

ZB# 90-27

Pedro Lugo

68-2-2.2

Perlim.

Sept. 10, 1990.
Use Area

Tabled - to 2nd
Perlim.

Need: (1) Photos
(2) Deed
(3) Title Report

2nd Perlim.

November 26, 1990.

Receive

Short Form EAF.

Deed n Title Policy

Public Hearing:

Feb. 25, 1991

Notice to Sentenel

1/25/91. ✓

Collect fee: ~~Res~~
~~pt.~~

Reschedule P.H.

no e s d i e
P1

Public Hearing:

Mar. 11, 1991.

Variances

for use/area

Granted.

#90-27-Lugo, Pedro.

use/area

General Receipt

11896

TOWN OF NEW WINDSOR555 Union Avenue
New Windsor, N. Y. 12550

March 13 19 91

Received of

Ana N. Hugo

\$ 25. ⁰⁰/₁₀₀

Twenty-five and

00

DOLLARS

For

ZBA Application Fee # 90-201

DISTRIBUTION:

FUND	CODE	AMOUNT
CH# 852		25.00

By Pauline M. Townsend

Town Clerk

Title

UP# 852	20.

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

Down Clerk 25
Title

Use P2
zone Regs.
makes
Requirements more.

file

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

PEDRO LUGO

DECISION: GRANTING
USE/AREA VARIANCES

90-27
#~~88~~-10.

-----x

WHEREAS, PEDRO LUGO, R. D. 2, Box 10, Mertes Lane, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a use variance to construct a single-family residence in a PI zone, and 29,208 s.f. lot area, 80 ft. lot width, 18 ft. side yard and 18.6 ft. building height variances, on a lot known and designated as tax map Section 68 - Block 2 - Lot 2 located on Mertes Lane; and

WHEREAS, a public hearing was held on March 11, 1991 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicant appeared with his wife; and

WHEREAS, the application was supported by letter dated 2/25/91 from adjacent neighbors, Mr. and Mrs. Raymond Horton; and

WHEREAS, there were no spectators appearing in opposition, and the application was unopposed; 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 applicant is seeking to construct a single-family residential dwelling in a PI zone which use is not permitted thereon.
3. The evidence shows that applicant plans to construct a residential dwelling in a PI zone and does not meet the bulk regulations of that zone.
4. The evidence indicates when applicant purchased the lot in question it was zoned R-4 (single-family residential). Shortly thereafter the zoning in that area was changed to PI.
5. The evidence indicates that since the zoning was changed to PI from R-4, applicant cannot meet the bulk regulations for the PI zone which are much greater than if the area was zoned R-4.

6. The applicant has filed the required short environmental assessment form in connection with his application.

7. The Zoning Board of Appeals of the Town of New Windsor has declared itself lead agency in regard to the review of the applicant's request for a use variance.

8. The Zoning Board of Appeals of the Town of New Windsor has reviewed the short environmental assessment form prepared by the applicant, and has heard the applicant speak about his proposal, and has received a letter in support of the application from a neighbor, and the application being unopposed, and finds that the granting of the requested use variance will not result in any significant adverse environmental impact, and consequently has made a negative declaration under SEQRA for the requested use variance.

9. The evidence presented by the applicant indicated that the lot which is the subject of this application is a small lot on which the applicant proposed to build a house.

10. The evidence further indicates that, when the applicant purchased the subject lot, it was zoned R-4. This zoning permitted a residential use and a dwelling house could have been constructed thereon with no, or minimal, area variances.

11. Solely by virtue of a change in the zoning from R-4 to PI, the residential use of the subject lot was no longer permitted and the magnitude of the area variance increased dramatically.

12. The applicant's hardship was not self-created. The applicant did not subdivide the land into its present configuration of the lot sizes.

13. The applicant stated that he cannot alleviate his plight because he cannot buy any more surrounding land; and he does not own any contiguous property.

14. The land in question cannot yield a reasonable return if used for any purpose allowed in the PI zone because the lot is too small to permit any PI use thereon.

15. The applicant's plight is unique since the change in the applicable zoning from R-4 to PI left the applicant with a dramatically undersized lot for PI uses.

16. The proposed residential use for which a variance is requested will not alter the essential character of the neighborhood which is devoted to predominantly residential uses.

17. Based upon the evidence presented and the Board's familiarity with the applicant's property and the surrounding area, it is the finding of this Board that the applicant has demonstrated unnecessary hardship, entitling him to the granting of the requested use variance to construct a residence in the PI zone.

18. The applicant has shown significant economic injury from the application of the bulk requirements of the PI zone to his lot since the evidence presented by the applicant indicates that he would be unable to construct anything on the lot without first obtaining substantial area variances.

19. Since the lot was zoned R-4 at the time of the applicant's purchase of the same, it had a value then as a residential building lot. The subsequent change in the applicable zoning to PI rendered the subject lot unsuitable for any permitted use, or for a residential use, without substantial variances.

20. Given the residential character of the neighborhood, the Board finds that the public health, safety and welfare will be unaffected by granting the requested area variances.

21. If the applicant were denied the requested area variances, he would be deprived of any use to which the property is reasonably adapted.

22. Based upon the evidence presented and the Board's familiarity with the applicant's property and the surrounding area, it is the finding of this Board that the applicant has demonstrated practical difficulty, entitling him to the granting of the requested area variances.

23. The requested area variances are substantial in relation to the required bulk regulations but are granted by this Board on the basis that they represent a reasonable adjustment of the applicant's right to make a use of the subject property to which it is reasonably adapted, given the change in zoning subsequent to the applicant's purchase of the said property.

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

25. The requested variances will produce no effect on the population density or governmental facilities.

26. That there is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

27. The interest of justice would be served by allowing the granting of the requested variances.

NOW, THEREFORE, BE IT

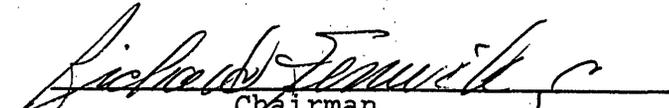
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANTS the following variances in accordance with plans submitted at the public hearing. (1) Use variance to construct a single-family residence in the PI zone; Area variances as follows: (a) 29,208 s.f. lot area, (b) 80 ft. lot width, (c) 18 ft. side yard

and (d) 18.6 ft. maximum building height; and

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: April 22, 1991.


Chairman

(ZBA DISK#2-120485.FD)

PUBLIC HEARING: LUGO, PEDRO

MR. FENWICK: This is a request for use and (1) 29,208 square foot lot area, (2) 80 foot lot width, (3) 18 foot side yard and (4) 18.6 foot building height variances to construct single family residential dwelling in a PI zone.

Mr. Pedro Lugo came before the Board representing this proposal.

MRS. BARNHART: For the record, we have 18 on the list and we have 16 return receipts and we have one letter.

MR. NUGENT: Just before we get started, didn't, did we treat this one the same way as what you were just referring to?

MR. KONKOL: Yes, we asked for all the variances in the zone that it was in.

MR. NUGENT: We had to pick a line, didn't we?

MR. FENWICK: I think this one went by what a PI is.

MR. NUGENT: In the regular bulk wasn't in the other one in PI or that's in R-4?

MR. BABCOCK: No, that was PI.

MR. NUGENT: We had to pick a line.

MR. TORLEY: This is a smaller area in a PI zone.

MR. LUCIA: Arguably on the other one there were businesses somewhat related although not body shops. There's nothing for residences in a PI zone at least there was some argument I think Larry came up with line 15 because it looked like something that might be near a body shop.

MR. FENWICK: Explain to us what you want to do for the record.

MR. LUGO: I'm not a speculator to start with. I bought that with a purchase in mind of building a residential house perhaps for my son. I'm retired now and I know I find out I'm in the wrong place. Let's put it that way because it's a PI zone. I'd like to stay, the fact that actually there's only one commercial building in the whole area, ten houses

3-11-91

in the area including mine which are residential. I don't think why if I build my house on the lot I'd make, I would cause an impact in the area. Due to the fact that actually I consider that the area is residential. I cannot get anymore, obtain anymore land. Therefore I consider that a hardship in my case. Like I state to you, the idea is to build something but I have to get a use plus a building variance. I live in New Windsor for 27 years. I always live in that same house right next to the property.

MR. FENWICK: Just want to ask you a question. You're on lot 3 now presently? This is your house on lot 3?

MR. LUGO: No, let's see which one is--okay, my house should be over here, lot 4, I believe, yes.

MR. FENWICK: What's on lot 3?

MR. LUGO: I guess this is the Horton's. He gave me a letter. This is my house. This is the property over here.

MR. TORLEY: What's the name of the road?

MR. KONKOL: Mertes Lane.

MR. FENWICK: Any questions?

MR. TORLEY: Now that you have jogged by memory, I'm familiar with the area. Those are residential houses that happen to be for some reason it was declared a PI zone.

MR. LUGO: It's only one commercial building in the whole area.

MR. TORLEY: Those houses have been there a long time.

MR. TANNER: What was the property designated when you bought it?

MR. LUGO: It was residential all the time.

MR. KONKOL: So he was there prior to zoning.

MR. TANNER: I just wanted to know when he bought it.

MR. FENWICK: When the factory went in there, they were looking at a nice little industrial park and

it didn't happen.

MR. NUGENT: What lot?

MR. KONKOL: He's on 4 and I think this is 3 is the one.

MR. NUGENT: 2.2 you want to build on?

MR. LUGO: Yes, okay this is the one. I live over here right over here. I made a rough sketch of what I intended to do, actually I have to get an engineer and architect because the lot has to be improved, let's put it that way, so, you know, and the height and the width, you know mostly I would make a small ranch.

MR. FENWICK: Do you have water and sewer?

MR. LUGO: Yes, water and sewer yes.

MR. TORLEY: Just repaved the road too, didn't they?

MR. LUGO: No, we have the main aqueduct, the land runs right through the street over there.

MR. TORLEY: The building height variance simply related to the PI zone, if this is residential zoning Mike if this was for just to get an idea of the magnitude of the actual use, if this was R-4 zone, what variance would he require if any?

MR. BABCOCK: Lot area, lot width, building height he'd be okay, floor area ratio he'd be okay. I think side yards he need too. I wrote it up as residential at one point in time.

MR. TORLEY: Basically, what this is is a small pre-existing residential lot in a residential neighborhood that got zoned PI.

MR. NUGENT: Exactly.

MR. TORLEY: So he's obviously not adversely effecting the status of the neighbors?

MR. NUGENT: No.

MR. LUGO: Not putting an impact in fact the neighbors appreciate it if I build something, all of them told me they'd rather have me building a house because right now they have a commercial building for heavy

equipment and the road is being torn to pieces.

MR. FENWICK: Let the record show that there is no audience here, no one here for the public hearing. I have a letter here, it's to the New Windsor Town Zoning Board.

"...We, Raymond and Katherine Horton, have no objects to Pedro Lugo building a house on the property next to us. Our only concern is that the proper drainage is put in so our property and basement doesn't get flooded as it did when Marino Construction put in pipes under the road several years back. We still have front yard flooding at times due to the poor grading of the road. Sincerely, Raymond Horton and Katherine Horton..."

MR. LUGO: There was a culvert that runs under the road. When they put the sewer lines in there, they failed to put a new culvert and that's the exactly what happened. That was nobody's fault but the construction who was putting the line in there.

MR. TORLEY: Certainly not your fault.

MR. FENWICK: Other questions from Members of the Board?

MR. KONKOL: I just want to ask Dan do we have enough basis to grant a hardship as far as--

MR. LUCIA: Let me get a little more. You're actually applying for two separate things. One is called a use variance because you want to use the property for residential purposes and it's zoned PI and to do that, we have to prove, the Board has to determine you have proved unnecessary hardship so let me ask you a couple questions with regard to that. Do you feel that the land can yield a reasonable return if it's used for any purpose now allowed in a PI zone.

MR. LUGO: No, no. I doubt it very much because I wouldn't have the amount of land to make it valuable except for one thing just to put a small ranch in there.

MR. LUCIA: Do you find your problem is unique? Is this is small lot?

MR. LUGO: Small enough for a nice little house that I have in mind.

MR. LUCIA: To small for any PI use?

MR. LUGO: I say it is.

MR. LUCIA: Will granting this use variance alter the essential character to the neighborhood?

MR. LUGO: It will improve the area, let's put it that way.

MR. LUCIA: Will it change the character of the neighborhood?

MR. LUGO: It wouldn't change because it's residential right now.

MR. LUCIA: I think that is enough on the use variance. On the area variance which is the bulk requirements, you're asking the Board to waive, we need to show practical difficulty on that. Is there anyway that you can build a house on this lot without these area variances?

MR. LUGO: Well, I mean they tell me I have to have a variance so what can I tell you?

MR. LUCIA: You would suffer some significant economic injury if you couldn't build a house on this lot?

MR. LUGO: Well, I would say yes.

MR. LUCIA: You did not create this small lot yourself, I see this is lot 2.2, you didn't subdivide lot 2.2?

MR. LUGO: No, that was done by Mr. Mertes, the original owner of the area, of the whole place.

MR. LUCIA: You don't own any lots that are immediately adjacent to--

MR. LUGO: I have one lot in between which I mean the property, Horton's property between me and the other property.

MR. LUCIA: You don't any property right next to this one,

MR. LUGO: No, no.

MR. LUCIA: Okay, I think we have enough. Thank you Mr. Lugo. Can I look at the SEQRA form just have

some questions on your SEQRA application. Mike, this doesn't go back to the Planning Board?

MR. BABCOCK: No.

MR. LUCIA: So we would have to be lead agency on this.

MR. BABCOCK: Yes.

MR. LUCIA: Can I just have you look at this. I just want to go over a couple of your answers here. Question #8 says the proposed action complies with existing zoning or other existing land use restrictions. You checked off yes. I think you meant no. That's why you're here. If you don't mind just changing that. That's fine.

MR. LUGO: To the best of my ability, I filled out this. I figure, you know, the area is actually away from the major traveled areas in New Windsor. It's a hardly you see a car there. You'd be surprised, once in a while, you know.

MR. LUCIA: I think that's fine. All right, thank you Mr. Lugo. This is just for input for the Board before we vote on the variance, we have to handle SEQRA so it might be a good time to entertain a motion for us to take lead agency status.

MR. TANNER: I make a motion that we take lead agency status for the SEQRA.

MR. TORLEY: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. LUCIA: Having done that, we may want to entertain a motion to make a negative declaration under SEQRA that there will be no negative environmental impact from granting the variance, the use variance requested.

MR. KONKOL: I'll make that motion.

MR. TORLEY: I'll second it.

3-11-91

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. LUCIA: We're up to the vote on the variance now.

MR. NUGENT: I'll make the motion that we grant the variance.

MR. KONKOL: I'll second that.

MR. FENWICK: You're taking all the variances requested, the use along with all area variances and grouping them together in one motion?

MR. NUGENT: Yes.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: There's going to be a formal decision, it's actually a formality but you cannot build and get a building permit until that happens but we'll probably have it at the next meeting, I would imagine so it's still cold.

MR. LUGO: Thank you very much.

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Pedro J. LUGO		2. PROJECT NAME AREA VARIANCE - USE VARIANCE	
3. PROJECT LOCATION: Municipality NEW WINDSOR, N.Y. County ORANGE			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) MERTES LANE OFF 300			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: WANT to build house on lot located in P.d. zone.			
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Fores/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE.			
Applicant/sponsor name: Pedro J. Lugo		Date: 11/28/90	
Signature: _____			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	Within	
	*1/4 mile	*1 mile
Essentially undeveloped	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input checked="" type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input type="checkbox"/>	<input type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

- * 1/2 mile Yes No
- * 1 miles Yes No
- * 2 miles Yes No
- * 3 miles Yes No

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is 100.

NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="text-align: center;">No</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p><u>ZONING BOARD OF APPEALS</u></p> <p>Name of Lead Agency</p>	
<p><u>Richard Fenwick</u></p> <p>Print or Type Name of Responsible Officer in Lead Agency</p>	<p><u>CHAIRMAN</u></p> <p>Title of Responsible Officer</p>
<p><u>Richard Fenwick</u></p> <p>Signature of Responsible Officer in Lead Agency</p>	<p>Signature of Preparer (if different from responsible officer)</p>
<p><u>3/11/91</u></p> <p>Date</p>	

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

90-27

Date: 11/26/90

I. Applicant Information:

- (a) Pedro Lugo RD2 Box 10 Merdes La New Windsor 561-6128
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Mid-Valley Properties Inc 565-1188
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Special Permit

III. Property Information:

- (a) PI Merdes La New Windsor 68 2 2 71 x 152
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-3, R-5, C
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? _____
- (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? _____
- (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) Variance is requested to build a residential house on said property.

- (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.

We bought this property not knowing it was actually an unuseable piece of land. We've paid taxes over the years and now wish to sell. Without this variance approval our chances of selling are quite slim.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Perk Regs., Col. C, D, F & I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	10,792	29,208
Min. Lot Width	70	90
Reqd. Front Yd.	64	
Reqd. Side Yd. <u>1</u>	21,132	118
Reqd. Rear Yd.	64	
Reqd. Street Frontage*		
Max. Bldg. Hgt.	24'	18.6
Min. Floor Area*		
Dev. Coverage* <input checked="" type="checkbox"/> %		%
Floor Area Ratio**	.08	

* 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.

We bought this property not knowing it was actually an unuseable piece of land. We've paid taxes over the years and now wish to sell. Without this variance approval our chances of selling are quite slim.

VI. Sign Variance: N/A.

- (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) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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

VII. ~~Special Permit: N/A~~

- (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.~~

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.)

With a residential home on this property it would fit in with neighboring homes and maintain the quality of the area.

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 10/2/90

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.

Pedro J. Lugo
(Applicant)

Sworn to before me this
3rd day of October, 1990.
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991

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.

Rec'd.
ZBA - 3/11/91 -
TAB

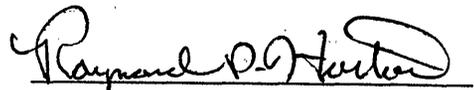
February 25, 1991

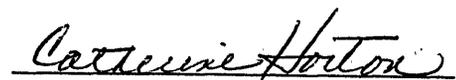
TO: The New Windsor Town Zoning Board

We, Raymond and Catherine Horton have no objections to Pedro Lugo building a house on the property next to us.

Our only concern is that proper drainage is put in so our property and basement doesn't get flooded as it did when Marino Construction put in pipes under the road several years back. We still have front yard flooding at times due to the poor grading of the road.

Sincerely,


Raymond Horton


Catherine Horton

9-10-90

LUGO, PEDRO

MR. FENWICK: This is a request for use and 4,500 square foot area variance to construct residential dwelling in PI zone on Mertes Lane.

Mr. Pedro Lugo came before the Board representing this proposal.

MR. LUGO: Well, I bought the property about five years ago with the intentions of building something, a house. I find out I am shy 4500 feet in the property so I just retired and I had the intention of either selling the property if I stay in the area, I might build a house there but I am retired right now and my intention is to sell it. As it is now, that is a PI zone, all right, the property that I have, have no value whatsoever as for industrial or commercial purposes because this is too small, the size. If I put a house there or for somebody else, it might improve the place as it is now, it's no value whatsoever. Like I say--

MR. FENWICK: What lot number is this?

MR. LUCIA: 2.2.

MR. LUGO: And since I am retired, I feel like it is a hardship for me if I have to sell it.

MR. FENWICK: Where do you live?

MR. LUGO: I live right here in this house.

MR. FENWICK: This is your lot here?

MR. LUGO: No, this one here. My house, I believe is this one over here.

MR. LUCIA: It's not contiguous to this?

MR. LUGO: No, my house is here.

MR. KONKOL: There is another house right along side here?

MR. LUGO: Yes, there is another house next to it.

MR. KONKOL: How about here?

MR. LUGO: No, it's empty where people have been dumping garbage and everything else right there.

MR. LUCIA: Lot #2.1 next to it, do you know when he bought it?

9-10-90

MR. NUGENT: How big is the lot?

MR. FENWICK: 10,500.

MR. KONKOL: But it's in a PI zone.

MR. NUGENT: But he has sewer and water right?

MR. FENWICK: Yes. Who owns the long lot?

MR. LUGO: I have no idea.

MRS. LUGO: Mr. McGrain (phonetic).

MR. KONKOL: How long have you lived in New Windsor?

MR. LUGO: Twenty (20) years.

MR. TORLEY: The existing house is before zoning?

MR. BABCOCK: Yes.

MR. TORLEY: How does he come up with the 4500 square feet?

MR. FENWICK: He's got 10,500.

MR. TORLEY: Which is owned, which bulk table do you use?

MR. BABCOCK: The minimum requirement with water and sewer is 15,000 square feet, no matter what zone for a single family residence. I would assume that that is what you want, you wouldn't want to go with the maximum.

MR. KONKOL: According to the bulk tables, it's 80,000 square feet.

MR. BABCOCK: You have to consider a use variance first and then you go from there.

MR. KONKOL: And you take it as a residence, right?

MR. BABCOCK: Right.

MR. TORLEY: Right now it's an extremely small piece of land for a single family house.

MR. BABCOCK: Well, it is an extremely small piece of land if you ask the man to build something in a PI zone where he needs 80,000 square feet, that is extremely small. It's small if you want to consider 15,000 square feet.

MRS. LUGO: It's extremely small but we pay the taxes.

9-10-90

MR. NUGENT: Number 4 lot with a house on it is smaller than the one he is asking for.

MR. FENWICK: The only thing that I, the only thing that I have a problem with this is and I don't have a problem with your application, this never ceases to be unless there is a zoning change in New Windsor, does not cease to be a PI zone unless we change the zoning. As far as I'm concerned, we have this come up all the time, the variance asked for 4500 feet is not correct. There is no such thing as a 15,000 square foot lot in a PI zone. We only have 80,000 square feet or 40,000 square feet that would be an allowable lot. So, the variance is considerably different than what is written on the application that I see. Also, the use and we cannot change the use from a PI to an R-4, that is rezoning. We can, if in fact it were to happen, put a residential dwelling in a PI zone. That is the use variance, am I correct?

MR. LUCIA: Yes.

MR. FENWICK: We don't change the PI to R-4, we don't have the ability to do that. So, we have got to get this straightened out here. We got to get this correct. I just want it made correct.

MR. KONKOL: This is the same situation we had with Buckner Oil down there and what did we do in that instance?

MR. NUGENT: Based on that zone.

MR. TORLEY: Asking for a variance from 40,000 square feet down.

MR. FENWICK: Right.

MR. BABCOCK: Why not 80?

MR. TORLEY: Smallest one is 40,000.

MR. BABCOCK: Who picks that?

MR. FENWICK: We don't.

MR. KONKOL: Remember we said we'd use the dimensions that applied in the case and that is the reason you chose the residential.

MR. FENWICK: The problem is that never ceases to be a PI zone so we can't, okay, 10,500 based on 15,000, when in fact in a PI, there is no 15,000.

MR. TORLEY: We have to make adjustments on 40,000 because that is the block that applies or allows one dwelling unit for a

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tenant, caretaker.

MR. BABCOCK: We can change the application. The thing is is that you pick the 40,000. I can't do that. When this gentleman is in my office, I can't pick the zone that he might want to be in. You guys might want to. That we can change the numbers.

MR. FENWICK: Try to get it down to the minimum if the minimum of the zone was 40,000 square feet which I think that is the smallest is allowed is that correct?

MR. TORLEY: And that allows for a watchman's house on it.

MR. FENWICK: 40,000 square feet, that is what I'd like to see corrected here and we cannot change where it says zone, it's still zoned PI, that would have to come off. It cannot say if everybody saw the application, it says PI to R-4, we can't do that. We have no legal right to do that at all so what we are looking for is a residential use in PI zone. Is everybody in agreement?

MR. KONKOL: Yes.

MR. TORLEY: Insofar as the three parameters he must meet there we don't have as much of a problem it's clearly he's not going to change the area of the neighborhood and that certainly is a unique piece of land.

MR. LUCIA: You actually have two hurdles. You may have heard when I was speaking to the last applicant that you have these three tasks for use variance.

There's your first hurdle you want to put a residence in a PI zone so it's a use variance first so you are on the right track with your argument. Come back with the things you have said about when you purchased it and the fact that it is undersized and we can't put a residence unless you get a variance. That goes to reasonable return because you can't put a PI use on a lot this small so that deals with the reasonable return issue. Second is it doesn't alter the essential character of the neighborhood. Come back with photographs showing the fact that there are residences nearby. Third is unique in terms of where you want to bring in the zoning map and show why this is unique for its area due to the size of it relative to what you need for a PI zone. Those three tests are all part of unnecessary hardship, that is your first hurdle to get by.

If you get by that, if the Board finds you can put a residence, the second hurdle you have is practical difficulty. You have to show why you can't meet the area requirement for PI zone. Obviously, the lot is much too small. You are going to have to ask, your second hurdle is an area variance, you have to ask

9-10-90

for them to allow you to put this residence on a much under-sized lot. You need 40,000 square feet and you are quite a bit delinquent. It may give rise to certain setback requirements so I may need front, side, rear yard variance also but Mike will amend his denial to show you exactly what numbers you have to come in with. But, you have to pass both of those tests. The unnecessary hardship passed on the use variance and the practical difficulty use variance passed on the area variance

It's kind of two steps you have to do when you come back. You are on the right track. The information you brought in to start out with leads us in that direction. Those are the things you have to speak with on the public hearing, just take that a little further, okay.

MR. KONKOL: I make a motion we set him up for a public hearing.

MR. TORLEY: I will second it.

MRS. BARNHART: Are we going to get an amended notice of denial on this?

MR. FENWICK: Can we amend this right now?

MR. BABCOCK: It's going to change not only for lot area, you have lot width now, building height, you have setbacks, front yard, side yard, rear yard, they all play a roll now that we are going to use the PI zone.

MR. TORLEY: How is this going to effect the applicant's formal notice.

MR. BABCOCK: There should be no notice as of yet. I really feel that we should, if we are going to change this to that extent, we should have possibly, we should hold off for another preliminary meeting.

MR. FENWICK: I'd like to have that happen. I'd like to have the corrected paperwork in front of us and apparently Mr. Lugo knows what has to be done, what he is looking for, the Building Inspector knows what he is looking for. He should be able to get it all down now.

MR. KONKOL: Do you understand you just got to revamp it and then set you up for a public hearing.

MR. TORLEY: Have all the paperwork precise before we go to the public hearing otherwise something could go wrong and you have to go back and start over again.

MR. FENWICK: It never stops being a PI zone if it is small, if

9-10-90

it is a postage stamp sized lot, it still a PI zone. Everything we have to do has to be legal for a PI zone and in essence, what we are doing if we are going to grant you, if it were in fact granted a substandard lot in a PI zone, nonconforming lot in a PI zone, somebody could come down the line somewhere without ever coming back to this Board again and has now, they have a legal structure in a PI zone. And they can use it for a PI use so we have got to get everything right up to snuff. In other words, what we are doing is we are giving you a structure in a PI zone that you are going to use as a residence, never loses its PI use.

MR. LUGO: Yes, I have to fill out the same application all over again?

MR. FENWICK: Right. He knows what we would expect.

MR. BABCOCK: Actually, the building permit application does not change. You still want to build a house.

MR. LUGO: I understand that.

MR. BABCOCK: Your setbacks are the same, the requirements are different. I use the reason since you are building a residential house, I should not have done that once I use the PI zone to build your house in a PI zone, the requirements are 40,000 square feet for lot area instead of 15,000. Your setbacks, your road frontage, street frontage, everything changes.

MR. TORLEY: You are going to get a whole new list of reasons that your lot doesn't meet the law, that really doesn't make too much difference but it allows us to make sure all the paperwork is straight so nobody in the future is going to come back and bite you.

MR. LUGO: Precedents here.

MR. TORLEY: No, make sure that your rights are protected all the way through.

MR. KONKOL: If you were going to get a loan from the bank and one of the lawyers said you didn't do this, the application is wrong, we are trying to eliminate that so once you get it, it will be clean.

MR. LUGO: Sure, I understand.

MR. FENWICK: I'd like to entertain a motion to have the matter tabled right now.

MR. KONKOL: I will withdraw my motion. I make a motion that we table it pending the corrected application.

9-10-90

MR. TORLEY: I will second that.

ROLL CALL:

Mr. Finnegan	Aye
Mr. Torley	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Konkol	Aye
Mr. Fenwick	Aye



TOWN OF NEW WINDSOR

#90-27

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Amended
NOTICE OF DISAPPROVAL OF BUILDING PERMIT

1763

FILE NUMBER 90-29

TO: Pedro J. Lugo
RD 2 Box 10 Mertes Lane
New Windsor, N. Y. 12553
561-6128

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 9-24-90
FOR PERMIT TO Build One Family House
AT Mertes Lane IS DISSAPROVED ON THE
FOLLOWING GROUNDS One Family House not Permitted in PI Zone
S-68 B 2 Lot 2.2

ZONE	PI	TYPE OF VARIANCE	Use & Area
REQUIREMENTS		PROPOSED	VARIANCE
Lot Area	40,000	10,792	29,208
Lot Width	150'	70	80
Front Yard	50	64	--
Side Yard	15/40	21/32	18
Rear Yard	20	64'	
Bldg. Height			
6" per Foot of Distance	5'6"	24'	18'6"
To the nearest Lot Line			
Floor Area Ratio	0.6	.08	--

CALL PAT BARNHART (ZBA SECRETARY) AT 565-8550 FOR APPOINTMENT

[Handwritten Signature]

BUILDING/ZONING INSPECTOR

E 573,500
N 532,000

SECTION 65

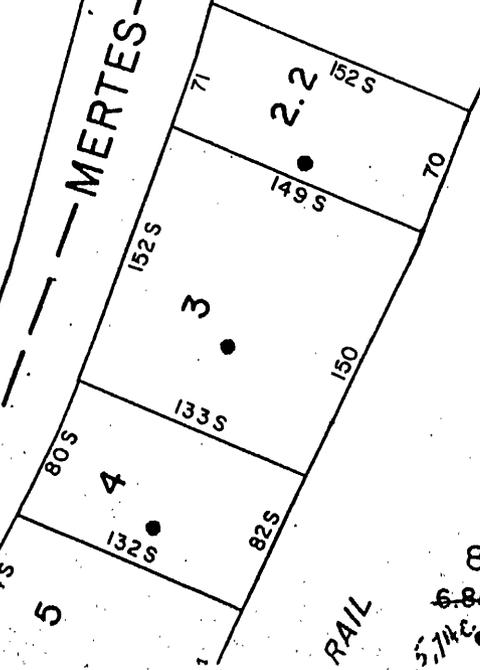
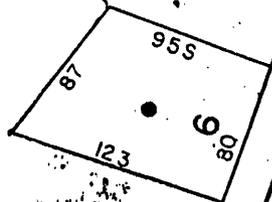
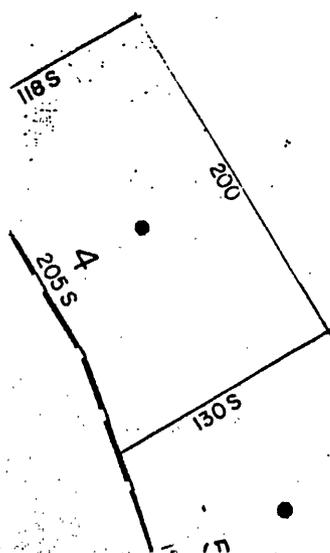
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Clo * 34 5/39



2
4.5 A

2.1
2.11

7.1
3.4 A (E)



8.2
6.8A (C)
5.714C

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

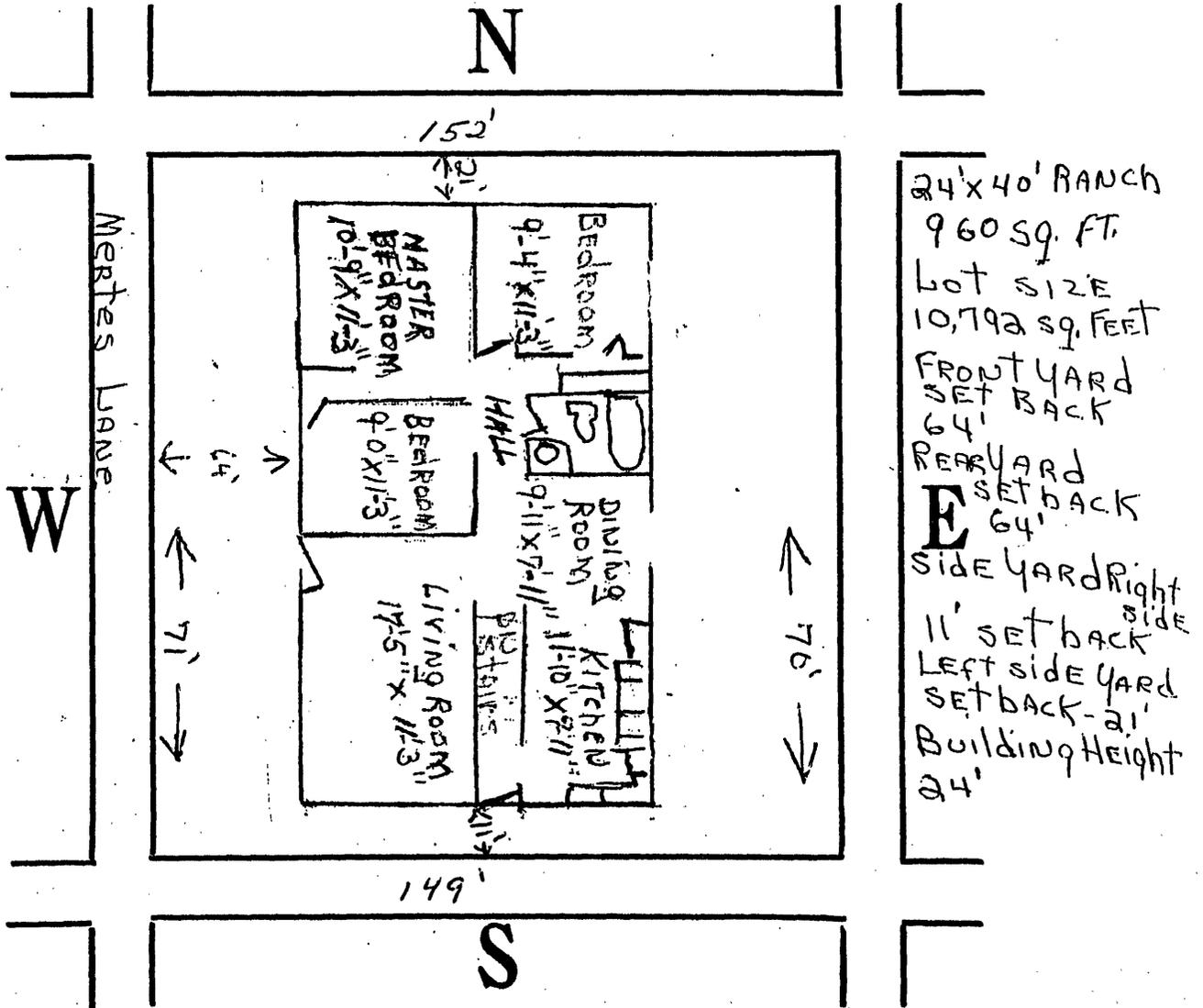
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Pedro J. Lugo
 (Signature of Applicant)

RDA BOX 10 MERTES LA, NEW WINDSOR, N.Y.
 (Address of Applicant) 12553

PLOT PLAN

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



- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises Pedro J. Luqo
 Address RDA Baxio Mertesha New Windsor Phone 561 6128
 Name of Architect
 Address Phone.....
 Name of Contractor
 Address Phone.....
 State whether applicant is owner, lessee, agent, architect, engineer or builder.....
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the East of Mertesha side of MERTES LANE
 (N.S.E. or W.)
 and 300 feet from the intersection of ROUTE 300
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No
3. Tax Map description of property: Section 68 Block 2 Lot 2, 2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
 a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building Addition Alteration Repair
 Removal Demolition Other
6. Size of lot: Front 173' Rear 64' Depth 64' Front Yard 64' Rear Yard 64' Side Yard 11' Right side set back - Left side 21' set back
 Is this a corner lot?.....
7. Dimensions of entire new construction: Front 40' Rear 40' Depth 24' Height 24' Number of stories 1
8. If dwelling, number of dwelling units NONE Number of dwelling units on each floor
 Number of bedrooms 3 Baths 1 Toilets 1
 Heating Plant: Gas Oil Electric/Hot Air Hot Water
 If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost 60,000 Fee.....

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



1763

October 5, 1990

18
16 rec'd.

Pedro J. Lugo
RD 2 Box 10 Mertes Lane
New Windsor, NY 12553

RE: Tax Map Parcel #68-2-2.2

Dear Mr. Lugo:

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 \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

L. COOK

LESLIE COOK
Sole Assessor

LC/cad
Attachments
cc: Patricia Barnhart

Kumstar, Rose B. ✓
c/o Wendell Harp
PO Box 400
New Paltz, NY 12561

Schmidt & Buyl Excavating Inc. ✓
PO Box 778
Cornwall, NY 12518

Khan, Haseeb A ETAL ✓
1526 Beckenham Dr. ✓
Baton Rouge, LA 70808

Livingstone, Herbert & Justa ✓
PO Box 497
Vails Gate, NY 12584

Napolitano, Felice & Carmela ✓
Mertes Lane
New Windsor, NY 12553

Sherwood, Marcia ✓
5 Putnam St. ✓
Newburgh, NY 12550

Horton, Raymond D. & Catherine ✓
Mertes Lane RD 2
New Windsor, NY 12553

Lugo, Pedro J. & Ana N.
Mertes Lane
New Windsor, NY 12553

Casas, Isidora
PO Box 469
Vails Gate, NY 12584

Carrico, Charles W. & Wilda L. ✓
Box C Mertes Lane
New Windsor, NY 12553

Erie Properties Corp. ✓
401 South Water St. ✓
Newburgh, NY 12550

Consolidated Rail Corp. ✓
Property Tax Dept. ✓
PO Box 8499
Philadelphia, PA 19101

Raslbaum, Gilbert ✓
PO Box 7002
5 Meadow Hill Rd.
Newburgh, NY 12550

Gualtieri, Clarence & Lorraine
32 Stony Run Rd.
Newburgh, NY 12550 ✓

Kodsi, Moshe, & Godsi Mayer
PO Box 575
Vails Gate, NY 12584 ✓

Strober, Eric D. & John Yankulis
c/o Rashbaum
Temple Hill Property
550 Hamilton Ave.
Brooklyn, NY 11232 ✓

Duffy, James H. & Phyllis C.
PO Box 214
Vails Gate, NY 12584 ✓

Veterans Memorial Grove Assoc.
PO Box 194
Vails Gate, NY 12584 ✓

2-25-91

PUBLIC HEARING: LUGO, PEDRO

Mr. Pedro Lugo came before the Board representing this proposal.

MR. KONKOL: I understand there's a problem.

MR. LUGO: It was an honest mistake on my part. I sent the letters out and I didn't certify the letters.

MR. KONKOL: Under these circumstances, this gentleman has to reapply for the notices to be sent out, another hearing and he has to send the certifications out so is there anything else that we have to tell him?

MR. LUCIA: Has to be published again.

MR. KONKOL: You're going to have to get with Pat to have it published, all right, and we'll put you on schedule again. Sorry this happened.

MR. LUGO: Thank you.

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. 27

Request of Pedro Lugo

for a VARIANCE of

the regulations of the Zoning Local Law to

permit Construction of residential dwelling

in a PI zone w/ insufficient lot area, width,
sideyard & more than the allowable height;
being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs - (Cols. C, D, F & I)

for property situated as follows:

East side of Mertes Lane, New Windsor,

N.Y. known & designated as tax lot

Sec. 68 - Blk. 2 - Lot 2.2.

SAID HEARING will take place on the 11th day of
March, 1991, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Richard Ferwick
Chairman