

**ZB# 89-46**

**Quality Home Builders**

**57-1-73.3**

# 89-46 - Quality Home Bldgs. - area

Public Hearing

9/11/89.

Motion to schedule P.H.

Mail lgs. to Lou Greenes done ✓

Notice to Sentinal

on 11/28/89 -  
deliv'd.

Public Hearing

Area

Variance

denied

12/11/89 -

Apr. 20th -

Note: 12/11/89 Spectators

left to train

to be returned

w/ finished minutes

1/22/90 - Prelim. Meeting  
Motion to sched. P.H.

Public Hearing:

Feb. 26, 1990.

Amended Notice to Sentinal on 1/23/90

Area variance granted

on 2/26/90.

Check to #1561  
T.C. on 12/26/89

TOWN OF NEW WINDSOR		General Receipt		11088
555 Union Avenue New Windsor, N. Y. 12550				Dec. 26 19 89
Received of <u>Quality Builders of the County of Orange, Inc.</u>				\$ <u>25.00</u>
<u>Twenty-five and</u>				<u>00</u> <del>xx</del>
				<u>100</u> DOLLARS
For <u>ZBA - Application Fee #89-46</u>				
DISTRIBUTION:				
FUND	CODE	AMOUNT		
<u>CP # 1561</u>		<u>25.00</u>		
Williamson Law Book Co., Rochester, N. Y. 14609			By <u>Pauline M. Townsend</u> <u>es</u> <u>Town Clerk</u> Title	

NEW WINDSOR ZONING BOARD OF APPEALS

-----X  
In the Matter of the Application of  
QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.

DECISION GRANTING  
AREA VARIANCE

#89-46.  
-----X

WHEREAS, QUALITY HOME BUILDERS OF ORANGE COUNTY, INC., a corporation having an office at Cardinal Drive, P. O. Box 10, Washingtonville, N. Y. 10992, has made application before the Zoning Board of Appeals for a 4,003 s.f. lot area variance on Lot #6 of the subdivision located on the west side of Chestnut Avenue, New Windsor, N. Y. in an R-4 zone; and

WHEREAS, a public hearing was held on the 11th day of December, 1989 before the ZBA at the Town Hall, New Windsor, New York, and the application was denied since the motion to grant the variance received only three affirmative votes and one negative vote; and

WHEREAS, the applicant requested a rehearing on the 22nd day of January, 1990 before the ZBA at the Town Hall, New Windsor, New York and a motion to rehear the same application was carried unanimously; and

WHEREAS, a public hearing was held on the 27th day of February, 1990 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared by its agent, Elias D. Grevas, L. S. of Grevas and Hildreth, P. C.; and

WHEREAS, the application was opposed by several area residents who expressed concerns regarding the depleting of their wells and about the subdivision itself as preliminarily approved by the Planning Board.

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law for the public hearing held on the 22th day of December, 1989.

2. The ZBA voted unanimously to rehear the application pursuant to the provisions of Town Law Section 267(6).

3. The six-month waiting period contained in Zoning Local Law Section 48-34(I) is not applicable to this rehearing since

the denial of the application at the public hearing held on the 11th day of December, 1989 was not based upon the negative vote of at least four members of the ZBA, there having been only one negative vote.

4. 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, for the public hearing held on the 27th day of February, 1990.

5. The evidence shows that applicant is seeking permission to vary the bulk regulations with regard to lot area on Lot #6 of an approved subdivision after deduction of the easement areas.

6. The evidence shows that this subdivision received preliminary approval from the Town of New Windsor Planning Board on 12/14/88 for lots which exceeded the 21,780 sq. ft. minimum lot area requirement. Subsequent to this preliminary approval the Town Board adopted Local Law No. 4 of 1989 which changed the definition of lot area by excluding from the computation all land contained within an easement area. Due to this change in definition, the lot area of Lot 6 was reduced to less than the 21,780 sq. ft. minimum lot area. The applicant elected to apply for an area variance rather than redrawing the plans for the subdivision and resubmitting to the Health Department.

7. The evidence presented by Applicant substantiated the fact that a variance for less than the allowable lot area would be required in order to allow the proposed construction which otherwise conforms to the bulk regulations contained in the R-4 zone and rejection of the same would cause practical difficulty to Applicant since the relief sought by Applicant is not substantial in relation to the required bulk regulations.

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

9. The requested variance will produce no effect on the population density or governmental facilities.

10. The other feasible method available to Applicant, i.e. redrawing the plans, redesigning the entire subdivision (which might result in the reduction of one lot), and resubmitting to the Health Department and the Planning Board for reapproval, appears to be excessively burdensome since it was a change in the law following the Planning Board's preliminary approval which created the undersize lot area for Lot 6. The burden to the Applicant of pursuing this alternate procedure constitutes a showing of practical difficulty.

11. The interest of justice would be served by allowing the the granting of the requested variance.

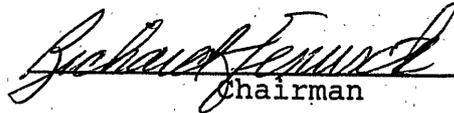
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a lot area variance of 4,003 s.f. for Lot #6 of the approved subdivision sought by Applicant in accordance site plan filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

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

Dated: March 12, 1990.

  
Chairman

(ZBA DISK#5-053085.FD)

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 89-46

Date: 27 Nov. 1989

- I. Applicant Information: QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.
- (a) CARDINAL DRIVE, WASHINGTONVILLE, N.Y. 10992 (914) 496-4141  
(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  Interpretation

III. Property Information:

- (a) R-4 WEST SIDE CHESTNUT AVE 57/1/73.3 3.02± 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? 1986
- (e) Has property been subdivided previously? Yes When? 4/8/87
- (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: None existing or proposed

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.

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

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48, Table of Use/Bulk Regs., Col. C, No. 9.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>21,780 S.F.</u>	<u>① 17,779 S.F.</u>	<u>① 4,003 S.F.</u>
Min. Lot Width <u>100 Ft.</u>	<del>AS REQUIRED (VACANT LOTS)</del>	<del>NOT REQUESTED (VACANT LOTS)</del>
Reqd. Front Yd. <u>35 Ft.</u>		
Reqd. Side Yd. <u>15' 30'</u>		
Reqd. Rear Yd. <u>40 Ft.</u>		
Reqd. Street Frontage* <u>60 Ft.</u>		
Max. Bldg. Hgt. <u>35 Ft.</u>		
Min. Floor Area* <u>1000 S.F.</u>		
Dev. Coverage* <u>20 %</u>		
Floor Area Ratio** <u>N/A</u>		

\* Residential Districts only  
\*\* Non-residential districts only  
① SUBDIVISION LOT 6 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.

SEE ATTACHMENT NO. 1  
TO THIS APPLICATION  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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. Interpretation:

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

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

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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.)

Proposed Use, Single-Family Homes, is consistent with adjoining properties, and is a permitted use. The lot size proposed, after deduction of the easement area, is still larger than the majority of adjoining single-family home lots.

SEE ATTACHMENT No. 2 to this Application

IX. Attachments required:

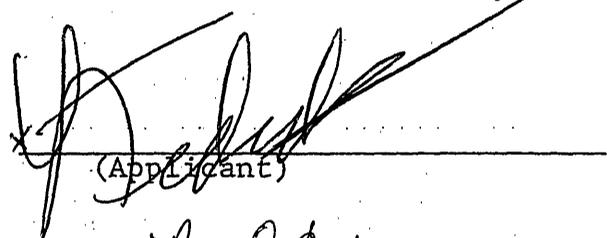
- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- 5 Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access 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

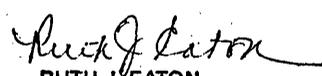
Date 27 Nov 1989

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.

  
(Applicant)

Sworn to before me this  
27<sup>th</sup> day of November, 1989.

  
RUTH J. EATON  
Notary Public, State of New York  
Qualified in Orange County  
No. 4673512  
Commission Expires October 31, 1990

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.

ATTACHMENT TO APPLICATION FOR VARIANCE DATED 27 NOVEMBER 1989,  
PARAGRAPH V, (b)

QUALITY HOME BUILDERS OF  
ORANGE COUNTY, INC./CHESTNUT AVE.  
SUBDIVISION

Description of practical difficulty

This project, which consists of five (5) single-family residential subdivision lots, received Preliminary Approval from the Town of New Windsor Planning Board on 14 Dec. 1988. Due to topographic conditions on the site, it was necessary to provide an easement through lot 6 for underground storm drainage and sanitary sewer piping. Following Preliminary Approval by the Planning Board, plans were submitted to the Orange County Department of Health for the necessary approvals for water and sewer construction in the subdivision.

In April of this year, the Town Board enacted Local Law # 4, amending Chapter 48 of the Zoning Law of the Town of New Windsor. The amendment affecting this property is in Section 48-37 "definition; word usage", which required the deduction of easement areas from lot areas. Therefore, lot 6 which contains the easement noted above, became non-conforming, and the subdivision cannot be granted Final Approval; and was referred to the Zoning Board of Appeals.

In order to eliminate the non-conformity, it would be necessary to re-design the subdivision and re-apply to all of the Agencies listed above. Since the most severe non-conformity results in a lot having more square footage than the majority of the improved adjoining single-family lots, the Variance is requested, rather than a re-design and re-application of the entire subdivision.

ATTACHMENT TO APPLICATION FOR VARIANCE DATED 27 NOVEMBER 1989,  
 PARAGRAPH VIII (a):

**QUALITY HOME BUILDERS OF  
 ORANGE COUNTY, INC.**

**ADJOINING LOT AREAS (FROM TAX MAPS)**

<u>SECTION 57 BLOCK 1 OWNER</u>	<u>AREA</u>
<b><u>VASCELLO ROAD LOTS (IMPROVED)</u></b>	
LOT 72 N/F DIETRICHSES	15,975+/- S.F.
LOT 71.3 N/F HERTER	15,640+/- S.F.
LOT 71.121 N/F GAZZOLA	15,690+/- S.F.
LOT 71.111 N/F FRUSTACI	15,750+/- S.F.
LOT 71.122 N/F ALBRECHT	15,725+/- S.F.
LOT 71.112 N/F LA-BAR	15,750+/- S.F.

<b><u>CHESTNUT AVENUE LOTS (IMPROVED)</u></b>	
LOT 39.12 N/F SANDERSON	1.0 +/- AC.
LOT 39.13 N/F SHANNON	1.0 +/- AC.
LOT 73.2 N/F LOCURTO	21,780+/- S.F.
LOT 73. N/F PLUGER	21,780+/- S.F.

<b><u>OTHER ADJOINING PROPERTIES</u></b>	
LOT 77 N/F SAXE (vacant)	8.1+/- AC.
LOT 74.3 N/F DRAGOS (improved)	4.3+/- AC.
LOT 113 N/F RETCHO (improved)	4.7+/- AC.

*Minutes of P.B. meeting 12-14-88*

PUBLIC HEARING - QUALITY HOMES (CHESTNUT) SUBDIVISION (88-36)

Mr. Eliaa Grevas came before the Board representing this proposal. He presented the Affidavit of Mailing, copy of the newspaper legal notice and the return receipts all of them being received.

Mr. Grevas: This proposal is to create four single-family residential lots on a proposed town road running westerly from Chestnut Avenue just shy of Vascello Road in Beaver Dam Lake area. Each of the lots is a minimum of half acre which is required in the zone and they are served by town water and sewer. The sewer outside for the project is out through a parcel adjoining this which there is an easement, the storm drainage is also carried out from the road through the same easement to discharge into the existing town drainage system on the southerly side of Vascello Road. There was some question raised by the existence of the easement. I have a copy of the deed to the Albrechts (phonetic), one for Mr. Rones, one for your file and I will give one to Mr. Edsall. I also have a copy of Albrechts survey map which we prepared which follows that easement. The other question of concern to the Board and the consultants and your engineer were the typical road section which I have also made copies of the proposal because it is different than the current town cross-section but it is the same as was accepted by the town highway superintendent and town engineer on the Buhl/Ramaldi Subdivision on Beattie Road. It is my understanding that the highway superintendent prefers this over the published section. One of the other concerns of the Board at our last meeting was the existing storm drainage on the site. At the present time, the site which drops in grade from Chestnut Avenue towards the west discharge storm drainage in this direction, that would be to the southwest and to the west. The provision of the road in the center of the site would require that this drainage be carried off in this direction and overland flow from these two lots would continue to go in this direction. This storm drainage system in Vascello Road is a ditch in the side of the

road that comes down to a culvert crossing Vascello Road near Chivonne (phonetic) shows on the USGS map as a stream crossing and I have enlarged the USGS to show the route of the drainage. On this enlargement, you will note the stream path in yellow, the storm pattern to the southwest which is yellow arrow with the red outline and the ditch line going westerly to Vascello Road to the stream crossing. That stream crossing consists of an 18 inch culvert and my observation today was that it was running very little although snow had just started to melt when I looked at it. The project, since it is a re-subdivision of a former subdivision lot within a three-year period, requires submittal to the Orange County Department of Health for the subdivision and wells and to the New York State Department of Environmental Conservation for the sewer connection. That is basically the presentation we'd be requesting preliminary on. Excuse me, there is one item brought up at the last meeting and that was the sidewalks in the area.

Mr. Van Leeuwen: This is sewer and water.

Mr. Grevas: No sewer and wells, I am sorry, I correct myself, it is wells.

Mr. Van Leeuwen: Some of the homes are with town water in Beaver Dam.

Mr. Grevas: There are individual wells on the site.

Mr. Schiefer: You said four lots, four additional lots or what.

Mr. Grevas: You are right, the map is correct, the speaker is wrong. Five lots on three acres, it is a resubdivision of a lot that was previously subdivided. There were two lots out here so the total lot count in seven. Now, there was comment at the last meeting about sidewalks along this side of the road, since the town park is down in this position and there is a big vacant property in between. There was discussion about putting sidewalks in front of the existing lots and quite frankly, I went down there with that in mind today and topographically and service wise, if there is a sidewalk put in this area, it is better on this side on the opposite side of the road because this is already built up all the way down to the town lands. It is also better grade wise over here. That is my opinion. I have spoken to my client about it and he feels that the provision of sidewalks here for these short stretches and with this big gap between this property and the town park land would serve no purpose at that time. I apologize for those two errors on the number of lots and on the wells. Thank you for catching me.

Mr. Scheible: What is Mr. Fayo looking for now on the cul-de-sac.

Mr. Grevas: We have a hundred because that is the regulation and we don't have room for a bigger one and we felt that since there are only five lots on this cul-de-sac, actually six driveways, five lots that we don't feel that we could give up any.

Mr. VanLeeuwen: We can do that between now and final. We have to send it to the highway department anyway.

Mr. Lander: Fire department.

Mr. Schiefer: The number of lots is not pertinent. It is the turn-around space.

Mr. Grevas: We have the ability to pave 100 foot diameter.

Mr. VanLeeuwen: We have looked at this thing before. I don't have any problems. I make a motion to give it preliminary approval.

Mr. Pagano: With or without the sidewalks.

Mr. Scheible: This is a public hearing. There is no vote this evening.

Mr. Van Leeuwen: Okay, I am sorry. You are right. I will back-off on that one.

Lou Tedaldi: I am president of Quality Home Builders of Orange County. I'd like to make a comment on the sidewalks. Personally, I did alot of building in the area. I have never seen any sidewalks in Beaver Dam. I am going from that project coming towards the lake. I notice once you get down maybe about 500 feet, the road kind of narrows. I don't know what kind of purpose it would serve at that particular point going down towards Sycamore. You have like drainage swales and the road seems to be very narrow through most of the lake. I don't think you could have continued sidewalks to any degree, that is my own opinion.

Mr. McCarville: You don't see to many sidewalks in New Windsor because it has never been asked for.

Mr. Lander: I think we had intended the sidewalks to be in the subdivision. It was outside to the town road. Then, going across Chestnut, that is, you know, the reason for that.

Mr. Grevas: At the last meeting, I thought we started with that and then we discounted that.

Mr. Lander: That is where it originated.

Mr. McCarville: Have we walked this.

Mr. Scheible: I think we were out there at one time or another.

Mr. Tedaldi: Topographic wise, it is pretty flat.

Mr. Grevas: Right from the road, it drops off but then it flattens out pretty well.

Mr. Schiefer: There is a 30 foot drop from beginning of the town road. You are at 460 and back here it goes to 430.

Mr. Pagano: Will you--do you have this list of our recommendations.

Mr. Grevas: No.

Mr. Pagano: You have addressed A and then the easements, just go over each item with us real quick.

Mr. Grevas: We went over A. B, I think Mark, am I reading you right. You are commenting on the size of the easements because it actually runs from this side of the piping system over to this lot line. It is wider than 20 feet. The reason for that was if I put a line here then all that does is create a parcel over here that is still in the ownership of this lot that is across the easement. I felt it was cleaner to do it this way. I think we verified that the 20 foot easement through the lot on Vascollo are there. We have put another manhole on the plan but that was done after the public hearing notice so we did not change the plan. That was part of the public hearing. It is right here; 30 foot extension up the line to pick-up these two lots, a little bit better. The cross-section has been provided. The road profiles haven't been completed yet because there is an existing 8 inch sewer line in this easement which we have to locate and prepare a utility profile which would be done, of course, and submitted to Mark. We know that we require DEC approval and of course, we also need county health approval too.

Mr. Pagano: Mark, would you comment on C and D as he is. What is he talking about.

Mr. Edsall: I will look at the information Lou gave us for the drainage and if I have any question, I'll work that out with Lou. I haven't had an opportunity to look at it yet so I really can't tell you what my decision or recommendation would be as far as the large easement. It is something that I want to let you know that you are getting into. As far as the 20 foot easement, Lou has given information to Joe and into the files so that would suffice, I'd say. The extension over the sewer manhole, I don't know how far up you are going to go. I don't think 30 foot is enough mainly because of the reason that you are going to have extremely long lateral lines unless you come up far enough so the house is built center. What I am trying to avoid is ending up with excessively long laterals because the manhole does not come up near the front of the property.

Mr. Grevas: You want it in the center of the lot.

Mr. Edsall: I think what we should do is get a criteria for what the longest run of the laterals should be without having to throw an intermediate cleanout and make sure we are not going to much further. It gives the homeowners less of a headache potential down the road. The cross-section and profiles, I understand what Lou is saying about the cross-section. It is what has been accepted in other subdivisions and I do understand the Town Board is looking at it very vaguely accepting that type of road cross-section by modifying the town law. But, I don't think it is within the right of the Planning Board to accept anything that doesn't meet the current town law so I don't think--the law has to be changed by the Town Board so that is something that maybe by the time this gets back from

the County Health Department, Town Board will be done and it will be the current spec.

Mr. Grevas: In the meantime, I suggest that I submit this to Mike Fayo to get his comments on that and report back to the Planning Board.

Mr. Edsall: I think given the County's hopefully not that long a backlog but given the fact that the Town Board is looking to change this, I don't think it is going to be a problem. Yes, I was not aware this was a resubdivision within three years. I'm glad Lou is honest and brought that to our attention and I will work with him on getting the application signed, at least the DEC application signed by the supervisor so it can go to DEC.

Mr. Jones: Lou, on the deed of Quality Builders to Albrecht, if you can get us a copy please with the County Clerk's recording stamp on it. It doesn't have to be certified but if we can just see the County Clerk's recording stamp on it.

Mr. Grevas: Yes.

Mr. Scheible: I'd like to open the question to the public. Is there anyone here who has anything good or bad or indifferent to say about the project. Seeing no one, I will close the public hearing.

Mr. Edsall: Would the Board care to consider SEQR, lead agency so when and if they are ready to send it to County you can have that taken care of.

Mr. McCarville: I make a motion that the Planning Board of the Town of New Windsor take lead agency position with regard to Quality Homes, Chestnut Subdivision 88-36.

Mr. Pagano: I will second that motion.

ROLL CALL:

Mr. Schiefer	Aye
Mr. Jones	Aye
Mr. Pagano	Aye
Mr. McCarville	Aye
Mr. Van Leeuwen	Aye
Mr. Lander	Aye
Mr. Scheible	Aye

Mr. McCarville: I make a motion that the Planning Board of the Town of New Windsor declare a negative declaration with regard to Quality Homes, Chestnut Subdivision 86-36.

Mr. Van Leeuwen: I will second that motion.

ROLL CALL:

Mr. Schiefer	Aye
Mr. Jones	Aye
Mr. Pagano	Aye
Mr. McCarville	Aye
Mr. Van Leeuwen	Aye
Mr. Lander	Aye
Mr. Scheible	Aye

Mr. McCarville: I make a motion that the Planning Board of the Town of New Windsor give preliminary approval to the Quality Homes Sub-division 88-36.

Mr. Van Leeuwen: I'll second that motion.

ROLL CALL:

Mr. Schiefer	Aye
Mr. Jones	Aye
Mr. Pagano	Aye
Mr. McCarville	Aye
Mr. Van Leeuwen	Aye
Mr. Lander	Aye
Mr. Scheible	Aye

2/26/90

Public Hearing: Quality Home Bldrs. Inc.

Name:

Address:

Lewis Tedaldi

Mot-Hwy Washville, N.C.

Joe LoCanto

392 Chestnut Ave.

Elaine Virtue

391C Vascello Rd

Pete Pluger ✓

391E Chestnut Ave - water shortage

Ray Albrecht ✓

391 Vascello Rd - water problems - S.D.

Linda Truscaci

391A Vascello

VIA MRS Jose + Audrey Armendariz ✓

Box 350 Vascello Rd - concerned on lack of water.

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 89-46

Request of QUALITY HOME BUILDERS OF ORANGE COUNTY, INC  
for a VARIANCE of

the regulations of the Zoning Local Law to

permit A residential building lot having less than  
the required area under local law No. 4 of 1989

being a VARIANCE of

Section 48, Use/Bulk Tables, Col. C, No. 9

for property situated as follows:

West side of Chestnut Avenue, 270't South  
of Vascello Road.

SAID HEARING will take place on the 26<sup>th</sup> day of  
February, 1990, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30. o'clock P. M.

Richard Fenwick  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

(42)

36 act.  
receipts

October 12, 1989

Elias D. Grevas  
33 Quassaick Ave.  
New Windsor, NY 12550

Re: Tax Map Parcel #57-1-73.3 Variance List - 500 Ft.

Dear Mr. Grevas:

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

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit balance of \$40.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

*Leslie Cook/cb*

LESLIE COOK  
Sole Assessor

LC/cp  
Attachments  
cc: P. Barnhart

Hazirjian, Dikran & Virginia ✓  
RD 4, Box 395E  
New Windsor, NY 12550

Sanderson, Albert & Joan ✓  
13 Sycamore Gardens  
Route 94  
New Windsor, NY 12550

Shannon, Michael & Cynthia ✓  
RD #4, Box 395C Chestnut Avenue  
New Windsor, NY 12550

Andreiuci, Eugene & Camille ✓  
RD #4, Box 395F Chestnut Avenue  
New Windsor, NY 12550

Arena, Brian M. & Debora F. ✓  
RD #4, Box 394C Chestnut Avenue  
New Windsor, NY 12550

Lewis, Jay E. & Fannie ✓  
RD #4, Box 395 Chestnut Avenue  
New Windsor, NY 12550

Consolidated Rail Corp. ✓  
6 Penn Center Plaza  
Philadelphia, PA 19103

Murani, Glenn J. & Virginia ✓  
Schiavone Road  
New Windsor, NY 12550

Pedersen, Kenneth L. ✓  
PO Box 106  
Clinton Corners, NY 12514

Foti, Michael & Deborah A. ✓  
RD #4, Box 397B  
New Windsor, NY 12550

Anastasio, Edward C. & Teena ✓  
Box 397, RD 4  
New Windsor, NY 12550

Doyle, Stephen P. & Gloria J. ✓  
RD #4, Box 396D  
New Windsor, NY 12550

Landi, Alex & Grace ✓  
RD 4, Box 396C Schiavone Road  
New Windsor, NY 12550

Palko, Andrew A. ✓  
70 Lake Road  
Salisbury Mills, NY 12577

DiGiacomo, Joseph & Charlene Marie  
Vascello Road ✓  
New Windsor, NY 12550

Chmielnik, Kevin & Karen  
Box 398D, RD #4 Vascello Road ✓  
New Windsor, NY 12550

McDougall, Joseph & Julie ✓  
399 Vascello Road  
New Windsor, NY 12550

Ryan, Thomas E. & Louise A. ✓  
RD #4 Vascello Road  
New Windsor, NY 12550

Forgacs, Ralph & Lori ✓  
RD #4, Box 399C  
New Windsor, NY 12550

Gazzola, Raymond A. ✓  
c/o Data Architects  
1790 Vallejo Street  
San Francisco, CA 94123

Graham, Archibald & Patricia ✓  
RD #4, Box 400 Vascello Road  
New Windsor, NY 12550

Feldman, Mark & Lynn ✓  
Schiavone Road  
New Windsor, NY 12550

Venditto, Peter G. & Laura P. ✓  
236 Short Beach Road  
East Haven, CT 06512

Gazzola, Raymond  
RD #4 Vascello Road  
New Windsor, NY 12550

Cassisi, Dominick S. Sr. & Camille ✓  
RD #4 Vascello Road  
New Windsor, NY 12550

Gazzola, Audrey ✓  
RD 4 Vascello Road  
New Windsor, NY 12550

Frustaci, Joseph F. & Linda ✓  
391 Vascello Road  
New Windsor, NY 12550

LaBar Jr., Charles G. & Cathy L. ✓  
PO Box 4528  
New Windsor, NY 12550

Albrecht, Raymond M. & Elizabeth  
391 Vascello Road  
New Windsor, NY 12550

Herter, William C. & Elaine T.  
391C Vascello Road ✓  
New Windsor, NY 12550

Dietrichsen, Donald & Arlene  
Vascello Road ✓  
New Windsor, NY 12550

Pluger, Peter J. & Barbara A.  
Chestnut Ave. ✓  
New Windsor, NY 12550

Locurto III, Joseph A. & Dawn V.  
RD #4, Box 392 Chestnut Avenue ✓  
New Windsor, NY 12550

Dragos, Robert C. & Amy T.  
382 A Lakeside Drive ✓  
New Windsor, NY 12550

Loiacono, Anne & John ✓  
Lakeside Drive, RD 4  
New Windsor, NY 12550

Saxe, Barry ✓  
McDaniel Road  
Shady, New York 12479

Mecca, Joseph G. & Marion E.  
RD #4 Lakeside Drive  
Salisbury Mills, NY 12577

Morel, Serge & Julia A. ✓  
RD 4, Box 371 Lakeside Drive  
New Windsor, NY 12550

Richards, James J. & Luann  
RD 4, Box 396 Chestnut Ave.  
New Windsor, NY 12550

Quality Home Builders of Orange Co. Inc.  
Cardinal Drive  
Washingtonville, NY 10992

Mannina, Gail Anne ✓  
Box 395, RD 4 Chestnut Ave.  
New Windsor, NY 12550

Retcho, Terrance & Jeanette  
RD 4 Lakeside Drive ✓  
New Windsor, NY 12550

12/11/89

Public Hearing - ~~Borardi~~, ~~Robt.~~ Quality Home Bldrs.

Name:

Address:

~~ROBERT BROADHURST P.O. Box 11 WASHINGTONVILLE~~

DIKLAN HAZIRJIAN RD4 Box 395E New Windsor

Roy Albrecht RD#4 Box 391 N.W., N.Y.

Joe Forstari RD#4 Box 391A N.W. N.Y.

LT FORGAS RD 4 Box 399C New Windsor

ELAINE HERTER RD4 391C New Windsor NY

GLENN MURANI RD4 397D New Windsor NY

Peter J. Plague RD4 391E Chestnut New Windsor

Mrs + Mrs Charles G. LaBar Jr. RD4 391B Vascello Rd. New Windsor

Kevin Chmieluk RD-4 VASCELLO RD Box 398-D New Windsor

Joseph DiBiacomo RD-4 Box 398G Vascello Rd New Windsor NY

Ah Lunde RD 4 Box 396C Schicome Rd New Windsor

Joe A. LoCento RD# 392 Chestnut Ave. New Windsor

Walter Diehrman Box 391-D, Chestnut Ave. - New Windsor

~~Virginia~~ HAZIRJIAN RD4 Box 395E

*Rec'd & filed  
12/11/89 - ZBA*

Dec. 11, 1989

To: Zoning Board of Appeals  
Town Of New Windsor, N. Y.

Re: Variance request by Quality Home Bldrs of Orange County, Inc.  
To permit a residential building lot having less than the  
required area under Local Law N. 4 of 1989.

We live on Chestnut Avenue directly across the street from  
the development which Quality Homes is planning to build.  
For the following reasons we ask the request be denied:

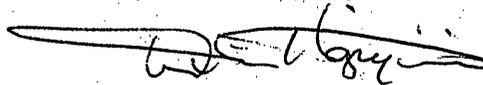
1. Present zoning requires a minimum of 21,780 sq ft lot  
size for a house. The developer requests a "variance"  
down to 17,779 sq ft, a 20% reduction in required lot  
size, and takes it out of the realm of a variance. NOW  
it becomes a zoning change!
2. It is apparent the developer seeks to squeeze in one  
extra house for his own financial gain, without regard  
to the diminishing values to the surrounding properties.

As a senior citizen and someone living on a fixed income, it  
is important <sup>that</sup> the value of my home (which is my greatest in-  
vestment) is sustained. I have worked hard all my life to  
secure, as best I can, a certain standard of living. When I  
came here to live, I did not plan to live in a development,  
which this is certainly beginning to look like. Builders  
construct the houses and leave. They are not concerned that  
the quality of life in a neighborhood is reduced each time a  
change is made--usually, a change for monetary gain only for  
the builder, not to enhance the area.

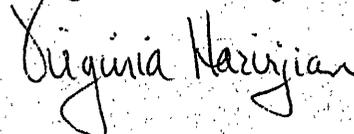
Why should the existing homeowners bear the burden of dimin-  
ishing value on their property for the financial gain of the  
developer?

Signed:

Dikran Hazirjian



Virginia Hazirjian



Rd 4, Box 395E  
Chestnut Avenue  
New Windsor, N Y.

496-5518

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

Prelim.

9/11/89.

89-46

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 88-36

DATE: 15 AUG 1989

APPLICANT: QUALITY HOME BUILDERS

CARDINAL DRIVE P.O. BOX 10  
WASHINGTONVILLE, NY 10992

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 17 MAY 1988

FOR (SUBDIVISION - ~~SITE PLAN~~)

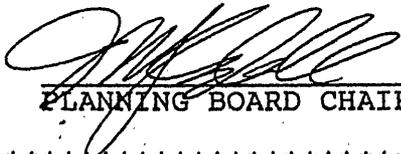
LOCATED AT OFF CHESTNUT AVE

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 57 BLOCK: 1 LOT: 73

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

LESS THAN MINIMUM AREA FOR PROPOSED  
LOT 6 DUE TO EASEMENT AREA  
SUBTRACTION

  
PLANNING BOARD CHAIRMAN

\*\*\*\*\*

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>SINGLE-FAMILY</u>		
MIN. LOT AREA	<u>21,780 SF</u>	<u>17779</u>
		<u>4003</u>

CARDINAL DRIVE P.O. BOX 10  
WASHINGTONVILLE, NY 10992

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 17 MAY 1988

FOR (SUBDIVISION - ~~SITE PLAN~~)

LOCATED AT OFF CHESTNUT AVE

ZONE R-4

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LOT 6 DUE TO EASEMENT AREA  
SUBTRACTION

  
PLANNING BOARD CHAIRMAN

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>SINGLE-FAMILY</u>		
MIN. LOT AREA <u>21,780 SF</u>	<u>17779</u>	<u>4003</u>
MIN. LOT WIDTH <u>100 FT</u>	<u>PROVIDED PER CODE</u>	<u>NO VARIANCE REQUESTED</u>
REQ'D FRONT YD <u>35 FT</u>		
REQ'D SIDE YD. <u>15 FT</u>		
REQ'D TOTAL SIDE YD. <u>30 FT</u>		
REQ'D REAR YD. <u>40 FT</u>		
REQ'D FRONTAGE <u>60 FT</u>		
MAX. BLDG. HT. <u>35 FT</u>		
FLOOR AREA RATIO <u>N/A</u>		
MIN. LIVABLE AREA <u>1000 SF</u>		
DEV. COVERAGE <u>20 %</u>		
O/S PARKING SPACES <u>2</u>		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

CC: ~~ZONING~~, APPLICANT, P.B. ENGINEER, P.B. FILE

~~QUALITY HOMES SUBDIVISION (88-26) CHESTNUT AVENUE~~

Elias Grevas, L.S., came before the Board representing this proposal.

Mr. Grevas: This project received preliminary approval from the Planning Board on the 14th of December, 1988. The applications have been made to the County Health Department and DEC. Purpose for appearing here tonight is twofold. Number 1, we have run afoul of the new town ordinance which requires easement area to be deducted from lot area so I need a variance from lot 6 which means I have to go to the Zoning Board of Appeals. Secondly, I am here also to ask for an extension of the preliminary approval since it expires this evening. So, those are the two items on this project I believe that--

Mr. VanLeeuwen: I make a motion that we grant a six month extension to the preliminary approval of Quality Homes Subdivision.

Mr. McCarville: I'll second that motion.

## ROLL CALL:

Mr. McCarville	Aye
Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. McCarville: I make a motion that we approve the Quality Home Builder Subdivision.

Mr. VanLeeuwen: I'll second that motion.

## ROLL CALL:

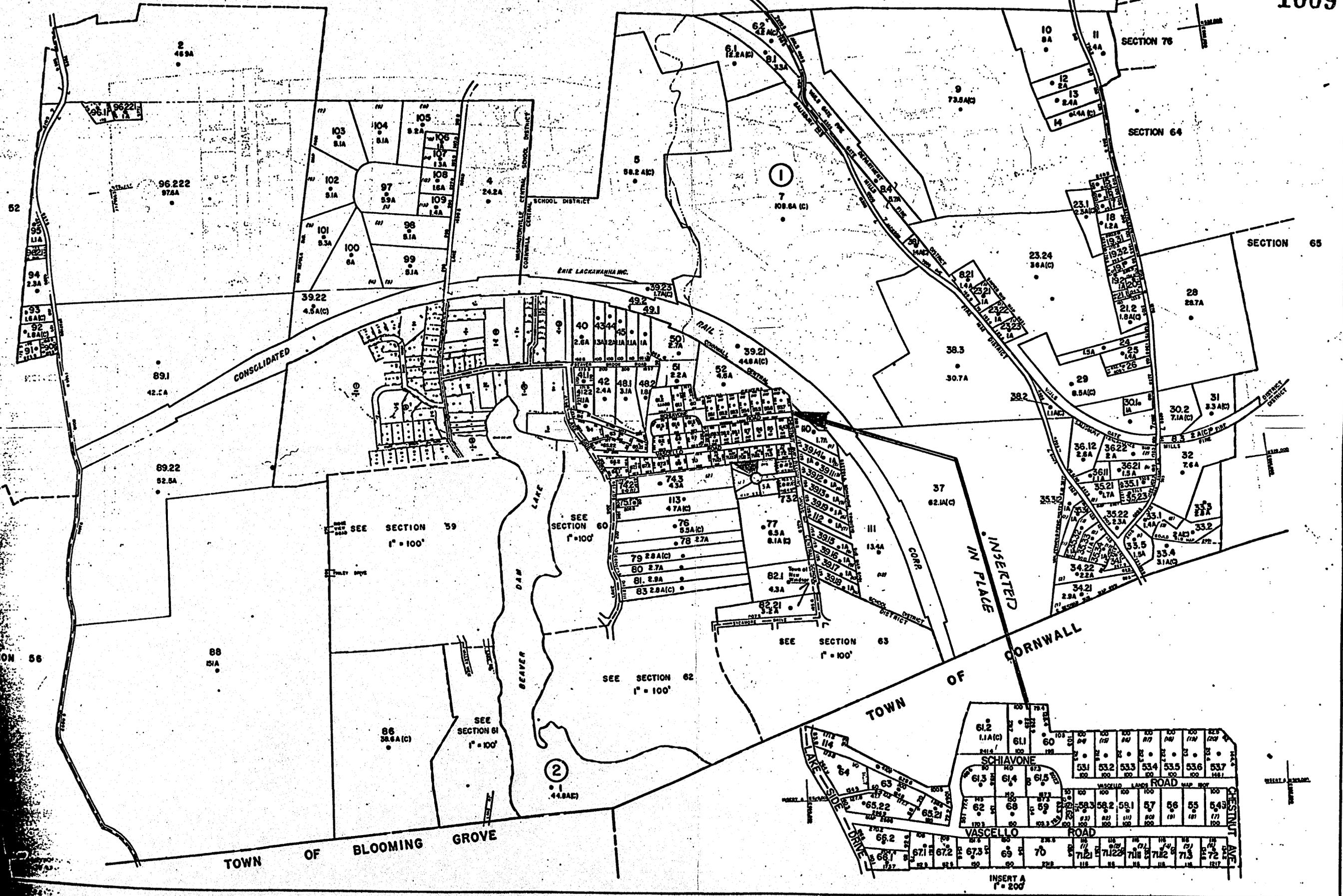
Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Soukup	No
Mr. Lander	No
Mr. Schiefer	No

Mr. Roncs: Reason for the denial?

Mr. Soukup: Lot #6 does not meet the new ordinance.

Mr. Grevas: The ordinance requiring subtraction.

Mr. Soukup: For lot area.



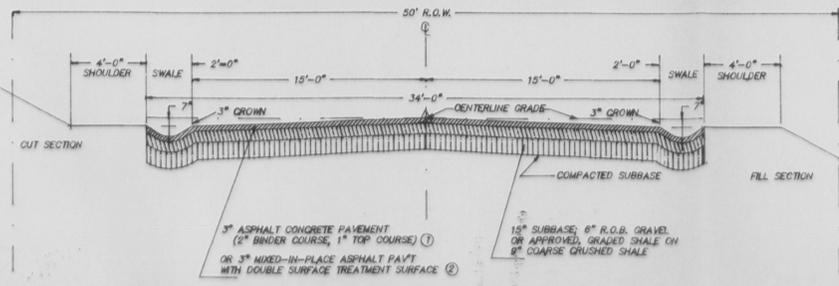
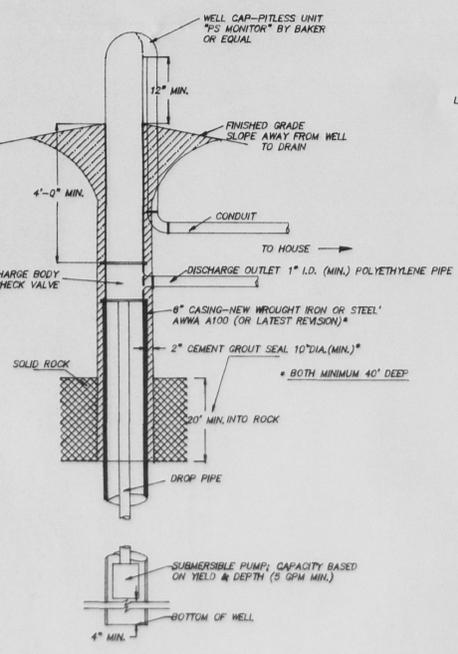
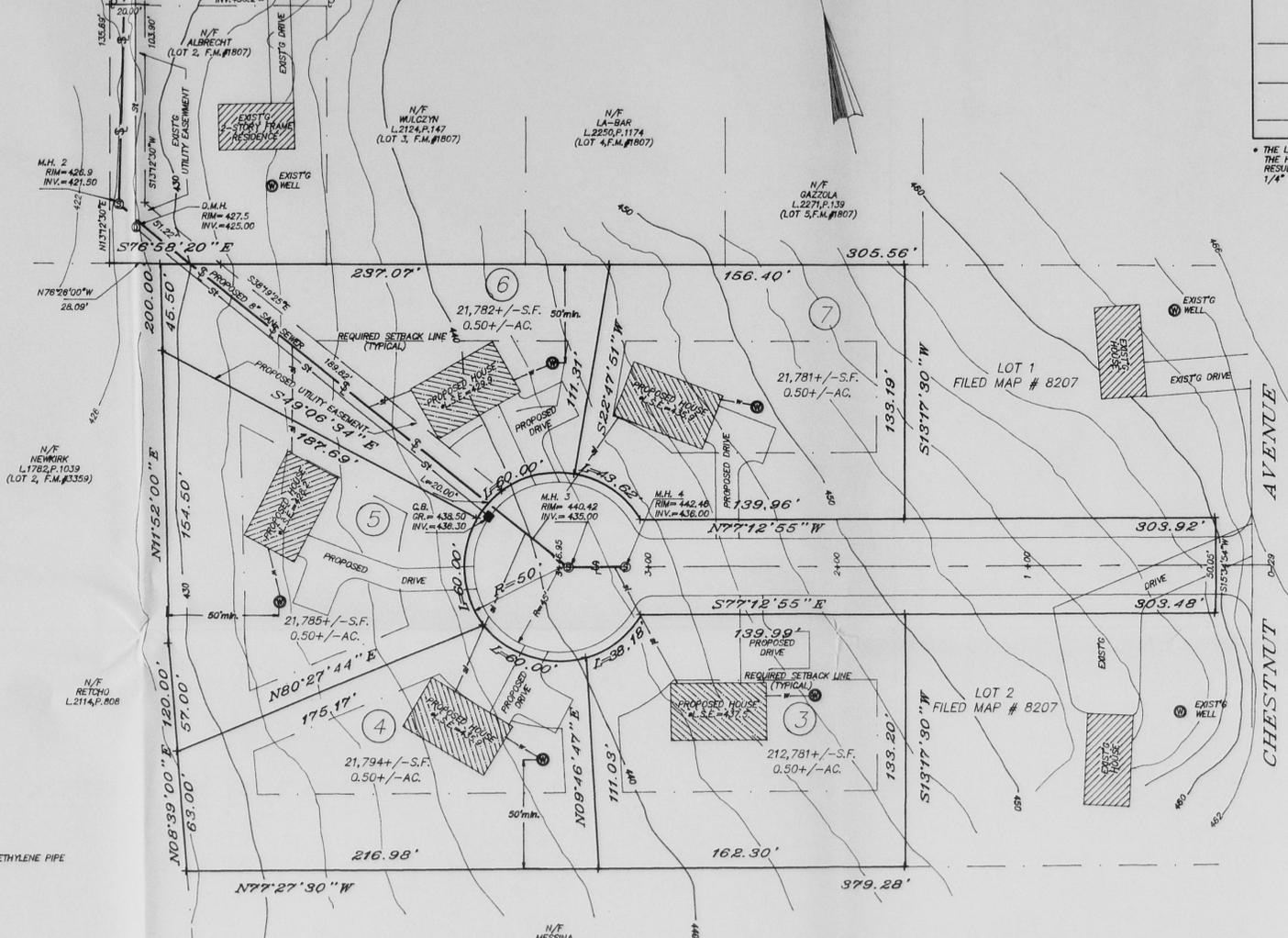
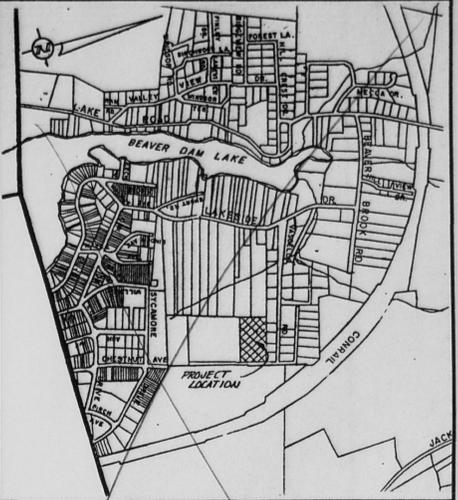
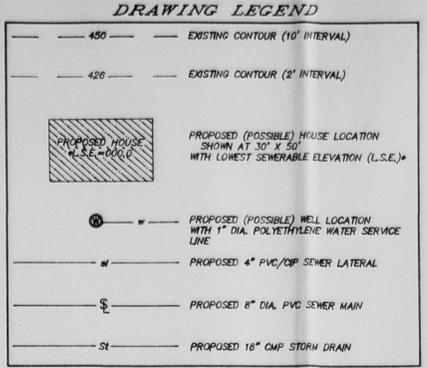
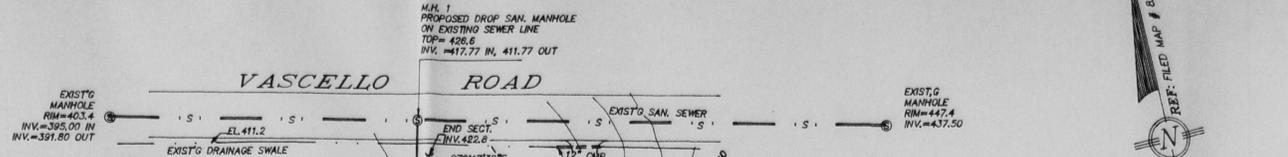
**LEGEND**

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. ①	FILED PLAN BLOCK NO. ②
CITY TOWN OR VILLAGE	7/32 FEET LINE	TAX MAP PARCEL NO. ③	FILED PLAN LOT NO. ④
BLOCK & SECTION LIMIT	MATCH LINE	AREAS	STATE HIGHWAYS

ORANGE COUNTY-NEW YORK

SECT. 57  
TOWN OF NEW WINDSOR

Photo No. 8-501, 500, 499, 498 Date of Map 8-24-57



- NOTES:
- Being a proposed subdivision of a portion of the lands shown on the Town of New Windsor Tax Maps as Section 57, Block 1, Lot 73.
  - Also being a re-subdivision of Lot 3, as shown on a map entitled "Plan for Quality Home Builders of Orange County, Inc., Chestnut Avenue, Minor Subdivision", said map having been filed in the Orange County Clerk's Office on 8 April 1987 as Map No. 8207.
  - APPLICANT: Quality Home Builders of Orange County, Inc. Cardinal Drive, PO Box 10 Washingtonville, N.Y. 10992
  - TOTAL PARCEL AREA: 3.02 +/- Acres
  - PARCEL ZONE: R-4
  - NUMBER OF LOTS: 5
  - SANITARY SEWAGE COLLECTION: Town of New Windsor (S.D. # 23)
  - WATER SUPPLY: Individual Wells
  - Boundary data shown hereon is from a field survey completed by the undersigned on 7 August 1986.
  - Topographic data shown hereon is from a field survey completed by the undersigned on 13 October 1987.
  - Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the N.Y.S. Education Law.
  - Prepared pursuant to Section 7208 (n) of the N.Y.S. Education Law.

ZONE BULK REQUIREMENTS: Suburban Residential (R-4)

	Min. Lot Area	Min. Front Yard	Min. Side Yard(s)	Min. Rear Yd.
Required:	21,780 S.F.	100'	35'	15'/30'

Street Frontage Required: 60'

MAXIMUM PERMITTED BUILDING HEIGHT: 35'  
 MINIMUM LIVABLE FLOOR AREA: 1000 Square Ft.  
 MAXIMUM DEVELOPMENT COVERAGE: 20%

WELL DETAIL  
SCALE: NONE

TYPICAL ROAD SECTION  
NO SCALE

CERTIFICATION  
I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 7 August 1986 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

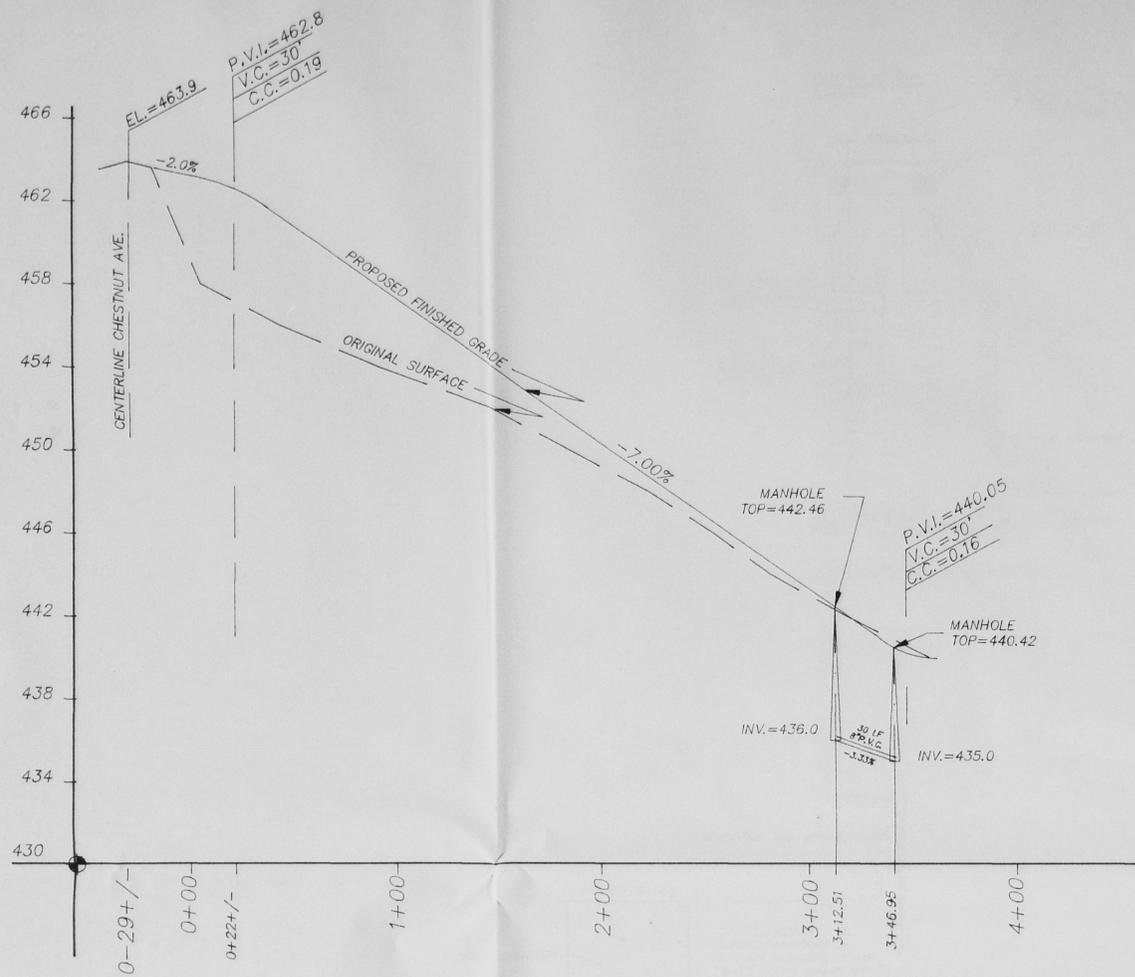


Grevas & Hildreth, R.C. LAND SURVEYORS  
 23 CHAMBERS AVENUE, NEW WINDSOR, NEW YORK 10980  
 TEL. (914) 362-5667

PLAN FOR: QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.  
 CHESTNUT AVE. MAJOR SUBDIVISION

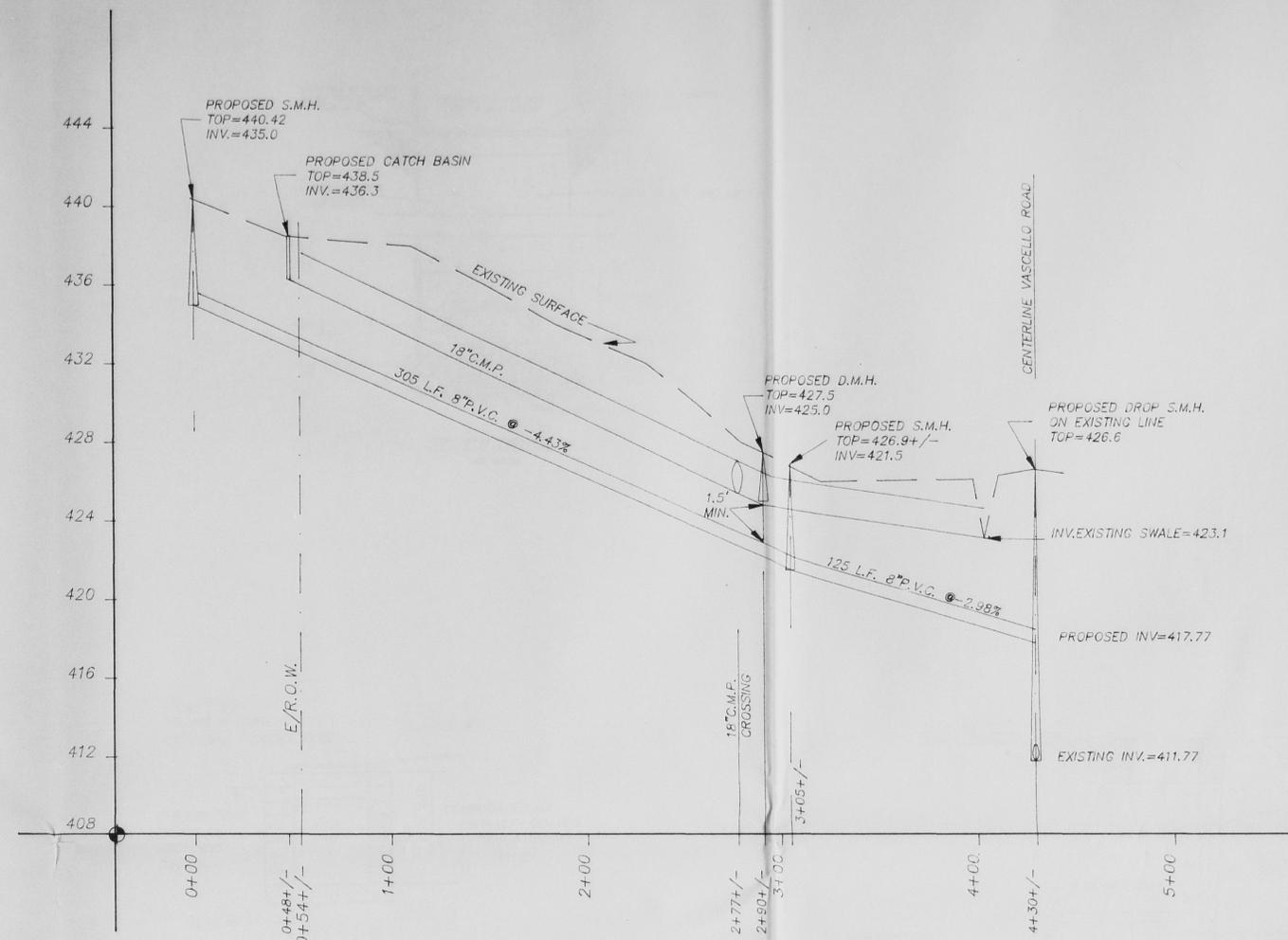
REVISIONS:	DATE	DESCRIPTION	TOWN OF NEW WINDSOR	ORANGE COUNTY	NEW YORK
Drawn:					
Checked:					
Scale: AS SHOWN					
Date: 1 MAY 1989					
Job No: 86-040					

86-36 SHEET 7 OF 3



PROPOSED TOWN ROAD PROFILE

SCALE: HOR.; 1"=40'  
VER.; 1"=4'



UTILITY EASEMENT PROFILE

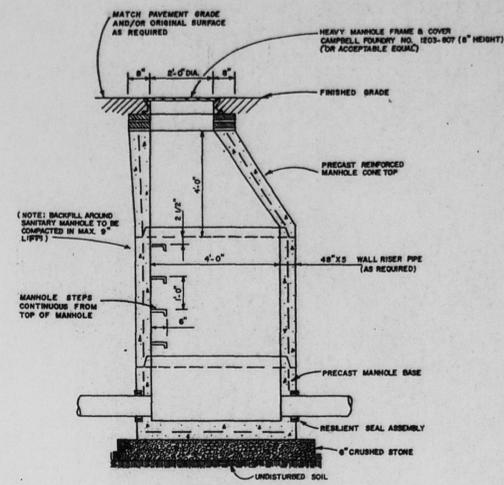
SCALE: HOR.; 1"=40'  
VER.; 1"=4'

PREPARED PURSUANT TO SECTION 7208(n)  
OF THE N.Y.S. EDUCATION LAW.

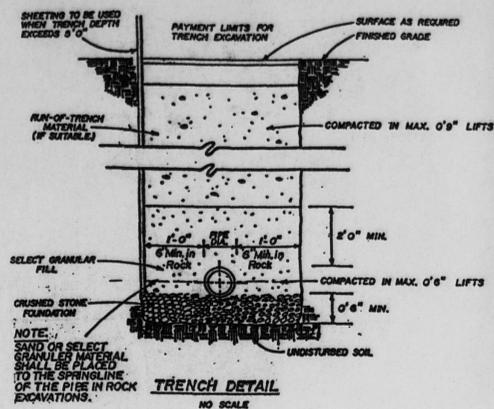


<b>Grevas &amp; Midreth, P.C.</b> LAND SURVEYORS 33 QUADRACK AVENUE, NEW WINDSOR, NEW YORK 12550 TEL. (518) 542-5887		PLAN FOR: <b>QUALITY HOMEBUILDERS          OF ORANGE COUNTY, INC.</b> TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK
REVISIONS: DATE DESCRIPTION	Drawn: SRCCAD Checked: Scale: As Shown Date: 5 May 83 Job No: 86-C40	<b>CHESTNUT AVENUE          MAJOR SUBDIVISION          PROFILES</b>

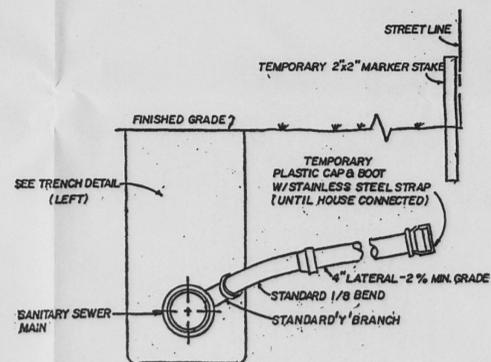
Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the N.Y.S. Education Law.



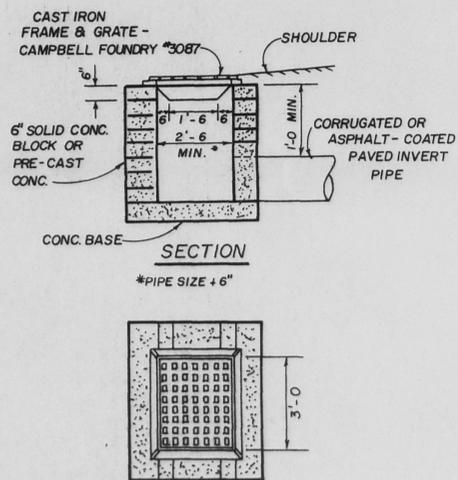
**TYPICAL SANITARY MANHOLE DETAIL**  
NO SCALE



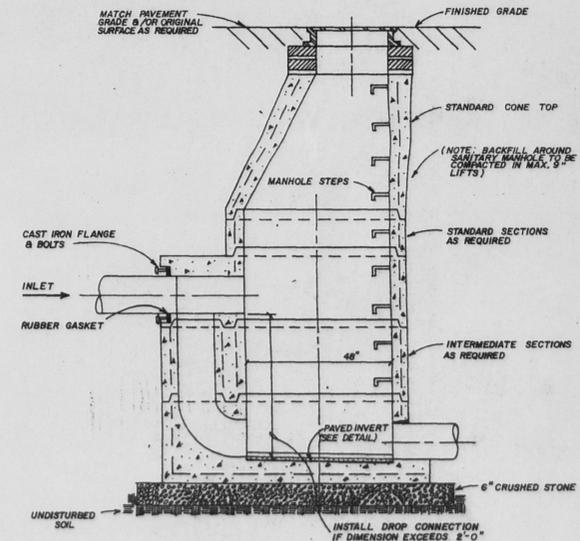
**TRENCH DETAIL**  
NO SCALE



**TYPICAL SAN. SEWER BLDG. CONNECTION**  
NO SCALE



**CATCH BASIN DETAILS**  
SCALE: NONE



**DROP MANHOLE SECTIONS**  
NO SCALE

Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the N.Y.S. Education Law.

PREPARED PURSUANT TO SECTION 7208(n) OF THE N.Y.S. EDUCATION LAW.



<b>Grevas &amp; Hildreth, P.C.</b> LAND SURVEYORS 80 WASHINGTON AVENUE, NEW HAVEN, NEW YORK 13604 TEL. (516) 852-2847		PLAN FOR: <b>QUALITY HOME BUILDERS OF ORANGE COUNTY, INC.</b> TOWN OF NEW HENSCOP ORANGE COUNTY, NEW YORK	
REVISIONS: DATE DESCRIPTION	Drawn: Checked: Scale: AS SHOWN Date: 1 MAY 1968 Job No: 86-040	<b>CONSTRUCTION DETAILS</b>	
		SHEET 3 OF 3	