

**ZB# 82-14**

**Hugo Cola**

**67-6-1**

#82-14 - Cola, Hugo

Prelim. Meeting:

10/25/82.

1/7/83 - Notice sent to Sentinel -

1/7/83 - Town Planning Bd.

Public Hearing - 1/24/83.

Sweetson survey showed that proposed deck & garage were in Town of Cornwall - ZBA-NW has no jurisdiction

Matter adjourned to 3/14/83

for motion to close hearing  
(Hold check until 3/14/83)

3/14/83 - Motion unanimously made to close hearing.  
(Keep fee)

# General Receipt

5110

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

7 March 15 19 83

Received of Scott & Seckman \$ 25.00

Twenty Five = DOLLARS

For Cola file 3536 82-14 Zoning

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Check.</u>		<u>25.00</u>

By Pauline Townsend

Town Clerk (SVP)

Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

HUGO COLA and DELORES COLA,

DECISION GRANTING  
VARIANCE

# 82-14 .

-----x

WHEREAS, HUGO and DELORES COLA of R.D. #2, Palomino  
Road, New Windsor, New York,, have made application before the  
Zoning Board of Appeals for area variance for the purposes of:  
construction of a 12 ft. by 16 ft. deck to rear portion of premises ;  
and

WHEREAS; a public hearing was held on the 24th day of  
January, 1983 before the Zoning Board of Appeals at the Town Hall,  
New Windsor, New York; and

WHEREAS, the applicants appeared by their attorney, Steven  
Schechtman, Esq. of Scott & Schechtman, Newburgh, NY ; and

WHEREAS, the application was opposed ; and

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

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

2. The evidence shows: that applicants' property is located  
partially in the Towns of Cornwall and New Windsor, and that there is a  
discrepancy as to what Town the application for rear yard variance should  
be applied to.

3. The evidence shows that applicants have applied to both  
the Towns of Cornwall and New Windsor for rear yard variance and that the  
Town of Cornwall refused to hear application for variance, insisting that  
applicants are located mostly in the Town of New Windsor;

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

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

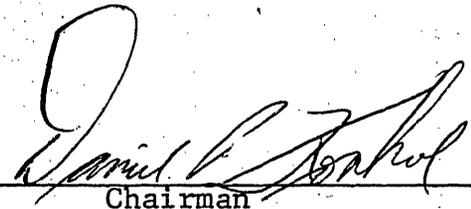
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants rear yard variance for construction of 12' x 16' deck in accordance with plans submitted 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: January 23, 1984.

  
Chairman

No. ....

82-14

Cola

②

Hugo & Dolores Cola  
RD 2, Palamino Rd.  
New Windsor, N.Y. 12550  
Taxmap Data:  
Sect. 67-Block 6 Lot 1  
561-3683

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

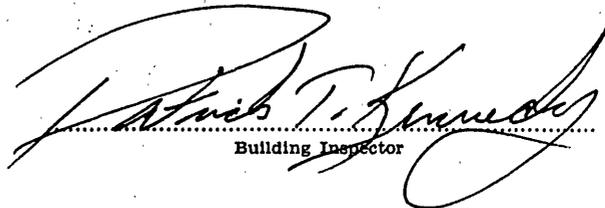
STOP ORDER

All work contemplated to be done under Building Permit No. <sup>None</sup> ~~Applied for~~ shall be forthwith suspended and all persons shall stop work thereon until this STOP ORDER has been rescinded.

This Order will be rescinded upon the following conditions:

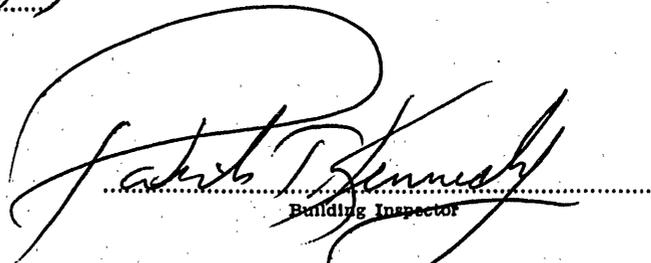
site Plan must be submitted to determine exact location of addition.  
in regards to required yards. Existing order to remedy violation  
must be satisfied. Any needed variances must be obtained.  
Building permit must be obtained.

Dated: November 8, 1983

  
Building Inspector

STOP ORDER RESCINDED

Dated: November 9, 1983

  
Building Inspector

Deck was removed. Addition not as close to line as main structure.



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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. .... Date Sept 20, 1982  
To Mr. Hugo Cola  
R.D. Salamino Road  
New Windsor N.Y.

PLEASE TAKE NOTICE that your application dated Sept 20, 1982  
for permit to move deck in a northerly direction and construct  
garage on north side of ranch  
at the premises located at Salamino Road

is returned herewith and disapproved on the following grounds:

Rear yard encroachment for both deck  
and garage as per Table of Bulk  
Regulations R-4 W-2 Col 8 Required  
Rear yard depth 40 feet

[Signature]  
Building Inspector

Pat Delio - ZBA  
565-8550

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 82-14

Date: December 8, 1982

I. Applicant Information:

- (a) Dolores & Hugo Cola, RD#2, Palomino Road, New Windsor, New York  
(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 broker)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Special Permit

III. Property Information:

- (a) R-4 RD#2, Palomino Rd., New Windsor 67-6-1  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? December 19, 1980
- (e) Has property been subdivided previously? No When? \_\_\_\_\_
- (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
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (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.

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V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section R-4W2, Table of Bulk Regs., Col. 8.

Requirements	Proposed or Available	Variance Request
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>      /      </u>	<u>      /      </u>	<u>      /      </u>
Reqd. Rear Yd. <u>40 feet</u>	<u>8½ and 17</u>	<u>31½ and 23</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. 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.

Existing house already varies from minimum requirements in that present yard measures 14.69 feet at closest point. House has sliding glass doors which open on the deck. If deck was not present this could be a serious danger to residents. Proposed garage would make property more sightly and would be further from the rear property line than the already existing house. There is no other way to construct the garage and/or deck than the manner proposed.

VI. Sign Variance:

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

	Requirements	Proposed or Available	Variance Request
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.

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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 of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (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.)

The appearance or use of the property will not be changed in any way in that the decks is just being moved slightly towards the northern end of the house. The existence of the proposed garage will make the property more sightly as cars will be parked inside. The property The property would be upgraded by the proposed change. There will be no change in landscaping, fencing or anything else to make the property unsightly.

IX. Attachments required:

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- 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 the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date January 4, 1983

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

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his 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.

*Dolores Cola*  
(Applicant)  
DOLORES COLA

Sworn to before me this  
4 day of January, 19 83.

**DEBORAH A. HARDY**  
Notary Public - State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1983.

XI. ZBA Action:

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

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

N.Y.S. RC

3534

(Newburgh & Blooming Grove)

57

M. Syvertsen  
per 999/176

86.92' N70°20'00"E  
13'00"E  
stone wall

111.58' p.o.b.  
p.o.b.  
found

10.2661 acre

43.30' E  
25.38' E

utility lines  
overhead  
pole

L70.24

R=187.21'  
95.99

08'15" E

17.00'  
21.00'  
22.00'  
end of stonewall  
14.69'

DOUBLE GARAGE

RAISED RANCH

24.85'

GRAVEL DRIVEWAY

SCALE  
2" = 40'

40'

cola

INTER-OFFICE CORRESPONDENCE

TO: TOWN BUILDING INSPECTOR KENNEDY  
TOWN PLANNING BOARD

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING ON APPLICATION OF COLA, HUGO & DOLORES  
REAR YARD VARIANCE FOR DECK AND GARAGE

DATE: January 25, 1983

Please be advised that the above-entitled public hearing which was scheduled to be heard on January 24, 1983 concerning a request for rear yard variance, was adjourned to a later date. The reason for the adjournment was that Mrs. Syvertsen, a spectator at the public hearing and adjacent neighbor, produced a survey (performed by yourself in October 1982) which proved that the land in question is located partially in the Town of Cornwall and that New Windsor ZBA has no jurisdiction in this matter.

The original Notice of Disapproval was issued by then Acting Building/Zoning Officer Paul V. Cuomo on September 20, 1982.

Steve Schechtman, Esq., attorney representing Mr. and Mrs. Cola, will obtain further proof of residency and contact the ZBA before the March 14, 1983 date of reconvening.

Pat

/pd  
cc: Town Engineer Cuomo



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Miele Oniello ✓  
25 Seven Lakes Road  
Sloatsburg, N.Y. 10974

Maceli Mae ✓  
RD2, Riley Road  
New Windsor, N.Y. 12550

Maceli Anthony F & Mildred  
Box 187, RD2  
Riley Road  
New Windsor, N.Y. 12550

Beltempo Joseph & Mary ✓  
142 Park Ave. ✓  
Park Ridge, N.J. 07656

Realm Restaurateurs Inc. ✓  
PO Box 385 ✓  
Vails Gate, N.Y. 12584

Chidgey Leonard J & Elsie C ✓  
Box 163 Route 94 RD2 ✓  
New Windsor, N.Y. 12550 ✓

Hopkins George J & Edna  
PO Box 31  
Vails Gate, N.Y. 12584

Casino Louis & Casaccio Paul ✓  
4 Alder Drive RD2 ✓  
New Windsor, N.Y. 12550 ✓

Patane Henry  
Box 13  
Vails Gate, N.Y. 12584

Yager Lester & Dorothy ✓  
PO Box 301 ✓  
Vails Gate, N.Y. 12584

Fenical Willard J ✓  
PO Box 316 ✓  
Vails Gate, N.Y. 12584

Gardner Bernard E & Edna & ✓  
Richard & Laura ✓  
4 Aspen Lane ✓  
Goshen, N.Y. 10924

Masten Harold K & Elizabeth A  
Apt. 201 A ✓  
2497 Old Concord Road ✓  
Smyrna Georgia 30080

Daniels Edward L & Ann ✓  
Md 14, Riverview Road ✓  
New Windsor, N.Y. 12550

Mule Robert & Victoria ✓  
PO Box 565 ✓  
Vails Gate, N.Y. 12584

Collini Gino ✓  
PO Box 116 ✓  
Vails Gate, N.Y. 12584

Sebesta Paul & Mary H  
Box 151 Route 94  
Vails Gate, N.Y. 12584

Syvertsen Martin & Lillian J  
RD2 Route 94 ✓  
New Windsor, N.Y. 12550 ✓

1/24/83 - Public Hearing: Cola, Hugo & Dolores

Name:

Address:

Steven Hoffmann  
atty for Cola

178 Grand St  
Newburgh, NY

Patricia S. Spector  
Lecan Spector

R34 Box 22  
Vestal, NY 14

Rand School RT99 Vestal Gate N.Y.

Robert Mule Box 565 Vestal Gate N.Y.

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
FROM: ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARING BEFORE ZBA - January 24, 1983  
DATE: January 17, 1983

Kindly be advised that there is one (1) public hearing scheduled to be heard before the Zoning Board of Appeals on Monday evening, January 24, 1983 at 7:30 p.m.:

Application of HUGO & DOLORES COLA

I have attached hereto a copy of the application and pertinent public hearing notice which appeared in The Sentinel on 1/12/83.

Pat

/pd  
Attachments

cc: Building/Zoning Officer Kennedy

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 14

Request of Hugo Cola and Dolores Cola for a Variance of the regulations of the Zoning Ordinance to permit a rear end encroachment for a deck and garage being a variance of Table of Bulk regulation R-4W2 Column 8 for property situated as follows:

RD#2, Palomino Road  
New Windsor, New York

SAID HEARING will take place on the 24th day of January , 1983 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

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CHAIRMAN

1/24/83 - Public Hearing: Cola, Hugo & Dolores

Name:

Address:

Steven Hechtman  
atty for Cola

178 Grand St.  
Newburgh, N.Y.

Patricia Syme  
Lillian Syme

RD#2 Box 152  
Newburgh, N.Y.

Paul Schul RT 94 Vails Gate N.Y.

Robert Mule Box 565 Vails Gate N.Y.

INTER-OFFICE CORRESPONDENCE

TO: TOWN BUILDING INSPECTOR KENNEDY  
TOWN PLANNING BOARD

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING ON APPLICATION OF COLA, HUGO & DOLORES  
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The original Notice of Disapproval was issued by then Acting Building/Zoning Officer Paul V. Cuomo on September 20, 1982.

Steve Schechtman, Esq., attorney representing Mr. and Mrs. Cola, will obtain further proof of residency and contact the ZBA before the March 14, 1983 date of reconvening.

Pat

/pd

cc: Town Engineer Cuomo

AMINO PLACE)

# N.Y.S. ROUTE # 94

N 64° 22' 00" E

(Newburgh & Blooming Grove Turnpike)

18.00'

p.o.b.

lands of M. Syvertsen  
liber 999/176

(0.2661 acre)

N 7° 20' 00" E

Town of New Windsor (new town line)  
Town of Cornwall  
(U.S.G. & G.S.)



ROAD

122.77'

126.62'

N 0° 43' 00" E

s.p. found

S 87° 38' 00" W 75.22'

PALAMINO

formerly town line

Town of New Windsor  
Town of Cornwall  
(N.Y.S. Taking Map #247)  
parcel 118

lands of D. Hatsey  
Liber 883/182

N 4° 08' 15" E  
(former town line)

Town of New Windsor  
Town of Cornwall  
(Farm Map of the Town of New Windsor & Cornwall)

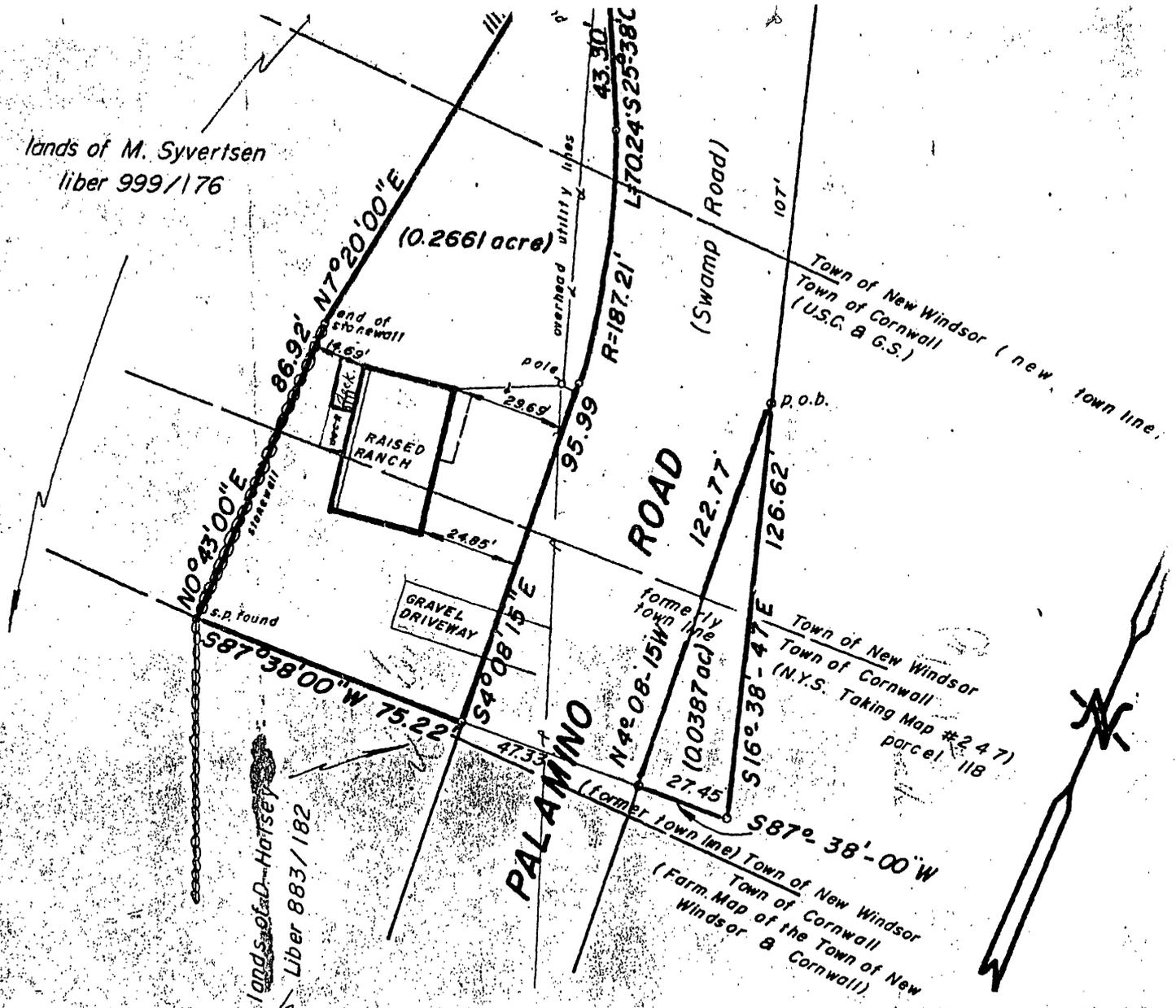


Certified to: Vanguard Holding Corp., Chicago  
& George & Mary Hamilton in accordance with  
the minimum standards for title insurance  
New York State Association of  
Land Surveyors.

SURVEY MAP

... from record descriptions & from ... found within said subdivision

lands of M. Syvertsen  
 liber 999/176



Certified to: Vanguard Holding Corp., Chicago  
 & George & Mary Hamilton in  
 accordance with the minimum standards for title  
 surveys prepared by the New York State Association of  
 Land Surveyors.

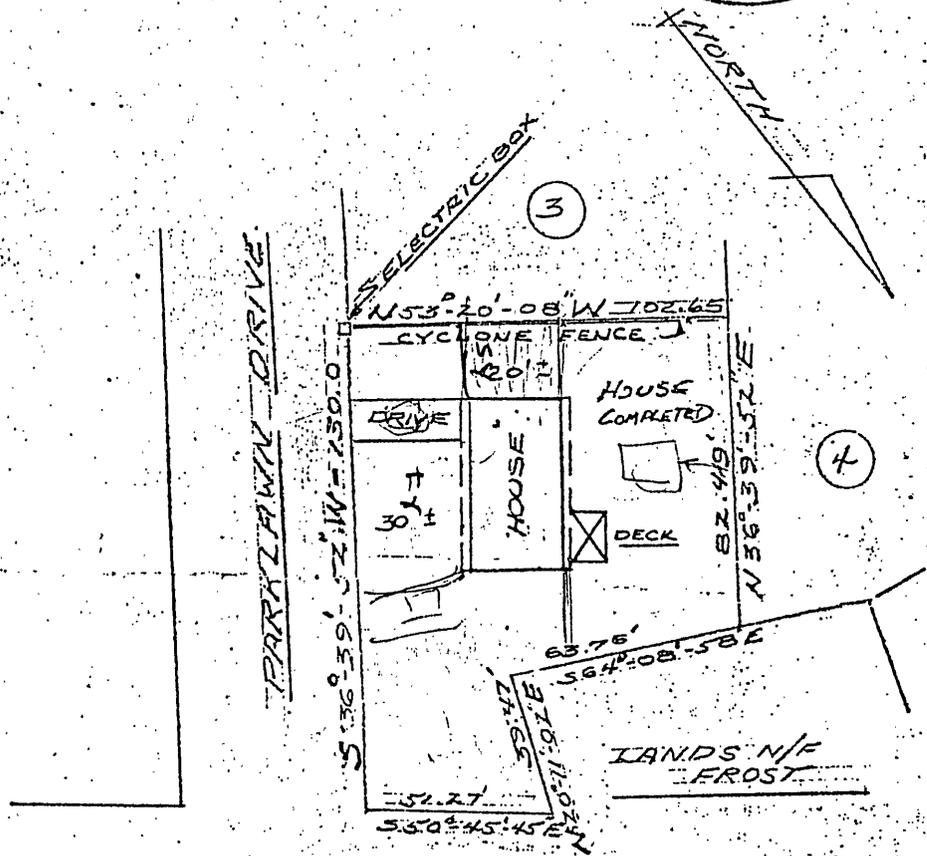
SURVEY MAP  
 OF THE LANDS OF

**DANIEL EUGENE HALSEY**  
 &  
**MARY FRANCIS HALSEY**  
 TO BE CONVEYED TO  
**GEORGE HAMILTON**

... from record descriptions & from  
 ... found within said subdivision.  
 ... shall run only to the person (s)  
 ... this survey is prepared & on their  
 ... the title company, banks & / or  
 ... tel agency listed hereon.  
 ... ions are not transferable to any  
 ... l title companies, banks,  
 ... tel agencies & / or subsequent  
 ... ions hereon are valid for this map  
 ... id map & copies bears the embossed  
 ... rveyor whose signature appears.

I hereby certify to the Provident Savings and Loan Association of  
Newburgh, New York, and the American Title Insurance Company that  
the house is located entirely within the bounds of the lot as shown.

BY RODNEY GIES N.Y.S. License No. 37214



ERIE AVE.

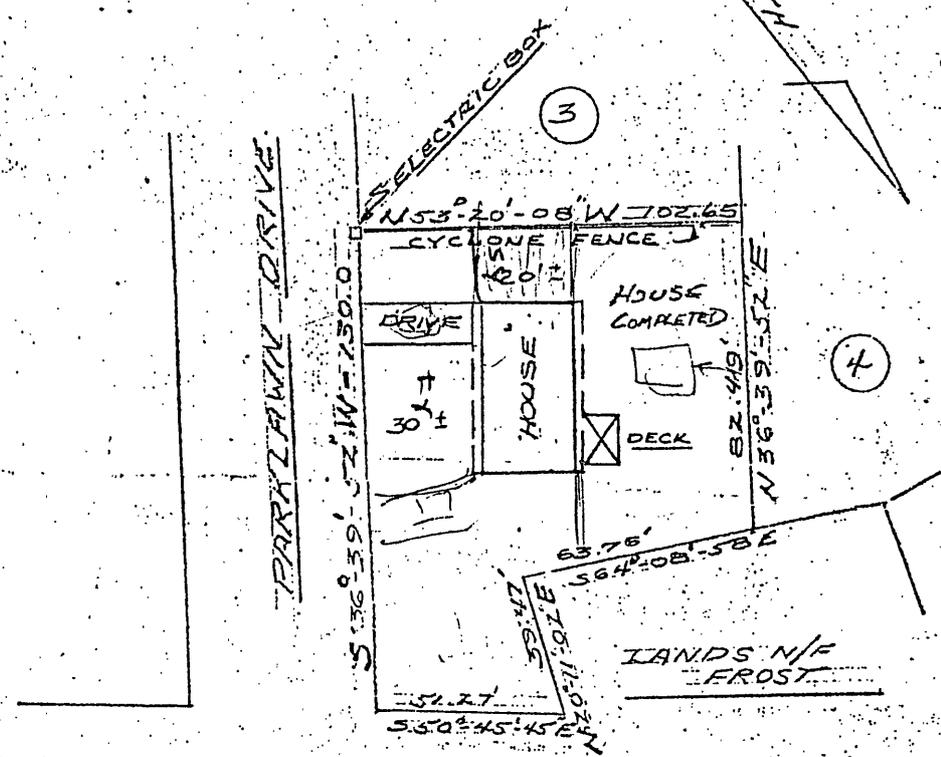
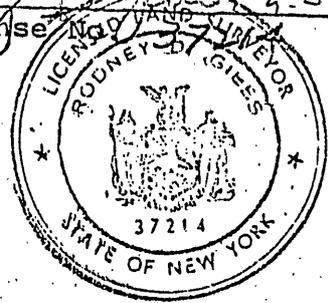
UNION AVE.

SURVEY FOR

LOT #2

PARKLAWN

TOWN OF NEW WINDSOR COUNTY OF ORANGE



SURVEY FOR  
LOT #2

PARKLAWN

TOWN OF NEW WINDSOR

COUNTY OF ORANGE

SCALE - 1" = 50'

JULY 31, 1973

REVISED 9-9-74

REVISED 7-29-75

*Melville*

ELSTANACE B HOROWITZ, P.C.  
BOX 525, CIRCLEVILLE, N.Y. 10919