

ZB# 08-08

Eric Azoff

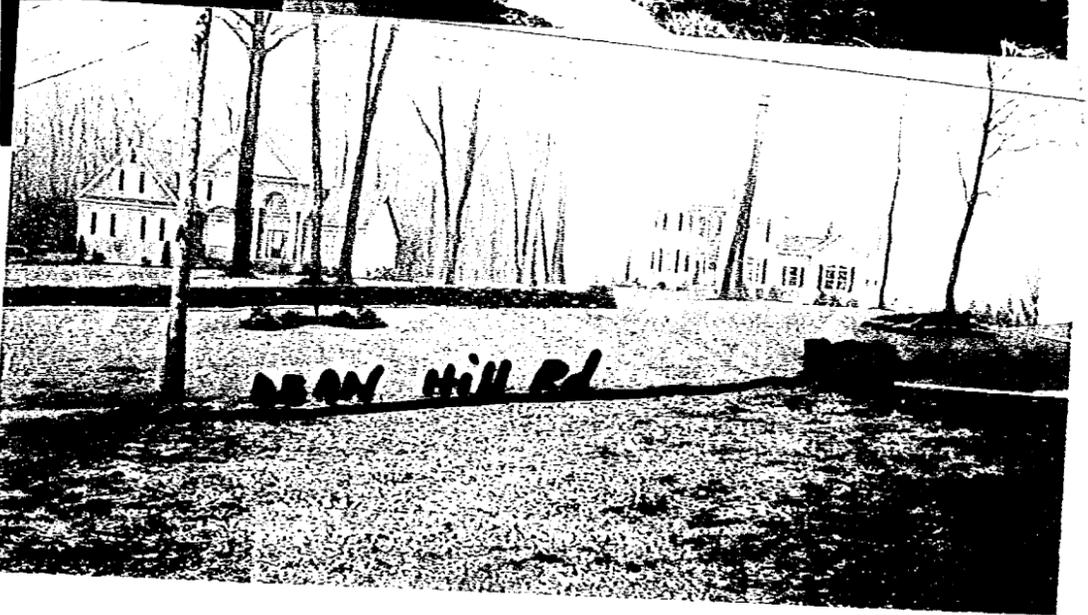
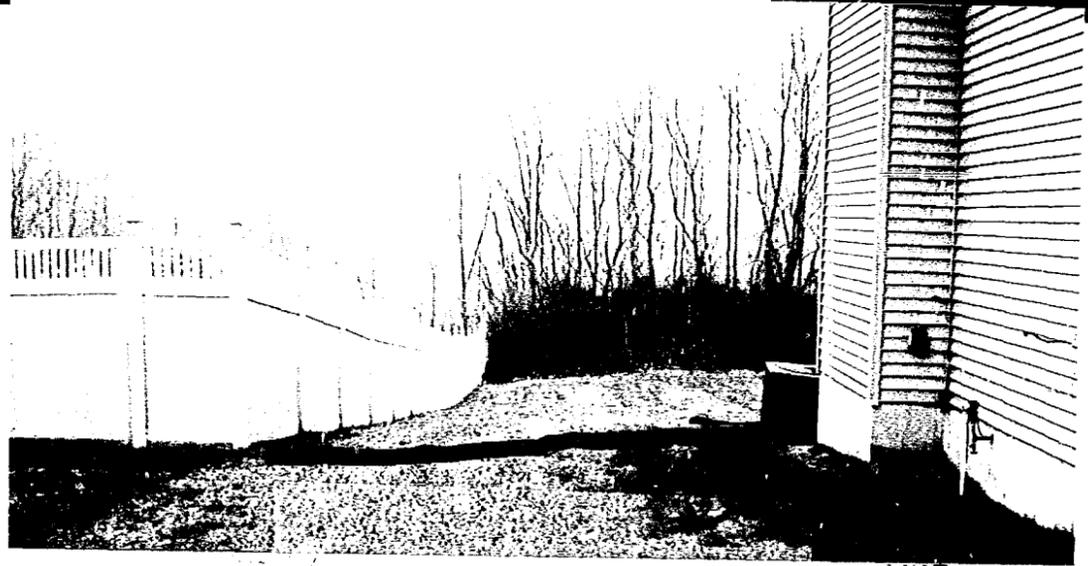
89-4-10



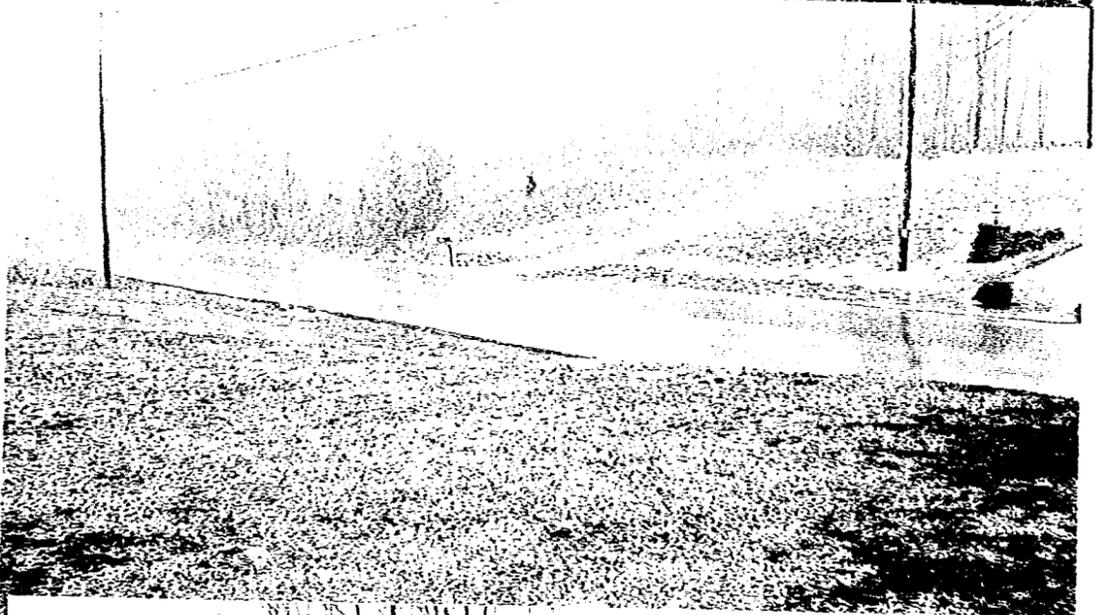
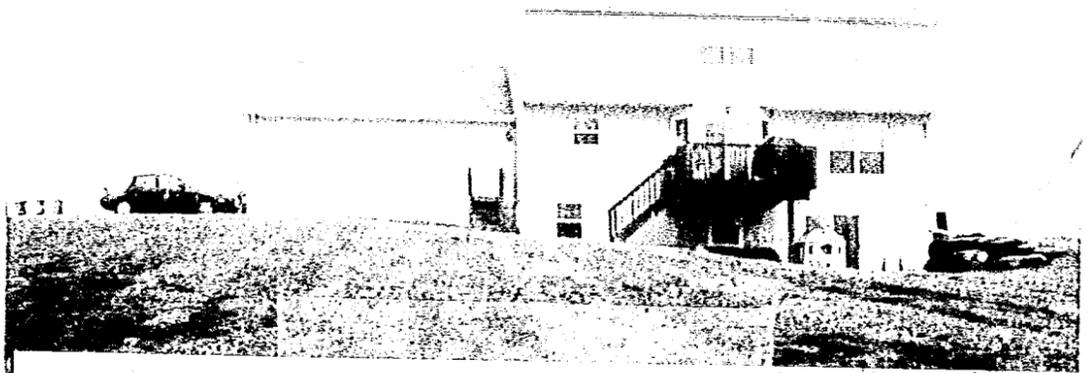
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

March 24, 2008

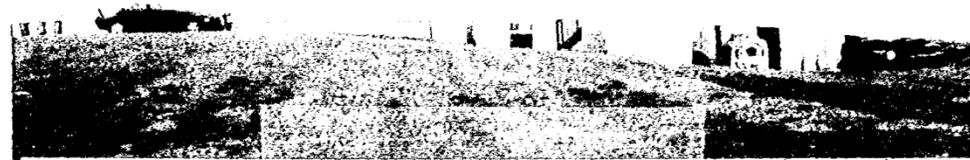
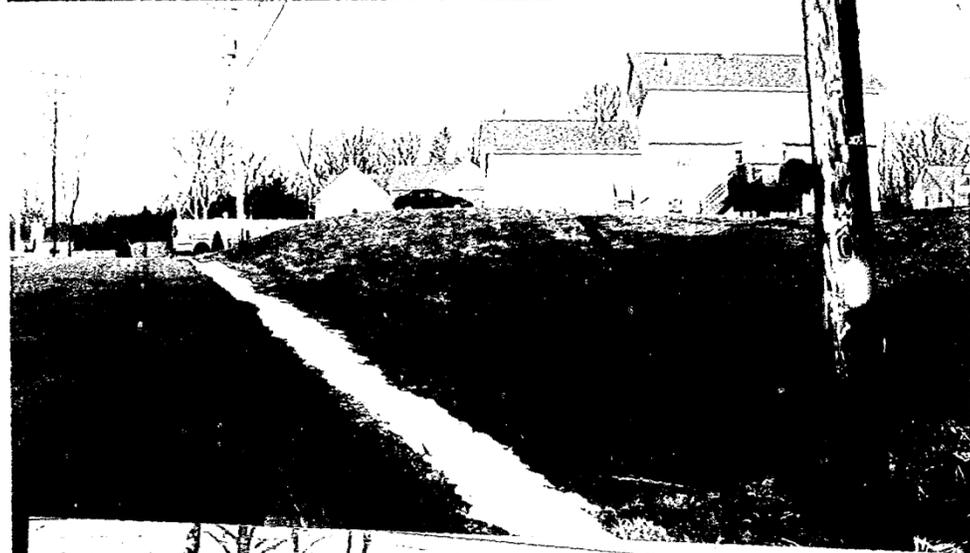
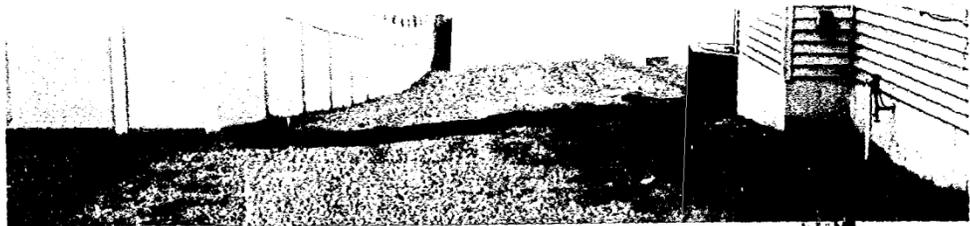
08-08 ERIC PROFF (Area)
1002 Forest Glen (89-4-16)



1/11/77



1/11/77



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

MEMORANDUM OF
DECISION GRANTING

ERIC AZOFF

AREA (FENCE)

CASE #08-08
-----X

WHEREAS, ERIC AZOFF, owner(s) of 1002 FOREST GLEN, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 1 ft. height for proposed 5 ft. fence between the building and the street at 1003 Forest Glen in an R-4 Zone (89-4-10)

WHEREAS, a public hearing was held on March 24, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

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

WHEREAS no one spoke 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 where the proposed use is allowed in an /R-4 zone.
 - (b) The applicant seeks to place a 5 ft. fence in the front of his property as a safety issue.
 - (c) The fence will not interfere with the vision or safe operation on the adjacent roadway.

- (d) The applicant's home is located on the intersection of two roadways, although it appears to have only visually to have one front yard, legally, it has two.
- (e) Immediately adjacent to the applicant's property is a residential property with a 6 ft. fence.
- (f) The fence, if permitted, will not interfere with the safe operation of motor vehicles on the adjacent public thoroughfares.
- (g) In constructing the fence, the applicant will not remove any trees or substantial vegetation.
- (h) In building the fence 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
- (i) In building the fence the applicant will not create the ponding or collection of water or divert the flow of water drainage.

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).

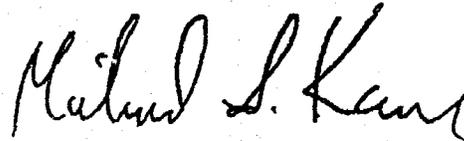
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 1 ft. height for proposed 5 ft. fence between the building and the street at 1003 Forest Glen in an R-4 Zone (89-4-10) 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: March 24, 2008



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: AUGUST 5, 2008
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 169.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #08-08

NAME & ADDRESS:

**Eric Azoff
1002 Forest Glen
New Windsor, NY 12553**

THANK YOU,

MYRA

J.F.08-05-08



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



FILE #08-08 TYPE:AREA TELEPHONE: 567-0656

APPLICANT:

Eric Azoff
1002 Forest Glen
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #135
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #136



<u>DISBURSEMENTS:</u>		<u>MINUTES</u>	<u>ATTORNEY</u>
		<u>\$7.00 / PAGE</u>	<u>FEE</u>
PRELIMINARY:	<u>3</u> PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>4</u> PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>

LEGAL AD: Publish Date:03/08 \$ 11.50

TOTAL: \$ 60.50 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 130.50

AMOUNT DUE: \$

REFUND DUE: \$ 169.50

Cc:

J.F. 08-05-08

ERIC & MICHELLE AZOFF (08-08)

MR. KANE: Request for 1 foot height for proposed 5 foot fence between the building and the street at 1003 Forest Glen.

Mr. Eric Azoff appeared before the board for this proposal.

MR. AZOFF: Again, it's 1002.

MR. KANE: Just like in the preliminary, speak loud enough for this young land to hear you.

MR. AZOFF: You asked for this picture.

MR. KANE: Yes, I did, thank you.

MR. AZOFF: Basically, we're looking to install a fence for the back yard across the, there's a tree line and across the trees just one foot higher than the 4 foot we're allowed.

MR. KANE: And the reason for this?

MR. AZOFF: I've got four children, looking to put a swing set in the back yard, keep the kids in. I've got a dog too that likes to play with them, keeps them all in the yard.

MR. KANE: And as we spoke in the preliminary there's no obstruction to the traffic going down Dean Hill Road?

MR. AZOFF: No.

MR. KANE: Fence not a solid fence, okay. He's brought a picture in also showing the property from the road that I had requested.

MR. AZOFF: Fence won't go to the road, you see the hill, it's on top of the hill.

MR. BEDETTI: That was, is that a chain link fence?

MR. AZOFF: Yeah, it's going to be like one and a half inch, it's for a pool, they say it's a smaller chain so the kids don't get their feet caught in it.

MR. BEDETTI: One of the pictures had the solid wood.

MR. AZOFF: That's the neighbor's fence, it's going to be chain link.

MS. LOCEY: How you high is your neighbor's fence?

MR. AZOFF: It's 6 feet, it's higher than--

MR. BABCOCK: His neighbor's fence is not on a road so he's allowed 6 foot, this gentleman because he's on a corner lot he's only allowed 4 foot.

MS. LOCEY: Okay.

MR. BABCOCK: Typically, that's his side yard and any typical side yard if Dean Hill Road wasn't there he'd be allowed a 6 foot fence but because of the road he's only allowed 4 foot.

MR. KANE: Cutting down trees or substantial vegetation?

MR. AZOFF: Nope.

MR. KANE: Creating water hazards or runoffs?

MR. AZOFF: No.

MR. KANE: Any easements in the area where you want to build the fence?

March 24, 2008

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MR. AZOFF: No.

MR. BEDETTI: I guess the only thing relative to the line of sight and the height of the fence now you're not going to be planting vegetation that's going to block the view?

MR. AZOFF: If I do anything it will be low.

MR. BEDETTI: That's going to go beyond.

MR. KANE: There's the road, it's going to be up on the hill so he's going to be off the road a pretty good distance.

MR. AZOFF: Yeah and it's going to stop at the driveway so there's a good run to the end of the road too, it's not going into the front yard, it's going to stop at the back of the house, I'm not doing the side.

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

MS. MASON: On March 12, I mailed out 37 addressed envelopes and had no response.

MR. KANE: Questions from the board?

MR. TORPEY: No.

MR. KANE: I will accept a motion.

MR. TORPEY: I'll make a motion that we grant Eric and Michelle Azoff the request for one foot height for proposed five foot fence between the building and street at 1002 Forest Glen, R-4 zone.

March 24, 2008

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MS. LOCEY: I'll second that motion.

ROLL CALL

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

ERIC & MICHELLE AZOFF (08-08)

MR. KANE: Request for 1 foot height for proposed 5 foot fence between the building and the street at 1002 Forest Glen.

Mr. Eric Azoff appeared before the board for this proposal.

MR. AZOFF: It's 1002, not 1003 Forest Glen.

MR. KANE: Let it be known on the disapproval it indeed states 1002, just the agenda that states 1003. Okay, tell us exactly you want to do.

MR. AZOFF: I'm trying to fence in my back yard, putting a swing set, we have four children, it's on a corner lot and there's Dean Hill Road there, that's what I'm trying to do. I'm gonna have a couple dogs so the fence guy says 5 foot is better for animals.

MR. KANE: Little bit more secure than the 4 foot.

MR. AZOFF: Right.

MR. KANE: Cutting down trees, substantial vegetation in the building of the fence?

MR. AZOFF: No.

MR. KANE: Creating water hazards or runoff?

MR. AZOFF: No.

MR. KANE: Can you take one more picture for me from the road showing down that way to the front so we can just see?

MR. AZOFF: From the road down across the back?

MR. KANE: Going in front of your house down the road.

MR. AZOFF: Stand in my front yard and go to the back.

MS. MASON: It drops off, it's hard to get.

MR. KANE: Next question becomes will the fence inhibit the view of any traffic driving down Dean Hill Road?

MR. AZOFF: No, we're doing because of that we're doing a 1 1/4 inch chain link, it's not going to be a solid fence.

MR. KANE: How far off the road is this, Mike, the fence going to be?

MR. BABCOCK: Well, from the edge of the pavement it appears to be probably be about 30, 35 feet probably of the edge of the pavement to the fence.

MR. KANE: What I'd like you to do is just kind of stand down by that tree and just take a picture of that line, the edge of the road and the front of your property.

MR. AZOFF: You got it.

MR. KANE: Okay, all right, that's all we need I think. Any further questions?

MR. BEDETTI: That's not the fence?

MR. AZOFF: No.

MR. KANE: The black line is where he wants to put it. Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Eric and Michelle Azoff for the requested one foot height variance for a

February 25, 2008

10

proposed five foot fence as detailed on the Zoning Board of Appeals agenda dated February 25, 2008.

MR. BEDETTI: I'll second that motion.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: March 24, 2008

PROJECT: Eric Casoff

ZBA # 08-08
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) T S) L VOTE: A _____ N _____

~~VOLPE~~ _____
~~BEDETTI~~ A
~~LOCEY~~ A
~~TORPEY~~ A
~~KANE~~ A

CARRIED: Y _____ N _____

Chain link fence

AGENDA DATE: March 24, 2008
2/25/08 prelim

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:

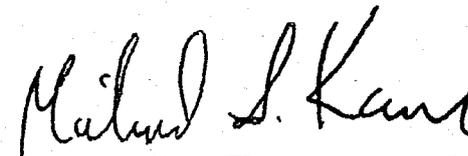
Appeal No. (08-08)

Request of ERIC & MICHELLE AZOFF

for a VARIANCE of the Zoning Local Law to Permit:

Request for 1 ft. height for proposed 5 ft. fence between the building and the street at 1003 Forest Glen in an R-4 Zone (89-4-10)

PUBLIC HEARING will take place on MARCH 24TH, 2008
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Myra
Town of New Windsor

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

Assessors Office
J. Todd Wiley, Assessor

February 29, 2008

Eric Azoff
1002 Forest Glen
New Windsor, NY 12553

Re: 89-4-10

ZBA: 08-08(37)

Dear Mr. Azoff:

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

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/td
Attachments

CC: Myra Mason, ZBA

67-2-6.1, 67-2-6.2
 Omat, Inc.
 501 Bramertown Road
 Tuxedo Park, NY 10987

67-2-7
 Thomas & Andrea Morel
 41 Dean Hill Road
 New Windsor, NY 12553

67-2-8.1, 67-2-8.2
 Edward & Joan Milmore
 45 Dean Hill Road
 New Windsor, NY 12553

67-2-9.1, 67-2-9.2
 Alfred & Maureen Cestari
 49 Dean Hill Road
 New Windsor, NY 12553

67-2-10.1, 67-2-10.2
 Frank Camilliere
 53 Dean Hill Road
 New Windsor, NY 12553

67-2-11.1, 67-2-11.2
 Joseph & Elizabeth O'Connor
 57 Dean Hill Road
 New Windsor, NY 12553

67-2-12
 Timothy & Stephanie Zeszutek
 61 Dean Hill Road
 New Windsor, NY 12553

65-1-13
 Fredrick & Rose Marie Werner
 PO Box 156
 Vails Gate, NY 12584

67-1-1.21, 67-1-1.22
 William & Margaret McDonnell
 1131 Sharpshooter Road
 Moretown, VT 05660

67-1-2.22
 Floyd & Tamra Johnson
 PO Box 662
 Newburgh, NY 12550

67-1-3
 Peggy Johnston
 53 Riley Road
 New Windsor, NY 12553

67-1-4
 Debbie Rozkowski
 45 Riley Road
 New Windsor, NY 12553

67-1-8
 Karen & Modesto Sanchez
 114 Birch Drive
 New Windsor, NY 12553

67-1-9
 Rocco & Kimberly McGovern
 122 Birch Drive
 New Windsor, NY 12553

95-1-14
 Edgar Conway
 Jeannine Conway Bryant
 75 Dean Hill Road
 New Windsor, NY 12553

95-1-15
 KG Cornwall LLC
 51 N. Broadway
 Nyack, NY 10960

89-3-17
 Louis & Jill DiLorenzo
 1012 Forest Glen
 New Windsor, NY 12553

89-3-21
 Ricky & Paula Martino
 1010 Pine View
 New Windsor, NY 12553

89-3-22
 Edward & Mairead Leonard
 1008 Pine View
 New Windsor, NY 12553

89-3-23
 John A. Robinson, Jr.
 1006 Pine View
 New Windsor, NY 12553

89-3-24
 Denis & Linda Henaghan
 1004 Pine View
 New Windsor, NY 12553

89-3-25
 Andrew & Monique Valenzano
 Odette Schielke
 1002 Pine View
 New Windsor, NY 12553

89-4-1
 Mohamedyasin & Shamim Rajpura
 1001 Pine View
 New Windsor, NY 12553

89-4-2
 Denis & Geordalina Perez
 1003 Pine View
 New Windsor, NY 12553

89-4-3
 Cleon & Maureen King
 1005 Pine View
 New Windsor, NY 12553

89-4-4
 Peter & Nora Miceli
 1007 Pine View
 New Windsor, NY 12553

89-4-5
 Jose & Vanessa Santos
 1009 Pine View
 New Windsor, NY 12553

89-4-6
 Joseph & Margaret Wolf
 1010 Forest Glen
 New Windsor, NY 12553

89-4-7
 Paul & Susan Martini
 1008 Forest Glen
 New Windsor, NY 12553

89-4-8
 Matthew & Lynn Mayo
 1006 Forest Glen
 New Windsor, NY 12553

89-4-9
Rajkumar Muthukrishnan
1004 Forest Glen
New Windsor, NY 12553

89-5-1
Vernon & Angela Byron
1001 Forest Glen
New Windsor, NY 12553

89-5-2
Gary & Patricia Wenzel
1003 Forest Glen
New Windsor, NY 12553

89-5-3
Edward & Joan Grant
1005 Forest Glen
New Windsor, NY 12553

89-5-4
Robert & Jeanette Logerfo
1007 Forest Glen
New Windsor, NY 12553

89-5-5
James & Karen Gonyo
1009 Forest Glen
New Windsor, NY 12553

89-5-6
Jeffrey & Nanci Rich
1011 Forest Glen
New Windsor, NY 12553

STAPLES

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

DATE RECEIVED: 02-25-08

FOR: 08-08 ESCROW

FROM:
Eric Azoff
1002 Forest Glen
New Windsor, NY 12553

CHECK FROM:
SAME

CHECK NUMBER: 136
TELEPHONE: 567-0656

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

Jenny 2-29-08
NAME: _____ DATE

ZBP #08-08 ESCROW

MICHELLE J AZOFF
ERIC J AZOFF
1002 Forest Glen
New Windsor, NY 12553-4901

567-0656

136
1-108/210

DATE 2/6/08

PAY TO THE ORDER OF The Town of New Windsor \$ 300.00
Three Hundred + 00/100 DOLLARS

HSBC
Middletown, NY 10940

FOR Michelle Azoff

⑆021001088⑆478747977⑆ 0136

ZBA #08-08

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

RECEIPT
#120-2008

02/29/2008

Azoff, Michelle J.

Received \$ 50.00 for Zoning Board Fees, on 02/29/2008. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/10/08

APPLICANT: Eric & Michelle Azoff
1002 Forest Glen
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Eric & Michelle Azoff

LOCATED AT: 1002 Forest Glen

ZONE: R-4 Sec/Blk/ Lot: 89-4-10

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with proposed 5ft fence

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-11C, 1C The maximum fence height between the building and the street is 4ft. Proposed fence will be 5ft.

COPY

Louis J. Kynher
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4 USE: 4ft fence	5ft fence	1ft height
MIN LOT AREA:		
MIN LOT WIDTH:		
REQ'D FRONT YD:		
REQ'D SIDE YD:		
REQ'D TOTAL SIDE TD:		
REQ'D REAR YD:		
REQ'D FRONTAGE:		
MAX BLDG HT:		
FLOOR AREA RATIO:		
MIN LIVABLE AREA:		
DEV COVERAGE:		

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

1/24/08 sent Applic.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU 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. 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.

RECEIVED
JAN 04 2008

FOR OFFICE USE ONLY:
Building Permit #: _____

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

Owner of Premises Eric Azoff

Address 1002 Forest Glen Phone # 845-567-0656

Mailing Address 1002 Forest Glen New Windsor, NY 12553 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor Premier Fence Co.

Address P.O. Box 297 Washingtonville NY 10992 Phone 845-496-9717

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 8

3. Tax Map Description: Section _____ Block _____ Lot _____

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

a. Existing use and occupancy Primary residence b. Intended use and occupancy Same

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other 5ft. Fence (Chain-link)

6. Is this a corner lot? Yes

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

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

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

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

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

10. Estimated cost \$4900- Fee _____

ZONING BOARD

date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4695 FAX

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

INSTRUCTIONS

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

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

(Signature of Applicant)

(Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

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

N

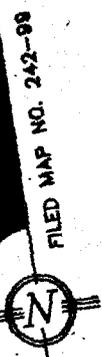
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See attached

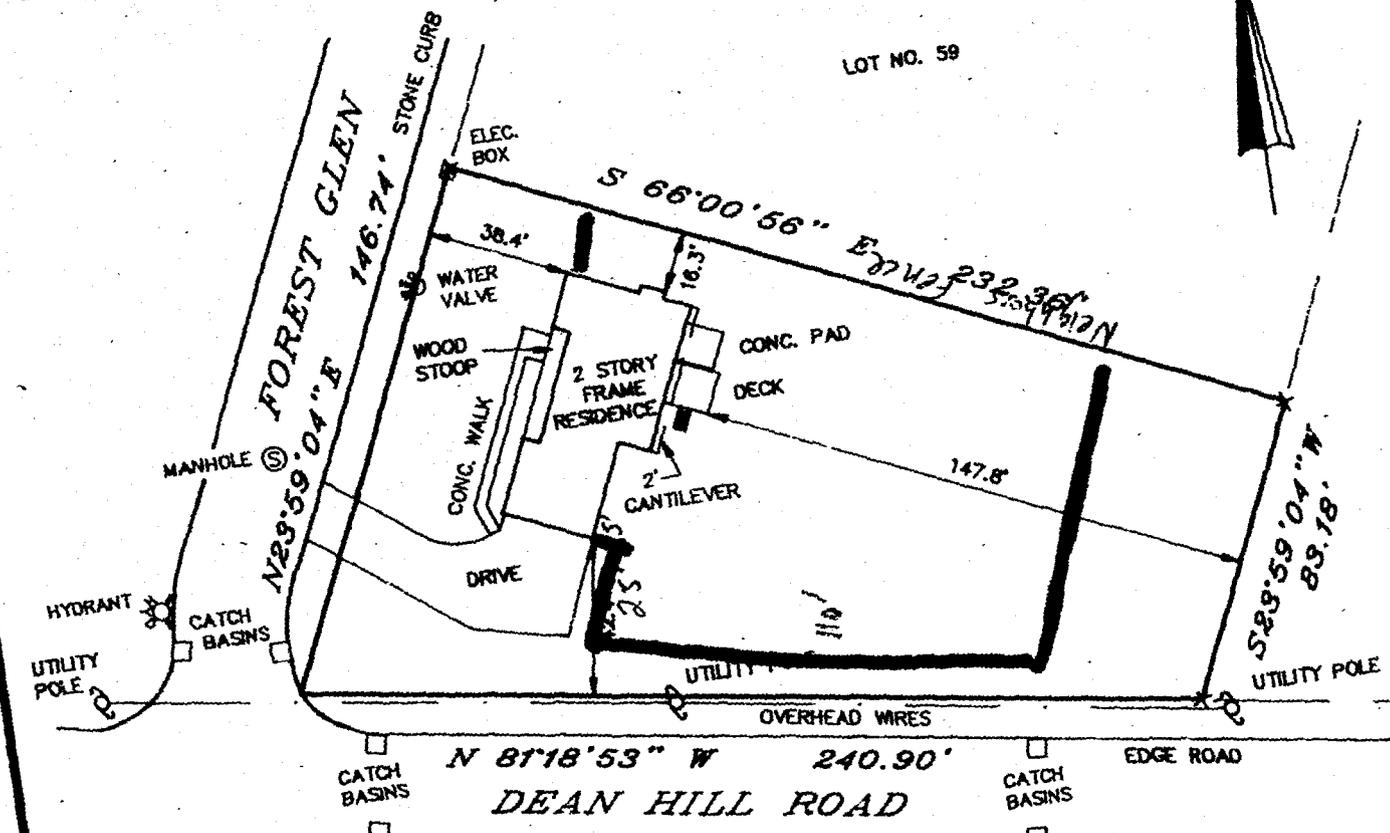
E

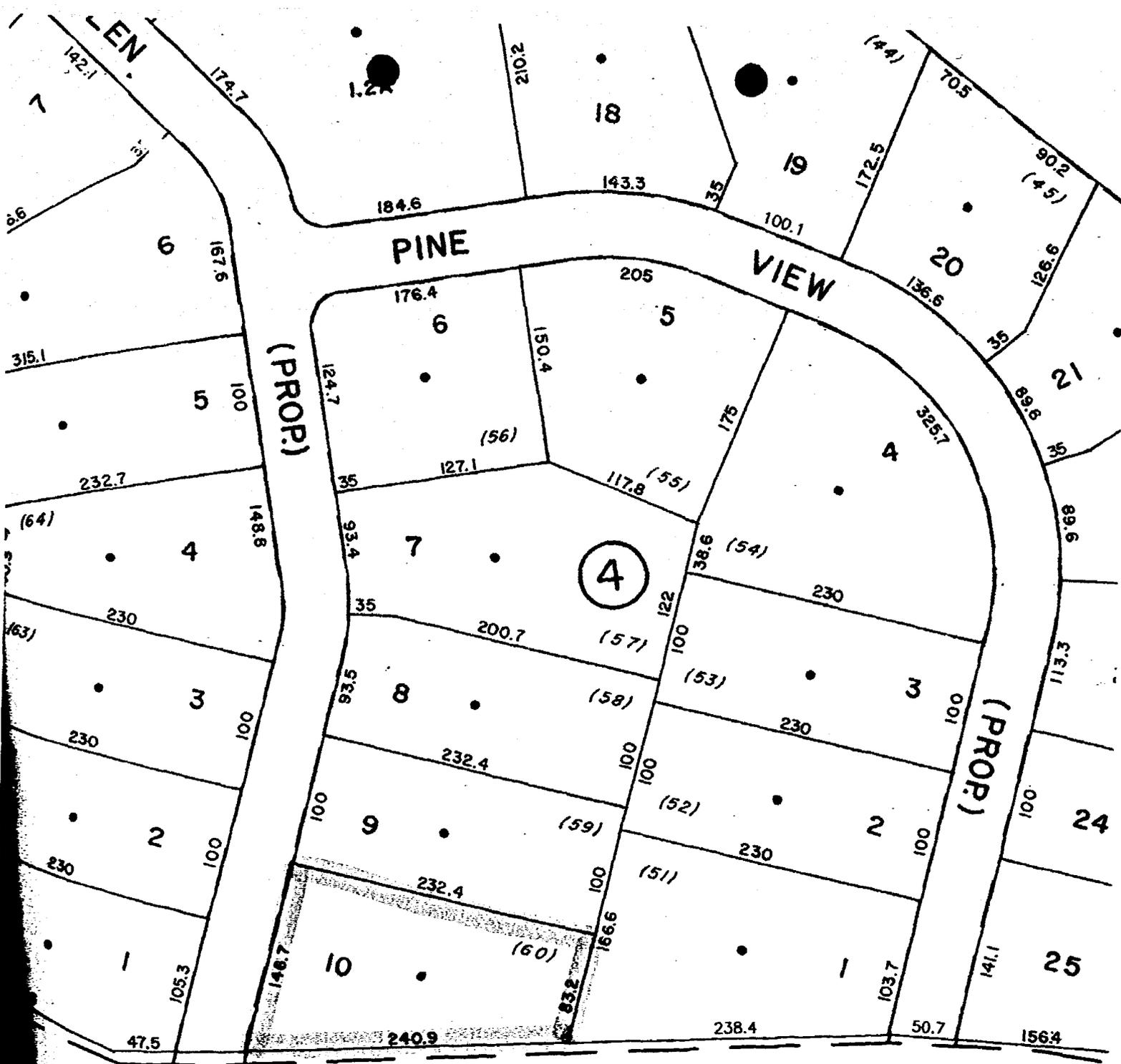
S

Parcel Area
26,713 S.F.
0.61 Ac.



LOT NO. 59





UNGENE COUNTY - NEW YORK

Date of Map 11-16-99 Date of Revision 3-1-03
 Scale 1" = 100' Technician _____



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



APPLICATION FOR VARIANCE

2/1/08

Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

e-mail address: ea2off@westrockbfd.com

I. Owner Information:

Eric Azoff

(Name)

1002 Forest Glen New Windsor, NY 12553

(Address)

Phone Number: (845) 567-0656

Fax Number: (845) 341-1324

II. Applicant:

ERIC AZOFF

(Name)

1002 Forest Glen

(Address)

e-mail address:

Phone Number: (845) 567-0656

Fax Number: (845) 341-1324

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

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 496-9717

Fax Number: (845) 496-7364

Premier Fence Company (Brian O'Connell)

(Name)

PO Box 297 Washingtonville, NY 10992

(Address)

V. Property Information:

Zone: R-4 Property Address in Question: 1002 Forest Glen New Windsor, NY

Lot Size: _____ Tax Map Number: Section 89 Block 4 Lot 10

- 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? 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>
<i>Fence</i>	<i>4 ft. fence</i>	<i>5 ft. fence</i>	<i>1 ft. Height</i>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Total Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
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; I do not believe that any other method will be as effective in keeping my backyard safe area for my children and pets.
2. Whether the requested area variance is substantial; An increase in height from 4ft to 5 ft seems like a very reasonable height adjustment, so we do not believe we are making a substantial request.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; There will be no adverse impact either physical or environmental
4. Whether the alleged difficulty was self-created. ~~We~~ We purchased the property in its current state so there was nothing we did to create our backyard.

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

We would appreciate an approval for our requested increase in fence height because it will allow for a safe area that our 4 children and dog can play in. It will keep our loved ones from leaving the yard and other unwanted visitors out of the yard.

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.)

After the fence is installed, landscaping will be used to beautify the backyard.

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:

5th day of February 2008.

[Signature]
 Owner's Signature (Notarized)
Eri S. Aloff
 Owner's Name (Please Print)

[Signature]
 Signature and Stamp of Notary

CHERI A. KRUSEN, NOTARY PUBLIC
 ULSTER CTY, NY - NO. 01KA6110058
 VALID 5/24/2004 TO 5/24/2008

 Applicant's Signature (If not Owner)

PLEASE NOTE:

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

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>Eric Azoff</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <i>New Windsor, NY</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>1002 Forest Glen on the corner of Dean Hill Rd.</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Inskill fencing in our backyard</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 checked="" type="checkbox"/> No If No, describe briefly <i>fence zoned for 4 ft asking for a 5 ft. fence</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name 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(s) name and permit/approvals:	
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: _____ Date: _____ Signature: _____	

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

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? 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 pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 NO

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

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

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

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

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

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. 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. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

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

 Date

 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)





TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

PAGE 1

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

NOTE:

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