By _____</td> </tr> </table>		RECEIVED	JAN 08 2008	By _____		
RECEIVED						
JAN 08 2008						
By _____						
Total			\$25.38			

State of New York

County of Orange, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department 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 is annexed is a true copy was published in said newspaper 1 times(s) commencing on the 4th day of December, A.D., 2007 and ending on the 4th day of December, A.D., 2007.

Kathleen O'Brien

Subscribed and shown to before me this 4th day of Jan, ~~2007~~ 2008

Deborah Green
Notary Public of the State of New York

County of Orange

My commission expires _____

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

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:
Appel No. (07-54)
Request of WILLIAM HIGHTOWER for a VARIANCE of the Zoning Local Law to Permit:
Request for 8 ft. Rear Yard Setback for existing detached deck and; 7 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 12' shed and; 18 ft. Rear Yard Setback for existing enclosed porch at 15 Meadowbrook Drive in an R-4 Zone (39-3-3)
PUBLIC HEARING will take place on DECEMBER 10, 2007 at the New Windsor Town Hall, 535 Union Avenue, New Windsor, New York beginning at 7:30 P.M.
Michael Kane, Chairman

RECEIVED
JAN 08 2008
By _____



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

PROJECT: William Hightower ZBA # 07-54
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) LO S) V VOTE: A 5 N 0.

Mrs. Volpe
Mr. Bedetti
GANN ✓
LUNDSTROM ✓
LOCEY ✓
TORPEY ✓
KANE ✓

CARRIED: Y ✓ N _____

Large empty rectangular box for additional notes or signatures.

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:

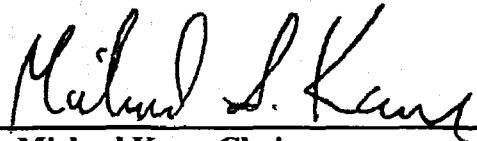
Appeal No. (07-54)

Request of WILLIAM HIGHTOWER

for a VARIANCE of the Zoning Local Law to Permit:

Request for 8 ft. Rear Yard Setback for existing detached deck and; 3 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 12' shed and; 18 ft. Rear Yard Setback for existing enclosed porch at 15 Valewood Drive in an R-4 Zone (39-3-3)

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


Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101
J. Todd Wiley, IAO

Assessor's Office

October 26, 2007

Eleonora Hightower
12 Valewood Drive
New Windsor, NY 12553

Re: 39-3-23 ZBA#07-54 (86)

Dear Ms. Hightower:

According to our records, the attached lists 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, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA



39-1-8
Primitivo Rosado
59 Harth Drive
New Windsor, NY 12553

39-2-11
Jacqueline Melfi
62 Harth Drive
New Windsor, NY 12553

39-2-21
Kenneth & Maureen Smith
9 Cresthaven Drive
New Windsor, NY 12553

39-1-9
Alicia Franqui
61 Harth Drive
New Windsor, NY 12553

39-2-12
Joanna Mollard
64 Harth Drive
New Windsor, NY 12553

39-2-22
Paul & Lois Gagliardi
7 Cresthaven Drive
New Windsor, NY 12553

39-1-10
Kathleen McDonald
63 Harth Drive
New Windsor, NY 12553

39-2-13
Eric & Kimberly Caban
25 Cresthaven Drive
New Windsor, NY 12553

39-2-23
Joseph Jr. & Stephanie Leechow
5 Cresthaven Drive
New Windsor, NY 12553

39-1-11
Robert Van Houten
65 Harth Drive
New Windsor, NY 12553

39-2-14
Natalie Tague-Shaffer
23 Cresthaven Drive
New Windsor, NY 12553

39-3-4
Joseph Gatt
6 Cresthaven Drive
New Windsor, NY 12553

39-2-5
Leroy & Lorraine Langer
50 Harth Drive
New Windsor, NY 12553

39-2-15
Robert Leetch
21 Cresthaven Drive
New Windsor, NY 12553

39-3-5
Carlos & Virgenmina Gomez
8 Cresthaven Drive
New Windsor, NY 12553

39-2-6
Christopher & Kathleen Kelly
52 Harth Drive
New Windsor, NY 12553

39-2-16
Barbara Moore
Marjorie Rice
26 River Birch Circle
Euharlee, GA 30145

39-3-6
Leonard & Carolyn Mortimer
10 Cresthaven Drive
New Windsor, NY 12553

39-2-7
Edward Jr. & Bethann Yano
54 Harth Drive
New Windsor, NY 12553

39-2-17
William & Catherine King
17 Cresthaven Drive
New Windsor, NY 12553

39-3-7
Anthony Whyte
Juliet White
12 Cresthaven Drive
New Windsor, NY 12553

39-2-8
Philip & Linda Schulman
56 Harth Drive
New Windsor, NY 12553

39-2-18
John & Eileen Sweeney
15 Cresthaven Drive
New Windsor, NY 12553

38-3-8
John Bennett
Candace Rist
14 Cresthaven Drive
New Windsor, NY 12553

39-2-9
Mary & Matthew McGuire
58 Harth Drive
New Windsor, NY 12553

39-2-19
Brian & Eileen Doyle
13 Cresthaven Drive
New Windsor, NY 12553

39-3-9
Susan Kelly
16 Cresthaven Drive
New Windsor, NY 12553

39-2-10
Thomas & Arlene Olszewski
60 Harth Drive
New Windsor, NY 12553

39-2-20
Harold Johnson Jr.
11 Cresthaven Drive
New Windsor, NY 12553

39-3-10
Doris Bonnett
18 Cresthaven Drive
New Windsor, NY 12553



39-3-11
Daniel & Lori Canissario
20 Cresthaven Drive
New Windsor, NY 12553

39-3-24
John & Michele Bolin
13 Valewood Drive
New Windsor, NY 12553

39-4-7
Richard & Angela Coltery
12 Valewood Drive
New Windsor, NY 12553

39-3-12
Alfred & Vivian Melendez
22 Cresthaven Drive
New Windsor, NY 12553

39-3-25
Kenneth & Rosalie Parker
11 Valewood Drive
New Windsor, NY 12553

39-4-8
Michael & Janice Suchowiecki
14 Valewood Drive
New Windsor, NY 12553

39-3-13
George Jr. & Frances Backofen
24 Cresthaven Drive
New Windsor, NY 12553

39-3-26
Dawn Olszewski
9 Valewood Drive
New Windsor, NY 12553

39-4-9
Karen & Brian Ruckdeschel
16 Valewood Drive
New Windsor, NY 12553

39-3-14
Eugene Loughran
26 Cresthaven Drive
New Windsor, NY 12553

39-3-27
Christopher & Danielle Mummery
7 Valewood Drive
New Windsor, NY 12553

39-4-10
Heriberto Velez
18 Valewood Drive
New Windsor, NY 12553

39-3-17
Frank & Filomena Cantoli
27 Valewood Drive
New Windsor, NY 12553

39-3-28
David & Grace DeGroff
5 Valewood Drive
New Windsor, NY 12553

39-4-11
Edward & Robin Klouda
20 Valewood Drive
New Windsor, NY 12553

39-3-18
Dominick & Katherine Citta
25 Valewood Drive
New Windsor, NY 12553

39-3-29
Thomas & Elena Sears
3 Valewood Drive
New Windsor, NY 12553

39-4-12
Richard & Kathleen Fenwick
22 Valewood Drive
New Windsor, NY 12553

39-3-19
Glenn & Monica Donato
23 Valewood Drive
New Windsor, NY 12553

39-4-3
Roy & Dolores DeWitt
4 Valewood Drive
New Windsor, NY 12553

39-4-13
Rosette Anderson
4 Harvey Way
Newburgh, NY 12550

39-3-20
Roland & Evelyn De Agostino
21 Valewood Drive
New Windsor, NY 12553

39-4-4
Rosemary Coyle
6 Valewood Drive
New Windsor, NY 12553

39-4-14
Karl Zachow
26 Valewood Drive
New Windsor, NY 12553

39-3-21
Edwin Jr. & Janet Rodriguez
19 Valewood Drive
New Windsor, NY 12553

39-4-5
Marion Randall
8 Valewood Drive
New Windsor, NY 12553

39-4-19
Gregory & Deborah Webber
28 Birchwood Drive
New Windsor, NY 12553

39-3-22
Salvatore Vecchio
17 Valewood Drive
New Windsor, NY 12553

39-4-6
Phyllis Scherf
10 Valewood Drive
New Windsor, NY 12553

39-4-20
Elizabeth Mulligan
26 Birchwood Drive
New Windsor, NY 12553



39-4-21
Irving Roller
24 Birchwood Drive
New Windsor, NY 12553

39-4-31
Eleanor Harris
4 Birchwood Drive
New Windsor, NY 12553

39-5-24
Gina Mahoney
17 Hudson Drive
New Windsor, NY 12553

39-4-22
Brenda Winn
Jeanette Garcia
22 Birchwood Drive
New Windsor, NY 12553

39-5-1
Eric & Celine Maxwell
1 Birchwood Drive
New Windsor, NY 12553

39-5-25
Robert & Linda Thompson
15 Hudson Drive
New Windsor, NY 12553

39-4-23
Charles & Ann Rhodes
20 Birchwood Drive
New Windsor, NY 12553

39-5-2
Jonah & Farrell Eisenberg
3 Birchwood Drive
New Windsor, NY 12553

39-5-26
Brian & Angela Maxwell
13 Hudson Drive
New Windsor, NY 12553

39-4-24
Philip & Judith Petendree
18 Birchwood Drive
New Windsor, NY 12553

39-5-3
Janet Puglia
5 Birchwood Drive
New Windsor, NY 12553

39-5-27
Michael & Frances Maxwell
11 Hudson Drive
New Windsor, NY 12553

39-4-25
Warren Tavetian
16 Birchwood Drive
New Windsor, NY 12553

39-5-4
Nazire Fuat
7 Birchwood Drive
New Windsor, NY 12553

39-5-28
Rhoda Smith
9 Hudson Drive
New Windsor, NY 12553

39-4-26
Matthew Santenberg
Jacqueline Betz
14 Birchwood Drive
New Windsor, NY 12553

39-5-5
Tomasz & Dorota Trzesniewski
9 Birchwood Drive
New Windsor, NY 12553

39-5-29
Keith Cuomo
Veronica Chevere
7 Hudson Drive
New Windsor, NY 12553

39-4-27
Steven & Beth Plaskon
12 Birchwood Drive
New Windsor, NY 12553

39-5-6
Rose Spart
11 Birchwood Drive
New Windsor, NY 12553

39-4-28
Deborah Brand
Michael Musante
10 Birchwood Drive
New Windsor, NY 12553

39-5-7
Octavio Velasquez Jr.
Blanca Irizarry
13 Birchwood Drive
New Windsor, NY 12553

39-4-29
Lucille Coleman
8 Birchwood Drive
New Windsor, NY 12553

39-5-8
William & Lynn Corti
15 Birchwood Drive
New Windsor, NY 12553

39-4-30
John & Eunice McKee
6 Birchwood Drive
New Windsor, NY 12553

39-5-9
Daniel & Diane Loughran
17 Birchwood Drive
New Windsor, NY 12553

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

DATE RECEIVED: 10-18-07

FOR: 07-54 ESCROW

FROM:

Eleonora Hightower
12 Valewood Drive
New Windsor, NY 12553

CHECK FROM:

SAME

CHECK NUMBER: 1496

TELEPHONE: 562-0822

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Fenney 10-23-07
NAME DATE

ZBA # 07-54 Escrow

WILLIAM HIGHTOWER
ELEONORA HIGHTOWER
15 VALEWOOD DRIVE
NEW WINDSOR, NY 12553

562-0822

Date

9/26/07

1496

29-7003/2213
57

Pay to the
order of

Town of New Windsor \$ 300.00
Three Hundred & 00/100 Dollars

 **Citizens Bank**

For _____

E. Nightingale

⑆ 221370030⑆ ⑆ 4680044505 ⑆ 1496

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

RECEIPT
#813-2007

10/23/2007

Hightower, William # 2 BA 07-54

Received \$ 50.00 for Zoning Board Fees, on 10/23/2007. 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
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 10-23-07 mm

DATE: 10-23-07 PROJECT NUMBER: ZBA# 07-54 P.B. # _____

APPLICANT NAME: ELEONORA HIGHTOWER

PERSON TO NOTIFY TO PICK UP LIST:

Eleonora Hightower
12 Valewood Drive
New Windsor, NY 12553

TELEPHONE: 562-0822

TAX MAP NUMBER: SEC. 39 BLOCK 3 LOT 23
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 10 VALEWOOD
NEW WINDSOR

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: 1497

TOTAL CHARGES: _____



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

9/25/07
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

e-mail address: hightower@msmc.edu
Phone Number: (845) 562-0822
Fax Number: (845) 569-3258

I. Owner Information:

Eleonora Hightower
(Name)
15. Valewood Drive
(Address)

II. Applicant:

SAA
(Name)

(Address)

e-mail address: _____
Phone Number: () _____
Fax Number: () _____

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

(Name) N/A
(Address) _____

Phone Number: () _____
Fax Number: () _____

IV. Contractor/Engineer/Architect/Surveyor/:

(Name) N/A
(Address) _____

Phone Number () _____
Fax Number: () _____

V. Property Information:

Zone: R-4 Property Address in Question: _____
Lot Size: _____ Tax Map Number: _____ Section 39 Block 3 Lot 23

- 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

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

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

Describe proposal: _____

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

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

Sheet

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.	10'	7'	3'
Reqd. Side Yd.	10'	2'	8'
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

Pouch

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.	<i>50 ft</i>	<i>32 ft</i>	<i>18 ft</i>
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.**

dash

**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. ✓			
Reqd. Rear Yd. ✓	<i>10 ft</i>	<i>2 ft</i>	<i>8 ft</i>
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.**



10/22
07-54

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:

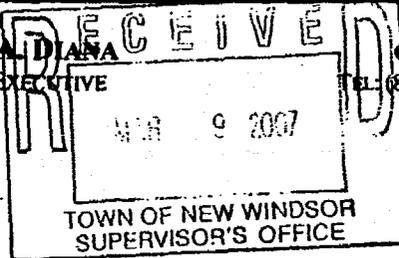
Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

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

hightowe@msnc.edu

**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;

● *William and Eleanor Hightower* ●
15 Valewood Drive New Windsor, New York 12553
845-562-0822

September 26, 2007

Town of New Windsor Zoning Board of Appeals

We are requesting a variance for our pool deck, shed and screened porch.

At this time we firmly believe it will not impact the beauty of our development nor do any physical harm to our environment.

The shed and porch have been part of our home prior to our occupancy in 1983. We would not be able to enjoy our home without our porch it is where we spend all our time in the summer. The shed is necessary to store items that can not fit in our one car garage ex: lawn mower, snow blower. The pool deck is an improvement we needed enabling us to enter and exit our pool without any difficulty (arthritic legs).

XII. ADDITIONAL COMMENTS:

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

XIII. ATTACHMENTS REQUIRED:

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

26th day of Sept 2007.

Eleonora Hightower
Owner's Signature (Notarized)

Eleonora Hightower
Owner's Name (Please Print)

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

Deborah Green
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.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

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

Eleonora Hightower, deposes and says that he resides
(OWNER)
at 15 VALEWOOD DR in the County of ORANGE
(OWNER'S ADDRESS)
and State of NY and that he is the owner of property tax map
(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: _____

Sworn to before me this:
_____ day of _____ 20____

**

Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)

Representative's Signature

Signature and Stamp of Notary

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

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

PROJECT I.D. NUMBER

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>Eleonora Hightower</i>	2. PROJECT NAME
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>15- Valewood Drive</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>install shed + porch deck</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input 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 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 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 type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Eleonora Hightower</i>	Date: <i>9/26/07</i>
Signature: <i>Eleonora Hightower</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:

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 _____ Title of Responsible Officer _____

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer) _____

_____ Date _____