

**ZB# 01-02**

**Thomas Retcho**

**57-1-113**

Prelim:

Feb. 26, 2001.

Proxy needed

Public Hearing:

March 12, 2001.

Granted

Area Variances

Refund: \$138.80

#01-02 - Retcho, Thomas

51-1-113.

Area

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Dotelho, Thomas

FILE# 01-02

RESIDENTIAL: \$50.00                      COMMERCIAL: \$150.00  
INTERPRETATION: \$150.00

AREA X                      USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*Paid  
ck. # 304  
3/2/01*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*Paid ck.  
# 305*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 2/26/01 - 6 ..... \$ 27.00  
2ND PRELIMINARY- PER PAGE .. 3/12/01 ..... \$ 54.00  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 81.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ..... 2/26/01 ..... \$ 35.00  
2ND PRELIM. .... 3/12/01 ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

Postage ..... \$ 10.20                      10.20  
TOTAL ..... \$ 161.20

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT .. \$ 138.80

THOMAS J. RETCHO  
LUCINDA R. RETCHO  
1203 FARR LAKE DR.  
NEWBURGH, NY 12550

304

Date 3-2-01

29-7003/2213  
476

Pay to the  
Order of

Town of New Windsor

\$ 50 -

fifty

00  
100 Dollars



Security feature  
on the back  
of the check



CHARTER ONE  
BANK

For

789 # 01-02

*Thomas J. Retcho*

⑆ 221370030⑆ ⑆ 4760178100⑆ 0304

THOMAS J. RETCHO  
LUCINDA R. RETCHO  
1203 PARR LAKE DR.  
NEWBURGH, NY 12550

305

29-7003/2213  
476

Date 3-02-01

Pay to the  
Order of

Town of New Windsor

\$ 300

Three hundred

00 Dollars



CHARTER ONE  
BANK

*Thomas Retcho*

For # 28A 01-02

⑆ 221370030⑆ ⑆ 4760178100⑆ 0305

*File*

In the Matter of the Application of  
**TERRANCE & JEANNETTE RETCHO**

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES

#01-02.

**WHEREAS, TERRANCE & JEANNETTE RETCHO**, residing on Lakeside Drive, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 106.53 ft. lot width and 51.48 ft. road frontage variance in order to construct a single-family residence on a parcel of land located on Lakeside Drive in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 12<sup>th</sup> day of March, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicants appeared by their son, Thomas Retcho on behalf of this Application; and

**WHEREAS**, there were 5 spectators appearing at the public hearing who spoke in opposition or had questions about the Application; and

**WHEREAS**, some of the spectators spoke in opposition to this Application; and

**WHEREAS**, additional objections were also received by telephone from Robert Anderson of 45 Lakeside Road and Audrey Gazzola of 21 Vascello Road.

**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) There is currently one, one-family house built on the property. The Applicants

seeks the variances herein in order to permit subdivision of the property so that an additional one-family house can be constructed on the property.

(c) The Applicants are unable to acquire additional property to obviate the need for the variances, despite the fact that they have tried to so acquire additional property.

(d) If the variances are granted, the Applicants have agreed that no further subdivisions would be permitted or applied for.

(e) If the variances are granted, the resulting lots would be of a size permitted in the Zoning Local Law.

(f) The house constructed on the additional lot, if the variances are granted, would be of a size and appearance consistent with the character of those in the neighborhood.

(g) The lot width variance is sought because of changes in the Zoning Local Law. The lot was of an allowable width until the Code was changed to specify that the width be measured at a different area wherein the lot became nonconforming. The lot has not changed.

**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 variances 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 Applicants which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

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

5. The difficulty the Applicants face in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicants, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances 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 variances.

9. It is a condition of the granting of these variances that NO FURTHER SUBDIVISION OF EITHER PROPERTY HEREIN BE MADE.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 106.53 ft. lot width and 51.48 ft. road frontage variance for construction of a single-family residence at the above location in an R-4 zone as sought by the Applicants 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 Applicants.

Dated: April 23, 2001.

  
Chairman

**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. 02

Request of Thomas & Lucinda Betcho

for a VARIANCE of the Zoning Local Law to Permit:

construction of single-family residence w/ insufficient lot width & road frontage;

being a VARIANCE of Section 48-12-Table of Use/Rulk Regs. - Cols. D, H.

for property situated as follows: residential

Lakeside Drive, New Windsor, N.Y. 12553

known and designated as tax map Section 57, Blk. 1 Lot 113

**PUBLIC HEARING** will take place on the 12<sup>th</sup> day of March, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

cc: Fran

03/12/01 Public Hearing: Petcho, Thomas #01-02

Name:	Address:
✓ ROBERT DRAGOS	416 LAKESIDE DRIVE
✓ Amy Diagos	same ↑
✓ JANET BENTKOWSKI	44 LAKESIDE DR, ic
Carmello + Mick Cassie 20 VASCHELLO RD	

By letter: ✓ Robt. Anderson - objection  
 45 Lakeside Dr.  
 2/21/01 phone

by ✓ Audrey Gazzola - objection  
 21 Vascello Road  
 2/21/01 phone





prelim. meeting -  
Feb. 26, 2001

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

#01-02

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 01-20

DATE: 22 FEB 01

APPLICANT: THOMAS RETCHO  
1203 PARR LAKE DR  
NEWBURGH NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 1-4-01

FOR (SUBDIVISION - ~~SUBDIVISION~~) \_\_\_\_\_

LOCATED AT LAKE SIDE DRIVE

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 57 BLOCK: 1 LOT: 113

PROPOSED LOT #1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

VARIANCES FOR LOT WIDTH AND  
FRONTAGE REQUIRED.

  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>LOT WITHOUT SEWER</u>		
MIN. LOT AREA <u>43560 SF</u>	<u>101 108 SF</u>	<u>—</u>
MIN. LOT WIDTH → <u>125 FT</u>	<u>18.47 FT</u>	<u>106.53 FT</u>
REQ'D FRONT YD <u>45 FT</u>	<u>260 FT</u>	<u>—</u>
REQ'D SIDE YD. <u>20 FT</u>	<u>49 FT</u>	<u>—</u>
REQ'D TOTAL SIDE YD. <u>40 FT</u>	<u>136 FT</u>	<u>—</u>
REQ'D REAR YD. <u>50 FT</u>	<u>150 FT</u>	<u>—</u>
REQ'D FRONTAGE <u>70 FT</u>	<u>18.52 FT</u>	<u>51.48 FT</u>
MAX. BLDG. HT. <u>35 FT</u>	<u>25 FT</u>	<u>—</u>
FLOOR AREA RATIO <u>—</u>	<u>—</u>	<u>—</u>
MIN. LIVABLE AREA <u>1200 SF</u>	<u>≥1200</u>	<u>—</u>
DEV. COVERAGE <u>10 %</u>	<u>2.3 %</u>	<u>— %</u>
O/S PARKING SPACES <u>—</u>	<u>—</u>	<u>—</u>

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

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE Z.B.A. REFERRALS

RETCHO, THOMAS

Mr. Thomas Retcho appeared before the board for this proposal. This is a 2 lot subdivision, the application proposes subdivision of the 4.56 acre parcel into two single family residential lots. This plan was reviewed on a concept basis only. Okay.

MR. RETCHO: My name is Thomas Retcho, I'm seeking, I need two variances for this to establish this proposed site, one is for the road frontage and the other for the lot width. The overseeing architect is Mike Pomarico, the surveyor's Margaret Hillriegel.

MR. PETRO: Excuse me, I was talking with Ronny, what's the two variances you need?

MR. RETCHO: For the road frontage width and the lot width. The reason I'm going through this, proposing this rather than there's an 8 acre lot in the back here undeveloped, I have been in contact with this gentleman over the course of about a year and a half, cat and mouse, he says one minute he will, I was proposing to put a private road in with a T at the end of it. I have been back and forth with him, he's been in contact with Margaret Hillriegel, she did a couple of site plans for him. He still will not give me any leeway. Due to the nature of how long I have been trying to get this in a more correct manner with him, my alternative is what you're looking at now, so that I can possibly put in a home for my family.

MR. PETRO: That's a driveway, not a private road?

MR. EDSALL: It's just a driveway with an easement in the back part of lot 2, an actual fee ownership toward the front.

MR. PETRO: About 700 feet that driveway with all the curves?

MR. RETCHO: Approximately, those switch backs that you see there are not going to be the actual, we were just

about to go in there about a week and a half ago and map it out, Mike Pomarico wants to do it with as few switch backs as possible, but with the snow that we got, we were unable to get back in there and do it.

MR. PETRO: There's no topo on here, are you sure you're going to maintain a ten percent grade?

MR. RETCHO: It's going to have to have a couple switch backs, but he said it should be, the lot width is 200.

MR. ARGENIO: I see three lots here.

MR. PETRO: The one up in the corner has nothing to do with this fellow.

MR. RETCHO: My grandfather owned that years and years ago, that was chunked off.

MR. LANDER: Robert and Janet, Mr. Argenio?

MR. ARGENIO: Yes, I see that. The thing that's got me confused, driveway starts on one lot, leaves that lot, goes onto another lot, then comes back to the original lot that it starts out on.

MR. LANDER: I think lot 1 is that dashed line. Looks more like an easement.

MR. RETCHO: That's the easement.

MR. PETRO: See the back lot, it's a piece all the way to the road.

MR. ARGENIO: I see that, yeah.

MR. PETRO: Then the roads only on the other one, two lots.

MR. ARGENIO: Mr. Chairman, the driveway starts out, unless I'm mistaken--

MR. PETRO: On lot 1.

MR. ARGENIO: That's correct, in an easterly direction, then leaves lot 1, goes onto lot 2 then it goes onto lot 1.

MR. LANDER: So, it's going to have to be an easement then where it crosses that lot.

MR. ARGENIO: Am I right or wrong?

MR. EDSALL: Maybe to help, Tom Rectho has told us in the workshop that he's showing serpentine movement but he really knows at this point it's going to change and he's hopeful by the time he comes back from the ZBA, he will be able to give you a real layout because of the grades.

MR. ARGENIO: Wherever the driveway's going to go, that's where the easement's going to be?

MR. EDSALL: Right.

MR. PETRO: Mark just woke me up, does anybody have a problem with this?

MR. LANDER: No.

MR. PETRO: I mean, he's going to have to get the variances, if he does, he's got to come back here and we have to look at the layout of the road.

MR. EDSALL: Just to get it in the record only cause there was a heck of an effort made from what we saw at the workshop, we dealt with this for probably 15 months and six workshops with a whole variety of options, Tom made try after try after try to find a way to have this subdivision meet the code, unfortunately, every time he seemed to find a way to do it, the carpet got yanked out from underneath him. What he's done, he's come up with a plan that has the minimum number of variances possible, given the fact that no one seems to want to operate on the adjoining parcels.

MR. LANDER: Mark, why wasn't the driveway located, approximate location of existing driveway, why was it not run straight down that side instead of going up by

the other lot, is there a reason for that?

MR. EDSALL: No, I'm the sure what the topo has, obviously, he wants to have fee ownership of a strip out to the road, one of the concerns was if they put both driveways in one location, then by definition becomes a private road, then you need 50 foot, then you need more variances because there's not 50 foot available, that's why the driveways were kept separate.

MR. LANDER: But he doesn't have frontage for lot 1 on Lakeside Drive.

MR. EDSALL: He does but--

MR. LANDER: That's why he's going for the variance.

MR. EDSALL: Doesn't have adequate frontage.

MR. PETRO: What is it, 18 feet?

MR. EDSALL: And also because of the width definition, he triggers the variance for lot width so those are the two problems.

MR. PETRO: All right, I know we're not there yet but highway, there's a disapproval, because you need the culverts in the front, you might want to get a copy, we're a long way from there, but you might want to talk to the highway superintendent or get a copy of the notice, need a culvert under the driveway on the road, I know we're ahead of ourselves anyway. Motion for approval?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the Town of New Windsor Planning Board grant final approval to the Thomas Retcho subdivision on Lakeside Drive. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

January 10, 2001

17

MR. ARGENIO	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for the necessary variances. If you are successful, put them on the plan and return to this board and we'll review it for planning board purposes.

MR. RECTHO: Thank you, sir.



RETCHO, THOMAS

Mr. Thomas Retcho appeared before the board for this proposal.

MR. NUGENT: Referred by Planning board for 106.53 ft. lot width and 51.48 foot road frontage to construct a single-family residence on Lakeside Drive in an R-4 zone.

MR. RETCHO: I wonder if I can submit this letter to you, that's from Mark Edsall, Town Engineer, that was carried over from the planning board meeting and his findings and comments pertaining to this situation. My name is Thomas Retcho, I have my wife with me, Cindy, and my daughter, Gabrielle. This is for a single family dwelling located behind my parents' property, they have a substantial amount of property in back. My grandfather owned it, it was left to them, my parents would me to do something with it, that's what we're trying to do with this single family dwelling. The two things that I'm here before you today to request are the lot width variance and a road frontage variance. I have as the plan shows 18.52 feet of road frontage that will be conveyed into mine and my wife's name and then the road, the setback, the lot width is substantially off the road because of the size of the lot and the depth of the lot which does widen to 200 feet. But again, approximately three to four hundred feet off the road and I ask that the board grant the two variances so that I can build a home for my family.

MR. NUGENT: The one that you're trying to build is the one in the back, correct?

MR. RETCHO: That's not exactly how the driveway would be, they said that it would be more clearly defined later on, but I have to come before you to get the two variances before we can proceed any further at the planning board level.

MR. NUGENT: Well, predicating your road frontage on the--

MR. BABCOCK: Mr. Chairman, the lot width is measured

at the front yard setback, so it's measured at the 18 feet, also, he has 18.47 feet of road frontage.

MR. NUGENT: That's why we're measuring the setbacks?

MR. BABCOCK: Lot width is measured at the front yard setback.

MR. NUGENT: Which is a lot wider in the back.

MR. BABCOCK: Yes, it is.

MR. NUGENT: Lot wider.

MR. BABCOCK: Yes but right now at the road, he has 18.52 feet and then at the front yard setback, it narrows down to 18.47 and then as he goes back, it becomes wider.

MR. RETCHO: Well, the lot will actually be 200 feet, it's the entire width of the lot, when we get back to where the property line will be drawn.

MR. KANE: Where the proposed house is going to be, is that a 200 foot area?

MR. RETCHO: Yes, yes, this area here is the proposed lot line and this area's 200 feet by three to four hundred feet.

MR. NUGENT: That lot has been subdivided.

MR. RETCHO: Not yet, I haven't done the survey only because of the cost involved and not knowing whether I can get the variances or not, whether or not I get the variances, I'll have it surveyed right away.

MR. KRIEGER: The planning board basically said if he doesn't get the variances, there's nothing to subdivide so the subdivision won't go forward.

MR. TORLEY: This is for one house, only one house?

MR. RETCHO: Right, correct, and it's not a private road, it will be a private driveway.

MR. NUGENT: Parents are still in the front?

MR. RETCHO: Yes, they are, between my grandfather and parents now about 47 years.

MR. TORLEY: Does that, where is your parents' driveway?

MR. RETCHO: Parents' driveway runs right up this edge and it just comes around the back of the house a little bit.

MR. TORLEY: Mike, this can be considered a driveway, not a private road?

MR. BABCOCK: Yes, it's being used by one person.

MR. NUGENT: That's why they put the other one on the other side.

MR. REIS: Tom, what's the reason for the snaked proposed driveway?

MR. RETCHO: Well, the grade in the back is such that it could cause a hazardous condition, say in the wintertime, and here again, it doesn't show it as clear, there may be a need for one, possibly two switchbacks to accommodate the grade until about this level where it just barely rises to a nice, this is all flat here.

MR. TORLEY: That must be a pretty steep.

MR. BABCOCK: Mr. Reis, if you look at the contour lines on the bottom towards Lakeside Drive, that contours, that's 420, the next contour's at 400, the next is at 380, so between the two contours is approximately 40 foot difference in elevation, that's why you have to wind the driveway like that.

MR. RETCHO: I have also working with me a good friend of mine, Mike Pomarico, he's an architect, he's looked at the property and mentioned to Mark that it is possible to maintain a ten percent grade with the

switchbacks for the driveway, he said that shouldn't be a problem because we do have the 200 foot width of the lot and lot 1 to use the whole width to switch back and forth probably twice.

MR. TORLEY: So then you'd have as yet an undefined easement to run the driveway through the other first lot?

MR. RETCHO: Correct, he said the easement wasn't really a big problem, the bigger of the three was the two variances.

MR. BABCOCK: Wherever the road has to be that's where we're going to get the easement that's going to be more defined, if he's successful in getting the variances then he's going to pay the surveyor and get it all straightened out.

MR. TORLEY: I can see this as a really unique situation, my only concern is to establish there's only going to be one house back there.

MR. BABCOCK: The way the lot line is going to lay out, Larry, there's no other way that he could have it, he's got lot 1 and lot 2.

MR. TORLEY: But lot 2.

MR. BABCOCK: Well, the lot 2, to put another house there, he'd need 50 foot easement going back for a private road and he only has 18 feet, so it can never happen, could never happen.

MR. TORLEY: Not legally.

MR. BABCOCK: I see what you're saying.

MR. TORLEY: There have been occasions in the past.

MR. RETCHO: I'm also a police officer, so I don't know if that would help me out a little bit but--

MR. CORSETTI: Is that our copy to keep?

MR. RETCHO: Yeah, you can make me a copy, I can pick it up.

MR. TORLEY: Very unique situation back there.

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up Mr. Thomas Retcho for a public hearing on his proposed variances.

MR. REIS: Second it.

ROLL CALL

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

MR. CORSETTI: This is your paperwork.

MR. KRIEGER: When you come back, if you would address yourself to the criteria on that sheet which you can take with you that would be helpful, since those are the criteria on which the zoning board must decide.

MR. KANE: Does he need any kind of a proxy from his parents since it's basically still their property?

MR. KRIEGER: Are they the ones that own it?

MR. RETCHO: Yes.

MR. KRIEGER: As it now exists, yes, he probably should.

MR. KANE: Thank you.

MR. BABCOCK: I would assume that that's already on file.

MR. RETCHO: I will be coming back.

February 26, 2001

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MS. CORSETTI: You have to do your paperwork.

MR. KRIEGER: Follow the directions in there and that will help you out.

MR. RETCHO: Thank you.

MR. NUGENT: Do you have a letter on file?

MR. BABCOCK: He should supply one to this board anyway, I'm sure it's in here, just in the application package there's another proxy for you to fill out and you have to sign it.

MR. RETCHO: Thank you.

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

**RECEIPT**  
**#163-2001**

03/06/2001

ZBA # 01-02

**Retcho, Thomas**  
**1203 Parr Lake Drive**  
**Newburgh, NY 12550**

Received \$ 50.00 for Zoning Board Fees, on 03/06/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
**Town Clerk**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

March 2, 2001

58

Mr. Thomas Retcho  
1203 Parr Lake Drive  
Newburgh, NY 12550

Re: 57-1-113

Dear Mr. Retcho:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/ld  
Attachments

CC: Pat Corsetti, ZBA

57-1-78  
John Cito Jr.  
286 Lakeside Road  
Newburgh, NY 12550

X

60-1-1  
County of Orange  
F/B/O Beaver Dam Lake Protection &  
Rehabilitation District  
265 Main Street  
Goshen, NY 10924

X

~~60-1-11  
Douglas Hirsch  
39 Lake Side Drive  
New Windsor, NY 12553~~

X

57-1-80.11  
Serge & Julia Morel  
20 Lake Side Drive  
New Windsor, NY 12553

X

60-1-2  
Allan & Ann Marie Foley  
65 Lake Side Drive  
New Windsor, NY 12553

X

60-1-12  
Cecelia Llanusa  
1641 West Lake Drive  
rock Hill, SC 29731

X

57-1-81.11  
Bruce & Carol Anne Shepard  
16 Lake Side Drive  
New Windsor, NY 12553

X

60-1-3  
Gregory & Ramona Agresti  
55 Lake Side Drive  
New Windsor, NY 12553

X

60-1-13  
Judy Schmidt  
33 Lake Side Drive  
New Windsor, NY 12553

X

57-1-116  
Thomas & Susan Ray III  
377 Chestnut Avenue  
New Windsor, NY 12553

X

60-1-4.2  
John Given  
55 Lake Side Drive  
New Windsor, NY 12553

X

60-1-14  
Mirja Hoffman  
5500 Fieldstone Road  
Bronx, NY 10471

X

57-1-117  
Joseph & Dawn Locurto III  
99 Chestnut Avenue  
New Windsor, NY 12553

X

60-1-5  
Alan Pearson  
53 Lake Side Drive  
New Windsor, NY 12553

X

60-1-15  
Richard Clausen  
29 Lake Side Drive  
New Windsor, NY 12553

X

57-1-119  
Alfred & Mary Anne Lyman  
3 Rico Drive  
New Windsor, NY 12553

X

60-1-6  
Anthony Vincent  
Maria Vitsentzos  
49 Lake Side Drive  
New Windsor, NY 12553

X

60-1-16  
Betty Mans  
16 Tamara Road  
Cornwall, NY 12518

X

57-1-120  
Francis & Linda Malcolm  
5 Rico Drive  
New Windsor, NY 12553

X

60-1-7  
Edward & Joan Swider  
47 Lake Side Drive  
New Windsor, NY 12553

X

60-1-18.1  
Arlene Henricksen  
19 Lake Side Drive  
New Windsor, NY 12553

X

57-1-121  
Howard & Jacqueline Hunter  
8 Rico Drive  
New Windsor, NY 12553

X

60-1-8  
Robert & Joan Anderson  
45 Lake Side Drive  
New Windsor, NY 12553

X

60-1-18.2  
John & Gail Morasse  
13 Lake Side Drive  
New Windsor, NY 12553

X

57-1-122  
Kevin Pearson  
6 Rico Drive  
New Windsor, NY 12553

X

60-1-9  
William Nolte  
Kevin Golden  
43 Lake Side Drive  
New Windsor, NY 12553

X

60-1-20  
Arthur Beal  
19 Short Road  
New Windsor, NY 12553

X

57-1-123  
Richard & Marion Santiago  
4 Rico Drive  
New Windsor, NY 12553

X

60-1-10  
Douglas Hirsch  
41 Lake Side Drive  
New Windsor, NY 12553

X

57-1-54  
Philip & Nancy Tripi  
389 Chestnut Avenue  
New Windsor, NY 12553 X

57-1-63  
John & Mary Hyde  
62 Lake Side Drive  
New Windsor, NY 12553 X

57-1-71.112  
Patrick McCarthy  
5 Vascello Road  
New Windsor, NY 12553 X

57-1-55  
Joseph & Charlene DiGiacomo  
4 Vascello Road  
New Windsor, NY 12553 X

57-1-64  
Raymond & Mary Ellen Muscarello  
68 Lake Side Drive  
New Windsor, NY 12553 X

57-1-71.121  
Raymond Gazzola  
14 Schiavone Road  
New Windsor, NY 12553 X

57-1-56  
Kevin & Karen Chmielnik  
6 Vascello Road  
New Windsor, NY 12553 X

57-1-65.21  
Vincent Lawrence  
76 Golden Eagle Lane  
Littleton, CO 80127 X

57-1-71.122  
Raymond & Elizabeth Albrecht  
9 Vascello Road  
New Windsor, NY 12553 X

57-1-57  
Joseph & Lori Pilomero  
8 Vascello Road  
New Windsor, NY 12553 X

57-1-65.22  
Edward, Eleni & Joseph Hanley  
60 Lake Side Drive  
New Windsor, NY 12553 X

57-1-71.3  
Kevin Curran  
3 Vascello Road  
New Windsor, NY 12553 X

57-1-58.1  
Thomas & Louise Ryan  
10 Vascello Road  
New Windsor, NY 12553 X

57-1-66.1  
Gary & Theresa Gawricki  
58 Lake Side Drive  
New Windsor, NY 12553 X

57-1-72  
Joel & Vicki Hausen  
383 Chestnut Avenue  
New Windsor, NY 12553 X

57-1-58.2  
Ralph & Lori Forgacs  
12 Vascello Road  
New Windsor, NY 12553 X

57-1-66.2  
Elaine Schiavone  
35 Vascello Road  
New Windsor, NY 12553 X

57-1-74.2  
James Kenny  
Mary Mulrooney  
48 Lake Side Drive  
New Windsor, NY 12553 X

57-1-59  
Michael & Holly Monahan  
16 Vascello Road  
New Windsor, NY 12553 X

57-1-67.1  
Everett & Mary Smith  
27 Vascello Road  
New Windsor, NY 12553 X

57-1-74.3  
Robert & Amy Dragos  
46 Lake Side Drive  
New Windsor, NY 12553 X

57-1-61.3  
Dominick & Camille Cassissi  
20 Vascello Road  
New Windsor, NY 12553 X

57-1-67.3  
Audrey Gazzola  
21 Vascello Road  
New Windsor, NY 12553 X

57-1-75.1  
Robert & Janet Bentkowski  
44 Lake Side Drive  
New Windsor, NY 12553 X

57-1-61.4  
Mark & Lynn Schiavone  
20 Schiavone Road  
New Windsor, NY 12553 X

57-1-68  
Archibald & Patricia Graham  
18 Vascello Road  
New Windsor, NY 12553 X

57-1-76  
Anne & John Loiacono  
34 Lake Side Drive  
New Windsor, NY 12553 X

57-1-61.5  
Thomas & Rosemary Jannazzo  
18 Schiavone Road  
New Windsor, NY 12553 X

57-1-71.111  
Keith & Kathleen Studt  
7 Vascello Road  
New Windsor, NY 12553 X

57-1-77  
Barry Saxe  
Mc Daniel Road  
Shady, NY 12479 X



LoF  
3/12/01

MR. JAMES NUGENT -  
CHAIRMAN

MARCH 12, 2001

PER LETTER JUST RECEIVED, SATURDAY, MARCH  
10TH 2001 - RE PUBLIC NOTICE OF HEARING - ZONING  
BOARD OF APPEALS - VARIANCE APPEAL NO. 2 -  
THOMAS & LUCINDA RETCHO - MONDAY, MARCH 12, 2001

WE WISH TO MAKE KNOWN OF OUR REQUEST FOR  
DENIAL OF THE VARIANCE FOR CONSTRUCTION OF A  
SINGLE FAMILY RESIDENCE WITH INSUFFICIENT LOT  
WIDTH AND ROAD FRONTAGE.

WE BELIEVE THIS PROPERTY SHOULD NOT HAVE  
BEEN RECENTLY OBTAINED OR DIVIDED AND APPROVED  
BECAUSE OF EXISTING TOWN LAWS OF LOTS SIZES AND  
CODES.

THERE IS OTHER PROPERTY AVAILABLE TO ELIMINATE  
SUCH A REQUEST.

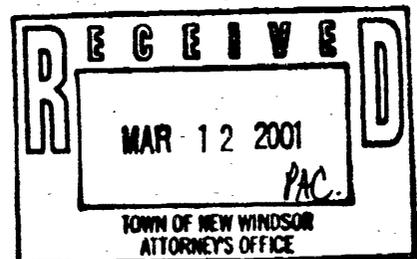
FOR EXAMPLE - A DEEDED RIGHT OF WAY SHOULD  
BE OBTAINED FROM THE ORIGINAL & STILL OWNER, TO USE  
THEIR EXISTING DRIVEWAY AND ELIMINATE THE PROBLEM  
OF INSUFFICIENT ROAD FRONTAGE AND LOT SIZE, PLUS  
SEWERS AND ELECTRIC UTILITIES ETC.

WE ALSO BELIEVE THIS DRIVEWAY, ROAD FRONTAGE,  
WOULD CAUSE EXTRA DRAINAGE PROBLEMS AND ADD  
TO EXISTING, COSTLY DAMAGE & REPAIR OF THE TOWN  
ROAD, PLUS WATER DRAINAGE & DAMAGE TO OUR  
HOME ON THE OPPOSITE OF PROPOSED DRIVEWAY.

WE UNDERSTAND THIS WAS WHY CODES WERE  
ESTABLISHED, IN NEW WINDSOR, TO PROTECT PROPERTY  
OWNERS FOR THE PRESENT AND FUTURE DEVELOPMENT  
OF OUR AREA.

YOURS TRULY,  
Robert L. Anderson  
Joan R. Anderson  
60-1-8  
45 LAKESIDE DRIVE  
NEW WINDSOR, N.Y. 12553

Fls: 3709 Mudfish Lane  
Kissimmee, FL 34744.  
407-348-2432



PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 01-02.

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF New York )  
 ) SS.:  
COUNTY OF Orange )

Terrance Retcho & Jeannette Retcho, being duly sworn, deposes and says: I am the \_\_\_\_\_ of \_\_\_\_\_, the record owner of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 57 BLOCK 1 LOT 113. I HEREBY AUTHORIZE Thomas & Lucinda Retcho of 1203 Parr Lake Drive, Newburgh, N.Y. 12550 (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: March 02 2001.

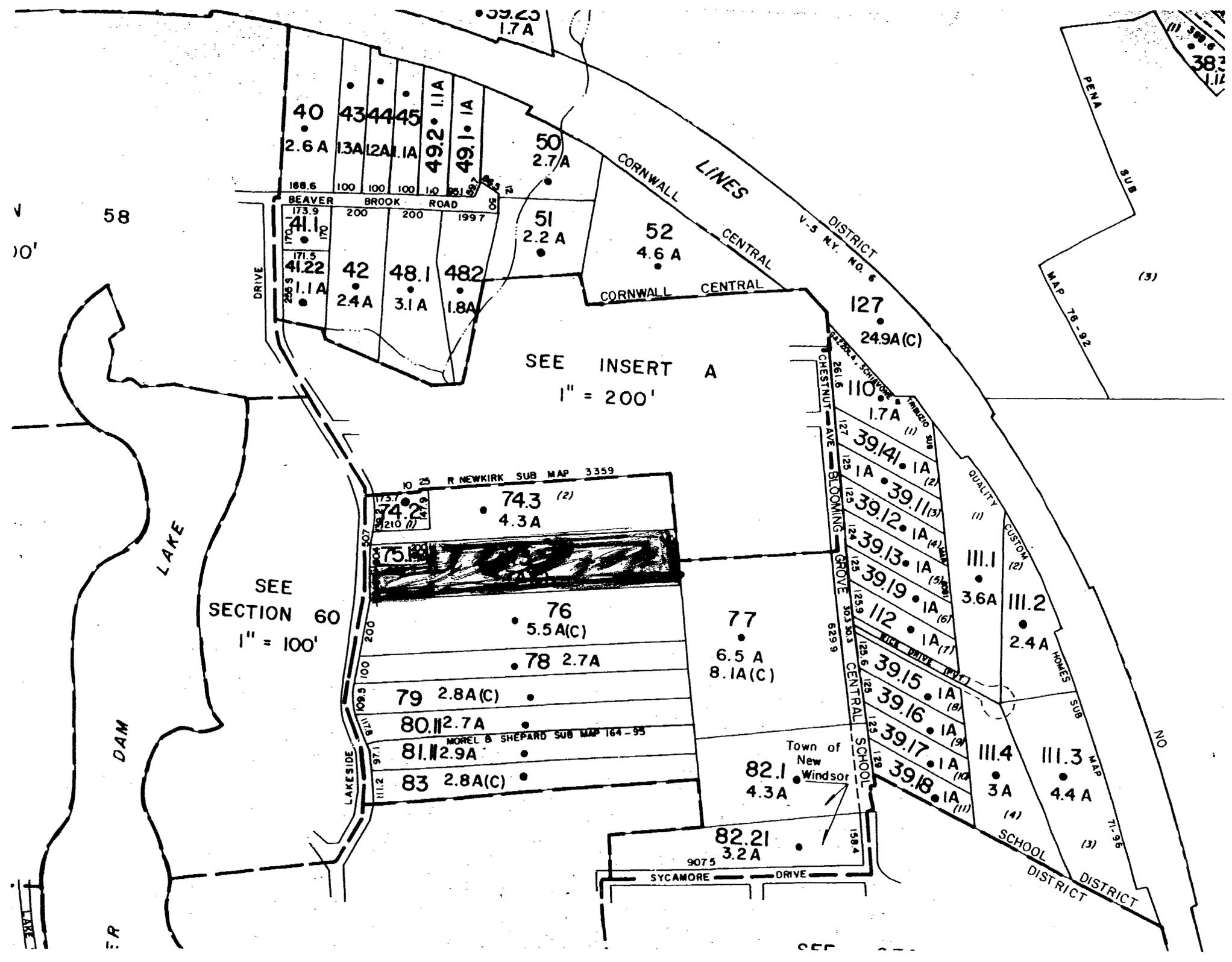
Terrance Retcho  
Jeannette Retcho  
(Signature of Corporate Officer)  
Title: \_\_\_\_\_

Sworn to before me this  
2nd day of March, 2001.

Patricia A. Corsetti  
Notary Public

(ZBA DISK#1-012996.CP)

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2001.



58

10'

SEE INSERT A  
1" = 200'

SEE SECTION 60  
1" = 100'

R NEWKIRK SUB MAP 3359

MOREL & SHEPARD SUB MAP 164-95

Town of Windsor

MAP 78-92

MAP 71-95

SCHOOL DISTRICT

DISTRICT V-5 N.Y. NO. 6

CORNWALL LINES  
CENTRAL

QUALITY CUSTOM  
HOMES SUB

PENA SUB

(3)

NO

MAP

(3)

DISTRICT

38.2

1.1A

RETCHO, THOMAS

*Public Hearing*

MR. NUGENT: Request for 106.53 lot width and 51.48 ft. road frontage to construct a single-family residence on Lakeside Road in an R-4 zone.

Mr. Thomas Retcho appeared before the board for this proposal.

MR. NUGENT: You people all must be here for Thomas Retcho. If you are here and you'd like to speak, would you please sign this?

MR. TORLEY: This is simply for the record so we have your name straight.

MS. CORSETTI: For the record, Fran, on March 2, we sent out 58 letters to adjacent property owners that were on the list.

MR. RETCHO: As I stated at the last meeting, the two variances that are requested are for the road frontage which I have 18 feet of the minimum 60 feet, I believe it is, and the lot width which won't expand to the required 100 foot wide for approximately 3 to 400 feet as stated earlier, the lot width, the road frontage would start on Lakeside, the variance here is requested, the setback is 35 feet which it's supposed to increase to 100.

MR. BABCOCK: Yeah, the front yard setback is measured at front yard setback.

MR. RETCHO: So as you can see by the property line that the driveway or the piece would connect along the far edge of the property, establish an easement for the driveway on the back portion of my parents' property which would be needed because of the grade, the grade is not real steep, but steep enough where it needs a couple switchbacks.

MR. NUGENT: Are you going to occupy this house?

MR. RETCHO: Yes.

MR. TORLEY: So, the actual layout of the easement right-of-way is not yet determined because you have to have your surveyor?

MR. RETCHO: Yeah, because of the weather, she needs the topo, better line on the topo, she needs for the snow to melt a little bit more, probably by the first of the month, she'd be able to get in there and survey the layout for the driveway easement.

MR. TORLEY: And you require, there's no way to get access to this property, other than through an easement?

MR. RETCHO: Yeah, I tried and it's been documented through the workshops, a gentleman owns this land over here approximately 8 acres, I tried working something out with him regarding private road, doing it a little more in a legal sense, without creating variances or anything for 15 months with no success. So with him, through offering to pay for the road, offering to do quite a bit of stuff myself and he still just procrastinated, never said yes or no, just never got back to me.

MR. TORLEY: You have no way of accessing off the cul-de-sac?

MR. RETCHO: There's another, yeah, that's the drive which is back here, there's not enough property there either, I would wind up, there's not enough there anyway for the driveway, the only other way to come through this side would require easements from three other dwellings.

MR. TORLEY: And these lots around the cul-de-sac?

MR. RETCHO: All occupied.

MR. NUGENT: Mike, I don't want to have two conversations, you want to familiarize them with what's going on, but I can't have two meetings because they need to hear what he's saying.

MR. TORLEY: What you're saying because those are

occupied dwellings around the cul-de-sac, it would not be economically feasible for you to purchase one?

MR. RETCHO: Well, there's nothing to purchase, there's quite a bit of property all boxed in from existing dwellings throughout the course of time, it's been boxed in so this being one of the only other ways to get in, other than if this gentleman were to sell and I made attempts to do that purchase and to build a private road at my expense with no results that was, you know, that was in the minutes from the last meeting that I attended, I don't know, a number of workshops over the course of 15, 16 months with no, with negative results.

MR. TORLEY: And this will in fact be only a single house?

MR. RETCHO: Single family dwelling, just spent an hour today with the attorney and the driveway easement's going to be written in as permanent easement for life, for not only me, if I sell or, you know, or for my parents, if they sell down the road, it still remains.

MR. TORLEY: You'd be willing to stipulate that the lot would not be subdivided further?

MR. RETCHO: Yeah, that's not a problem.

MR. KRIEGER: If the variances are allowed, will the lots, Michael, the lots be of an allowed size?

MR. TORLEY: Oh, yeah.

MR. KRIEGER: And this is a neighborhood of single family homes?

MR. RETCHO: Yes, this the lot that I have here excluding the entry area, the lot itself is approximately 2.3 acres, I believe.

MR. KRIEGER: Just wanted to know if it would be consistent with the appearances in the neighborhood.

MR. RETCHO: Because of the way this is located,

there's really like in the summertime, I won't be seen at all, the wintertime, it would be barely visible.

MR. KRIEGER: And the houses constructed would be of a similar size and character to those in the neighborhood?

MR. RETCHO: Yes.

MR. NUGENT: And the reason for the 106 foot lot width is not because the lot is too small, it's because--

MR. BABCOCK: Where it's measured.

MR. NUGENT: Where it's measured it's too small.

MR. RETCHO: Right.

MR. REIS: Mike, this is in the sewer district, isn't it?

MR. BABCOCK: What the problem with it is that he's too far from the sewer line to be considered, he's in the sewer district, whole Beaver Dam is in the sewer district, but the front of the property line has to lie within 150 feet for us to require him to hook up.

MR. REIS: No conflict, that's my point.

MR. BABCOCK: Right.

MR. NUGENT: Is there anymore question by the board? At this point, I'd like to open it up to the public and try not to be repetitious and try to answer all your questions. Anybody would like to speak?

MRS. CAMILLE CASSISI: I thought that was all considered wetlands back there?

MR. NUGENT: Can you answer that question for her?

MR. RETCHO: I'm sorry?

MRS. CASSISI: I thought that was all wetlands.

MR. RETCHO: Not to my knowledge, not DEC considered wetlands, there's a wet area not on my property, it's on an adjacent property next to mine, so where I'm building the house is higher than where Mrs. Cassisi is stating that there's a wet area. It's a little wet area back there, but to be known as wetlands. I'm not familiar with whether it's considered wetlands.

MR. KRIEGER: By point of clarification, whether or not a variance is granted, it doesn't relieve the applicant of the penalty associated with building, either in a state or federal wetland, there are different results. Merely because property is wet, doesn't make it a wetlands. It's a bit of a misnomer. This board has no power to affect either way his right to do so, so even if he should be successful here, if he violates that law, this proceeding will not help him.

MR. MICKEY CASSISI: About the water also when you do this long and windy road right here, it's not a constant flow, but there's going to be a flow that that is going to be stopped because even to get all the way back here, there's going to be some water. So if you're going to build up a road to get in, you're going to be damming up water that's not going to be able to flow back and forth like it always has been doing.

MRS. CASSISI: There's a stream there.

MR. TORLEY: There's a stream on the property?

MR. RETCHO: There's a seasonal stream. It's about two feet in width.

MR. TORLEY: Where the driveway would cross that stream you'd be culverting it?

MR. RETCHO: Yes, whatever would be required by either the, I don't know who would require that, the highway department maybe.

MR. NUGENT: Planning board would require that. Anyone else?

\*

MRS. DRAGOS: I'm Amy Dragos, how about electricity,

how are you going to get, where are the telephone poles going to be? Are they going to be placed as an eyesore to us? We live next to Benikowski, we're set back and the way the plan looks, it looks like the driveway's going to come down towards our house and that could also be, we have kind of a wet yard right now, and it could also be a concern with water running down towards our house and I just want to know about the telephone poles.

MR. RETCHO: I'm going to be putting underground service from the back end, so if we were to see on the plan, it would come in from where the Recco Drive or Rico cul-de-sac, so it would be underground service.

MR. TORLEY: There's an easement through there for that?

MR. RETCHO: Not yet, but I've talked to the--

MR. TORLEY: Obviously, you can't build a house until you have the power line easement.

MR. BABCOCK: Larry, he can come underground, he can come from Lakeside Drive.

MR. RETCHO: That's my plan is to come from the other direction.

MR. TORLEY: But it will be underground either way?

MR. RETCHO: Either way, yes.

MRS. DRAGOS: I didn't hear about the sewer, you're going to have septic?

MR. RETCHO: Yes.

MRS. DRAGOS: Our property is sloped down, we have a pond, there's frogs and whatever, what have you back there and is his septic with all that water going to be running right into that and cause an odor?

MS. CORSETTI: Better not be.

MR. RETCHO: Better not be.

MR. TORLEY: Septic fields are required by law to not to do that, it has to be engineered and approved by the planning board and Orange County Health Department has to sign off that it would not leach out.

MRS. DRAGOS: Is there a perc test, is that what it's called?

MR. BABCOCK: Yes.

MRS. DRAGOS: Has it been done?

MR. RETCHO: Not yet.

MRS. DRAGOS: Cause it's real wet back there.

MR. TORLEY: What you're bringing up are some very valid points which aren't really in the purview of this board because things like the culverts and exactly where the septic fields are are the planning board and the Department of Health, we're looking at variances for the width and setback and things like that.

MRS. DRAGOS: Is privacy considered an issue with variances? I mean, we have a nice private house but the way his driveway's going to come down, the lights are going to shine in our house.

MR. RETCHO: I can address that.

MR. TORLEY: First, if this lot was not subdivided, the present owner can put a driveway, you don't have a right to tell your neighbor they can't build.

MRS. DRAGOS: I didn't know if you could have that as an issue or not.

MR. NUGENT: Anyone else?

MS. BENIKOWSKI: Janet Benikowski. On the driveway on this side, my concern is the driveway itself because according to the plan, it would be two feet off my property, I have the kid's swing set and stuff, is that

going to be like, I mean, usually with driveways, you have to put retaining walls to keep, you know.

MR. RETCHO: Yeah, I mean I discussed that with Bob the other day, if that was an issue with you and I don't know if this is an issue with the zoning board, at another meeting or whatever, if a fence is required, if this is a concern for safety, that's not a problem.

MS. BENIKOWSKI: I'm not concerned because the kids play, I know you're going to watch out when you drive in and out. My concern if we have a retaining wall when it rains, is the water going to slope back in my house or come down cause it's not going to be even.

MR. RETCHO: It's pretty much going to follow the contour of the wall. Right now, they're going to dig down four or six inches to put the rock and fill for the driveway, but it's not going to be, I'm not going to be creating anything where it's going to be mounded up where it's going to flow into your house off the driveway, it's going to come down the driveway, but I don't know, no retaining walls, I'm not taking down, yeah, I'm not taking down in there deep enough that it's going to create any water hazard.

MS. BENIKOWSKI: When you come off the driveway itself, since there's a ditch there, are you going to be putting a pipe and going over?

MR. RETCHO: Yeah, that's required by the highway department.

MR. NUGENT: Any other questions?

MR. ROBERT DRAGOS: Once this is subdivided like this into two properties, and this is a house back there, can it be subdivided three, four, five more times and turned into five houses and six houses?

MR. REIS: No, we determined that there's no further subdivision.

MR. DRAGOS: How did you do that?

MR. NUGENT: Cause we're stipulating it.

MR. TORLEY: Applicant stipulated these are the only divisions that will be part of the variance. If it's divided beyond that point, that puts him in violation.

MR. DRAGOS: Okay, I'm not talking right now, I'm talking after this house is built.

MR. KRIEGER: Forever in perpetuity.

MR. TORLEY: Variances run forever.

MR. NUGENT: With the land, not the owner.

MR. DRAGOS: So this one lot has become two lots and there can only be two houses built there?

MR. NUGENT: Correct.

MR. DRAGOS: Someone can't build an additional house on his own piece of property?

MR. NUGENT: Not on that piece of property.

MS. CORSETTI: Single family.

MR. REIS: Only.

MR. TORLEY: Only one house per property.

MR. CASSISI: Could this road be used to get to this other property next door?

MR. TORLEY: No, this is a driveway. If it's ever used for anything but a driveway to a single family house, it becomes a private road and would have to meet all the private road standards, 50 foot width, it would not be legal and the applicant--

MR. NUGENT: Don't have room to do that.

MR. TORLEY: Applicant stipulated that will not happen, it will be part of the variance it's granted, this lot has not yet been subdivided, is that correct?

MR. RETCHO: No,

MR. BABCOCK: It's in the process, it's in front of the planning board, the planning board referred it to you gentlemen for the variance.

MR. TORLEY: So you're not the owner of the property?

MR. RETCHO: My parents are.

MR. TORLEY: We have the proxy?

MR. BABCOCK: Yes.

MS. CORSETTI: We have a proxy.

MR. BABCOCK: He will be going back to the planning board after this, if he's successful in getting the variances here.

MR. NUGENT: Anymore questions from the audience?

MRS. DRAGOS: I don't know if I can even bring this up but why aren't you going down your father's driveway which is on the other side?

MR. RETCHO: You want to answer that, I mean as far as the driveway, you can't share an existing driveway, it would make it a private road.

MR. BABCOCK: He wanted to do that, the Town Law says if you share a driveway, it becomes a private road, has to have 50 foot easement, so some day, it may become a town road and there's no relief from that, it's Town Law, it's not a zoning board issue where this gentleman can give relief.

MRS. DRAGOS: Even a private road.

MR. RETCHO: And the road would then have to be 18 feet wide with two feet shoulder on each side with drainage culverts.

MR. BABCOCK: There's only 25 feet to the house, if you

see it, here's 25 feet, he needs 50 so he losses right there.

MRS. DRAGOS: That's this, okay, over here, okay, that's where the other driveway is.

MR. BABCOCK: The existing driveway is now, yeah.

MR. NUGENT: No further questions? At this time, I'll close the public hearing and open it back up to the board. I'd like to take this time to read a letter that we received from Robert Anderson. Basically, I don't have to read the whole thing but basically, what it's saying just about all the concerns that the people in the audience had regarding the insufficient road frontage, lot size, sewers, electric, utilities, we believe this driveway road frontage would cause extra drainage problems which are already addressed. It finishes up, we understand this is why the codes were established to protect property owners from the present and future development in our area. That's by Robert and Joan Anderson. We had a phone call from Jose and Audry Gazzola and they basically said the same thing that you people brought up. All right, gentlemen of the board, do you have any further questions of the applicant?

MR. TORLEY: Just a couple things to make sure we have it straight. In putting in this driveway, you'll be, you'll obviously have to comply with all the Town planning board regulations, so that there will not be excessive drainage or alter drainage on your neighbor's property?

MR. RETCHO: Yeah, no, there shouldn't be and if there are, I will address them as they come up. I won't know until the driveway's cut in as to how the water's going to drain or if there's a draining problem right now.

MR. TORLEY: All necessary culverts will be part of it?

MR. RETCHO: Yeah, there should only be two required but if there's more needed, no problem.

MR. TORLEY: And as you stated, the power lines will be

underground?

MR. RETCHO: Yeah, I'm not running overhead power.

MR. TORLEY: And again, finally, you're stipulating that this is the only division of this property, two single family homes, period?

MR. RETCHO: That's it.

MR. TORLEY: Nothing further from me.

MR. REIS: My only concern for the applicant for him to accomplish his goals here is that the strictest monitoring of the development of this lot for the sake of the neighbors, so that he's not going to be impacting them in any negative way, that's my only concern that we structure this, if we decide to go forward with it to structure it in such a way to protect the neighbors from any negative impact.

MR. NUGENT: Okay, I'll accept a motion at this point.

MR. TORLEY: Mr. Chairman, I move that we grant Mr. Retcho his requested variances.

MR. REIS: Second it.

ROLL CALL

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

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-02

Date: 3/2/01

565-3530

- I. ✓ Applicant Information:
- (a) THOMAS RETCHO Lucinda Retcho 1203 PARR LAKE DR Newburgh  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) Ron Tomlins, 310 Mill St, Poughkeepsie, NY (845) 473-2555  
(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 40 Lake side Dr. New Windsor 57-1-113 2.3 Ac  
(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? gift from parents
- (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? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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 48-12, Table of Use/Bulk Regs., Col. D, H.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width <u>125 ft.</u>	<u>18.47 ft.</u>	<u>106.53 ft.</u>
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* <u>70 ft.</u>	<u>18.52 ft.</u>	<u>51.48 ft.</u>
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:

✓ 1. No undesirable changes other than a driveway. 2. This area variances are my last resort. Several other options were attempted with neg. results. 3. Area variances are substantial to accommodate a driveway. 4. No effect on the neighborhood. Home is set off of road way, also no environmental conditions will be affected. 5) was not self-created. Property is a gift from my parents, and I would like to build a home for my family and the only way to the property is with the approval of these two variances. (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 ..	_____	_____	_____
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





**McGOEY, HAUSER and EDSALL  
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and PENNSYLVANIA

*89 F  
2/26/01. ZBA*

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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** RETCHO MINOR SUBDIVISION  
**PROJECT LOCATION:** LAKE SIDE DRIVE  
SECTION 57 – BLOCK 1 – LOT 113  
**PROJECT NUMBER:** 01-20  
**DATE:** 10 JANUARY 2001  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 4.56-  
ACRE PARCEL INTO TWO (2) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

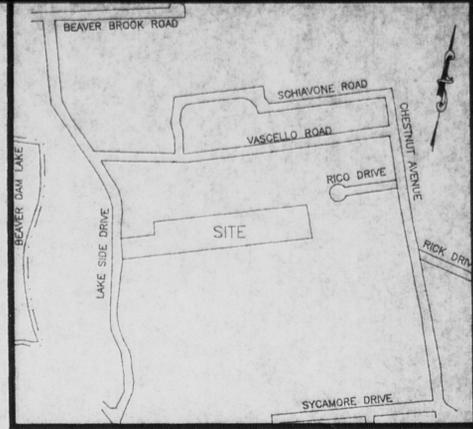
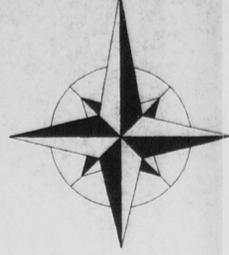
1. The application property is located in the R-4 zoning district of the Town. The bulk information shown on the plan is correct for the zone and use groups (one lot has sewer and the other does not), with the exception of the minimum livable area for the non-sewered lot, which should be 1200. The bulk table should also be made clear to note the area for lot #2 is a “net” value.
2. The applicant has been to at least six (6) planning board worksessions over the last fifteen months, and has made numerous attempts to obtain an arrangement which complies with zoning. The applicant has previously presented several plans which may have worked, if adjoining property owners were willing to participate in the application. It is my understanding that all of these numerous attempts have failed, causing the need for the applicant to submit a plan which has zoning non-compliances which will require variances for lot width and frontage on lot #1. As such, a referral to the Zoning Board of Appeals would be appropriate.
3. I believe further work will be needed to define the driveway easement thru lot #2, to benefit lot#1. This will be an area subtraction from lot #2, which should not be a concern since lot #2 substantially exceeds the minimum. Once the applicant returns from the ZBA, further reviews will be made.

Respectfully Submitted,

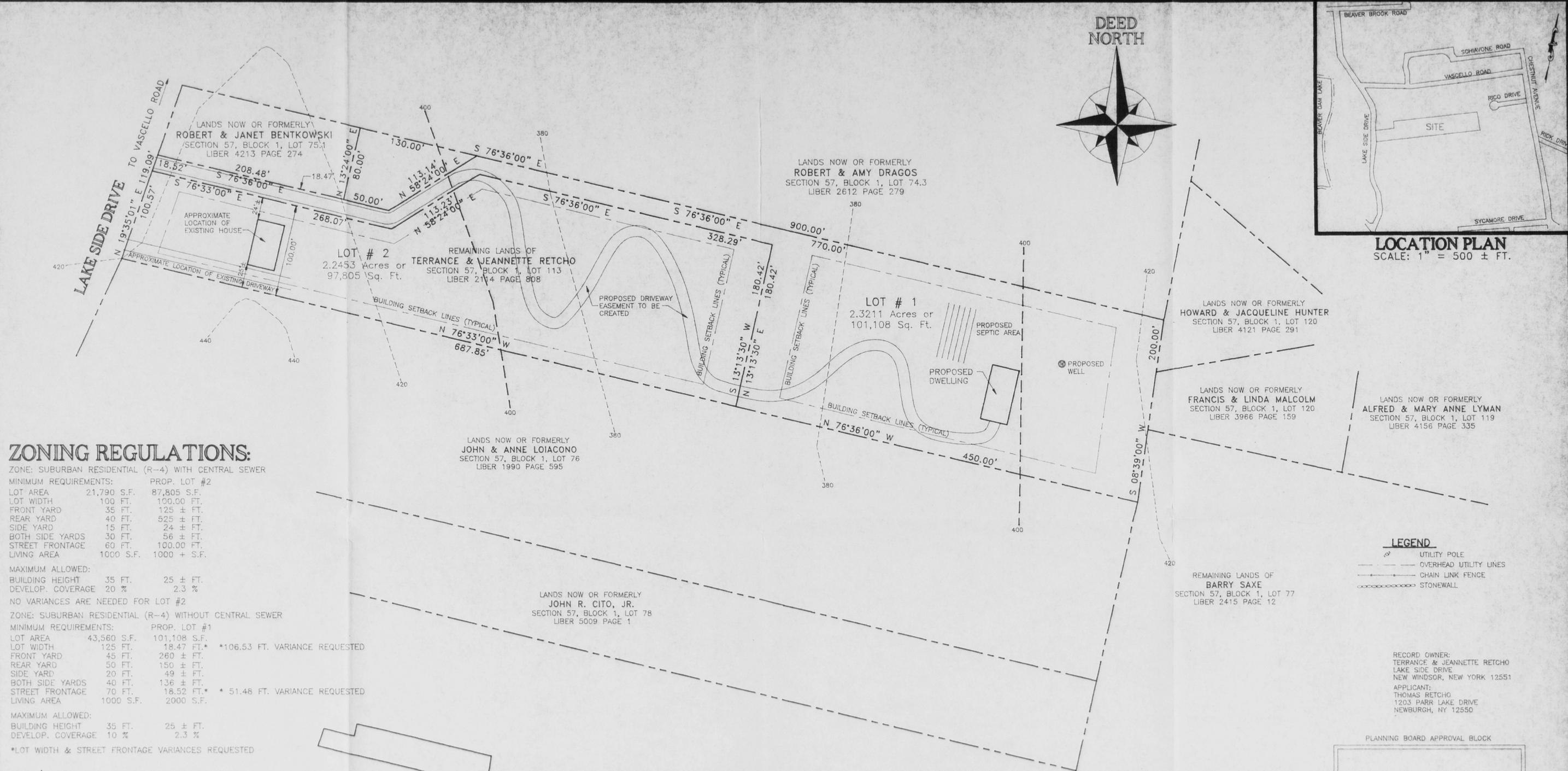
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW01-20-10Jan01.doc

DEED NORTH



LOCATION PLAN  
SCALE: 1" = 500 ± FT.



**ZONING REGULATIONS:**

ZONE: SUBURBAN RESIDENTIAL (R-4) WITH CENTRAL SEWER

MINIMUM REQUIREMENTS:		PROP. LOT #2
LOT AREA	21,790 S.F.	87,805 S.F.
LOT WIDTH	100 FT.	100.00 FT.
FRONT YARD	35 FT.	125 ± FT.
REAR YARD	40 FT.	525 ± FT.
SIDE YARD	15 FT.	24 ± FT.
BOTH SIDE YARDS	30 FT.	56 ± FT.
STREET FRONTAGE	60 FT.	100.00 FT.
LIVING AREA	1000 S.F.	1000 + S.F.

MAXIMUM ALLOWED:		
BUILDING HEIGHT	35 FT.	25 ± FT.
DEVELOP. COVERAGE	20 %	2.3 %

NO VARIANCES ARE NEEDED FOR LOT #2

ZONE: SUBURBAN RESIDENTIAL (R-4) WITHOUT CENTRAL SEWER

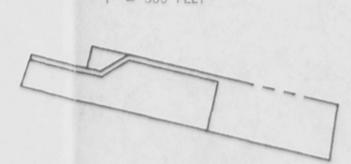
MINIMUM REQUIREMENTS:		PROP. LOT #1
LOT AREA	43,560 S.F.	101,108 S.F.
LOT WIDTH	125 FT.	18.47 FT.* *106.53 FT. VARIANCE REQUESTED
FRONT YARD	45 FT.	260 ± FT.
REAR YARD	50 FT.	150 ± FT.
SIDE YARD	20 FT.	49 ± FT.
BOTH SIDE YARDS	40 FT.	136 ± FT.
STREET FRONTAGE	70 FT.	18.52 FT.* * 51.48 FT. VARIANCE REQUESTED
LIVING AREA	1000 S.F.	2000 S.F.

MAXIMUM ALLOWED:		
BUILDING HEIGHT	35 FT.	25 ± FT.
DEVELOP. COVERAGE	10 %	2.3 %

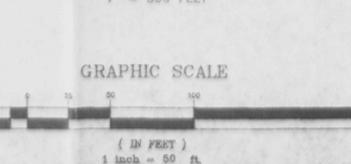
\*LOT WIDTH & STREET FRONTAGE VARIANCES REQUESTED

- NOTES:
- TOWN SEWER IS AVAILABLE FOR THIS PARCEL.
  - THE TOPOGRAPHY SHOWN AS BEEN TAKEN FROM THE CORNWALL U.S.G.S QUAD MAP.
  - THE APPROXIMATE EXISTING HOUSE LOCATION HAS BEEN TAKEN FROM A MAP OF LANDS OF L. VIOLETTE, DATED NOV. 21, 1960, PREPARED BY HAROLD BAHRENBURG, LAND SURVEYOR.
  - ACCESS EASEMENT ACROSS LOT #2 FOR THE NEW DRIVEWAY TO LOT #1, TO ALLOW FOR SWITCHBACK DUE TO TOPOGRAPHY.
  - THE SEPTIC SYSTEM FOR LOT #1 IS TO BE DESIGNED BY A LICENSED PROFESSIONAL BEFORE A BUILDING PERMIT CAN BE ISSUED.

EXISTING LOT LAYOUT  
1" = 300 FEET



PROPOSED LOT LAYOUT  
1" = 300 FEET



PREPARED BY:  
**MARGARET M. HILLRIEGEL**  
LICENSED  
LAND SURVEYOR  
372 OREGON TRAIL  
PINE BUSH, NEW YORK 12566  
PHONE #: (845) 744-2072

NO.	DATE	DESCRIPTION	BY
1	1/3/01	VARIANCE CHART REVISED	MH
1	12/14/00	VARIANCES REQUESTED	MH

*Margaret M. Hillriegel*

SKETCH PLAN FOR:  
**2 LOT MINOR SUBDIVISION**  
FOR LANDS OF:  
**TERRANCE & JEANNETTE RETCHO**

LAKE SIDE DRIVE  
TOWN OF NEW WINDSOR,  
COUNTY OF ORANGE, STATE OF NEW YORK

SCALE: 1" = 50 FEET  
DATE: FEBRUARY 18, 2000

TAX MAP DESIGNATION: SECTION 57, BLOCK 1, LOT 113  
DEED REFERENCE: LIBER 2114 PAGE 808

- LEGEND**
- UTILITY POLE
  - OVERHEAD UTILITY LINES
  - CHAIN LINK FENCE
  - STONEWALL

RECORD OWNER:  
TERRANCE & JEANNETTE RETCHO  
LAKE SIDE DRIVE  
NEW WINDSOR, NEW YORK 12551

APPLICANT:  
THOMAS RETCHO  
1203 PARR LAKE DRIVE  
NEWBURGH, NY 12550

