

ZB# 94-16

Marie DiNitto

17-4-58

#94-16-Di Ni Ho, Marie - Area Variances

Prelim,

May 9, 1994.

Copy of

- ① Onlead
- ② Title Report None
- ③ Fees: \$ 50.00
- ④ Photos. 4 here, 11/14/94.

list ready - notice to
Deusterd 11/14/94

Letters out - 11/14/94.
Public Hearing;

December 12, 1994

Approved 12/12/94

Area Variances

Approved.

\$135.50 Refund

to AR sent

file TO office

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14300

NOV. 14

19 94

Received of Debra L. Sidoli

\$ 50.00

fifty 00/100

DOLLARS

For Zoning Board #94-16

DISTRIBUTION:

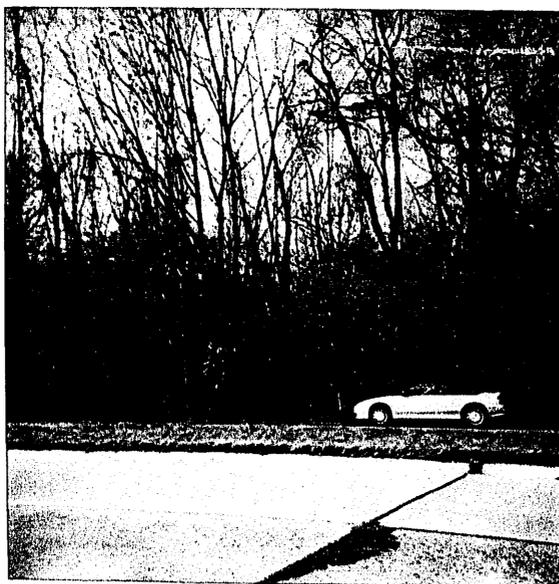
FUND	CODE	AMOUNT
Ck# 359		50.00

By Dorothy N. Hansen

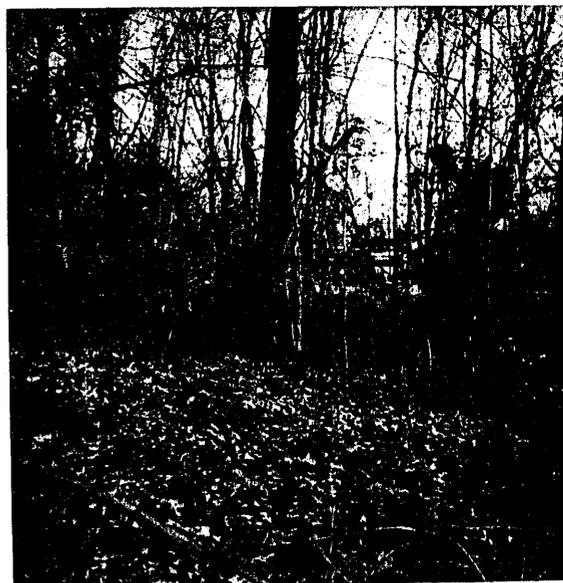
Town Clerk

Title

* WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



From 9W looking
WEST



looking North to 9W.



C07512 - EXHIBIT MODULARS

C0722 - EXHIBIT A

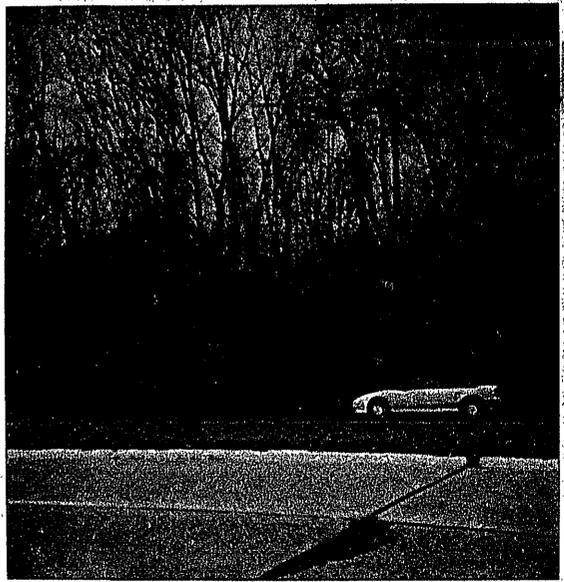
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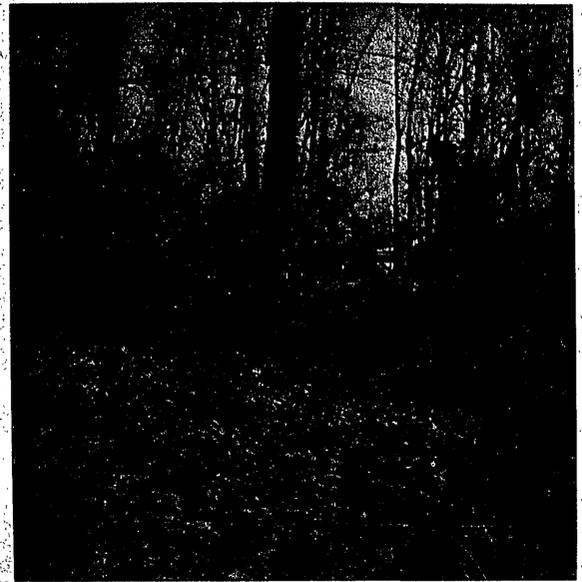
By Dorothy N. Hansen

Town Clerk

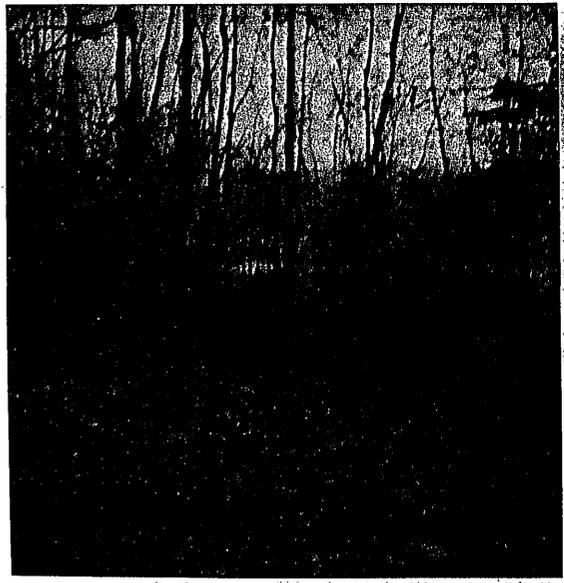
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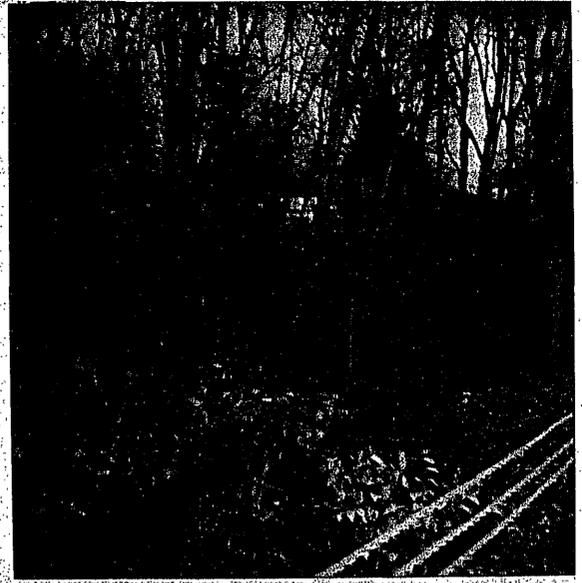
From 9W looking WEST



looking North to 9W.



Looking EAST to Rt. 9W



Looking North to Lacey Field.

file

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

MARIE DI NITTO,

DECISION GRANTING
AREA VARIANCES.

#94-16.
-----X

WHEREAS, MARIE DI NITTO, 107 S. Robinson Avenue, Newburgh, New York 12550, has applied for 8,750 s.f. lot area, 10 ft. lot width, 23 ft. front yard (#1), 22 ft. front yard (#2), 26 ft. front yard (#3), 20 ft. front yard (#4), and 4% developmental coverage variances to construct a single-family residence on Route 9W, adjacent to Stewart Furniture in an R-4 zone; and

WHEREAS, the applicant appeared with her daughter, Debbie Sidoli; and

WHEREAS, a public hearing was held on the 12th day of December, 1994; and

WHEREAS, there were two spectators who spoke in opposition to the application before the board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) This property is in a residential neighborhood but it borders on a commercial zone on NYS Route 9W.

(b) The lot area variance requested is approximately 58.4% of the allowed area in that zone. The other variances requested are small deviations from the Zoning Local Law requirements.

(c) The property is located immediately adjacent to undeveloped property owned by the State of New York. The applicant has inquired of the state about the purchase of neighboring property so as to eliminate the need for a lot area variance, but has been unsuccessful. In any event the property on either side of this parcel is vacant and there are no known or suspected plans of the State of New York to utilize this property in any way.

(d) There is no likely use for the instant property other than for the construction of a small residence as the applicant proposes. This is due to the size of the property and its location. It is unsuitable for any known commercial use and any such use would require a use variance. If the variances requested by this applicant are not granted, it appears that this property will be substantially useless.

(e) The applicant proposes to build a small one-family home on this property. Use variances are unnecessary because this is an allowed use. Area variances are necessary because of the small lot size. The variances requested by the applicant if granted will constrain the owner of the property in such a way that only a small one-family house will be able to be constructed.

(f) The only use permitted on this property is residential. Not only is the property not suitable for other uses because of its small size, any other use would require either rezoning or the granting of a use variance and probably area variances as well.

(g) The applicant or the family has owned and paid property taxes on this parcel for approximately 17 years. If use of the property was not permitted, it would be a hardship both to the persons and family of the owners but to the property itself.

(h) Although the property is adjacent to a small stream, these variances if granted will not permit construction close enough to this stream to disturb it in any way. There are no known wetlands, either state or federal, contained in whole or in part on this property and it is in a zone containing other developed properties.

(i) The property has access to municipal service so there is no need in property size to allow for separation of septic systems from wells since no septic systems are necessary. The applicant has testified that the property has municipal water service available to it as well but this has not been confirmed.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The property is at the edge of a residential zone and the addition of a one-family house to that neighborhood is consistent with it.

2. Two members of the public appeared at the hearing and complained that constructing a one-family home on this parcel would spoil their view of the river and impair their privacy. This is not a substantial enough detriment to require denial of this application. It is not a detriment to neighboring property owners in a residential neighborhood for those property owners to acquire neighbors. That is a natural and common place part of living in a residential neighborhood.

3. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

4. Some of the variances requested are substantial but are nevertheless warranted because of the individual situation of this parcel. This parcel is adjacent to and flanked by vacant land owned by the State of New York. If a one-family residence

is permitted to be constructed on this parcel, it's appearance will be consistent with the neighborhood because of the existence of this vacant land. Further, because of the situation of this property being on NYS Route 9W, it has, by operation of law, four (4) front yards, thereby requiring of its owners greater set backs than would normally be the case if it had the usual single front yard.

5. The requested variances will not have an adverse impact or effect on the physical or environmental conditions in the neighborhood or zoning district.

6. The difficulty the applicant faces in conforming to the bulk regulations are self-created since the property was purchased at a time when restrictions were in effect but the variances should nevertheless be granted. This property is flanked by undeveloped land and it appears highly unlikely that that land will be developed in any way so the appearance of this property will be consistent with the other properties in the neighborhood. Further, without variances the property could not be used at all.

7. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community by such grant.

8. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

9. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 8,750 s.f. lot area, 10 ft. lot width, 23 ft. front yard (#1), 22 ft. front yard (#2), 26 ft. front yard (#3), 20 ft. front yard (#4), and 4% developmental coverage variances for construction of a single-family residential dwelling on Route 9W adjacent to Stewart Furniture in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: February 27, 1995.

Laura Tiley
Chairman

(ZBA DISK#12-022295.MD)

Date12/19/94....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

to Frances Rth 147 Syracuse Dr DR.
New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
12/12/94	Zoning Board Meeting	75.00	
	Misc - 1		
	Denhoff - 3		
	Louano - 4		
	Bowe - 8		
	Freed - 5		
	DiMitto - 16 72.00.		
	<u>Lippalis - 3</u> 40pp	<u>180.00</u>	
		255.00	

DI NITTO, MARIE

MR. NUGENT: Request for 8,750 s.f. lot area, 10 ft. lot width, 23 ft. front yard (#1), 22 ft. front yard (#2), 26 ft. front yard (#3), 20 ft. front yard (#4), and 4% developmental coverage variances to construct single-family residence on Route 9W adjacent to Stewart Furniture.

Debra Sidoli appeared before the board for this proposal.

MS. SIDOLI: All the pictures Pat was supposed to have here. I took pictures and what have you, all 23 letters went out and only two responded. One was by Stewart's Furniture Store and the other by Mrs. Toback who owns the trailer park cross the street and I have them with no denial, no objections. The other 21 did not respond. I believe there's several people here that I guess I have to find out what it is that the problem is.

MR. NUGENT: Might not be any, maybe they are just interested. Is this to the north of Stewart?

MS. SIDOLI: North of Stewart's, there's a huge culvert owned by the town from Quassaick to 9W, it is the property that borders that culvert north of the culvert and south of Lacey Field.

MR. NUGENT: Does the cul-de-sac off of that, I'm trying to think of the name of that.

MS. SIDOLI: Pine, the back of here, Pine Street, years ago they were going to put a road through.

MR. LANGANKE: How big is the piece of property?

MR. BABCOCK: It's 6,230 square feet.

MR. NUGENT: Sewer and water?

MR. BABCOCK: Sewer and water, needs 15.

MR. TORLEY: It fronts on 9W?

MS. SIDOLI: Yes.

MR. NUGENT: You're going to have to go to the State for the curb cut.

MR. BABCOCK: I already asked her when she first came and seen me to go to Don Green, DOT, talk to him about access off 9W because that was the main thing and there's a letter in hopefully you guys have it from Don Green says please be advised that the owner of the above noticed property has requested access to Route 9W. They were told to file for a driveway permit which is the normal thing before construction starts. They have a right of access. If you don't, I can make sure that you get a copy for the file. I'll take care of that. I'll give Pat a copy.

MR. LANGANKE: What's the distance from your property to the Lacey Field property?

MS. SIDOLI: You'd have to ask the State because it's State property on all four sides and the maps do not show any dimensions on State property. I would say it's probably about 115 from this point to this point, if you make another triangle here, you're looking probably at about 115, maybe 118 foot.

MR. LANGANKE: How about from your property to this property over here?

MS. SIDOLI: I don't know but Chris Hawkins who works for the State just did the survey for me and he surveyed the State's property as well as mine and he has all the figures on his computer but because it's not my property, they don't give me that information.

MR. LANGANKE: I doubt if there's going to be any other use for this property over here.

MS. SIDOLI: I also called Mr. Green about the property to see if they were interested in selling that property but as of today, Mr. Green still has not called me back. That would be, if you do, this piece of property is owned by the State and that is about 118 foot from

this point, there's a huge monument that is here. There's another monument here so this triangle here.

MR. BABCOCK: If you look at the lot, it's not a triangle, there's one side that has a little angle on to it. We're calling that also a front yard just to make sure actually it's three sided but there's an angle there.

MR. TORLEY: Given the State budget, maybe they'll be willing to sell her that piece of land.

MR. LANGANKE: Why would you want to buy it?

MR. KANE: That takes care of the area.

MR. NUGENT: She has enough square footage then. Isn't that stream behind you?

MS. SIDOLI: The culvert side is steep but however the way it comes, Lacey Field, it comes down in steps, there's no wetlands or anything, just perfect drainage.

MR. NUGENT: I thought it was kind of steep.

MS. SIDOLI: Oh, it's a good drop down into the culvert but it's nice because there's nobody on that side of you. It's very woodsy and it's a piece of country a mile from the city.

MR. KRIEGER: What's around this particular piece of property?

MS. SIDOLI: Nothing on all, I mean the immediate property is State owned, there's no development but Lacey Field would be the closest thing to development.

MR. NUGENT: Stewart Furniture is on the south.

MR. KRIEGER: Is there any other commercial development in the area besides Stewart's Furniture?

MS. SIDOLI: Across the street is Rosebud's.

MR. KRIEGER: Across 9W?

MS. SIDOLI: Correct.

MR. KRIEGER: There's nothing on the property right now?

MS. SIDOLI: No.

MR. KRIEGER: Is there any way that you propose to put a one-family house there?

MS. SIDOLI: Yes.

MR. KRIEGER: That is a permitted use in that zone?

MR. BABCOCK: No. Yes, excuse me, I'm sorry.

MR. KRIEGER: Is there any way that such a one-family home could be constructed without receiving these variances, any other feasible method?

MS. SIDOLI: A trailer vertical on end.

MR. KRIEGER: Because of the lot size, there's no other feasible method.

MR. TORLEY: What other uses are permitted in this zone? I mean professional office or what other things would be there?

MR. BABCOCK: It's R-4. When I said no, it's right on the line of the PI, the PI is on the opposite side of the road so I was confused. There's no other use except residential use.

MR. TORLEY: So anything but a residence in this building would require additional variances?

MR. BABCOCK: That is correct.

MR. KANE: Would actually require a use variance.

MR. BABCOCK: That is correct.

MS. SIDOLI: This property was purchased by Sun Oil

company which was a commercial use on this.

MR. KRIEGER: Are these the minimum variances that are necessary in order to construct the proposed dwelling?

MR. BABCOCK: Yes.

MR. TORLEY: Just to emphasize that if this is being built as a single family residential unit, any other use would require different variances including possible use variance.

MR. BABCOCK: Yes, it would require a use variance.

MS. SIDOLI: On my preliminary, just to get an idea.

MR. NUGENT: At this time, I'd like to open up to the public. If anyone has a comment on this variance, please state your name and address for the record and try not to be repetitious.

MR. JERRY MARINO: I'm the property directly behind where they are looking to build. I just want to make a couple points, if I can. My understanding is that the applicant has to show some sort of practical hardship in order to build there and if the practical hardship is self-created, the board has the right to reject or at the very least, the board would have to hold the applicant to a higher standard.

MR. KRIEGER: Not precisely true.

MR. NUGENT: Not totally true.

MR. MARINO: In the case of Limkin, L-I-M-K-I-N versus the Village of Irvington, 586 NYS 2nd 633, it's a 2nd Dept. case decided in 1992. I'll give you exact quote. Hardship is self-created for zoning purposes where the applicant for the variance acquired the property subject to the restrictions from which he or she seeks relief. In other words, if the person bought the property knowing there were restrictions, and then is seeking a variance from those restrictions that is considered a self-created hardship. My understanding is that the property was purchased in '78 or '79 and

that--

MS. SIDOLI: '77.

MR. MARINO: And that these codes have been in effect at least since '75 so clearly the property was purchased after these codes were in effect. Now I'm not saying that that is enough to deny, I think it is but even if it is not, the board should hold the applicant to a higher standard. The second point that I want to make is that the variances are substantial. These aren't minor variances. The lot size requires 15,000. This is a 6,250 foot piece of property. That is a major variance. Even without the higher standard that I'm talking about, I think that the variance is so substantial that it should not be allowed. I have, just to give you another case, LaCarrie against Scheyer, S-H-E-Y-E-R. 597 NYS 2nd. 165, it's also a 2nd Dept. case, 1993, the variance was denied when the size difference was 7,500 feet and 4,000 feet. In other words, it had to be 7,500 feet. The applicant wanted to build on 4,000 foot piece. That was considered too substantial. That is a heck of a lot less substantial than the one requested here.

MR. KRIEGER: Did the court in that particular instance mandate that the variance had to be denied or do they merely say that it was permissible under those circumstances of that case it was permissible for that Zoning Board to deny.

MR. MARINO: The latter.

MR. KRIEGER: It is not required.

MR. MARINO: Yes, the point I want to make is that the variance would recreate a substantial detriment to the adjoining property owners. I'm only speaking for myself but I think another adjoining property owner is going to speak in terms of privacy, view, property value and use and enjoyment. Now I'll only speak for myself but when we bought our property and it's only three years ago we specifically checked to see if anyone could build in front of us for three main reasons. Number one, for the privacy. You probably

can't see from the photographs but when we look out our back yard, it's completely private. In the summertime because the trees block off 9W and there's a gorgeous view of the river in the wintertime both of those things would be lost if a house is built there. Also if you look at the map, we have a very long piece of property when you get down to the last third of our property, it's far enough away from the house we were considering building a pool there. In fact, you can probably see that the property is all cleared. We don't want to build a pool right in somebody's back yard. What it really comes down to is that we purchased that particular piece of property based on the rules that were in effect. The applicant is seeking a variance from rules that the applicant were in effect when they purchased the property. In other words, in the interest of justice, I think and I believe that that is also a criteria that you folks take into consideration, in the interest of justice, the adjoining property owner namely myself and my wife purchased the piece of property expecting that we would be able to build a pool and clearly our property value our view, our privacy, and we were going to build a pool, use and enjoyment of the property is going to be affected. And finally, the piece of property in question is so small that I think it's clearly out of character with the adjoining property. If you look at the piece that would adjoin that particular piece and for those reasons, I feel that the variance should be denied.

MR. NUGENT: Thank you. Anybody else?

MRS. VINA BOEHM: I just agree with everything he says. I do have a pool and I would lose a lot of privacy and I'm not clear on, they said they did get a right of access--I live at 115 Holly Drive. So the State did grant a sight permit because the traffic wraps around that so 9W, they really come down quickly, I would think that would be a dangerous driveway.

MR. NUGENT: They granted it a curb cut.

MRS. BOEHM: I agree.

MR. NUGENT: Okay. Is there anyone else? I'll open it back up to the board for further questions. The way I look at this, we have a very difficult decision based on having 4 front yards and this is very unusual piece of property to have 4 front yards. And the other thing is that it is a substantial request for square footage.

MR. TORLEY: More than half.

MR. KANE: But at the same time, this woman has been paying taxes on this property for a very long time.

MR. NUGENT: And everyone is entitled to the use of their property.

MR. LANGANKE: Exactly. What is she to do with this property?

MR. TORLEY: If you buy a piece of property--

MR. KANE: But it's been 17 years since that piece of property has been bought. If you had bought it within a short amount of time and then looked to develop it quickly, I would say then my feelings would be with what the gentleman said, then you're looking to circumvent the law and go around it at that point but 17 years later.

MR. TORLEY: If 17 years ago, Mike, I don't know if you have to check your recollection, 17 years ago this still would not have been a buildable lot?

MS. SIDOLI: Can I interject for a second as far as the frontage and what have you, they were not 100 foot when this property was bought, a lot of the different property borders on either side were not 35 foot when this property was bought. This property was bought in December of '77, my grandfather was supposed to start building this house in spring of '78 but died in the trailer park across the street three months after purchasing the property. Now, my grandmother is in her senior years and would like to put in a small one family home there where she can reside across the street from the rest of the property that she owns in the area. And she has been paying taxes on all that

property that was bought from Seeger way back in the 1940's. We have been people that have lived on 9W for more than 50 some years. We've paid taxes on all of our properties for more than 50 some years and someone that would like to build a pool that has been there after three years, I don't see how someone that sits down over 15 foot from Lacey Field is going to obstruct their view.

MR. MARINO: Can I just say I have your, this is what I got from your office, the table of bulk regulations, this is dated July '75, the front yardage was 35 feet as of July '75, at least, who known before that, but these are not by any stretch of the imagination any of them recent regulations and requirements.

MRS. MARIE DI NITTO: My husband and I bought that piece of property 17 years ago and within three months, he dropped dead and we were going to build there that spring, in April. I don't hear anything about him in the back on Lacey Field about a pool and seeing the river. I have been paying taxes for 17 years on that piece of property, not to talk about other property that I have had in the Town of New Windsor and paying taxes. I have been a good--he's made me nervous because now at my age, I would like to build a nice home and live there. Someone that lives over in Lacey Field has nothing to do with 9W is trying to stop me from doing it. I don't think it's fair because he wants a pool he can enjoy and a scene of the river. I have already given the Town of New Windsor 17 years of taxes.

MR. NUGENT: I don't want to end up in an argument.

MR. MARINO: I'm not crying the blues, I'm not talking about a pool, I'm talking about a self-created hardship which requires the board to use a higher standard and the lot variance that is a substantial variance, it's not something small.

MS. SIDOLI: Well, higher standard, there's all kinds of garbage on the whole bank of Lacey Field. There's old hibachis thrown over the bank, there's big, huge stools thrown over the bank, all on our property that

now has to be cleaned up, not by you, or you but by me. If I can see this piece of property someone came in your back yard and dumped it but there are stools and benches and broken chairs on my property.

MR. NUGENT: I don't want to get into this, we've got enough information.

MR. MARINO: Because when the State came and did their survey, I don't want you folks to have the wrong impression, that comes just about right up to the back of our property. This isn't 100 feet from the back of our property. This is five or ten feet from the back of our property.

MR. TORLEY: When the survey was done, the surveyor also checked the boundaries of the State property, not necessarily their property.

MR. MARINO: No, you can see the pink flags, the outline of the property in back of it is no more than ten feet or so, appears to be anyway to me.

MR. TORLEY: If looks maybe 50 feet back, it may be more.

MR. MARINO: I don't know if somebody wants to come and check it.

MR. TORLEY: If you have the tax map there, you're welcome--

MR. MARINO: No, I have the same one you do which doesn't--

MR. NUGENT: Certainly looks like a lot more than five foot but that is besides the point. We have to make our decision on what's in front of us. The public hearing is now closed and I'll open it back up to the board for their consideration.

MR. LANGANKE: Personally, I think that the applicant has made a clear case. I feel that there's a lot of property surrounding this piece that in effect makes it bigger than it actually is.

MR. TORLEY: I still, this is a very substantial, the 4 front yards is the configuration of the property, you can't do anything about that but I am concerned that that property is less than half the size that is required for that area and that is required.

MR. LANGANKE: Well, you're going to find that in the town as old as this one, you're going to find that there are a lot of parcels that just aren't ideal and that is why we're here.

MR. NUGENT: The lots are 25 foot when they were made in Ducktown.

MR. BABCOCK: If they had water, if there was a water line there available and I'm not so sure there is not but we're not gauging this property as there was but if there was a water line there, we know there is a sewer line there, we verified that with the Sewer Department, the lot size would only have to be 5,000 square foot on the non-conforming side, the water is there and it's been marked off, it's right in front.

MR. TORLEY: If there's water and sewer, what's the minimum size and this would meet all the criteria for a non-conforming lot?

MR. BABCOCK: Well, as far as lot size, it's 6,230 square feet non-conforming lot in a R-4 zone is 5,000 square feet with water and sewer.

MR. NUGENT: Which we have.

MR. BABCOCK: Right.

MR. LANGANKE: I don't have any other questions.

MR. TORLEY: If this has water and sewer, we know it's sewer and the applicant has stated there's water.

MS. SIDOLI: John Aggio was up there.

MR. TORLEY: If it had water and sewer, it would meet the requirements for the non-conforming R4 lot.

MR. BABCOCK: In the area.

MR. TORLEY: So all the area variances would drop out and we'd just be looking at the front yard variances and developmental coverage.

MR. BABCOCK: No, to be entitled to be considered a non-conforming lot, you must meet A, B, C, D, and E. She can meet A but she can't meet B, C and whatever so that is why she's not considered a non-conforming lot.

MR. TORLEY: But I'm talking about the lot area part would be covered.

MR. BABCOCK: No. If you meet all the criteria to be a non-conforming lot. She does not meet all the criteria to do that so therefore, she's considered a regular lot.

MR. KANE: But there's--

MR. BABCOCK: Unless this board wants it, that is the way I've done it.

MR. KANE: There's a water and sewer hookup to this lot so the intent and purpose of use of this lot was residential, right?

MR. BABCOCK: That is correct.

MR. KANE: The water and sewer exists on this lot already.

MR. BABCOCK: That is correct, that is what she's saying.

MS. SIDOLI: As a matter of fact, there's an actual--

MR. KANE: So the intent and purpose of the use of the lot would be residential which is the only use that they can have on this lot.

MR. BABCOCK: That is right.

MS. SIDOLI: There's an actual manhole on the lot.

MR. NUGENT: She also stated that she had applied to the State for additional property and at this point tonight, she hasn't gotten an answer so I think that she's definitely got the right thing in mind to get property because it's just not large enough.

MR. TORLEY: Clearly if you put a one family.

MS. SIDOLI: But the point here, I'm here for an open hearing on the property, not down the road whether I access anymore property from the State that shouldn't even matter.

MR. NUGENT: That is up to you. I think you have got the right thing in mind.

MR. LANGANKE: He's saying you made the effort.

MS. SIDOLI: Yeah, because I don't know what I am up against when I sent out 23 letters and no one responds back or only two people respond out of 23, I don't know, I didn't know what I was going to come in here tonight with. And as far as looks, I mean it's never been developed land and it's an eyesore. It's a big huge thing full of trees and it's got an eight foot drop and I mean I don't see how that is beautified at all. What I am going to do to this property is put a gorgeous frame up and develop the land on 9W instead of this big huge eyesore next to a culvert.

MR. KANE: Also remind the board that the two responses that you did get were in positive.

MS. SIDOLI: Stewart's Furniture Store approved and Mrs. Toback from Hudson View Trailer Park.

MR. KANE: Were both in a positive situation.

MR. TORLEY: Do we have those letters? It looks better on the record if you have them. It's been our experience in the past sometimes we'll have an applicant come in and say I'm going to build myself a house on a small piece of land and then six months or a

year later, it's turned into something else entirely.

MR. LANGANKE: That has nothing to do with us.

MR. TORLEY: It does because when they come back in for a variance after they build that saying now I built a house, now I don't want to use it as a residence, I want to get a variance for something else, I've already put my money into the house.

MR. KANE: It's only a residential district, any other change would be a use variance which is as you know as well as we do is almost impossible so whether it's residential, you know, I don't want to make my decision because they are nice people or they are nice people in the back and I'm sure they are. The point is that it's a residential piece of property and is it a good use for this piece of property. It's a tough piece of property to use and that is the hard decision here now whether they use it or the next family uses it.

MR. LANGANKE: The vote comes down to whether you want to deprive this property owner of any rights to use that property. That is what this vote is coming down to.

MR. TORLEY: Well, actually the vote is to whether to allow the applicant an exception to the lot size and requirements which may have the affect of depriving him but that is the vote.

MR. LANGANKE: I don't have any questions.

MR. KRIEGER: I have one question and this is for you, the applicant or the building inspector, whoever can answer this, could anything be put on this piece of property which would conform in all respects?

MR. BABCOCK: No.

MR. TORLEY: What they are proposing is that a use that would have the smallest number of variances or smallest amount of variances for this piece of property.

MR. LANGANKE: They can put up a wood shed, I guess.

MR. KRIEGER: That would include a dog house or wood shed.

MR. TORLEY: But the single family residence this is the smallest variances applicable for any use for this piece of property.

MR. NUGENT: Well, it's predicated on the size of the house.

MR. BABCOCK: I think if the house was smaller, you can reduce the amount of, you're not going to reduce the front yards, there's four front yards, you're not going to reduce the size of the lot, so you are not reducing that variance.

MR. KRIEGER: No matter how small the house is there would still be some variances required.

MR. BABCOCK: Definitely.

MS. SIDOLI: Mike, when I did come to the preliminary and I put the proposed house on the area map, I proposed I think a 26 by 48. The actual house that will be built will be 24 by 40 because it was preliminary and I had to come for a variance so I went bigger.

MR. BABCOCK: You would still need the variances.

MS. SIDOLI: I just want you to know it would not be as great for what I expect to put there.

MR. TORLEY: Does that get you below the developmental coverage? Certainly is no more than the original request.

MR. BABCOCK: That is correct.

MR. NUGENT: I'll take a motion.

MR. LANGANKE: I make a motion that we grant applicant the variance requested.

December 12, 1994

37

MR. KANE: I'll second the motion.

ROLL CALL

MR. LANGANKE AYE

MR. TORLEY AYE

MR. KANE AYE

MR. NUGENT AYE

MS. SIDOLI: I want to thank you gentlemen all very much.

12/12/94 Public Hearing: Di Nitto, Marie

Name:

Jerry Marino

VINA Boetlin

Address:

121 Pine Dr.

115 Holly Dr.

Prelim.
May 9, 1994
#94-16

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 5, 1994

APPLICANT: MARIE DINITTO
107 S. ROBINSON AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 5, 1994
FOR (BUILDING PERMIT): *To BUILD ONE FAMILY HOUSE*
LOCATED AT: ROUTE 9W, NEW WINDSOR, N.Y. 12553

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 17, BLOCK: 4, LOT: 58

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. LOT AREA
2. LOT WIDTH
3. #1 FRONT YARD
4. #2 FRONT YARD
5. #3 FRONT YARD
6. #4 FRONT YARD


BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MAY 5, 1994

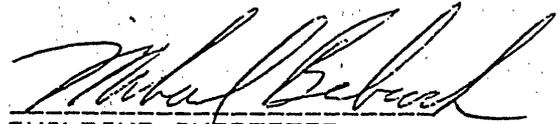
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 107 S. ROBINSON AVENUE
 NEW WINDSOR, N.Y. 12553

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4. #2 FRONT YARD
5. #3 FRONT YARD
6. #4 FRONT YARD


 BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R4	USE	
MIN. LOT AREA	6230 SQ.FT.	15000 SQ.FT.
MIN. LOT WIDTH	100 FT.	90 FT.
REQ'D FRONT YD	#1 35 FT.	12 FT.
	#2 35 FT.	13 FT.
	#3 35 FT.	9 FT.
	#4 35 FT.	15 FT.
DEV. COVERAGE	30%	34%
		4%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
EAST ORANGE AND ROCKLAND OFFICE
PERMIT INSPECTION
112 DICKSON STREET
NEWBURGH, NEW YORK 12550
phone(914) 562-4094
fax 914 562-4190

Albert J. Bauman
Regional Director

John C. Egan
Commissioner

April 22, 1994

Planning & Zoning Board
Town of NEW WINDSOR
55 Union Ave.
New Windsor, N.Y. 12553

Re: Marie DiNitto
US Route 9W

Dear Mr. Babcock;

Please be advised that the owner of the above noted property has requested access to route 9W. They were told to file for a driveway permit before construction starts. They have a right of access.

Yours truly,


Donald Greene CE I
Permits
East Orange and Rockland Counties

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

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 FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises.....MARIE DiNitto.....
Address.....107 S. Robinson Ave..... Phone.....914-562-8470.....
Name of Architect.....Chelsea Homes, Inc......
Address.....Marlboro NY..... Phone.....236-3311.....
Name of Contractor.....Modern Craft Homes, Inc......
Address.....9 Tiffany Lane Wallkill NY..... Phone.....914-566-9010.....
State whether applicant is owner, lessee, agent, architect, engineer or builder.....OWNER.....
If applicant is a corporation, signature of duly authorized officer.

.....maria DiNitto.....
(Name and title of corporate officer)

1. On what street is property located? On the.....South..... side of.....Rt. 9W.....
(N.S.E. or W.)

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.

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Name of Owner of Premises MARIE DiNitto
 Address 107 S. Robinson Ave Phone 914-562-8470
 Name of Architect Chelsea Homes, Inc.
 Address Marlboro NY Phone 236-3311
 Name of Contractor Mocker-Craft Homes, Inc.
 Address 9 Tiffany Lane Walkkill NY Phone 914-566-9010
 State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
 If applicant is a corporation, signature of duly authorized officer.

maria Di Nitto

(Name and title of corporate officer)

1. On what street is property located? On the South side of Rt. 9W
 (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? Yes.....No
3. Tax Map description of property: Section 17 Block 4 Lot 58
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 Single Family Res.
5. Nature of work (check which applicable): New Building Addition..... Alteration..... Repair.....
 Removal..... Demolition..... Other.....
6. Size of lot: Front Rear 94 Depth 124 Front Yard 30 Rear Yard 30 Side Yard 15
 Is this a corner lot? No
7. Dimensions of entire new construction: Front 44 Rear 44 Depth 25 Height 20 Number of stories 1 1/2
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
 Number of bedrooms 3 Baths 2 Toilets 2
 Heating Plant: Gas 2 Oil..... Electric/Hot Air..... Hot Water
 If Garage, number of cars 1
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost 25,000.00 Fec.....
 (to be paid on this application)
11. School District New Windsor

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate 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.

John L. Sidoti
.....
(Signature of Applicant)

.....
(Address of Applicant)

re: *Marie Di Nitto*

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.



Refer —
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
 Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

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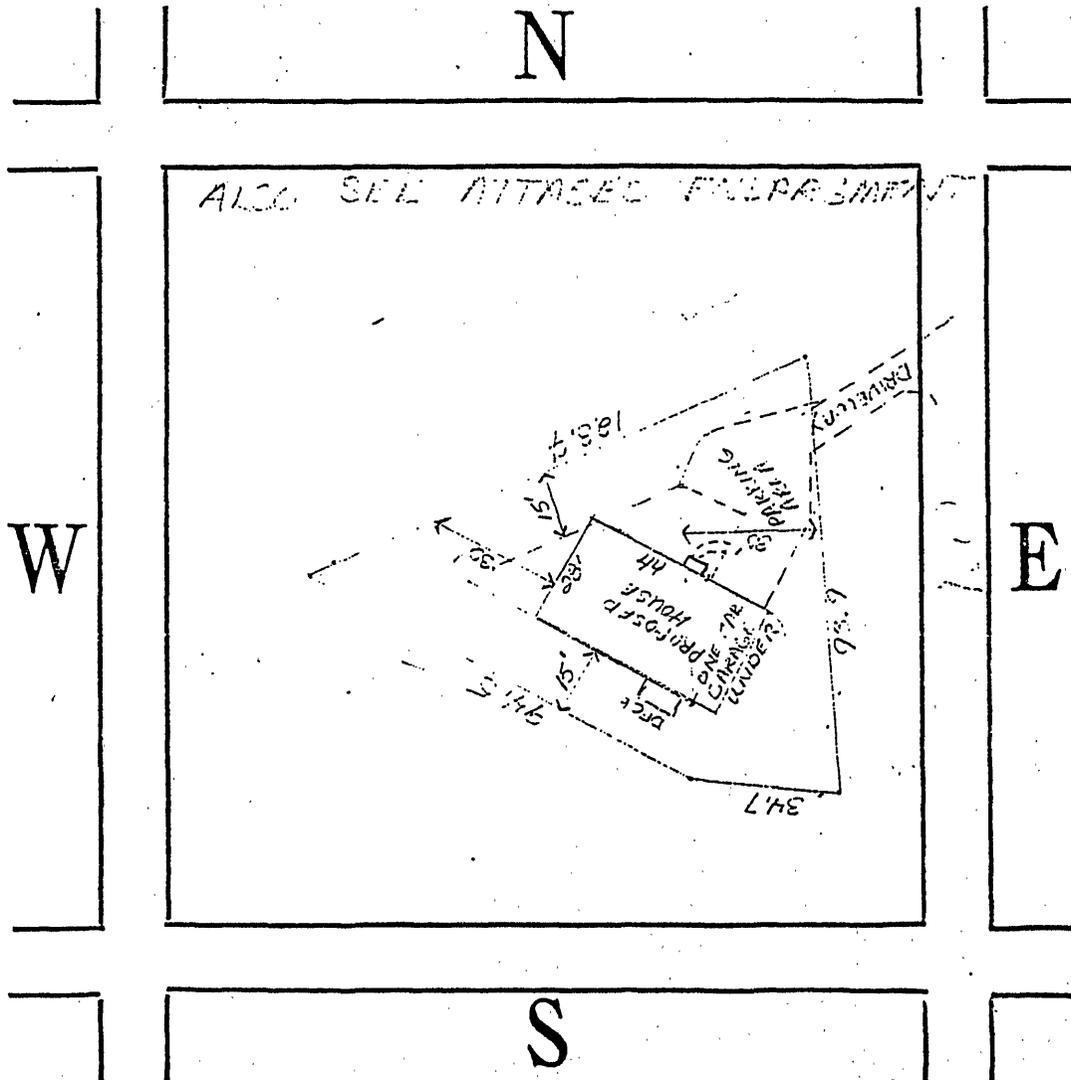
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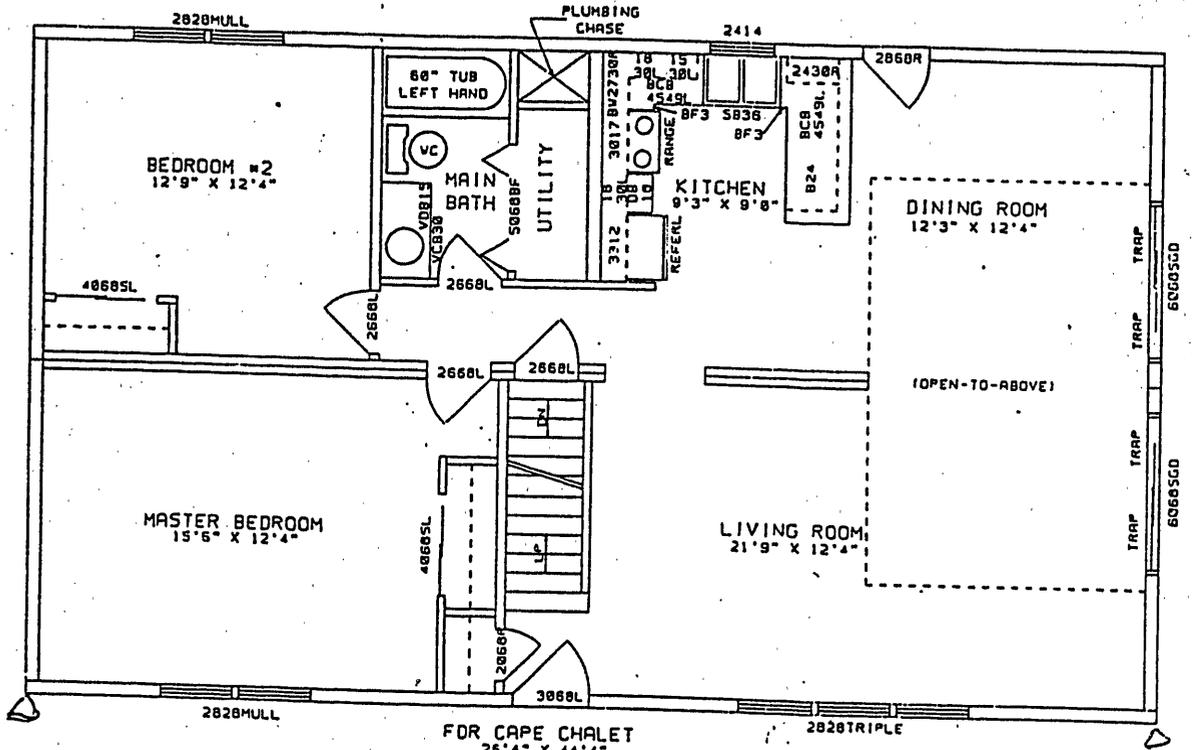
Adm. L. Sidoli
 (Signature of Applicant)
 re: *Marie Di Nitto*

(Address of Applicant)

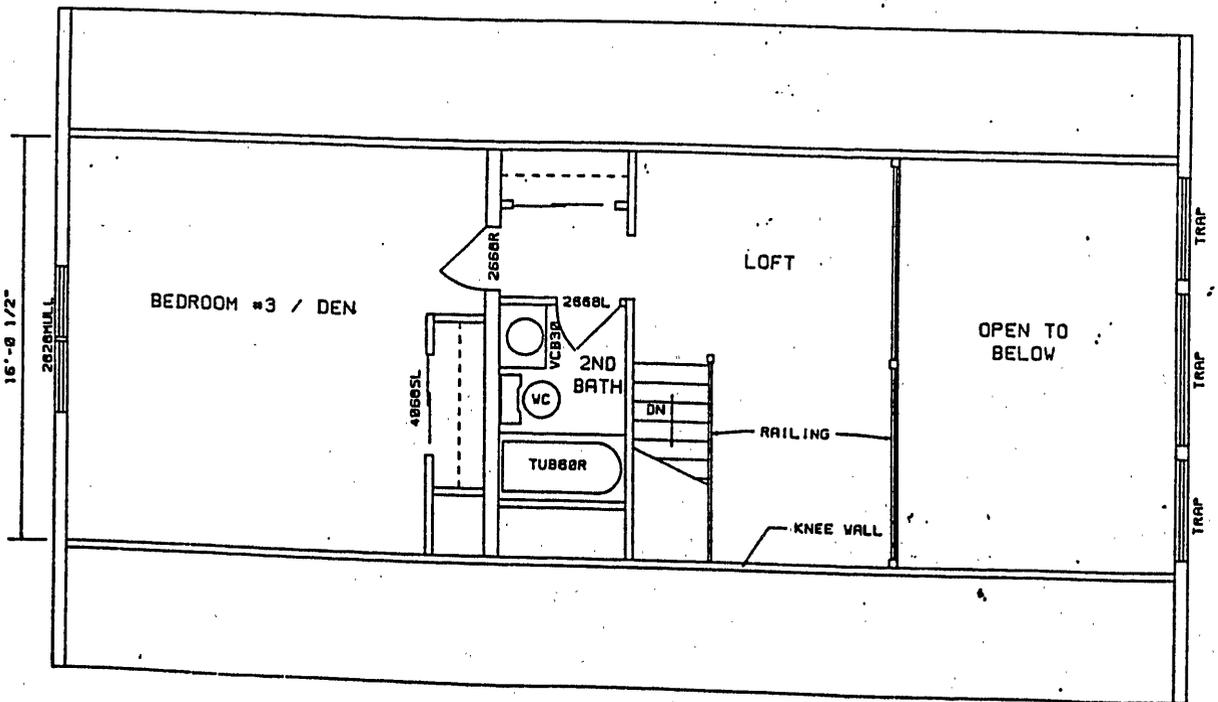
PLOT PLAN

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





FOR CAPE CHALET
 26'4" X 44'4"
 7'6" CLG
 PLAT 119
 WINDOWS CAN NOT BE SPREAD



PROPOSED SECOND FLOOR
 CAPE CHALET

1,656 sq ft.

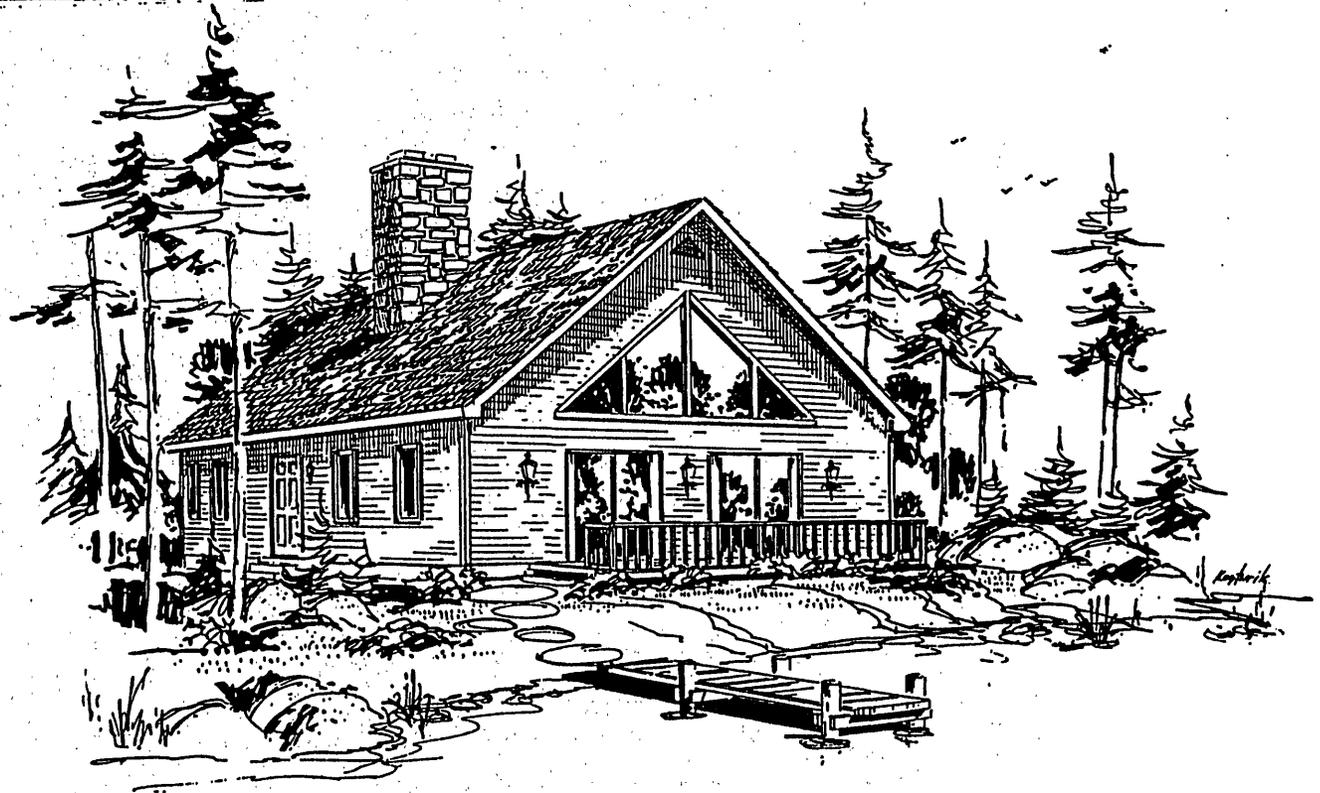


HOMES
INC.

HOMES
made with PRECISION

R.D.1 BOX 900
Lafayette, N.J. 07848

PLATINUM



CAPE CHALET

owner in connection with this application.

licant)

(Address of Applicant)

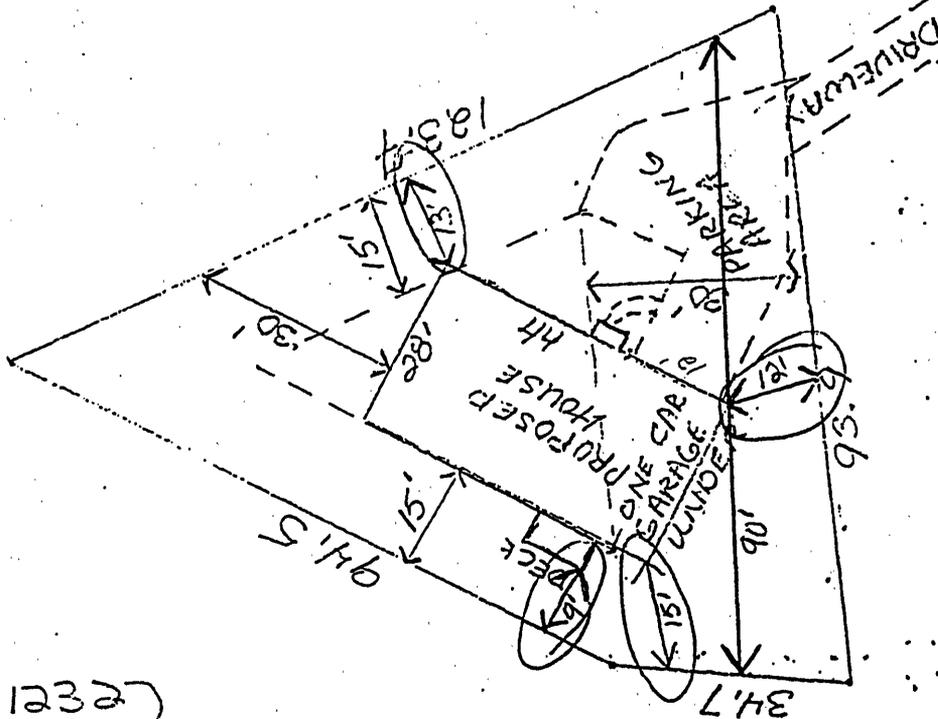
PLOT PLAN

Buildings and indicate all set-back dimensions.

Trace the building line or lines clearly and distinctly on the drawings.

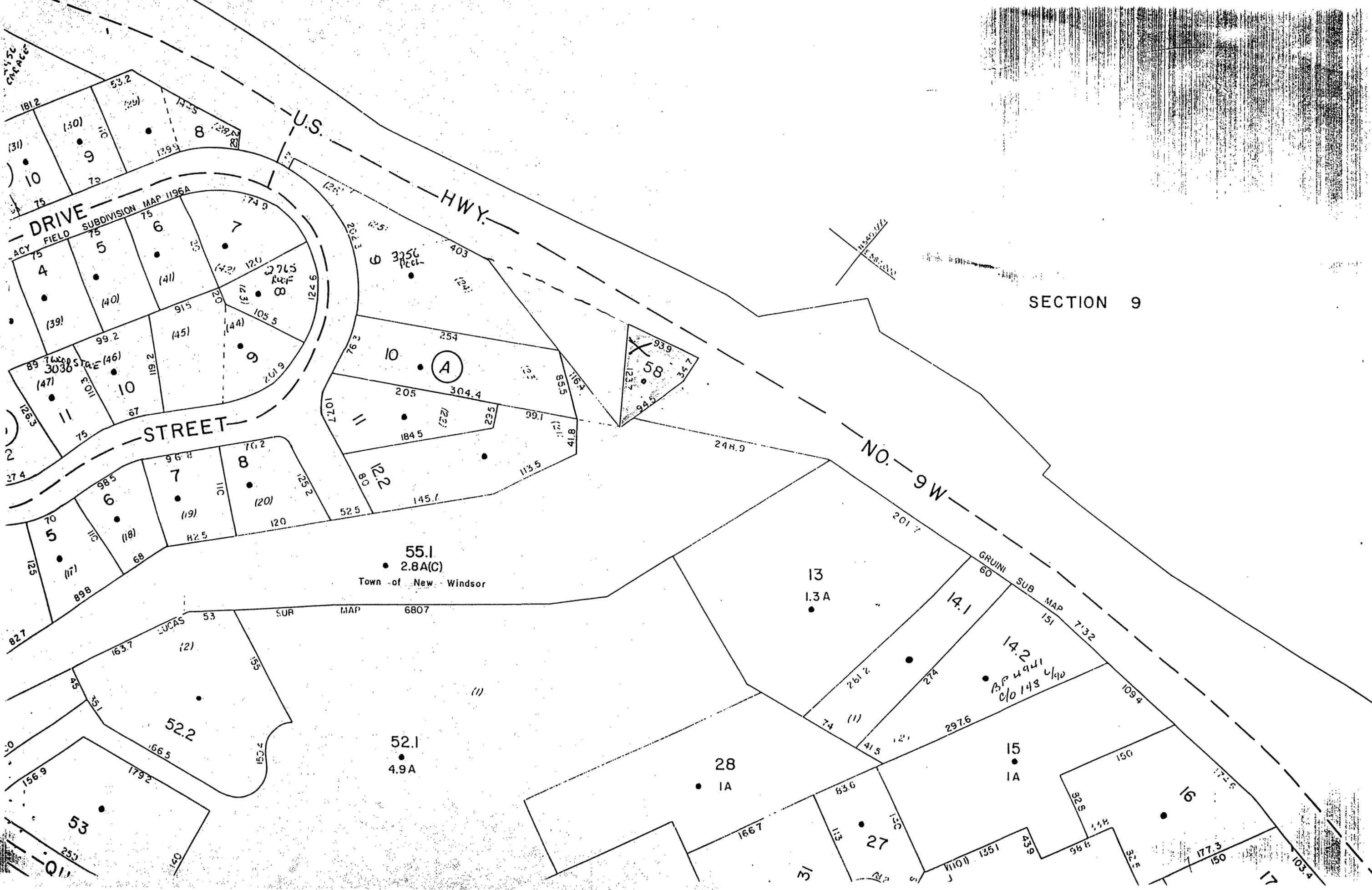
N

ALSO SEE ATTACHED ENLARGEMENT
 ACRES .119
 LOT AREA - 6,240 SQ. FT.
 DEVELOPMENT
 COVERAGE - 30% MAX 3070



SQ. FT.		
HOUSE	1232	} 1876 sq ft
Decks +	344	
Stair		
Parking	300	

569-0317 - Debbie Sidoli



SECTION 9

1550 GARAGE

DRIVE
SUBDIVISION MAP 1196A

ACRY FIELD

STREET

U.S. HWY.

NO. 9 W

55.1
• 2.8A(C)
Town of New Windsor

SUR MAP 6807

GRUINI SUB MAP 151

LUCAS
53
52.2
52.1
4.9A

28
• 1A

15
• 1A

16

27

53

31

17

PUBLIC NOTICE OF HEARING BEFORE
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 pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 16.

Request of Marie DiNitto

for a VARIANCE of the Zoning Local Law to permit:

single-family residence with insufficient lot area,
lot width and front yards (4);

being a VARIANCE of Section 48-12. - Table of Use/Bulk
Reqs. - Cols. C, D, H, L.

for property situated as follows:

South side of NYS Route 9W, adjacent to Stewart's
Furniture, New Windsor, N.Y.

known as tax lot Section 17 Block 4 Lot 58.

SAID HEARING will take place on the 12th day of December,
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent.
Chairman

No objection.

AS Stewart

STEWART'S HOME FURNISHINGS
265-269 Route 9W
New Windsor, NY 12553

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

-----x
In the Matter of Application for Variance of

Marie Di Nitto,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#94-16.

-----x
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On November 14, 1994, I compared the 22 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
14th day of November, 1994.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-16.

Date: 11/14/94

I. Applicant Information:

- (a) MARIE D. NITTO 107 S. ROBINSON HVC. Nwb, 12550 (914) 562-8470
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

III. Property Information:

- (a) R-4 55 NYS Route 9W 17-4-58 6,240 sqft.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 12-16-77
- (e) Has property been subdivided previously? YES
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) ^{N/A} Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) ^{N/A} The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use Bulk Regs., Col. C,D,H,L.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>6,230 sf.</u>	<u>15,000 sf.</u>	<u>8,760 sf.</u>
Min. Lot Width <u>100 ft.</u>	<u>90 ft.</u>	<u>10 ft.</u>
Reqd. Front Yd. #1 <u>35 ft.</u>	<u>12 ft.</u>	<u>23 ft.</u>
#2 <u>35 ft.</u>	<u>13 ft.</u>	<u>22 ft.</u>
#3 <u>35 ft.</u>	<u>9 ft.</u>	<u>26 ft.</u>
Reqd. Side Yd. #4 <u>35 ft.</u>	<u>15 ft.</u>	<u>20 ft.</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* <u>30</u> %	<u>34</u> %	<u>4</u> %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

(b) 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; (2) 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; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A.*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

N/A.
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A.
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A.*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

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

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 16th day of December, nineteen hundred and seventy-seven.

BETWEEN SUN OIL COMPANY OF PENNSYLVANIA, a Pennsylvania corporation, successor by merger to Sun Oil Company, a New Jersey corporation, 1608 Walnut Street, Philadelphia, Pennsylvania 19103

GRANTOR, and RUDY A. DI NITTO and MARIE DI NITTO, 107 South Robinson Avenue, Newburgh, New York 12550,

GRANTEE ,

WITNESSETH, that the Grantor, in consideration of THREE THOUSAND DOLLARS (\$3,000.00) paid by the Grantee , does hereby grant and release unto the Grantee , the heirs or successors and assigns of the Grantee forever,

ALL that certain parcel of Real Estate situate in the Town of New Windsor, County of Orange, State of New York, to wit:

BEGINNING at a point on the westerly boundary of the Moodna Bridge - Newburgh Pt. 1 Highway at the point where the line dividing lands now or formerly of Sun Oil Company and land now or formerly of John A. Corcoran intersects said westerly boundary of Moodna Bridge - Newburgh Pt. 1 Highway; thence from said beginning point and along aforementioned dividing line N. 82 deg. 25' W. a distance of 34.68 feet to a point; thence N. 62 deg. 42' W. still along said dividing line 94.52 feet to a point; thence N. 68 deg. 12' E. a distance of 123.71 feet to a point on the westerly boundary of Moodna Bridge - Newburgh Pt. 1 Highway; thence S. 2 deg. 08' 10" E. along said westerly boundary of Moodna Bridge - Newburgh Pt. 1 Highway 93.94 feet to the point and place of beginning.

BEING part of the same premises conveyed to Sun Oil Company by deed recorded in Orange County Clerk's Office in Liber 721 of Deeds Page 316.

Subject to easements, restrictions and conditions of record, easements or restrictions visible upon the ground and any state of facts which an accurate survey would disclose.

LIBER 2051 P

and assigns of the Grantee forever.

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the Grantor, in compliance with Section 13 of the Lien Law, covenant that the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

ATTEST:
SUN OIL COMPANY OF PENNSYLVANIA
Hilbert E. Spolsman
Assistant Secretary

SUN OIL COMPANY OF PENNSYLVANIA

William Gorden
William Gorden, Manager, Marketing
Property Management and Divestment

STATE OF PENNSYLVANIA)
) SS:
COUNTY OF PHILADELPHIA)

On the 16th day of December, 19 77, before me personally came William Gorden to me known, who, being by me duly sworn, did depose and say that he resides at No. 22 Andrews Road, Malvern, Pennsylvania; that he is the Manager, Marketing Property Management & Divestment of Sun Oil Company of Pennsylvania, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Frank R. Kromer
Notary Public
My Commission Expires: Jan 2, 1978
FRANK R. KROMER, Notary Public
PHILADELPHIA COUNTY, PHILADELPHIA, PA.
My Commission Expires January 2, 1978

THIS INSTRUMENT PREPARED BY: FRANK R. ROARK, JR., ESQ., SUN OIL COMPANY OF PENNSYLVANIA, 1608 WALNUT STREET, PHILADELPHIA, PENNSYLVANIA 19103.

RECEIVED
\$ 3.30
REAL ESTATE
FEB 14 1978
TRANSFER TAX
ORANGE COUNTY DS

Orange County Clerk's Office, s.s.
Recorded on the 14th day
of Feb 1978 at 9:00
o'clock 10th M. in Liber 2091
and Exhibited at page 747
[Signature]
Clerk

Re R
LOUIS WERNER
Attorney at Law
8 Grand St., P. O. Box 769
Newburgh, N. Y. 12550
Tel. (914) 562-1154

330
13-

LIBER 2091 PAGE 750



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

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May 20, 1994

Mrs. Marie DiNitto
107 S. Robinson Avenue
Newburgh, NY 12550

Re: Tax Map Parcel #17-4-58 Variance List
Property Location: Route 9W, South, New Windsor, NY 12553

Dear Mrs. DiNitto:

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 \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook /po
LESLIE COOK
Sole Assessor

LC/po
Attachments
cc: [REDACTED]

Wein, Richard J. & Patricia M.
112 Holly Dr.
New Windsor, NY 12553

Marry, Niall & Fiona
114 Holly Dr.
New Windsor, NY 12553

Cahill, Warren J. & Cathy A.
116 Holly Dr.
New Windsor, NY 12553

Sadowski, Edward F. & Madge B.
115 Pine Dr.
New Windsor, NY 12553

Vergili, Lucille
112 Pine Dr.
New Windsor, NY 12553

Connolly, Dennis P. & Marie P.
114 Pine Dr.
New Windsor, NY 12553

Boehm, John C. & Vina M.
115 Holly Dr.
New Windsor, NY 12553

Hallas, Mildred J.
c/o Jane Prizant Gilman, Conservator
453 Route 211 East
PO Box 443
Middletown, NY 10940

Connolly, Thomas J. & Cathleen
119 Holly Dr.
New Windsor, NY 12553

Marino, Gerard J. & Elizabeth R.
121 Pine Dr.
New Windsor, NY 12553

Stewart, Robert B.
265-269 Route 9W
New Windsor, NY 12553

Disciglio, Joseph & Patrick
c/o Patrick Disciglio
11 Bridle Path
Newburgh, NY 12550

Prabhu, Pandurang & Pushpa
261 Route 9W
New Windsor, NY 12553

Indzonka, Louis F. Jr. & Catherine C.
149 Quassaick Ave.
New Windsor, NY 12553

Glazeroff, Beth &
Lanzoni, Gregory
3 Woodthrush Lane
New Windsor, NY 12553

Henry, Scott & Linda
145 Quassaick Ave.
New Windsor, NY 12553

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

Robert Arms Association
c/o Gerald H. Markowitz
90 North Central Avenue
Hartsdale, NY 10530

Foster, Cappy & Grace
245 Daniher Ave.
New Windsor, NY 12553

The Comic Strip Club, Inc.
c/o Rosebuds Food-N-Drink
PO Box 4288
New Windsor, NY 12553

The Comic Strip Club, Inc.
c/o Philip J. Gambelli
290 Route 9W
New Windsor, NY 12553

Halmar Contracting, Inc.
160 West Lincoln Ave.
Mt. Vernon, NY 10550

Toback, Dorothy Ann &
Crawley, Roxanne D.
28 Carter Ave.
Newburgh, NY 12550

Sun Company, Inc. (R&M)
10 Penn Center
1801 Market St.
Philadelphia, PA 19103

~~DENNIS, MARIE~~

MR. NUGENT: Request for 8,750 s.f. lot area, 10 ft. lot width, four front yard variances: #1-23 ft., #2-22ft., #3-26 ft., and #4-20 ft. and 4% developmental coverage for construction of single family residence on Route 9W in an R-4 zone.

Ms. Debbie Sidoli appeared before the board for this proposal.

MR. BABCOCK: You have to look at the tax map and you'll see the other triangle.

MR. TORLEY: What's the rest of it?

MR. BABCOCK: Route 9W, this is Stewart's Furniture. You know where the Town of New Windsor easement goes through there that comes out where Woodthrush Lane is, deadman's curve that comes out.

MR. NUGENT: Wasn't there a pond?

MS. SIDOLI: The pond's down here, that is on my other lot.

MR. BABCOCK: This goes through and then crosses the road just below Rosebud's so this piece of property is not diagonally across but in that area.

MS. SIDOLI: This is the culvert and it borders the back yards of Lacey Field.

MR. TORLEY: This is being developed as a residential lot?

MS. SIDOLI: Yes.

MR. TORLEY: On 9W?

MR. NUGENT: This is R-4.

MR. BABCOCK: Yes.

MR. TORLEY: How close is it to the commercial?

MR. NUGENT: Close.

MS. SIDOLI: This at one time was all commercial property, Krieger's (phonetic) had it and the only existing home, commercial lot now on the south side is Stewart's. All these other we changed into professional residential, Dr. Pruhba.

MR. NUGENT: I'm a little confused why we got so many front yards?

MR. BABCOCK: If you look at the lot on the map, every one of the lot lines border Route 9W, Route 9W owns all the way around this property so since they border on the street, the definition of a front yard is anything that borders on a street so if you have any preference, I just did what I thought was best.

MR. TORLEY: This one really taxed you, I'll tell you.

MR. NUGENT: I didn't think I have ever saw four front yards.

MR. TORLEY: You know, what's the actual minimum lot?

MR. NUGENT: 15,000.

MR. TORLEY: She's short 50% on lot size.

MR. NUGENT: Ten feet on lot width.

MR. TORLEY: This odd shaped lot going to generate front yard variance no matter what you do but I'm just concerned about the proportionately small size of the lot, 50% area variance you're asking for a big--

MS. SIDOLI: I also propose a larger house than I'm going to build.

MR. HOGAN: What do you do with the lot the State took everything around it?

MRS. BARNHART: There wasn't much left.

MS. SIDOLI: What happened was Sun Oil owned this and Sun Oil owned all the property all the way to the Hudson River north of Stewart Furniture Store, prior to Route 9W being built, that is how long cause the original map I have is 1931. Sun Oil sold it to us and we had a variance approval to build on that lot 17 years ago but because it's over the period, 17 years ago we had the approval but my grandfather had passed away, Rudy DiNitto, who owns the trailer park across the street.

MR. NUGENT: Why do we have a 4 percent developmental coverage? The house being built on the lot is larger than what's allowed?

MR. BABCOCK: They are allowed a 30 percent developmental coverage and it comes up to they are developing with a driveway, the driveway on the parking lot, they are going to develop 1,876 square feet when you divide that by the size of the existing lot, Jimmy, not by what the requirements are.

MR. NUGENT: It's what?

MR. BABCOCK: Lot area is 6,240 square feet, they are proposing to cover with the house, decks, driveway 1,876, when you divide that, it comes up to 33.something square feet so I rounded that off to 34 and that is why they did need 4 percent coverage.

MR. TORLEY: In looking at this, is this intended to be a residence or is this going to be professional office?

MS. SIDOLI: No, one family residence.

MR. TORLEY: Big parking area.

MS. SIDOLI: If you are aware of where it is, you come down south on 9W and you have people doing 55 miles an hour, so you don't want to be backing out. I went to the DOT, they'll not allow me to put a U-shaped drive so you have to have enough room to pull your car in and go out face forward.

MR. TORLEY: Are there any structures on the lot at the

May 9, 1994

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moment?

MS. SIDOLI: There's nothing, it's undeveloped land.

MR. NUGENT: Good use of the property.

MR. LANGANKE: Perfect.

MS. SIDOLI: I'm going to build 26 by 40, I proposed 28 by 44 cause I didn't want to come here giving you the smaller then you're going to say you can only build 18 by 20, a shoe box so I figured I'd go for the larger and then downscale from there.

MR. BABCOCK: Also I asked her if she would go and talk to Don Green from DOT to see if there would be access so couple more points that we have to do, we have to take this property one step at a time. We have to see if we can get a sewer line to it and see if we can get water.

MS. SIDOLI: Sewer and water is there.

MR. BABCOCK: It's not on to the property.

MS. SIDOLI: It's right there, you just connect right in, there's a manhole right on the property.

MR. BABCOCK: Well, then basically we'll check that out but I asked her to go to Don Green and he wrote a letter to me advising me that the owner and it doesn't describe the property except U.S. Route 9W says please be advised that the owner of the above-noticed property has requested access to Route 9W. They were told to file for a driveway permit before construction starts. They have the right of access. And it's signed by Don Green. There is a copy in your file also.

MRS. BARNHART: Yes, we have it.

MR. NUGENT: She already told us that they have to be able to turn around.

MR. BABCOCK: I just wanted to let the board know that they are going to be able to obtain access to 9W.

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MS. SIDOLI: Right now there's all guardrail.

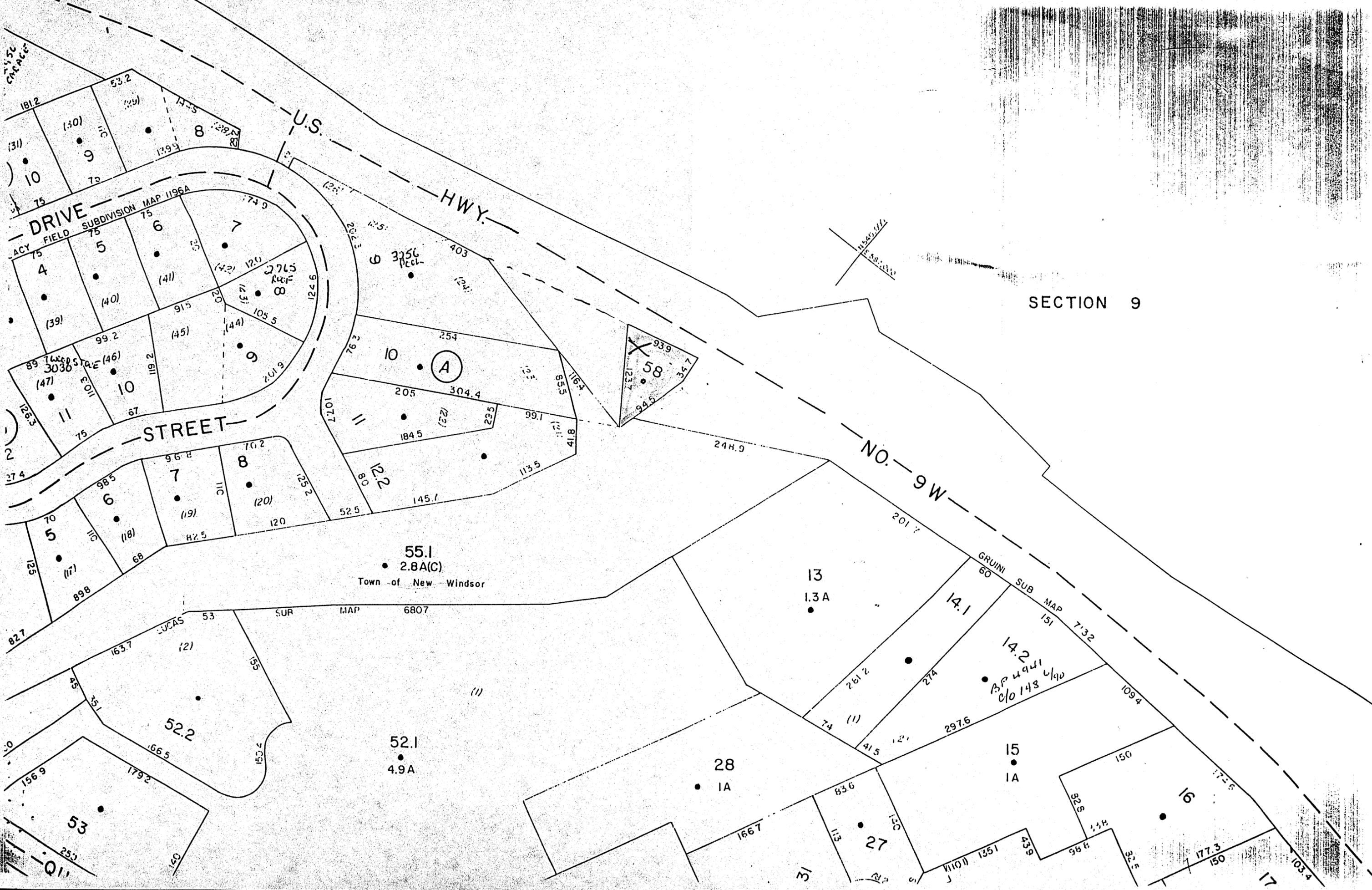
MR. LANGANKE: It's a really difficult situation that can be put to good use there.

MR. LANGANKE: I make a motion we set the applicant up for a public hearing.

MR. HOGAN: Second it.

ROLL CALL

MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE



SECTION 9

U.S.
HWY.

DRIVE
SUBDIVISION MAP 1196A

STREET

NO. 9 W

55.1
• 2.8A(C)
Town of New Windsor

SUR MAP 6807

GRUINI SUB MAP 151

14.2
AP 4941
Cl 148 v 190

52.1
• 4.9A

28
• 1A

15
• 1A

53

27

16

51

31

17