

ZB# 99-48

Richard Minutoli

65-1-77

Frederick.

November 22nd, 1977

Public Hearing:

Jan. 10, 1980

Approved: Area for
fence.

Revised 1985

#99-48-Minutoli, Richard F.

Sec. 48-14C(1)(c) 65-1-77.

Area - Fence
Hgt.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Minutoli

FILE# 99-48

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid 11/29/99
ck #253*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*paid ck #
254*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE	<u>11/22/99-3</u>	\$	<u>13.50</u>
2ND PRELIMINARY- PER PAGE	<u>11/10/99-4</u>	\$	<u>18.00</u>
3RD PRELIMINARY- PER PAGE		\$	<u> </u>
PUBLIC HEARING - PER PAGE		\$	<u> </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$	<u> </u>
TOTAL		\$	<u>31.50</u>

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING:	<u>11/22/99</u>	\$	<u>35.00</u>
2ND PRELIM.	<u>11/10/99</u>	\$	<u>35.00</u>
3RD PRELIM.		\$	<u> </u>
PUBLIC HEARING		\$	<u> </u>
PUBLIC HEARING (CONT'D)		\$	<u> </u>
TOTAL		\$	<u>70.00</u>

MISC. CHARGES:

..... \$
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$
 REFUND DUE TO APPLICANT . \$ 198.50

Refund


KAREN SHU MINUTOLI
RICHARD F. MINUTOLI

50-883/218
 334
 253

Date 11/29/99

Pay to the Order of Town of New Windsor \$ 50.00
Five & 0/100 Dollars

KeyBank National Association
 Newburgh, New York 12550
 1-800-KEYBANK

For Variance Application Fee 28A #99-48 Karen Shu Minutoli

⑆021906934⑆ ⑆340003445⑆ 0253

©Charter American SEA TREASURER WTR

KAREN SHU MINUTOLI
RICHARD F. MINUTOLI

50-883/218
 334
 254

Date 11/29/99

Pay to the Order of Town of New Windsor \$ 300.00
Three hundred dollars & 0/100 Dollars

KeyBank National Association
 Newburgh, New York 12550
 1-800-KEYBANK

For Variance Fees 28A #99-48 Karen Shu Minutoli

⑆021906934⑆ ⑆340003445⑆ 0254

©Charter American SEA TREASURER WTR

-----X

In the Matter of the Application of

RICHARD MINUTOLI

#99-48.

-----X

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

WHEREAS, RICHARD MINUTOLI, residing at 424 Mt. Airy Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for variation of Section 48-14C(1)(c) of the Supplemental Yard Regulations to allow a fence to be constructed in front of the principal residence; and also to allow a proposed 6 ft. fence on a corner lot which requires a 2 ft. fence height variance along King George Road. The actual residence fronts on Mt. Airy Road, in an R-3 zone; and

WHEREAS, a public hearing was held on the 10th day of January, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

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

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

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

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The proposed location is in the front yard of the property.

(c) The Applicant seeks a variance in conformity with the drawing and details which he has submitted to the ZBA and the variance sought, if granted, would apply only to those

details.

(d) The fence, is allowed, would not be constructed on the top of any water or sewer easements.

(e) The fence would not interfere with any well or septic systems.

(f) The fence, if permitted, would be constructed a sufficient distance from the roadway so that it would not be a hazard for motorists using the adjacent roadway.

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 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 which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.

4. The requested variance 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 self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance 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.

9. The granting of the variance requests by the Applicant is limited to the extent of the drawing and those details submitted by the Applicant in connection with this Application.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variation of Section 48-14C(1)(c) of the Supplemental Yard Regulations to allow construction of a 6 ft. fence to project closer to road than principal residence; and a 2 ft. fence height variance in an R-3 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: March 27, 2000.

Chairman

Date 1/24/00, 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550
.....

DATE		CLAIMED	ALLOWED
10/02	Zoning Board Mtg	75 00	
	Misc - 3		
	Loche - 5		
	Minutoli - 4 \$18.00		
	Sloop Hill - 25		
	Malaszuk - 13		
	Maurice - 6		
	36	<u>252 00</u>	
		327 00	

PUBLIC HEARINGS:

MINUTOLI, RICHARD

MR. NUGENT: Request for 2 ft. fence height variance to construct fence in front yard in variation of Section 48-14C(1)(c) of Supplemental Yard Regulations at 424 Mt. Airy Road in an R-3 zone. Is there anyone here for this public hearing other than the applicant? Let the record show that there's none.

MS. BARNHART: For the record, we sent out 18 addressed envelopes to property owners within 500 feet of Mr. Minutoli's property.

Mr. Richard Minutoli appeared before the board for this proposal.

MR. NUGENT: You're on.

MR. MINUTOLI: Richard Minutoli. I'm requesting a two foot variance on the fence on the corner of King George Road. The fence would be 80 feet from the back of the road 50 feet from the house, the 6 foot side would be along King George. The reason why I'm doing this is that I have had vandalism at my home, I've had trespassing at my home, I'd like to have this for our security and security of my family. I have photographs and a drawing, if you'd like me to share them.

MR. NUGENT: Yes.

MR. MINUTOLI: Front of the home, this is looking at the front, the fence itself would start behind the gas tank corner of King George, it will be a 6 foot stockade, sir, the view from the yard looking across the lot from King George is vacant, looking into the lot from King George and looking across to the empty lot across the street and another view from the corner. May I pass these around?

MR. NUGENT: Yes.

MR. BABCOCK: Mr. Chairman, just so the record is clear, the 6 foot high fence that he needs a variance

for starts at the house, runs out to King George Drive along King George Drive and then back along the rear property line until it meets the house again, okay, meets the end of the house because that's considered a front yard. So it's the U-shape of the fence, not just the L-shape that needs the variance.

MR. MINUTOLI: Okay.

MR. REIS: Richard, is there a fence there now?

MR. MINUTOLI: There's no fence along King George, except for a fence that's along the tree line about 3 feet, it doesn't go the entire length of the street. I do have a fence that's 6 feet on the front of the house where the parking lot, where the parking driveway is and the, a three foot fence along the neighbor, Mr. Michael Tolla (phonetic), no fence in the back of the house.

MR. REIS: Thank you.

MR. NUGENT: Do you want to add that?

MR. BABCOCK: The fence along the back property line once it leaves King George Drive goes along, travels along the back property line until it's even with the rear of the house in the front yard.

MR. TORLEY: Even at the rear of the house?

MR. BABCOCK: Yes, can't project closer to the street than the principle building, yeah, so it's, he's asking for this. King George Drive is a front yard.

MR. REIS: Is this a private road?

MR. BABCOCK: Yes.

MR. REIS: Thank you.

MR. TORLEY: You say you have problems with vandalism and trespassing?

MR. MINUTOLI: Yes, I have, I have reported those to

the police.

MR. TORLEY: You feel the fence is for the security and safety of your home?

MR. MINUTOLI: Yes.

MR. NUGENT: The way it's written, Michael, says use 4 foot fence in the front yard, proposed available 6 foot, variance request two foot height, doesn't matter how much you put up?

MR. BABCOCK: I just think that the drawing and the details should be that so that if the gentleman sells his house, that somebody can't run the fence on down King George drive to Mt. Airy Road, I think we should go with what the drawings indicate.

MR. TORLEY: Good idea.

MR. NUGENT: As it's drawn then.

MR. BABCOCK: Yes.

MR. NUGENT: Okay.

MR. REIS: Six foot fence would not interfere with sight distance turning?

MR. MINUTOLI: No, sir, it wouldn't, the house, the fence itself that I'm proposing is 80 feet from the front of the house and Mt. Airy and as it is now, there's brush there, there's some greenery.

MR. REIS: Just for the record, thanks.

MR. KRIEGER: This fence would not be built on the top of any water or sewer easements?

MR. MINUTOLI: Not that I'm aware of.

MR. KRIEGER: And no well or septic system?

MR. MINUTOLI: Not that I'm aware of.

January 10, 2000

11

MR. NUGENT: Any further questions? I'll accept a motion.

MR. TORLEY: I move we grant Mr. Minutoli his requested two foot fence height variance as per his drawing.

MR. MCDONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. MINUTOLI: Thank you very much. Good night.

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

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: October 27, 1999

APPLICANT: Richard F. Minutoli
424 Mt. Airy Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : 6' High wood fence in front yard, fronting King George Drive.

LOCATED AT: 424 Mt Airy Road

ZONE: R-3 Sec/ Blk/ Lot: 65-1-77

DESCRIPTION OF EXISTING SITE: 65-1-77

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1.48-14c (1c) Fences or walls not over six feet in height may be erected anywhere on the lot except as follows: Between the principal building and the street or streets on which it fronts, the maximum permissible height shall be for feet except as set forth in 48-14B, Corner lots.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3

USE: 4' Fence in
front yard

6' Fence

2' Height Variance

SIGN:

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

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

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 understab 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, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and 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 here is no fee for this.

RECEIVED

OCT 27 1999

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

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

Owner of Premises RICHARD F. MINUTOLI WK (914) 534-8926
Address 424 MT AIRY RD Home Phone (914) 567-3878
Mailing Address SAME
Name of Architect _____
Address _____ Phone _____
Name of Contractor Dabroski Bros INC
Address 611 Rt 32 PO Bx 7425 Phone 564 9259
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer [Signature]
(Name and title of corporate officer)

1. On what street is property located? On the 5 side of Mt Army
(N,S,E or W) and _____ feet from the intersection of Mt Army / King George Dr.
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X
3. Tax Map Description: Section 65 Block 1 Lot 77
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other
6. Is this a corner lot? Yes 6' WOOD FENCE IN FRONT YARD
KING GEORGE DR
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 \$ 3475.- Fee _____

____/____/____
date

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

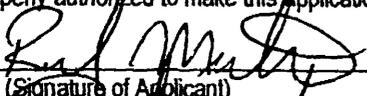
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

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

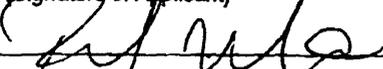
INSTRUCTIONS

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


(Signature of Applicant)

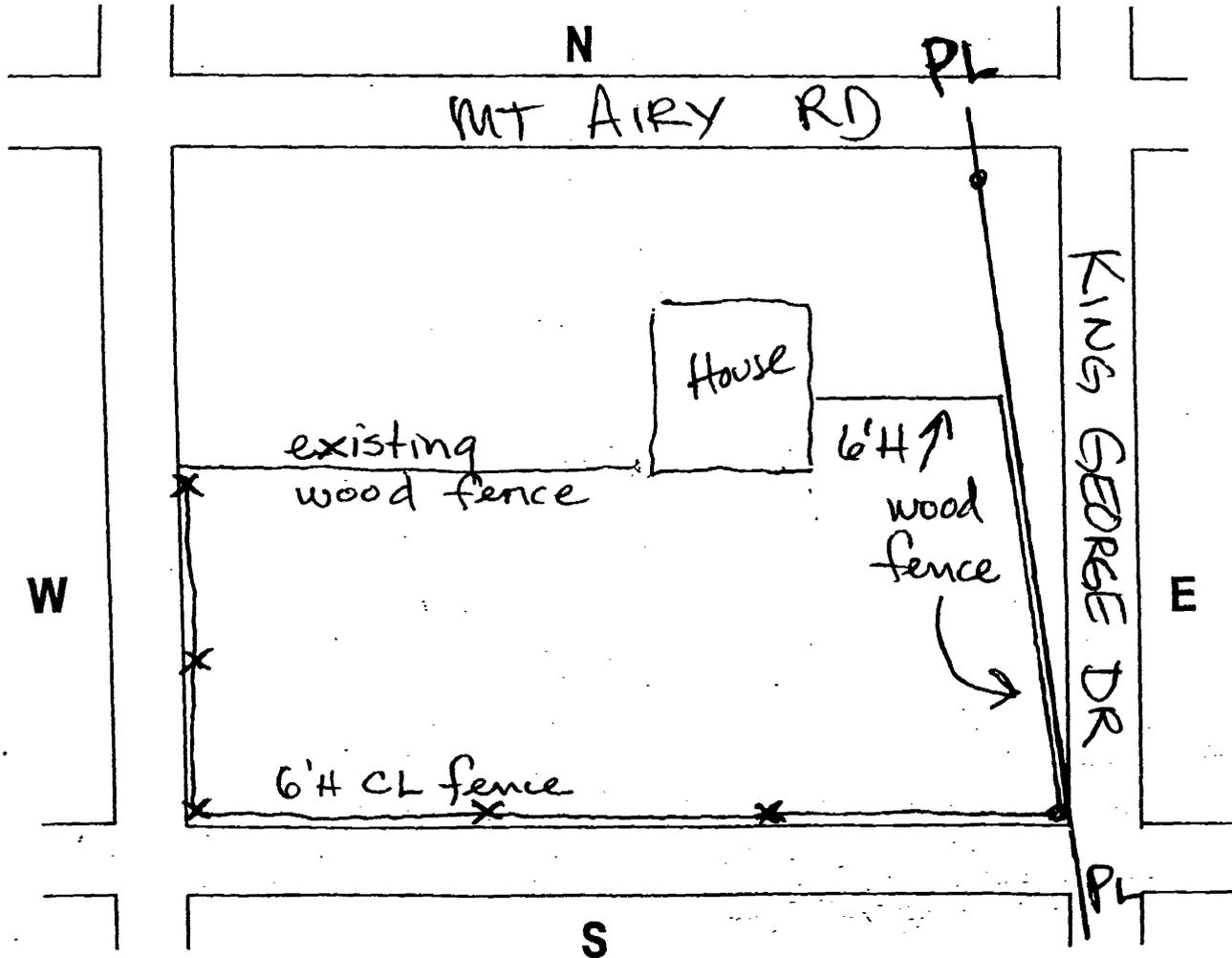
424 Mt Airy Rd
(Address of Applicant)


(Owner's Signature)

424 Mt Airy Rd
(Owner's Address)

PLOT PLAN

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



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

In the Matter of the Application for Variance of

Richard Minutoli

Applicant.

99-48

**AFFIDAVIT OF
SERVICE BY
MAIL**

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, Windsor, N. Y. 12553.

That on 12/9/99, I compared the 18 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses 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
___ day of ___, 19__.

Notary Public

Date 12/13/99, 19.....

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

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550
.....

DATE		CLAIMED	ALLOWED
1/22/99	Zoning Board Mtg	75 00	
	Minutola - 3 - \$13.50		
	Accettura - 5		
	Scaglione - 5		
	VGB Assoc. - 5		
	Hansen - 4		
	Maurice - 5		
	Misc - 2 -		
	29	130 50	
	<i>James Hagan</i>	205 50	

PRELIMINARY MEETINGS:

MINUTOLI, RICHARD F.

Mr. Richard Minutoli appeared before the board for this proposal.

MR. NUGENT: Request for 2 ft. fence height variance to construct fence in front yard in variation of Section 48-14C(1)(c) of the Supplemental Yard Regulations at 424 Mt. Airy Road in an R-3 zone.

MR. MINUTOLI: What I'd like to do is put on a 6 foot fence where 4 foot is now requested, it's a corner lot, the other side of the lot across the street is vacant. The fence I would like to put up is 80 feet from the corner itself, I have photographs and drawing if you'd like me to show them to you.

MR. NUGENT: Please.

MR. MINUTOLI: This is the corner itself coming out from the front yard that would be right actually right here, this is looking again from this point out to the street and this is vacant right here, this is from the back of the house looking front, we'd like to put the fence behind this access point for the gas, this is again showing the shoulder vacant, vacant lot from the point where we'd have the fence started. The nature of my request is that I do have a large dog and due to the nature of my job, there are times when I do receive vandalism threats and in fact, last week, I did receive vandalism at my home during the evening and the day. The fence would provide security and level of protection that we don't already have.

MR. BABCOCK: Mr. Chairman, so that you know, King George Drive is the entrance to a mobile home park, Mt. Airy Mobile Home Park, it's a dirt drive, but it's still a private road which the law requires only four foot fence there. So I'm not sure how many mobile homes but there's quite a few kids that go in and out of the road either walking or with cars.

MR. MINUTOLI: I had trespassers as well that my wife

had to respond to, they were younger children, but she did respond to them.

MR. LUCAS: Being closer to the road does the fence obstruct the view for any drivers?

MR. MINUTOLI: No, it doesn't, no, sir.

MR. BABCOCK: It's some 80 feet from the intersection.

MR. MINUTOLI: It's 80 feet from the intersection, this is the intersection, this is King George, this is Mt. Airy, the fence we'd like to do is 80 feet back so there would be no, there'd be no complication with the present turning at that point, I also have photographs, this is looking out from where we'd like to put the fence right there, this itself again is the vacant lot across the street here, we'd like to put the fence here looking, this is looking forward, the fence would go at this point and the street would be right behind the yellow bush. This is actually the corner itself again looking from our front yard.

MR. TORLEY: Over here.

MR. NUGENT: Michael, the fence in question is the piece that runs parallel to King George Drive?

MR. BABCOCK: Actually, any part of the 6 foot fence that projects closer to the street than the principal building so it's the short wing that goes back to the house and it would also be the short wing in the back until it meets the setback of the house which would be shorter, if you can see the house is at an angle with the lot.

MR. MINUTOLI: In fact, I have a picture from the street.

MR. NUGENT: The piece that runs across the back is not in question?

MR. BABCOCK: No, actually, it's a U that he's asking for, the piece once he gets back passed the house then can be 6 foot.

MR. TORLEY: What kind of fence are you going to put up?

MR. MINUTOLI: I'd like to put a 6 foot stockade.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes. No further questions.

MR. TORLEY: I move we set Mr. Minutoli for a public hearing on his requested fence height variance.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Here's your paperwork.

MR. KRIEGER: When you come back for your public hearing, if you would address yourself to the five criteria set forth on that sheet, that would be helpful since those are the criteria on which the state requires the zoning board to decide.

MR. MINUTOLI: Thank you very much.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

December 2, 1999

18

Karen Shu Minutoli
424 Mt. Airy Road
New Windsor, NY 12553

Re: 65-1-77

Dear Ms. Minutoli:

Please be advised that the attached list of properties are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town's Clerk Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Barnhart, ZBA

Keith Myers
399 Mt. Airy Road
New Windsor, NY 12553

Kenneth and Della Leonard
2024 17th Street
Lubbock, Texas 79401

Victor Lucas
367 Mt. Airy Road
New Windsor, NY 12553

Gerald and Catherine Doering
448 Mt. Airy Road
New Windsor, NY 12553

Michael and Kathleen McCormick
373 Mt. Airy Road
New Windsor, NY 12553

Anna Marie Reinhard
Edward Doering
436 Mt. Airy Road
New Windsor, NY 12553

James and Karen Bothwell
RD1, Box 692 Arbor Road
Campbell Hall, NY 10916

Estate of Anna Gillick
442 Mt. Airy Road
New Windsor, NY 12553

Angelo and Marguerite Sands
51 Spruce Street
Cornwall-on-Hudson, NY 12526

Jet Park Sales, Inc.
P.O. Box 1742
Wappingers Falls, NY 12590

Angelo and Rosa Anna Zingaropoli
405 Mt. Airy Road
New Windsor, NY 12553

Peter and Ada Collins
409 Mt. Airy Road
New Windsor, NY 12553

Michael Toll
420 Mt. Airy Road
New Windsor, NY 12553

Bruce and Cynthia Lubkema
417 Mt. Airy Road
New Windsor, NY 12553

George and Barbara Hall
408 Mt. Airy Road
New Windsor, NY 12553

Fred and Marion Fayo
C/O Rosalie Ceriale
3 Carpenter Road
Rock Tavern, NY 12575

Frank and Martha Bilyou
414 Mt. Airy Road
New Windsor, NY 12553

Irmgard Koppenhoefer
250 Bethlehem Road
New Windsor, NY 12553

PUBLIC NOTICE OF HEARING
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. 48

Request of Richard F. Minutoli

for a VARIANCE of the Zoning Local Law to Permit:

6 ft. high wood fence on corner lot;

being a VARIANCE of Section 48-14C(1)(c) of Supp. Yard Regs.

for property situated as follows:

424 Mt. Airy Road, New Windsor, N.Y.

known and designated as tax map Section 65, Blk. 1 Lot 77.

PUBLIC HEARING will take place on the 10th day of January, 2000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-48

Date: 11/26/99

I. ✓ Applicant Information:

- (a) RICHARD F. MINUTOLO 424 MT AIRY RD NEW WINDSOR
(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-3 424 Mt. Airy Rd. 65-1-77 141.50 x 165.99±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 9/14/99
- (e) Has property been subdivided previously? NO
- (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? N/A
- (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) 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) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) 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 48-14, ~~Table of~~ Supp. Yard Regs., ~~etc.~~

(1)(c) fence 6' - Corner lot -

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
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:

Although our property is located on a corner lot, the proposed location of our 6-foot fence will not hinder line of sight of traffic in any manner.

(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 _____, _____ Regs.

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

(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.

(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)