

ZB# 08-24

Devin Schiaroli

53-4-9



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

August 25, 2008

08-24 Devin Schiaroli (Area
2 Weaner Ct. (53-4-9)

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

MEMORANDUM OF
DECISION GRANTING

DEVIN SCHIAROLI

AREA

CASE #08-24
-----X

1. **WHEREAS, Devin Schiaroli**, owner(s) of 2 Werner Court, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an request for 25 ft. Rear Yard Setback for proposed attached pool deck at 2 Werner Court in an R-1 Zone (53-4-9)

WHEREAS, a public hearing was held on August 25, 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-1 zone.
 - (b) The applicant will not be removing any trees or substainal vegetation in the building of the deck.

- (c) The deck will not create the ponding or collection of water or divert the flow of water drainage.
- (d) The deck will not be on top of or interfere with any esments including, but not limited to, sewer, water, or electrical esments.
- (e) The deck is to be located in its proposed located due to the size and shape of the property.

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

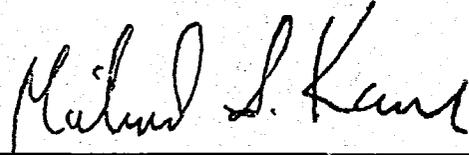
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 25 ft. Rear Yard Setback for proposed attached pool deck at 2 Werner Court in an R-1 Zone

(53-4-9) 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: August 25, 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: 01-21-09
SUBJECT: ESCROW REFUND 08-24

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 176.61 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #08-24

NAME & ADDRESS:

**Devin Schiaroli
2 Werner Ct.
Rock Tavern, NY 12575**

THANK YOU,

MYRA

JF.01-21-09



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



FILE #08-24 TYPE:AREA TELEPHONE: 614-5080

APPLICANT:
Devin Schiaroli
2 Werner Ct.
Rock Tavern, NY 12575

RESIDENTIAL:	\$ 50.00	CHECK # <u>2161</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 2160



<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:	_____	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	_____	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:08-08-08 \$ 11.39

TOTAL: \$ 53.59 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 123.39

AMOUNT DUE: \$ _____

REFUND DUE: \$ 176.61

Cc:

J.F. 01-21-09

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. 08-24
Request of DEVIN SCHIAROLI for a VARIANCE of the Zoning Local Law to Permit:
Request for 25 ft. Rear Yard Setback for proposed attached pool deck at 2 Werner Court in an R-1 Zone (53-4-7)
PUBLIC HEARING will take place on AUGUST 25, 2008 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.
Michael Kane, Chairman

STATE OF NEW YORK

COUNTY OF ORANGE, ss:

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 time(s) commencing on the 8th day of August, A.D., 2008 and ending on the 8th day of August, A.D., 2008.

Kathleen O'Brien

Subscribed and shown to before me this 2nd day of Sept, 2008.

Deborah Green

11:39

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

DEVIN_SCHIAROLI_(08-24)

MS. LOCEY: Request for 25 foot rear yard setback for proposed attached pool deck at 2 Werner Court in an R-1 zone.

Mr. Devin Schiaroli appeared before the board for this proposal.

MS. LOCEY: And if you want to just summarize what it is you're looking for.

MR. SCHIAROLI: I'm just looking to attach our pool deck to my existing deck.

MS. LOCEY: So you have an existing deck off the house?

MR. SCHIAROLI: That's it right there.

MS. LOCEY: And you have a pool?

MR. SCHIAROLI: An above-ground.

MS. LOCEY: And now you want to extend the existing deck so it attaches to the pool?

MR. SCHIAROLI: Correct, and the reason I have to put the deck where it is I couldn't put it on the opposite side because one side's a septic and the other side is the well line, it comes from the back corner.

MS. LOCEY: Those are good reasons.

MR. SCHIAROLI: On the other side of the pool is the leach field.

MS. LOCEY: Where is the pool? Do we have a picture? Here it is, kind of hidden there.

MR. SCHIAROLI: Yeah.

MS. LOCEY: Will you be taking down any substantial vegetation when you construct the new deck?

MR. SCHIAROLI: No.

MS. LOCEY: Do you have any easements in that area that you will be crossing with the deck?

MR. SCHIAROLI: No, not at all.

MS. LOCEY: Are there other decks in your neighborhood similar to what you're proposing?

MR. SCHIAROLI: Couple of them, yeah.

MS. LOCEY: So you don't feel it would negatively impact the character of your neighborhood?

MR. SCHIAROLI: Actually, I live in an old existing trailer park, I bought the property and built a house and so they're trying to take some of the old trailers out.

MS. LOCEY: And improve the whole area.

MR. SCHIAROLI: There's a lot where they're actually pulling the old out and trying to put a house.

MS. LOCEY: You already indicated the reason you want to put it where you have proposed is your septic and your water are on the other side so you can't intrude upon that area.

MR. SCHIAROLI: Right.

MS. LOCEY: Does anybody else have any questions, comments? If there are no other comments, I'll accept a motion.

July 14, 2008

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MR. BEDETTI: I will make a motion that we schedule a public hearing for Devin Schiaroli for request for 25 foot rear yard setback for proposed pool, attached pool deck at 2 Werner Court.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. TORPEY	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE

DEVIN_SCHIAROLI_(08-24)

MR. KANE: Devin Schiaroli request for 25 foot rear yard setback for proposed attached pool deck at 2 Werner Court in an R-1 zone.

Mr. Devin Schiaroli appeared before the board for this proposal.

MR. KANE: Same as the preliminary, you want to state your name and address, speak loud enough for this lady to hear you.

MR. SCHIAROLI: Devin Schiaroli, 2 Werner Court, Rock Tavern. And I'm proposing a pool deck off the existing back deck of my house.

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

MR. SCHIAROLI: No.

MR. KANE: Will you be creating any water hazards or runoffs?

MR. SCHIAROLI: No.

MR. KANE: Any easements going through where you want to build the deck?

MR. SCHIAROLI: No. The reason I had to place it where it is, one side I have my well line on one side and God forbid something ever happened I'd have to take down the thing to replace my well line and the opposite side is the septic tank and leach fields so I tried to wedge it in between the two.

MR. KANE: You're proposing to put the deck up is that going to make the pool safer?

MR. SCHIAROLI: Yeah.

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

MS. MASON: On the 12th day of August, I mailed out 37 addressed envelopes and had no response.

MR. KANE: The deck's going to come right off the deck from your house?

MR. SCHIAROLI: Correct.

MR. KANE: Straight to it?

MR. SCHIAROLI: Off to the side.

MR. KANE: Are they sliding, self-closing or self-latching?

MR. SCHIAROLI: Yes, they're all lockable.

MR. KANE: Self-closing, self-latching?

MR. SCHIAROLI: No.

MR. BABCOCK: We'll make sure of that.

MR. KANE: Some people have the slider that would count and you don't have to do anything on the deck.

MR. SCHIAROLI: I have to add the code for the closing door with an automatic latch.

MR. BABCOCK: And/or an alarm, there's several different ways, the pool alarms, you can also have an alarm on your door, they'll talk to you once you get through this.

August 25, 2008

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MR. SCHIAROLI: Yes.

MR. KANE: I have no further questions. Anything from the board? I'll accept a motion.

MR. DITTBRENNER: I move to approve a variance requested by Devin Schiaroli at 2 Werner Court regarding a rear yard setback for the proposed pool deck.

MR. TORPEY: I'll second that.

ROLL CALL

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

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:

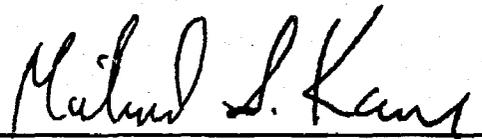
Appeal No. (08-24)

Request of DEVIN SCHIAROLI

for a VARIANCE of the Zoning Local Law to Permit:

Request for 25 ft. Rear Yard Setback for proposed attached pool deck at 2 Werner Court in an R-1 Zone (53-4-9)

PUBLIC HEARING will take place on AUGUST 25, 2008
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



1763

Town of New Windsor

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

Assessor's Office
Assessor J. Todd Wiley, IAO

July 16, 2008

Devin schiaroli
2 Werner Ct.
Rock Tavern, NY 12575

RE: Tax Map Parcel: 53-4-9

ZBA: 08-24(37)

Dear Mr. Schiaroli

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,

A handwritten signature in black ink that reads 'J. Todd Wiley'.

J. Todd Wiley, IAO
Sole Assessor

JTW/LK

CC: Myra Mason, ZBA

STAPLES

label size 1" x 2 5/8" compatible with Avery 5160/8160
Etiquette de format 25 mm x 67 mm compatible avec Avery 5160/8160

52-1-36
Scott Acres Water Company, Inc.
C/O J. Zadoff
3718 Henry Hudson Pkwy Apt.1415
Bronx, NY 10463

53-1-8.21
Heather & Lawrence Woodruff
47 Carpenter Rd.
Rock Tavern, NY 12575

53-2-12
Matthew & Clare Vincent
5 Carpenter Rd.
Rock Tavern, NY 12575

52-1-37
Washingtonville Soccer Club Inc.
PO Box 24
Washingtonville, NY 10992

53-2-1.1
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

53-4-1
Thomas Secrest
210 Bulter St.
Melbourne Fl. 32901

53-1-1
Segundo & Maria Mera
18 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-2.11
Randolph Den
165 park Row Apt. 200
New York, NY 10038

53-4-2
Dorothy Ziegler
11 Glen Round Rd.
Rock Tavern, NY 12575

53-1-2
Lawrence OsBourne
16 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-2.12
Attilio & Rosalie Ceriaie
3 Carpenter Rd.
Rock Tavern, NY 12575

53-4-3
Henry & Viola Sulley
9 Glenn Round Rd.
Rock Tavern, NY 12575

53-1-3
Merlin & Padmanie Bond
14 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-2.12
Randolph & Masako Den
347 Bull Rd.
Rock Tavern, NY 12575

53-4-4
Vincent & Nicolle loGiudice
7 Glenn Round Rd.
Rock Tavern, NY 12575

53-1-4
Craig Westervelt
12 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-6
Michael Buck
17 carpenter Rd.
Rock Tavern, NY 12575

53-4-5
Michael 7 Faye Anson
5 Glenn Round Rd.
Rock Tavern, NY 12575

53-1-5
Henry Steiper
10 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-7
Jennifer Stevens & Darren Schiaroli
15 Carpenter Rd.
Rock Tavern, NY 12575

53-4-6
Ruben 7 Renne Osorio
120 Shaw Rd.
Rock Tavern, NY 12575

53-1-6
Sheafe Realty Corp
1081 Route 207
Rock Tavern, NY 12575

53-2-8
Janet Stevens & Jennifer Schiaroli
13 Carpenter Rd.
Rock Tavern, NY 12575

53-4-7
John & Marion Bennett
6 Carpenter Rd.
Rock Tavern, NY 12575

53-1-7
Nancy Carroll
6 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-9 & 53-2-10
Frederick Dobbertin
71 Capenter Rd.
Rock Tavern, NY 12575

53-4-8
Patricia Carbaugh
8 Carpenter Rd.
Rock Tavern, NY 12575

53-1-8.1
Jon Turner
4 Glenn Round Rd.
Rock Tavern, NY 12575

53-2-11
Mathew Maroney
7 Carpenter Rd.
Rock Tavern, NY 12575

53-4-10
Matthew DiGregorio
4 Werner ct.
Rock Tavern, NY 12575

STAPLES

label size 1" x 2 5/8" compatible with Avery 5160/8160



53-4-11
James & Darlene Rogendorf
6 Werner Ct.
Rock Tavern, NY 12575

53-4-12
Matthew Hemmer
5 Werner Ct.
Rock Tavern, NY 12575

53-4-13
James Gillette
3 Werner Ct.
Rock Tavern, NY 12575

53-4-14.1
John Kincaid
2768 Route 94
Washingtonville, NY 10992

53-4-14.2
Arlene Fischer
14 Carpenter Rd.
Rock Tavern, NY 12575

53-4-15
James Turner
16 Carpenter Rd.
Rock Tavern, NY 12575

53-4-16
John Nemeth
292 Piermont Ave. South
Nyack, NY 10960



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

DATE RECEIVED: 07-11-08

FOR: ESCROW 08-24

FROM:

Devin Schiaroli
2 Werner Ct.
Rock Tavern, NY 12575

CHECK FROM:

SAME

CHECK NUMBER: 2160

TELEPHONE: 614-5080

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Perry 7-15-08
NAME DATE

ZBA #08-24 ESCROW

DEVIN SCHIAROLI 614-5080
2 WERNER CT.
ROCK TAVERN, NY 12575

50-7131-2219 2160

6-12-20 08

PAY TO THE ORDER OF Town of New Windsor \$ 300.00
Three hundred DOLLARS

WALDEN SAVINGS BANK
127 EAST MAIN STREET
WASHINGTONVILLE, NEW YORK 10992

FOR Escrow

⑆221971316⑆06 03 048492⑆ 2160

ZBA #08-24

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

RECEIPT
#376-2008

07/15/2008

Schiaroli, Devin

Received \$ 50.00 for Zoning Board Fees, on 07/15/2008. 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

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

DATE: October 15, 2007

APPLICANT: Devin Schiaroli
2 Werner Court
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/02/07

FOR: Proposed attached pool deck

LOCATED AT: 2 Werner Court, Rock Tavern, NY 12575

ZONE: R-1 Sec/Blk/ Lot: 53-4-9

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with proposed attached pool deck

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 – Use/Bulk table R-1 Zone Line 5 Column G Required Rear Yard Depth (50'). Proposed attached rear yard setback will be 25'. A variance of 25' is required.

Louis J. Kucher
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Attached Pool Deck

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 50' 25' 25'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

COPY

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP
10/18/07 Sent Applicant.

Building Permit Tracking Log

Permit Application:

PA2007-855

Tax Parcel ID:

53-4-9

Application Date: **10/2/2007**

Type of Permit: **Residential Deck**

Location of Property: **2 Werner Ct**

Property Owner: **Schiaroli, Devin**

2 Werner Ct

Rock Tavern, NY 12575

Occupant's Name:

Applicant's Name: **Devin Schiaroli**

Relation To Owner: **Owner**

Occupancy Class: **210**

Description of Work:

11X22 DECK

Comments:

Building Permit Application Review Approvals

Review Type	Building Inspector	Date	Fire Inspector	Date

10/5/07 ZBA 25' REAR YARD - 25' VARIANCE FK

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 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.

FOR OFFICE USE ONLY
Building Permit #: 833

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 Devin Schiaroli
Address 2 weiner ct. Phone (845) 614-5080
Mailing Address 2 weiner ct. Rocktauern NY 12575 Fax # -
Name of Architect _____
Address _____ Phone _____
Name of Contractor self
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder owner
If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the north side of weiner ct.
(N, S, E or W)
and Right on feet from the intersection of carpenter and weiner ct.
2. Zone or use district in which premises are situated 53-4-9 Is property a flood zone? Y N ✓
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 yes b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other
6. Is this a corner lot? yes 1122 Deck
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 \$4,000 Fee \$50.00

SPR 2058

PAID

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 Lipi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

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

INSTRUCTIONS

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

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building 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)

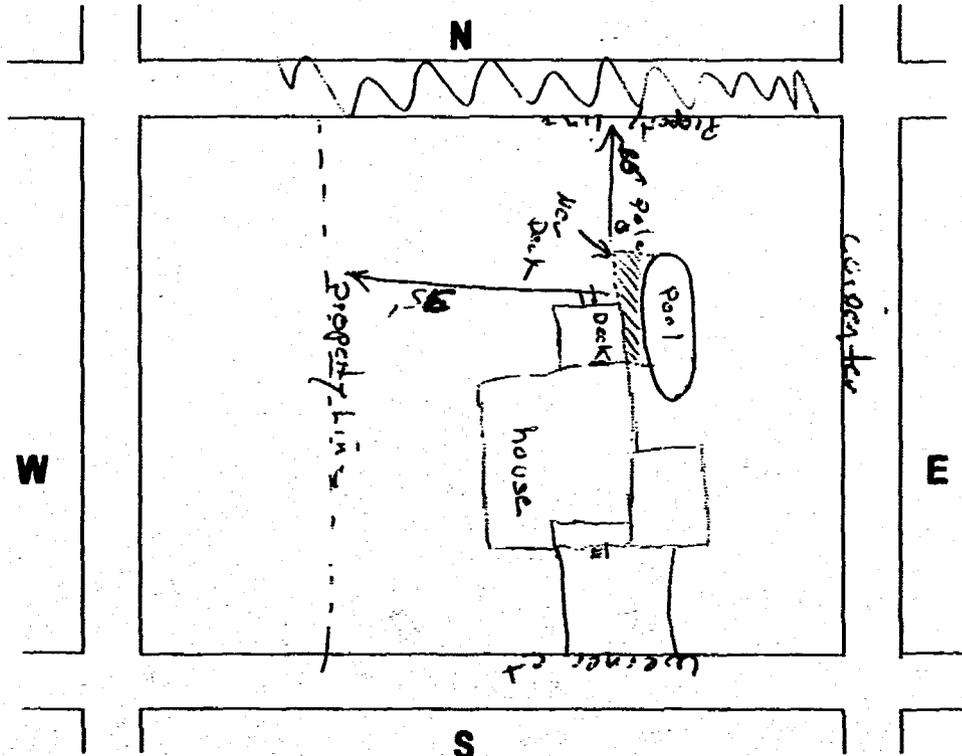
J. Werner et.
(Address of Applicant)

(Owner's Signature)

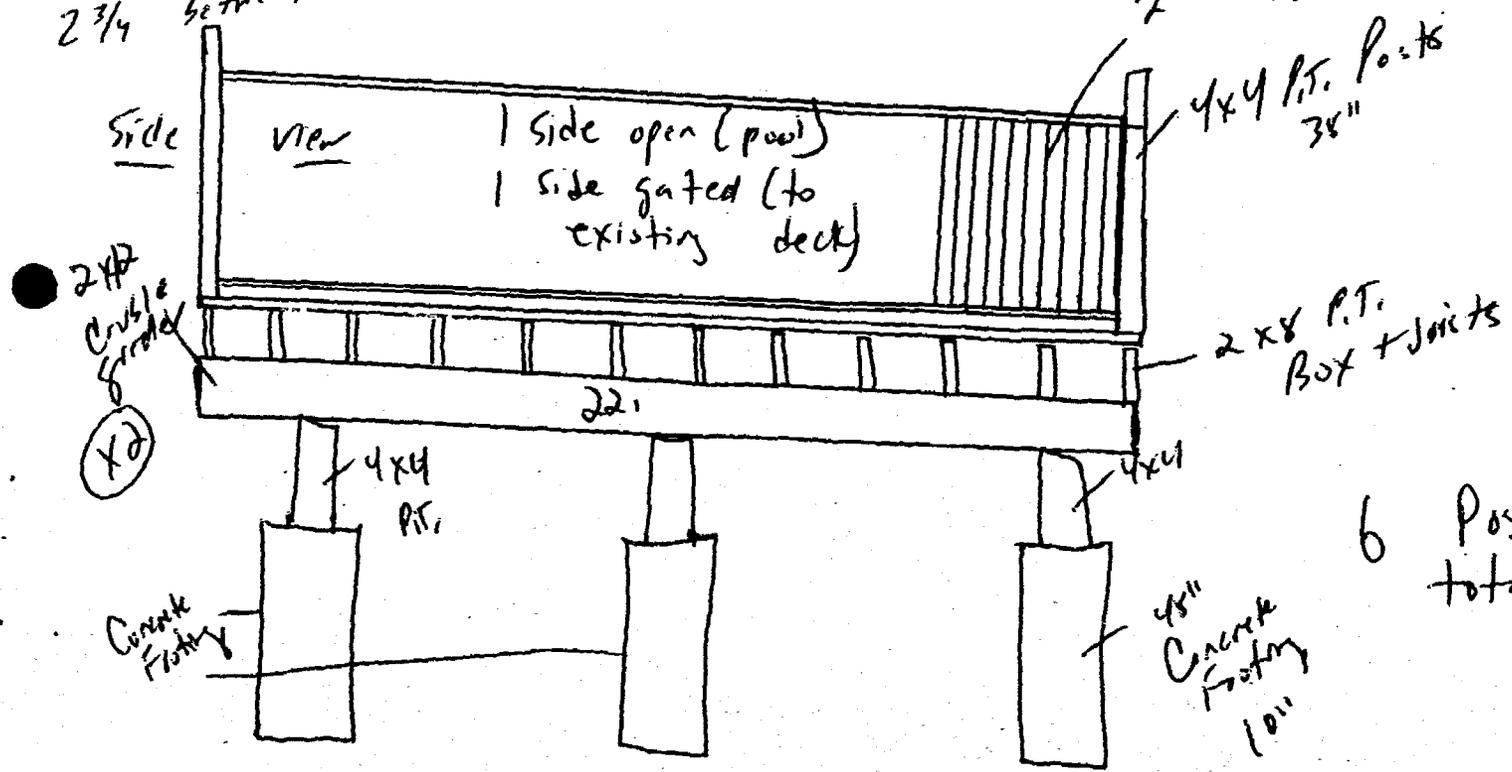
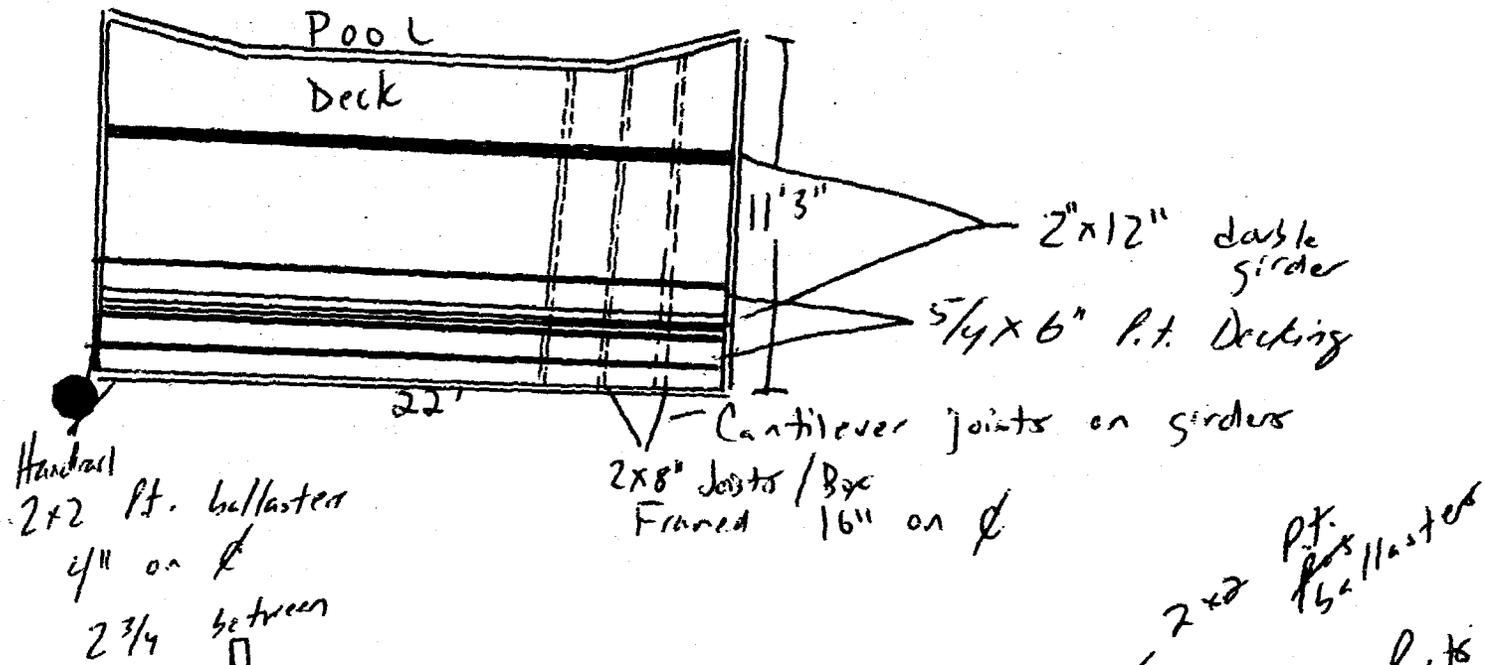
J. Werner et.
(Owner's Address)

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.



Top View



6 Posts (48")
total

28.5' ~~to~~ to
prop. line

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

[Signature]
(Signature of Homeowner)

9-27-07
(Date Signed)

Devin Schiaroli
(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

2 Werner Ct.

Rock Tavern R257

BP-1 (3/99)

Sworn to before me this 27 day of
September, 2007.

[Signature]
(County Clerk or Notary Public)

EVELYN SFRAGA
Notary Public, State of New York
Qualified in Orange County
Registration No. 01SF5081547
Commission Expires July 7, 2011

7/28
7/14



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

08-24

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

*

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

**

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

APPROXIMATE COST FOR PUBLIC HEARING LIST:

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

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

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

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH "**NOTICES OF PUBLIC HEARING**" TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

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

PAGE 2

READ THIS PAGE CAREFULLY ☐



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

3-6-07
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

e-mail address: DSchiaroli@att.net
Phone Number: (815) 614-5080
Fax Number: ()

I. **Owner Information:**
Devin Schiaroli
(Name)
2 weiner ct. Rock Tavern
(Address)

II. **Applicant:**
Devin Schiaroli
(Name)
2 weiner ct. Rock Tavern
(Address)

III. **Forwarding Address, if any, for return of escrow:**
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**
(Name)
(Address)

V. **Property Information:**
Zone: R-1 Property Address in Question: 2 weiner ct. Rock Tavern
Lot Size: .75 ac Tax Map Number: Section 53 Block 4 Lot 9
a. Is pending sale or lease subject to ZBA approval of this Application? NO
b. When was property purchased by present owner? 3-1-06
c. Has property been subdivided previously? NO If so, When:
d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

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

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

APPLICATION FOR VARIANCE - continued

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

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	50'	25'	25'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

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

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

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

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; no not enough room
not NO, property location is needed
Deck can't be moved because of septic location
and pool location
2. Whether the requested area variance is substantial; yes, is just enough
to build my deck,
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; no, it will not
4. Whether the alleged difficulty was self-created. no it was created by
location of septic and leach fields.

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

J I would like the chance
for my family.
to improve my property

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)

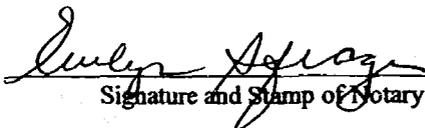
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that 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:

12 day of June 2008


 Owner's Signature (Notarized)

Devin Schiaroli
 Owner's Name (Please Print)


 Signature and Stamp of Notary

EVELYN SPADA
 Notary Public, State of New York
 Qualified in Orange County
 Registration No. 01SF5081547
 Commission Expires July 7, 2011

 Applicant's Signature (If not Owner)

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

PROJECT I.D. NUMBER

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 <u>Devin Schiaroli</u>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <u>2 Werner Ct. Rockwell County Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>2 Werner Ct. at intersection of Carpenter and Werner Ct.</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Deck for pool</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately <u>25'</u> 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 <u>25' short for distance req. by new Windsor.</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Devin Schiaroli</u>	Date: <u>10-12-08</u>
Signature: <u>[Signature]</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

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.
 Yes No

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

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 NO

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

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

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

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

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

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

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)

6-12-08
 Date