

ZB# 78-7

Jerry Ciaizzo/  
Edith Mannoni

51-1-54.2

Prelim. Meeting -

- (1) 2/27/78
- (2) 3/13/78

Public Hearing -

April 10, 1978 -  
8:30 p.m.

Use Variance

to locate one-fam.  
house in OLI zone.

Change County

Planning Bd.

to be notified

**GENERAL RECEIPT**

3620

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RECEIVED OF Edith Mannoni April 18 19 78  
Twenty-five and 00/100 \$ 25.00  
FOR 301A. Varance application # 78-17 DOLLARS

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>25.00</u>		
<u>check</u>		

BY Charlotte Marcantonio  
Deputy  
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x  
In the Matter of the Application of

JERRY CIAIZZO and EDITH MANNONI

DECISION GRANTING  
USE VARIANCE

Application #78-7.  
-----x

WHEREAS, JERRY CIAIZZO and EDITH MANNONI (owner of property) of Drakes Lane, Rock Tavern, New York have made application for a use variance from the provisions of the Zoning Local Law to allow a one-family dwelling to be moved into an Office and Light Industrial (OLI) zone, i.e. Route 207, Town of New Windsor, New York; and

WHEREAS, a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, New Windsor, New York on the 10th day of April, 1978; and

WHEREAS, the applicants were represented by JERRY CIAIZZO;  
and

WHEREAS, the meeting was attended by a Mr. Geoly who was representing Mrs. Owens, an adjacent resident. Mrs. Owens was opposing the application. Mr. Frederick Gessner of Monroe, was also in attendance;  
and

WHEREAS the Zoning Board of Appeals makes the following determinations of fact in this matter:

1. That notice of the public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News also as required by law.

2. The evidence showed that the proposed location of the residential use will be on the boarder between an OLI zone and an existing residential zone. It was further shown that there will be other one-family residences

in the immediate vicinity of this proposed use and that the proposed use would be compatible with the residential character of the homes neighboring it.

3. That the proposed use variance will affect only one (1) acre of a large OLI zone.

4. The evidence shows that the applicants did not purchase the property with knowledge of the restriction, having owned it prior to the rezoning into an OLI zone; and the applicant at the time of the purchase of the property did not intend that it be used for a prohibitive use.

5. That the proposed use is sought to relocate the home of applicant's mother-in-law who is being evicted from Stewart Airport and that there is no viable option to house this person.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That the plight of the applicant is due to the unique circumstances of his mother-in-law's health and situation.

2. The proposed use will not alter the essential residential character of the neighborhood immediately adjacent to it nor will it impair the character or use of the presently vacant OLI zone in which it is located.

3. That the proposed use will not rewrite the Zoning Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of the Town of New Windsor grant a use variance to JERRY CIAIZZO and EDITH MANNONI for a residential parcel only; subject to approval of a subdivision of the lands of EDITH MANNONI to create and a one (1) acre parcel for which parcel only is this variance granted, /subject to approval by the Orange County Planning Department.

BE IT FURTHER,

Page 3

RE: CIAIZZO/MANNONI

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: May 8, 1978.

S/ Richard Jenwick  
Acting Chairman

MAY 08 1978

LAW OFFICES OF  
FREDERICK F. GESSNER  
107 STAGE ROAD  
MONROE, N. Y. 10950

TELEPHONE 782-8158  
AREA CODE 914

May 4, 1978

Ms. Patricia Razansky  
Secretary, Zoning Board of Appeals  
Town of New Windsor  
555 Union Avenue  
Newburgh, New York 12550

Re: NFG Properties - 4998

Dear Ms. Razansky:

Thank you for sending me the copy of the Minutes of your meeting of April 10th.

I believe you misunderstood what I stated at the meeting. I was not in Florida and I did not receive a notice of the hearing. One of the other owners of the property in which I have an interest is in Florida and for some reason the notice went to his address. His wife telephoned me the afternoon of the hearing and advised me she had received the notice.

I would appreciate receiving a copy of the Board's decision when it is made.

Sincerely,



FFG/k



COUNTY OF ORANGE

MAY 08 1978

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

May 3, 1978

Mr. Mark Stortecky, Chairman  
c/o Patricia Razansky  
New Windsor Zoning Board of Appeals  
Town Hall - Union Avenue  
New Windsor, New York 12550

Re: Variance - Caizzo & Mannoni  
Route 207

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above subject variance.

The matter is hereby returned for final local determination by the Zoning Board.

Very truly yours,

Peter Garrison  
Commissioner of Planning

PG/jm

B. ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION  
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

Local File No. \_\_\_\_\_

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date was 4/10/78

City, Town or Village Board  Planning Board  Zoning Board of Appeals

2. Applicant: NAME JERRY CIAZZO and EDITH MANNONI

Address Drakes Lane, Rock Tavern, N.Y.

Attorney, Engineer, Architect none

3. Location of Site: On Route 207 near Brien Lane, New Windsor, N. Y.  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 51- Block 1 Lot 54.2

Present Zoning District OLI Size of Parcel 1 acre

4. Type of Review:

Special Permit Use\* \_\_\_\_\_

Variance\* Use One-family residential house to be moved to OLI location

Area \_\_\_\_\_

Zone Change\* From: \_\_\_\_\_ To: \_\_\_\_\_

Zoning Amendment\* To Section: \_\_\_\_\_

Subdivision\*\* Major \_\_\_\_\_ Minor \_\_\_\_\_

4/25/78  
Date

Patricia Razansky, Secy.  
Signature and Title

\*Cite Section of Zoning Regulations where pertinent  
\*\*Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-7.  
(Number)

3/28/78.  
(Date)

I. Applicant information:

- (a) Mr. Mrs. Nicholas Mannoni 427-2550  
(Name, address and phone of Applicant)  
and Jerry Caiazzo
- (b) Drakes Lane, Rock Tavern, N.Y. 427-2550.  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) OLL Rt. 207 New Windsor 51 1 54.2 1 acre.  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? Res. Right Oll left
- (c) Is a pending sale or lease subject to ZBA approval of this application? no.
- (d) When was property purchased by present owner? 12 years
- (e) Has property been subdivided previously? yes. When? 1970.
- (f) Has property been subject of variance or special permit previously? No. When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No. If so, when \_\_\_\_\_
- (h) Is there any outside storage at the property? \_\_\_\_\_

78-7.  
(Number)

3/28/78.  
(Date)

I. Applicant information:

- (a) Mr. Mrs. Nicholas Mannoni 427-2550  
(Name, address and phone of Applicant)  
and Jerry Caiazzo
- (b) Drakes Lane, Rock Tavern, N.Y. 427-2550  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) OLL Rt. 207 New Windsor 51 1 54.2 1 Acre.  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? Res. Right Oll left
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 12 years
- (e) Has property been subdivided previously? yes. When? 1970.
- (f) Has property been subject of variance or special permit previously? No. When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No. If so, when \_\_\_\_\_
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section 48.9, Table of Use, Column A, to allow Regs.

(Describe proposed use)  
Moving of house from MTA property to Rt 207  
New Windsor in an OLI zone.

(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.

MR. MANNONI'S illness and MTA will not grant  
further extension's and we must relocate.  
Also, there are only one-family homes  
located in this area even though it  
is zoned OLI.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

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

\* Residential districts only  
\*\* Non-residential districts only

(Describe proposed use)

Moving of house from MTA property to Rt 207.  
New Windsor in an OLI zone.

(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.

MR. MANNONI'S illness and MTA will not grant further extension's and we must relocate.  
Also, there are only one-family homes located in this area even though it is zoned OLI.



V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

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

\* Residential districts only

\*\* Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize 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?

\_\_\_\_\_

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VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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

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

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VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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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 upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*Property will be improved with the location of the house thereon.*

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IX. Attachments required:

- \_\_\_ Copy of letter of referral from Building and Zoning Inspector.
  - \_\_\_ Copy of contract of sale, lease or franchise agreement.
  - \_\_\_ Copy of tax map showing adjacent properties
  - \_\_\_ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
  - \_\_\_ Copy(ies) of sign(s) with dimensions.
  - \_\_\_ Check in amount of \$ \_\_\_\_\_ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.

(b) Describe in detail the use and structures proposed for the special permit.

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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 upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*Property will be improved with the location of the house there on.*

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  - \_\_\_ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
  - \_\_\_ Copy(ies) of sign(s) with dimensions.
  - \_\_\_ Check in amount of \$\_\_\_\_\_ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.  
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- \_\_\_ Other



The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Edith Mannoni  
(Applicant)

Sworn to before me this

28th day of March, 1978.

Patricia Razansky  
PATRICIA RAZANSKY  
Notary Public, State of NY.  
No. 5970775  
Appointed in Orange County  
Term Expires Mar. 30, 1978

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
  - (b) Variance is \_\_\_\_\_
  - (c) Special Permit is \_\_\_\_\_
  - (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

Ciarizzo/  
Mannon.

(914) 565-8550

April 25, 1978

Frederick Gessner, Esq.  
107 Stage Road  
Monroe, N. Y. 10950

RE: ZONING BOARD OF APPEALS  
Minutes of 4/10/78 Meeting

Dear Mr. Gessner:

Enclosed herewith is a copy of the above minutes of the Zoning Board of Appeals meeting which you requested at the meeting. Formal decision has not been drafted by the Attorney for the ZBA as yet.

As soon as the formal decision is ready, I will send you a copy by return mail.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosure

4/10/78 - Public Hearing - Matter of Ciarizzo/Mannoni - 8:15.

Name:

Address:

Levy

—

Station Rd

(914) 565-8550

April 11, 1978

Mr. Jerry Ciaizzo  
Drakes Lane  
Rock Tavern, N. Y.

RE: APPLICATION FOR USE VARIANCE #78-7  
CIAIZZO/MANNONI

Dear Jerry:

This is to confirm that your application before the Zoning Board of Appeals was granted at the April 10, 1978 meeting. Kindly be advised that a formal decision will follow by mail.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

cc: Town Planning Board

Mr. Howard Collett, Bldg./Zoning Inspector



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
~~XXXXXXXXXXXX~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

March 29, 1978

Eidith Mannoni  
Jerry Caiazzo  
Drakes Lane  
Rock Tavern, N.Y. 12575

RE: 51-1-54.2

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

The charge for this service is \$15.00. Please remit same to the town Clerk Town of New Windsor.

Very truly yours,

JOSEPH G. PARISI  
Sole Assessor  
Town of New Windsor

JGP/pk  
att.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman  
~~Elizabeth E. Warrant~~  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

Gessner, Frederick Etal.  
C/O Vernon N eumann  
1790 E. Las Olas Blvd.  
Ft. Lauderdale, Fla. 33301

Langer, Frederick J.  
Route 207  
Rock Tavern, N.Y. 12575

Hiemstra, Raymond  
Route 207  
Rock Tavern, N.Y. 12575

Metropolitan Transportation Authority  
Stewart Airport  
New Windsor, N.Y. 12550

Owens, Gail  
Route 207  
Rock Tavern, N.Y. 12575

Bertone, Robert J. & Jacqueline  
Route 207  
Rock Tavern, N.Y. 12575

Respectfully submitted,

A handwritten signature in cursive script that reads 'Joseph G. Parisi'.

JOSEPH G. PARISI  
Sole Assessor  
Town of New Windsor

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New York will hold a Public Hearing  
pursuant to Section 48-33A of the Zoning Ordinance on the  
following proposition:

Appeal No. 7

Request of EDITH MANNONI and JERRY CAIAZZO

for a VARIANCE ~~SPECIAL USE PERMIT~~ of  
the regulations of the Zoning Ordinance, to permit  
one-family residence in OLI zone

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-9 - Table of Use Regulations - Column A

for property situated as follows:

Route 207, Little Britain Road, opposite Brien Lane,  
in the Town of New Windsor - known as Section 51-Block 1  
Lot 54.2.

SAID HEARING will take place on the 10th day of April, 19 78,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8:15 o'clock P. M.

MARK STORTECKY  
Chairman

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

Agenda - ZBA -

7:30 -

Prelim. meeting -

2/27/78.

Public Hearing

2nd Prelim. meeting -

3/13/78 - 7:30.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION To submit plans.

File No. ....

Date February 2, 1978

To Mrs. Edith Mammone 427-2550 / Jerry - Caliazzo 427-2959 -  
Aruba Lane  
Rock Tavern NY 12575

PLEASE TAKE NOTICE that your application dated January 28, 1978

for permit to locate or construct a dwelling

at the premises located at Route 207 opposite Brian Lane containing  
approximately 15.2 Acres & identified as Section 51 Block 1  
Plot 54.2

is returned herewith and disapproved on the following grounds:

Dwelling not permitted in a Commercial district

OL1 - Office & Light Industry

use variance

Howard R. Cassett  
Building Inspector

(1 acre lot  
no water - no sewer)  
2 family not permitted  
(only in R4A with  
water & sewer)

Jan 28, 1978

Mr. Howard Collett,

I own, with my daughter, a piece of land on Rt 201 between Yang's farm to a split level house owned by Mrs Francini. Having been asked to move from my home by the M.T.A. we would like to know if we can use that land as a site to build or move a present home. Please let us know, since it is a matter of some urgency. My husband and I are both retired and hope that our request receives prompt attention

021 District

Thank you,

Mrs. Edith Mammone

Drake's Lane

Rochester, N.Y. 12575

Telephone 427-2550.

Jerry Carizzo 427 2959  
to call home 9:00

51-1-54. ✓  
15. ✓ A. ans.