

**ZB# 07-58**

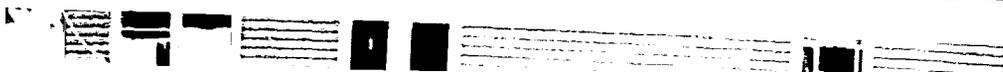
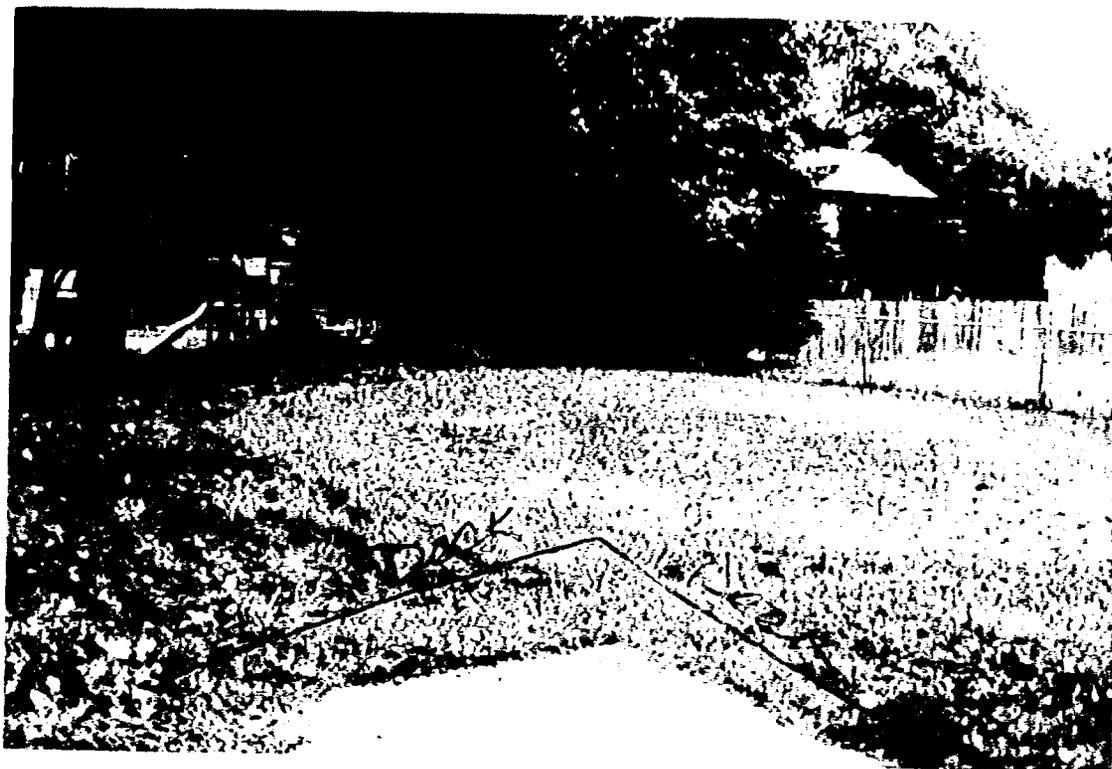
**Thomas Finneran**

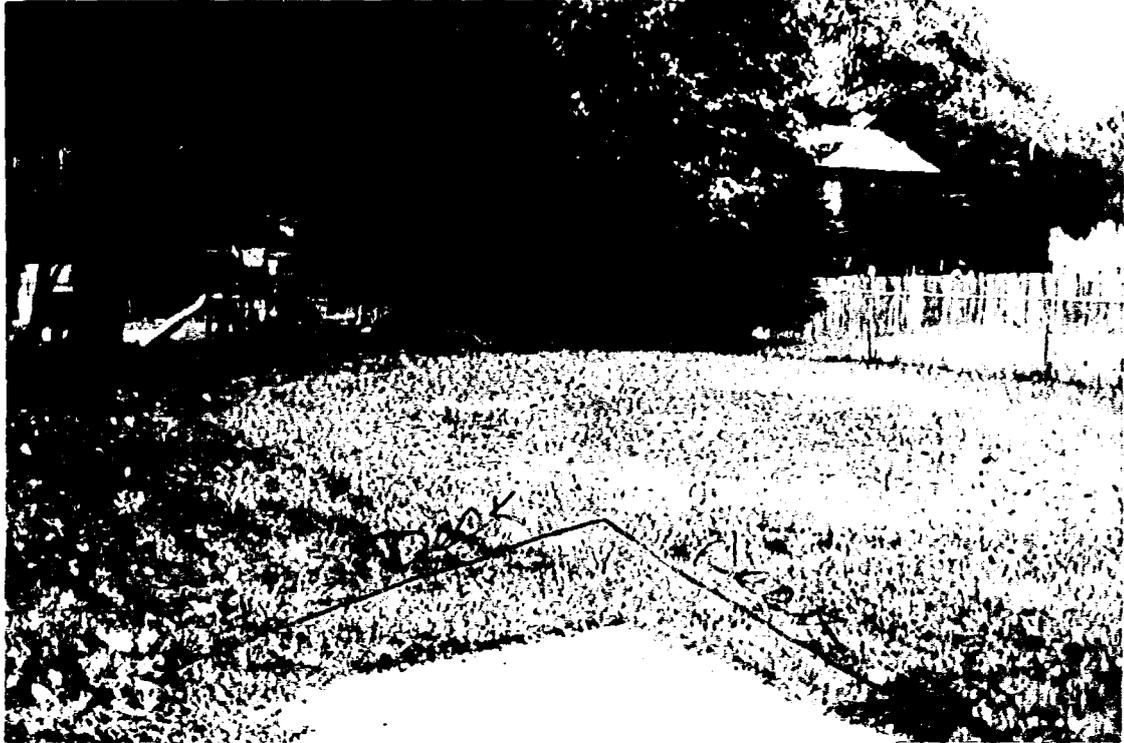
**73-4-2**

07-58 Kathleen Finneran (Area  
446 Philo St. (73-4-2)

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

*closed May-08*





**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: July 19, 2007**

**APPLICANT: Thomas Finneran  
446 Philo Street  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 07/16/07**

**FOR: One-Family House**

**LOCATED AT: 446 Philo Street, New Windsor NY 12553**

**ZONE: R4    Sec/Blk/ Lot: 73-4-2**

**DESCRIPTION OF EXISTING SITE: One family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed 14' x 26' deck does not meet minimum 50' rear yard set-back.**

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

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection
10. There will be no inspections unless yellow permit card is posted.
11. Water and 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 there is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2007-620

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE**  
**CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR**  
**ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises KATHLEEN M. FINNIGAN

X Address 446 PHILO ST. NEWLINDSOR Phone # 845-562-5583

X Mailing Address SAME Fax # NONE

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone Call Sandy

Name of Contractor Rocky Mountain 845-234-0787

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)

X 1. On what street is property located? On the N side of PHILO ST.  
and APPROX 125' (N,S,E or W) feet from the intersection of PHILO ST AND SIMS

2. Zone or use district in which premises are situated \_\_\_\_\_ is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

X 3. Tax Map Description: Section 33480 73-4-2 Block 4 Lot 2

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 \_\_\_\_\_

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

6. Is this a corner lot? NO 14' x 26'

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 \_\_\_\_\_

X 10. Estimated cost \$ 3,500.00 Fee \_\_\_\_\_

**ZONING BOARD**

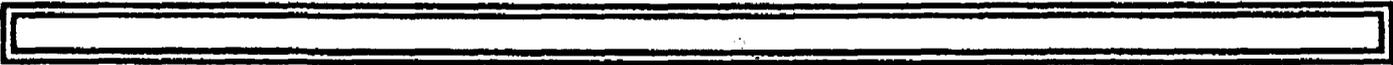
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

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

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

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_



INSTRUCTIONS

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

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

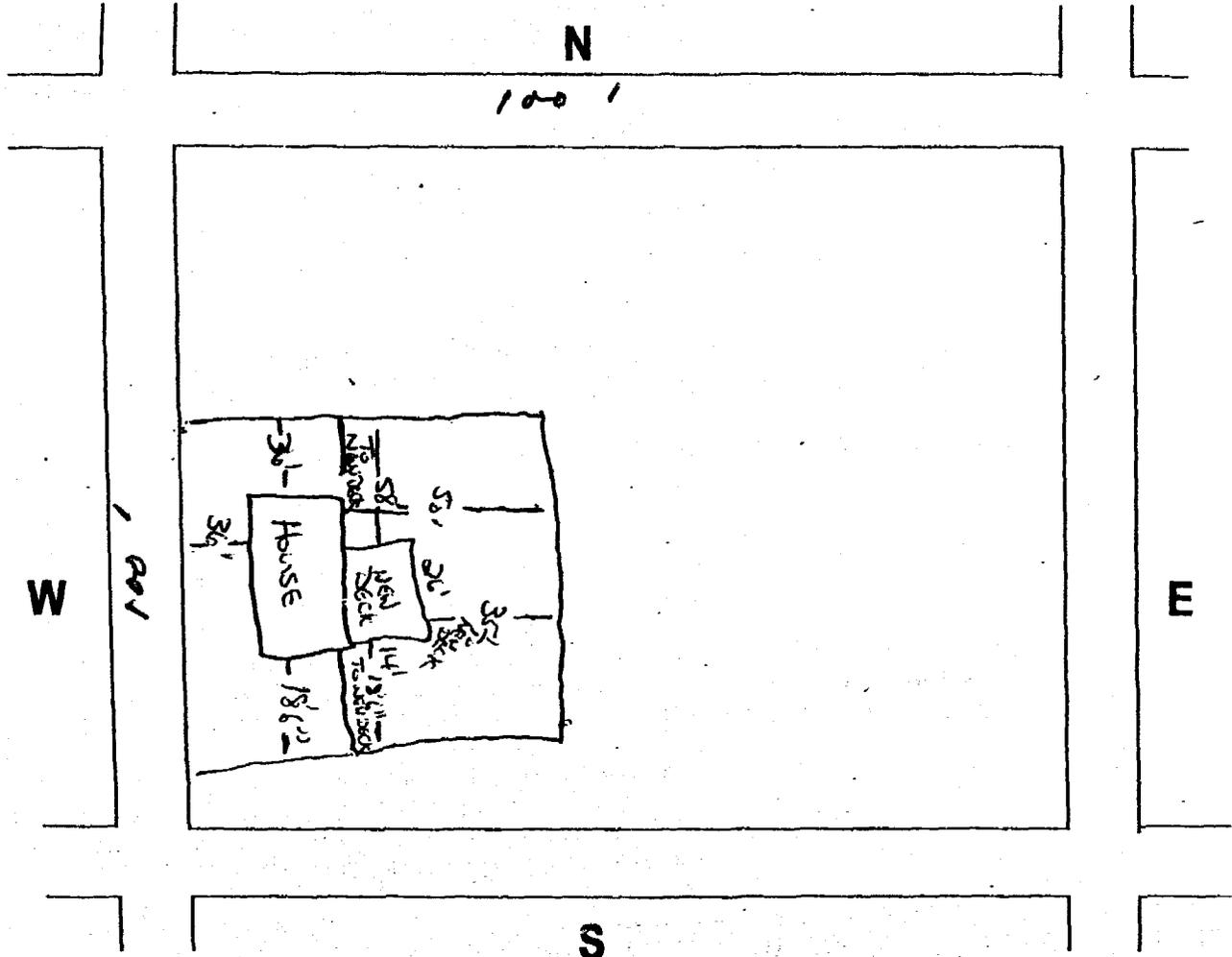
X Kathleen M. Linnard 446 Philo St. New Windsor NY  
(Signature of Applicant) (Address of Applicant)

X Kathleen M. Linnard 446 Philo St. New Windsor NY 12553  
(Owner's Signature)

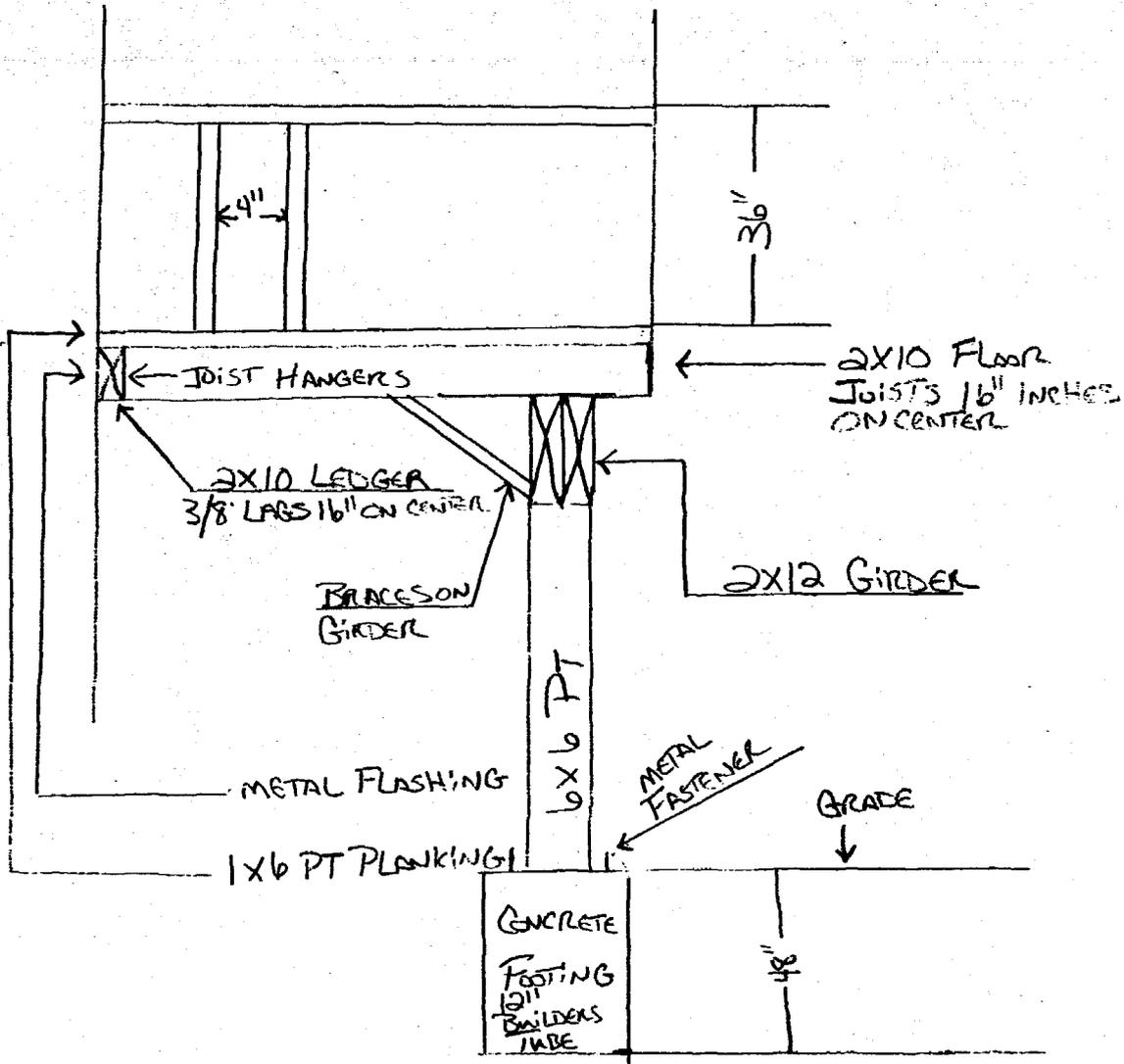
PLOT PLAN

NOTE:

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

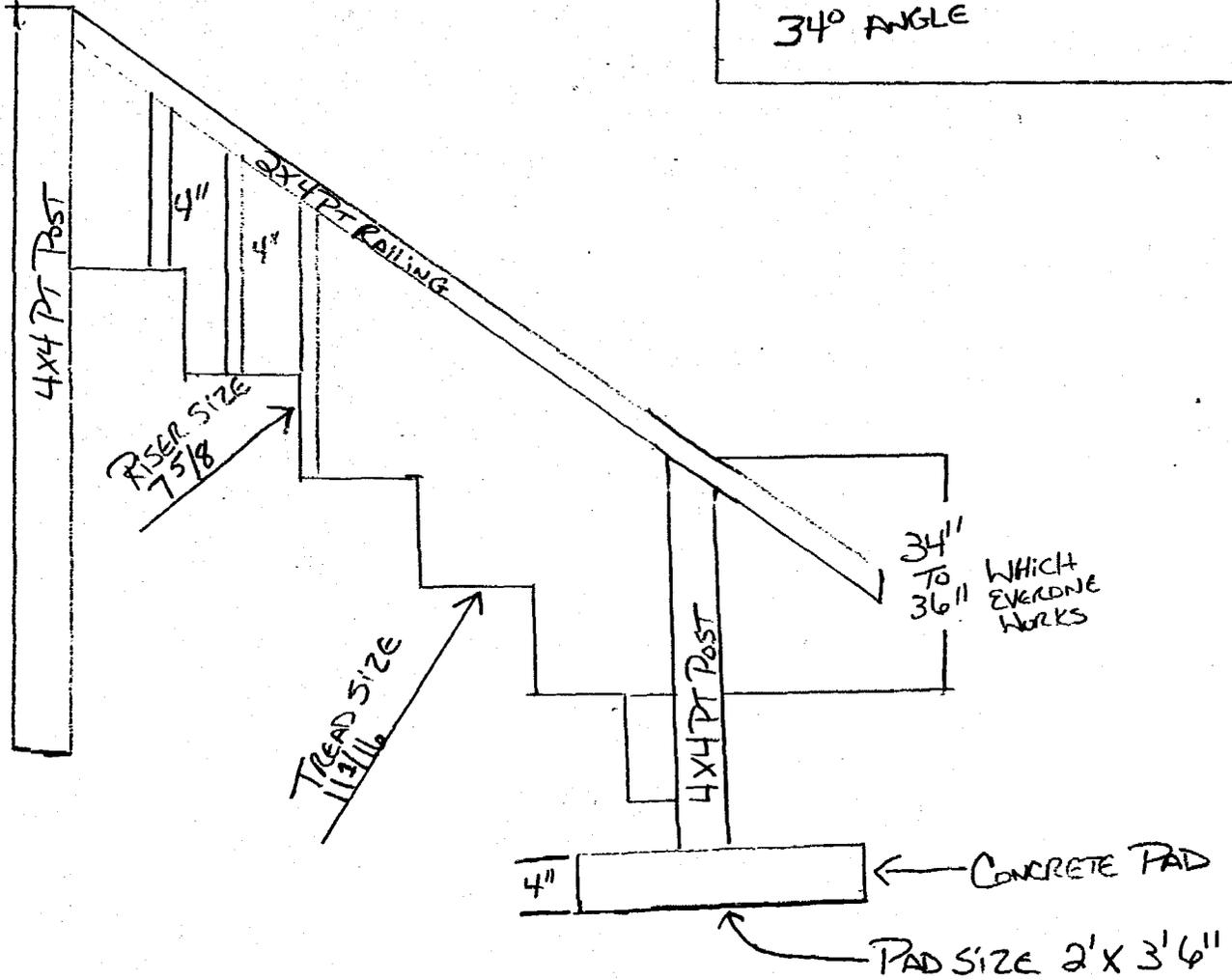


# SIDE VIEW OF DECK



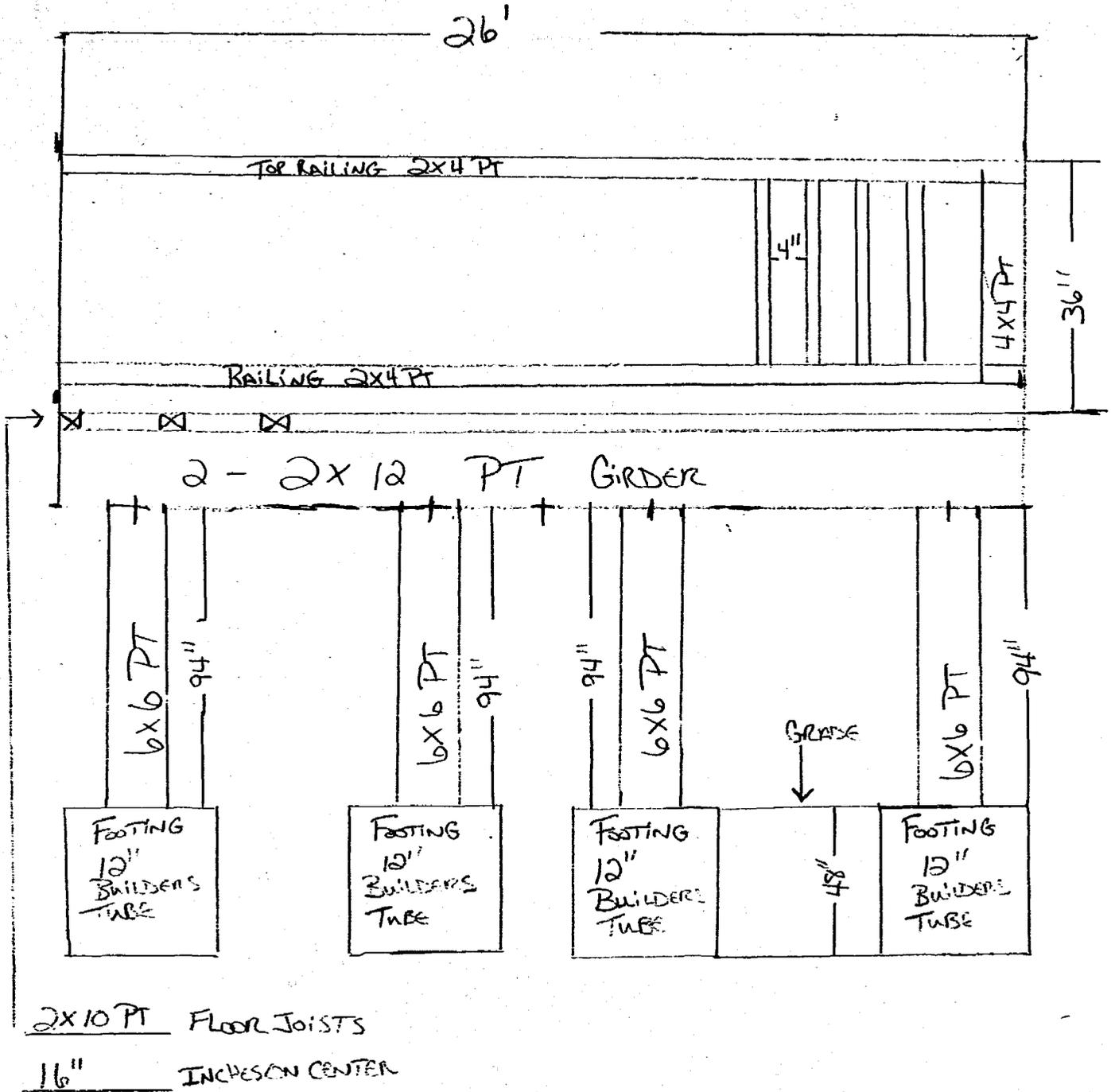
# STAIRS LAYOUT

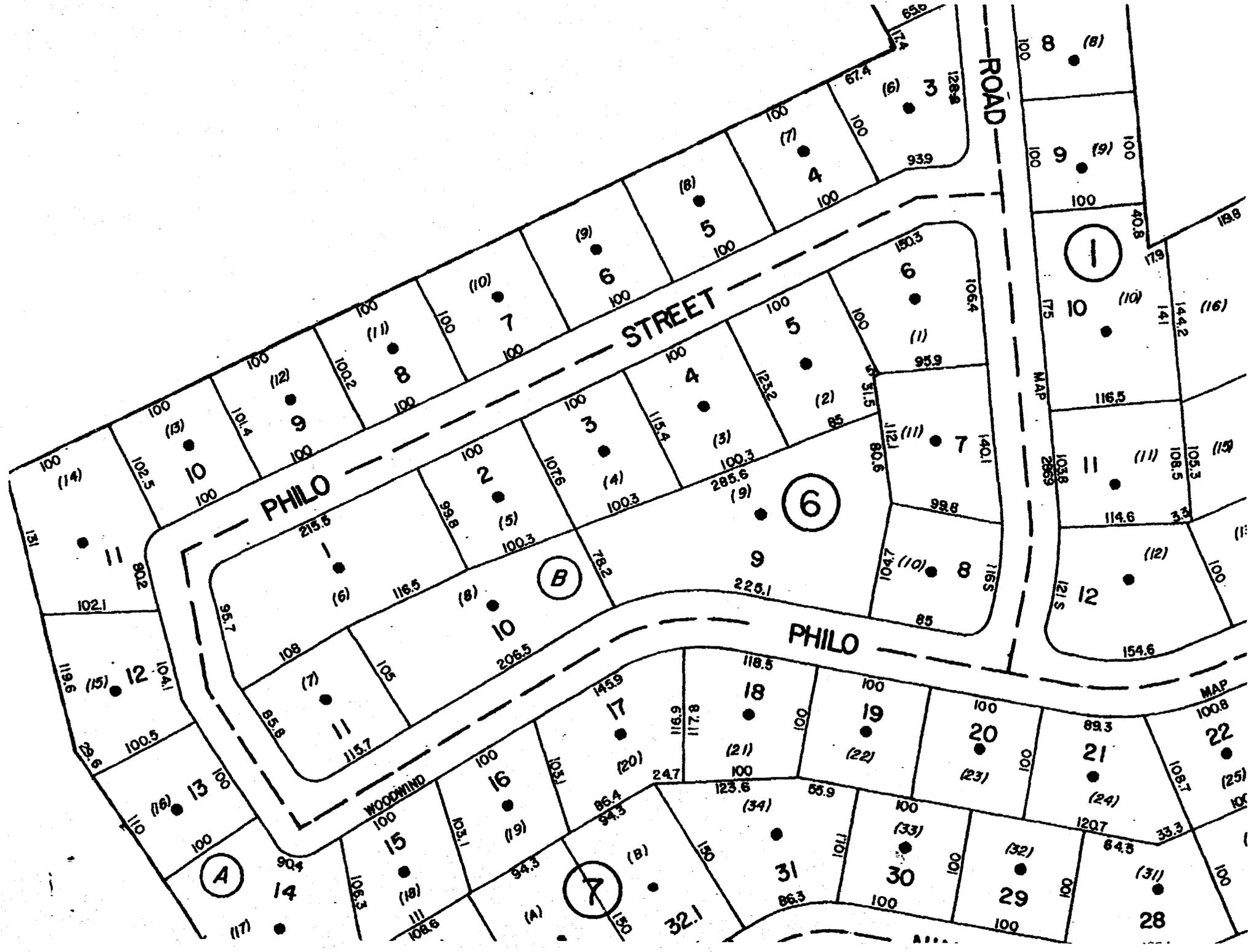
Rise - 8' 10" 1/2  
Run - 12'  
14 RISERS  
7 5/8 RISER SIZE  
13 TREADS  
11 1/16 TREAD SIZE  
14' 6" 1/16 STRINGER SIZE  
34° ANGLE



SCALE 1/4" = 1'

# FRONT VIEW OF DECK





PHILO STREET

PHILO ROAD

PHILO

PHILO

WOODWIND

MAP

MAP

- 1 (14)
- 2 (5)
- 3 (6)
- 4 (8)
- 5 (9)
- 6 (10)
- 7 (11)
- 8 (12)
- 9 (13)
- 10 (14)
- 11 (15)
- 12 (16)
- 13 (17)
- 14 (18)
- 15 (19)
- 16 (20)
- 17 (21)
- 18 (22)
- 19 (23)
- 20 (24)
- 21 (25)
- 22 (26)
- 23 (27)
- 24 (28)
- 25 (29)
- 26 (30)
- 27 (31)
- 28 (32)
- 29 (33)
- 30 (34)
- 31 (35)
- 32 (36)

(B)

(6)

(A)

(7)

(22)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 73-4-2

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

KATHLEEN FINNERAN

AREA

CASE #07-58

**WHEREAS, Kathleen Finneran**, owner(s) of 446 Philo Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 15 ft. rear yard setback for proposed 14' X 26' deck at 446 Philo Street in an R-4 Zone (73-4-2)

**WHEREAS**, a public hearing was held on January 14, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

**WHEREAS**, there were no spectators appearing at the public hearing; and

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

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.
  - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.
  - (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.

- (d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (e) With the deck, the house will be similar in size and nature to other houses in the neighborhood.
- (f) The 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.

**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).

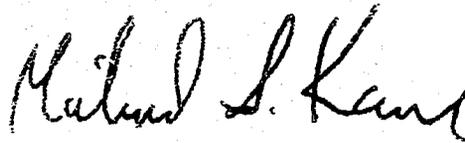
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 15 ft. rear yard setback for proposed 14' X 26' deck at 446 Philo Street in an R-4 Zone (73-4-2) 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: May 15, 2008



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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: 04-14-08**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 168.71 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-58**

**NAME & ADDRESS:**

**Kathleen Finneran  
446 Philo Street  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.04-14-08**



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



FILE #07-58      TYPE:AREA      TELEPHONE: 562-5583

APPLICANT:  
Kathleen Finneran  
446 Philo Street  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>132</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK # 130



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

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

LEGAL AD: Publish Date:12-28-07            \$ 12.29

TOTAL:            \$ 61.29            \$ 70.00



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>131.29</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>168.71</u>

Cc:

J.F. 04-14-08

PUBLIC HEARINGS:

KATHLEEN FINNERAN (07-58)

MR. KANE: Request for 15 foot rear yard setback for proposed 14' x 26' deck at 446 Philo Street.

Ms. Kathleen Finneran appeared before the board for this proposal.

MR. KANE: May I ask if there's anybody here for this particular hearing? Okay, let the record show that there's nobody in the audience for the public portion of the hearing. Okay, Kathleen, like the preliminary, you tell us exactly what you want to do.

MS. FINNERAN: A deck for recreation out the back kitchen door upper level.

MR. KANE: Removing any trees or substantial vegetation in the building of the deck?

MS. FINNERAN: No.

MR. KANE: Creating any water hazards or runoffs?

MS. FINNERAN: Not that I know of.

MR. KANE: Any easements running in the area where you want to put the deck?

MS. FINNERAN: Not that I know of.

MR. KANE: The deck to be built is 14 feet out from the house and 26 feet long?

MS. FINNERAN: Right.

MR. KANE: And you consider that similar in size and nature to other decks in your neighborhood?

January 14, 2008

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MS. FINNERAN: Yes.

MR. KANE: Obviously, without a deck it would be a safety feature opening the doors?

MS. FINNERAN: That's the new door.

MR. KANE: But still without a deck there or somebody there would be a safety hazard?

MS. FINNERAN: Yes.

MR. KANE: At this point, I will open and close the public portion of the meeting, seeing as there's nobody here, and ask Myra how many mailings.

MS. MASON: On the 26th of December, I mailed out 78 envelopes and got no response.

MR. KANE: Okay, and I will ask the board if they have any questions.

MR. BABCOCK: Just so everybody knows, the current zoning is 50 feet. When this house was built, it was 40 feet, so it makes the variance 15 feet instead of five feet. If she would have come in prior to the zoning change she would have needed a five foot variance, her lot's only 100 feet deep, so fairly small lot.

MR. KANE: Right, and the house has to be a good 28 looking at it from here.

MR. BABCOCK: That's correct.

MR. KANE: Any other questions from the board? None, I'll accept a motion.

MRS. VOLPE: I will offer a motion that we grant

January 14, 2008

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Kathleen Finneran's request for 15 foot rear yard setback for proposed 14 x 26 deck at 446 Philo Street.

MR. TORPEY: I'll second that.

ROLL CALL

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

PRELIMINARY MEETINGS

KATHLEEN FINNERAN (07-58)

MR. KANE: First preliminary meeting Kathleen Finneran. Request for 15 foot rear yard setback for proposed 14' x 26' deck at 446 Philo Street.

Ms. Kathleen Finneran appeared before the board for this proposal.

MR. KANE: If I may just explain that what we do in the Town of New Windsor is we hold two meetings, one's a preliminary meeting so we can get a general idea of what you want to do and we make sure that you can get us all the information that we need to make a decision. In some towns, you walk right in, if you don't have it, you lose. So what you want to do is tell us exactly what you want to do and we'll go over this and then when we do the public hearing which is what we have to make a vote, it will basically be the same thing.

MS. FINNERAN: Just to construct a deck off the back of the house, I never had one before, it's not redoing it.

MR. KANE: How big is the deck going to be? It's 14 x 26. Is the 14 coming out from the house and 26 long?

MS. FINNERAN: Yes and 26 long.

MR. KANE: So 14 x 26 you wouldn't consider to be an oversized deck for your neighborhood?

MS. FINNERAN: I don't think so.

MR. KANE: Similar in size and nature to other decks in your particular neighborhood?

MS. FINNERAN: Yes.

December 10, 2007

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MR. KANE: Will there be, obviously I have the pictures in front of me and I can see but I have to ask certain questions, you won't be cutting down any trees or substantial vegetation?

MS. FINNERAN: No, that's all open.

MR. KANE: Creating water hazards or runoffs?

MS. FINNERAN: I doubt it.

MR. KANE: Are there any easements on your property where you plan to put the deck?

MS. FINNERAN: No.

MR. TORPEY: Excuse me, where is this deck going into, just going to be out in the middle or going to the sliding glass door?

MR. KANE: It's right by the sliding glass door.

MS. FINNERAN: Yes. This is a new door here, this will be here.

MR. KANE: The exit from the door up there and obviously without a deck opening with doors that would be a safety hazard?

MS. FINNERAN: Yes.

MRS. VOLPE: Can we look at one of the photos because we don't have those?

MR. KANE: Absolutely. With the deck coming out 14 feet approximately, Mike, it's looking like it's going to leave 35 feet going to the rear?

MR. BABCOCK: That's correct.

December 10, 2007

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MR. KANE: Is 50 foot?

MR. BABCOCK: Fifty feet is today's rules.

MR. KANE: Used to be 40, right?

MR. BABCOCK: Yeah, used to be 40 and I'm sure when this house was built my paperwork says 75, I think it was even 30.

MR. KANE: Okay, so actually with the 35 foot left in the back yard that would make it similar to other homes in that particular neighborhood currently?

MS. FINNERAN: Yeah, most of them when people move in they had their decks up, I'm just 30 years late.

MR. KANE: Okay, I have no further questions at this moment.

MR. BEDETTI: No.

MRS. VOLPE: No.

MS. LOCEY: The only thing I see is that our agenda under Kathleen Finneran as the applicant and this says the applicant is Thomas, I just wondered.

MS. FINNERAN: I guess I'm the one who filled out all the paperwork and it's in both names.

MR. KANE: Husband and wife?

MS. FINNERAN: Yes.

MR. KRIEGER: Both own the property?

MS. FINNERAN: Yes.

MS. LOCEY: I was just curious.

December 10, 2007

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MS. FINNERAN: I guess I filled it all out.

MR. KANE: We just like to cross all the Ts and dot all the Is because somebody looks at it down the road--I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Kathleen Finneran for her requested 15 foot rear yard setback as detailed on the December 10, 2007 agenda for the Zoning Board of Appeals.

MR. TORPEY: I'll second that.

ROLL CALL

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

MR. KANE: We have set you up for the public hearing, this will tell you all the procedures, everything that you need to do and if you have any questions, you can give Myra a call.

MS. MASON: Just read that over, it tells you everything.

MS. FINNERAN: Thank you very much.

**Town of New Windsor**

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

**RECEIPT**

**#921-2007**

12/06/2007

Finneran, Kathleen  
446 Philo St  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 12/06/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA # 07-58

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

DATE RECEIVED: 12-05-07

FOR: 07-58 ESCROW

FROM:  
**Kathleen Finneran**  
**446 Philo Street**  
**New Windsor, NY 12553**

CHECK FROM:  
SAME

CHECK NUMBER: 130

TELEPHONE: 562-5583

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J Penney 12-6-07  
NAME DATE

ZBA # 07-58 ESCROW

**KATHLEEN M FINNERAN**  
446 PHILO STREET  
NEW WINDSOR, NY 12553

562-5583

05/06

130

Date 10/11/08

29-1310/0213  
047

Pay to the  
Order of

Town of New Windsor  
three hundred dollars

\$ 300.00

Dollars

 **Citizens Bank**

GREEN Checking

For

Kathleen Finneran

⑆021313103⑆ 4003031546⑆ 0130



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
1/7/2008	1106

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

*Murphy*

P.O. No.	Terms	Project
51868	used FD # 1066.	

Issue Date	Description	Rate	Amount
12/28/2007	LEGAL ADS: DOMINICK NISI 07-59 1 AFFIDAVIT	8.69 4.00	8.69 4.00
12/28/2007	LEGAL ADS: NEW WINDSOR SENIOR PROJECT 07-01 1 AFFIDAVIT	7.90 4.00	7.90 4.00
12/28/2007	LEGAL ADS: KATHLEEN FINNERAN 07-58 1 AFFIDAVIT	8.29 4.00	8.29 4.00
12/28/2007	LEGAL ADS: MANGIARACINA SUBDIVISION 05-17 1 AFFIDAVIT	7.90 4.00	7.90 4.00
		<b>Total</b>	<b>\$48.78</b>

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 28th day of November, A.D., 2007 and ending on the 28th day of November, A.D., 2007.

Kathleen O'Brien

Subscribed and shown to before me this 11<sup>th</sup> day of January, 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

**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. 07-58  
Request of KATHLEEN FINNERAN for a VARIANCE of the Zoning Local Law to Permit:  
Request for 15 ft. rear yard setback for proposed 14' X 26' deck at 446 Philo Street in an R-4 Zone (73-4-2)  
PUBLIC HEARING will take place on JANUARY 14TH, 2008 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: January 14, 2008

PROJECT: Kathleen Fixeras ZBA # 07-58  
P.B.# \_\_\_\_\_

**USE VARIANCE:**

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

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) ✓ S) 1 VOTE: A 5 N 0.

VOLPE A  
BEDETTI A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_



AGENDA DATE: January 14, 2008

**AFFIDAVIT OF MAILING**

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

-----X

In the Matter of the Application for Variance of

KATHLEEN FINNERAN

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#07-58

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

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

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 26TH day of DECEMBER, 2007, I compared the 78 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

14<sup>th</sup> day of January, 2008

J. A. Gallagher  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/12

**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:

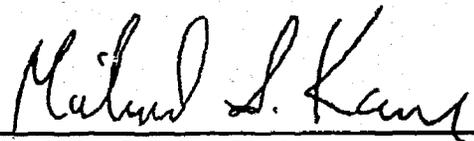
**Appeal No. 07-58**

**Request of KATHLEEN FINNERAN**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 15 ft. rear yard setback for proposed 14' X 26' deck at 446 Philo Street in an R-4 Zone (73-4-2)**

**PUBLIC HEARING will take place on JANUARY 14<sup>TH</sup>, 2008 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

**Assessor's Office**  
**J. Todd Wiley, Assessor**

**December 12, 2007**

**Kathleen Finneran  
446 Philo Street  
New Windsor, NY 12553**

**Re: 73-4-2      ZBA# 07-58 (78 )**

**Dear Ms. Finneran:**

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

**The charge for this service is \$95.00, minus your deposit of \$25.00.**

**Please remit the balance of \$70.00 to the Town Clerk's Office.**

**Sincerely,**

A handwritten signature in black ink that reads "J. Todd Wiley (IAO)". The signature is written in a cursive style, and the initials "IAO" are circled.

**J. Todd Wiley, IAO  
Sole Assessor**

**JTW/bw  
Attachments**

**CC: Myra Mason, ZBA**

4-1-31.22

Henry & Karl Scheible, Trustees of  
Testamentary Trust for L. Scheible  
c/o Karl Scheible  
19 Oakland Ct. Warwick, NY 10990

73-2-3

Thomas & Margaret Organ  
360 Nina Street  
New Windsor, NY 12553

73-2-21

Mary & Christopher Hagen  
326 Nina Street  
New Windsor, NY 12553

73-1-10

Donna Horak  
504 MacNary Road  
New Windsor, NY 12553

73-2-4

Carol Probst  
358 Nina Street  
New Windsor, NY 12553

73-3-1

Reggie & Venessa Hanks  
357 Nina Street  
New Windsor, NY 12553

73-1-11

Luisa & John Romano Jr.  
502 MacNary Road  
New Windsor, NY 12553

73-2-5

Kathleen & Thomas Griffin Jr.  
356 Nina Street  
New Windsor, NY 12553

73-3-2

Robert & Nea Condosta  
355 Nina Street  
New Windsor, NY 12553

73-1-12

Michael J. O'Hara  
421 Philo Street  
New Windsor, NY 12553

73-2-6

Carmine & Frances Lepora  
354 Nina Street  
New Windsor, NY 12553

73-3-3

Ronald Altomare  
353 Nina Street  
New Windsor, NY 12553

73-1-13

Dominick & Melissa Pileggi  
423 Philo Street  
New Windsor, NY 12553

73-2-15

William Kostenblatt  
338 Nina Street  
New Windsor, NY 12553

73-3-4

Sandra & Michael Muller Sr.  
351 Nina Street  
New Windsor, NY 12553

73-1-14

James & Petra Burt  
425 Philo Street  
New Windsor, NY 12553

73-2-16

Dacota Schariff  
336 Nina Street  
New Windsor, NY 12553

73-3-5

Marilene & Richard Baskind  
349 Nina Street  
New Windsor, NY 12553

73-1-15

Michael & Trude Antonacci  
609 Sim Street  
New Windsor, NY 12553

73-2-17

Marilyn Mutinelli  
334 Nina Street  
New Windsor, NY 12553

73-3-6

Annette & Fred Kaiser  
347 Nina Street  
New Windsor, NY 12553

73-1-16

Michael Restuccia  
30 Sloan Court  
Walkkill, NY 12589

73-2-18

Vicki & Robin Cohen  
332 Nina Street  
New Windsor, NY 12553

73-3-7

Eric & Deborah Keyes  
345 Nina Street  
New Windsor, NY 12553

73-2-1

Keith & Evelyn Aigner  
364 Nina Street  
New Windsor, NY 12553

73-2-19

Francis & Geraldine Nicolosi  
330 Nina Street  
New Windsor, NY 12553

73-3-8

John Feminella  
343 Nina Street  
New Windsor, NY 12553

73-2-2

Jan Rostek  
362 Nina Street  
New Windsor, NY 12553

73-2-20

David & Anthony Gomez  
328 Nina Street  
New Windsor, NY 12553

73-3-9

Joseph & Patricia Grimm  
437 Philo Street  
New Windsor, NY 12553

73-3-10  
John & Dana McCrossen  
435 Philo Street  
New Windsor, NY 12553

73-3-11  
Joseph & Elizabeth Como  
433 Philo Street  
New Windsor, NY 12553

73-3-12  
Eric Cooper  
431 Philo Street  
New Windsor, NY 12553

73-3-13  
John & Mary Guarracino  
429 Philo Street  
New Windsor, NY 12553

73-3-14  
Kenneth & Jeanne Martin  
427 Philo Street  
New Windsor, NY 12553

73-4-1  
Bob & Rosemary Hersh  
444 Philo Street  
New Windsor, NY 12553

73-4-3  
William Corcoran  
448 Philo Street  
New Windsor, NY 12553

73-4-4  
Christopher & Elke Spencer  
450 Philo Street  
New Windsor, NY 12553

73-4-5  
Kevin & Leslie Hofving  
452 Philo Street  
New Windsor, NY 12553

73-4-6  
Thomas Trinajstic  
454 Philo Street  
New Windsor, NY 12553

73-4-7  
Richard & Laura Graziano  
456 Philo Street  
New Windsor, NY 12553

73-4-8  
Diana McKeon  
339 Nina Street  
New Windsor, NY 12553

73-4-9  
Ursula Roberts  
337 Nina Street  
New Windsor, NY 12553

73-4-10  
Samuel Martinez Jr.  
335 Nina Street  
New Windsor, NY 12553

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

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

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

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

73-5-5  
Susan & Harold Boro  
318 Nina Street  
New Windsor, NY 12553

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

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

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

73-7-21  
Terri & George Jessen III  
436 Philo Street  
New Windsor, NY 12553

73-7-22  
Ronnie & Marivel Guerra  
438 Philo Street  
New Windsor, NY 12553

73-7-23  
Matthew & Carla Weiss  
440 Philo Street  
New Windsor, NY 12553

73-7-24  
Frank & Deborah Prego  
442 Philo Street  
New Windsor, NY 12553

73-7-25  
Peter & Julie Daly  
325 Nina Street  
New Windsor, NY 12553

73-7-26  
Robert & Mary Volz  
323 Nina Street  
New Windsor, NY 12553

73-7-27  
Mikhail & Alexandra Ostritskay  
321 Nina Street  
New Windsor, NY 12553

73-7-28  
Harriet Chittick  
319 Nina Street  
New Windsor, NY 12553

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

PROJECT: Kathleen Finxera ZBA # 07-58  
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) Lo S) I VOTE: A 5 N 0

Mrs. Volpe ✓  
~~Bedetti~~ ✓  
~~LUNDSTROM~~ ✓  
LOCEY ✓  
TORPEY ✓  
KANE ✓

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.





# 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:

<b>RESIDENTIAL: (Three Separate Checks Please)</b>	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
<b>MULTI-FAMILY: (Three Separate Checks Please)</b>	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
<b>COMMERCIAL: (Three Separate Checks Please)</b>	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
<b>INTERPRETATION: (Three Separate Checks Please)</b>	
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 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

**READ THIS PAGE CAREFULLY** □



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

11/2/07  
Date

Application Type: Use Variance  Area Variance   
Sign Variance  Interpretation

e-mail address: MYBNA2@ADL.COM

I. Owner Information:

(Name) Kathleen Finneran Phone Number: ( )  
 (Address) 446 Philo St New Windsor, NY 12553 Fax Number: ( )

II. Applicant:

(Name) Kathleen Finneran e-mail address: \_\_\_\_\_  
 (Address) 446 Philo St Newburgh, NY 12553 Phone Number: ( )  
 Fax Number: ( )

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

(Name) \_\_\_\_\_ Phone Number: ( )  
 (Address) \_\_\_\_\_ Fax Number: ( )

IV. Contractor/Engineer/Architect/Surveyor/:

(Name) Rocky Mountain Landscape & Construction Corp Phone Number ( )  
 (Address) PO Box 1265 Fax Number: ( )  
Beacon, NY

V. Property Information:

Zone: R4 Property Address in Question: 446 Philo St, New Windsor, NY 12553  
 Lot Size: \_\_\_\_\_ Tax Map Number: Section 73 Block 4 Lot 2  
 a. Is pending sale or lease subject to ZBA approval of this Application? NO  
 b. When was property purchased by present owner? 1980  
 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? \_\_\_\_\_

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

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

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

**APPLICATION FOR VARIANCE - continued**

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

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	50'	35'	15'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

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

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

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

**PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:**

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NO, at this time there is a door that was installed in the kitchen that accesses out to area where deck is proposed. Any other substitute would be useless
2. Whether the requested area variance is substantial; It brings the value of the property up. Homeowner can use property to their fullest
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO, Absolutely Not
4. Whether the alleged difficulty was self-created. No, absolutely not.

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

Because it will make improvements to house and property value.

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

**XII. ADDITIONAL COMMENTS:**

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

**XIII. ATTACHMENTS REQUIRED:**

- 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)

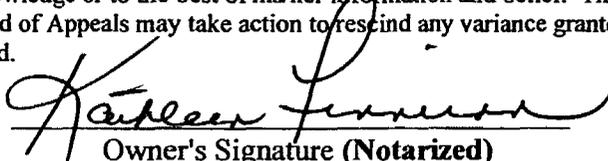
) SS.:

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.

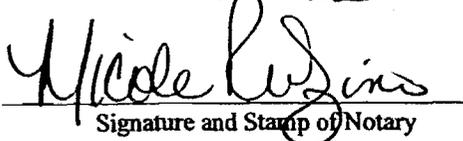
Sworn to before me this:

1<sup>st</sup> day of November 20 07

  
Owner's Signature (Notarized)

Kathleen Finneran  
Owner's Name (Please Print)

NICOLE RUFFINO  
No. 01RU6015327  
Notary Public, State of New York  
Qualified in Dutchess County  
My Commission Expires Oct. 28, 2010

  
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

Kathleen Finneran, deposes and says that he resides  
(OWNER)  
at 446 Philo St, New Windsor, NY 12553 in the County of Orange  
(OWNER'S ADDRESS)  
and State of New York and that he is the owner of property tax map  
(Sec. 73 Block 4 Lot 2)  
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)  
Sandra Tobin, 55 Hensman, Wallkill, NY, Rocky Mountain  
(Name & Address of Professional Representative of Owner and/or Applicant) landscape & Design

to make the foregoing application as described therein.

Date: 11.1.07  
Sworn to before me this:  
1<sup>st</sup> day of November 20 07  
Kathleen Finneran  
Owner's Signature (MUST BE NOTARIZED)

**NICOLE RUFINO**  
No. 01RUG015327  
Notary Public, State of New York  
Qualified in Dutchess County  
My Commission Expires Oct. 28, 2010

Nicole Rufino  
Signature and Stamp of Notary

\_\_\_\_\_  
Applicant's Signature (If different than owner)

\_\_\_\_\_  
Representative's Signature

**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

617.21

SEQR

Appendix C

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

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

1. APPLICANT /SPONSOR Kathleen Finneran	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>446 Philo Street</u> <u>New Windsor, NY 12553</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Build 12x26 opened pressure treated deck off</u> <u>Kitchen area, door access to deck.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres    Ultimately <u>312 sq ft</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <u>Back yard</u>	
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: <u>Kathleen Finneran</u>	Date: <u>10/22/07</u>
Signature: <u>Kathleen Finneran</u>	

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

OVER

1

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN § 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 § NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

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

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

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

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

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

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

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
 Name of Lead Agency

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
 Date