

**ZB# 98-56**

**Donald Bigi**

**80-4-8**

Prelim.

January 11, 1999.  
Notice to Paper - 5/28/99.

Public Hearing:

June 28, 1999.  
Area Variance  
Approved.

Refund: \$203.00

#98-56- Bizzi, Donald.

Area 80-4-8.

Wilson Jones • Carbonless • S1854-NCR Duplicate • S1857N-CL Triplicate

© Wilson Jones, 1989

DATE May 28, 1999

RECEIPT 039330

RECEIVED FROM Donald Buge

Address \_\_\_\_\_

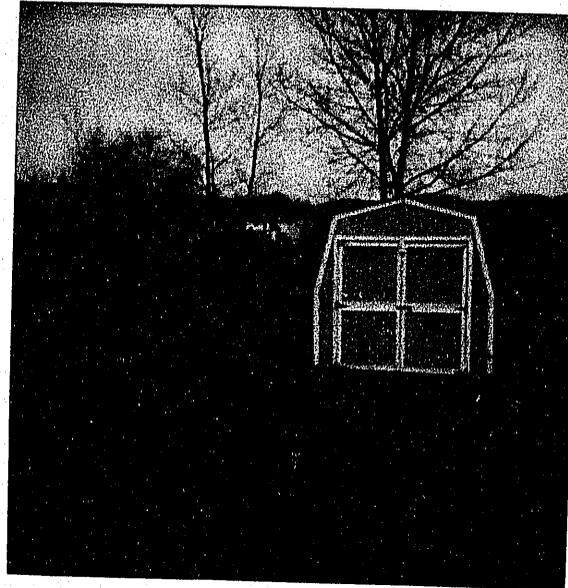
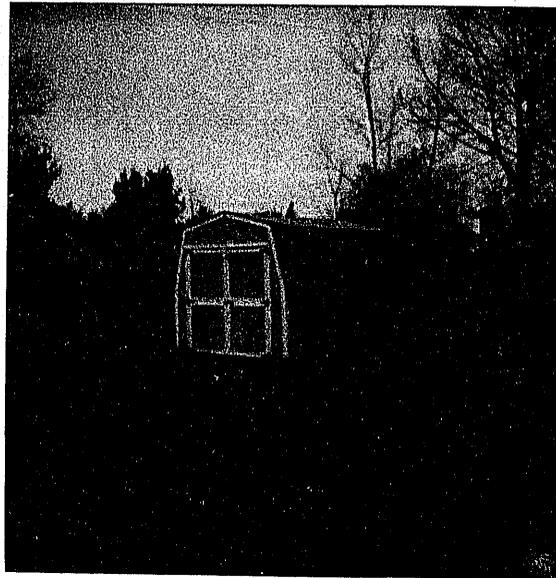
Fifty 0/10 DOLLARS \$ 50<sup>00</sup>

FOR ZBA #98-56

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	# 8055
AMOUNT PAID		CHECK	5000
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy H. Hansen  
sh



DONALD S. BIGI  
DONNA J. BIGI  
216 BUTTERHILL DR  
NEW WINDSOR, NY 12553

50-225/651  
218

8055

DATE 5/28/99

PAY TO THE  
ORDER OF

Town of New Windsor

\$ 50<sup>00</sup>/<sub>100</sub>

Fifty<sup>00</sup>/<sub>100</sub>

DOLLARS

THE BANK OF NEW YORK  
200 B NORTH MAIN STREET  
SPRING VALLEY, NY 10977

FOR

ZBA # 98-56

Donald J. Bigi

⑆021902352⑆ ⑆4393654169⑆ 8055

DONALD S. BIGI  
DONNA J. BIGI  
216 BUTTERHILL DR  
NEW WINDSOR, NY 12553

50-225/651  
218

8056

DATE 5/28/99

PAY TO THE  
ORDER OF

Town of New Windsor

\$ 300<sup>00</sup>/<sub>100</sub>

Three hundred<sup>00</sup>/<sub>100</sub>

DOLLARS

THE BANK OF NEW YORK  
200 B NORTH MAIN STREET  
SPRING VALLEY, NY 10977

FOR

ZBA # 98-56

Donald J. Bigi

⑆021902352⑆ ⑆4393654169⑆ 8056



In the Matter of the Application of

**DONALD S. BIGI**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#98-56.

**WHEREAS, DONALD S. BIGI**, residing at 216 Butterhill Drive, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for a 5 ft. side yard variance to permit an existing shed at the above residence in a CL-1 zone; and

**WHEREAS**, a public hearing was held on the 28th day of June, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared with his wife for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spectator spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

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

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance to obtain a certificate of occupancy for a shed which has been built and in place since 1985.

(c) The shed has been extensively landscaped and is located on an immovable concrete slap.

(d) The shed does not cause any drainage problems nor does it divert water run off or

cause any ponding of water.

(e) Other homes in the neighborhood have similar sheds.

(f) The shed is not located on the top of any water or sewer easements. The lot on which it is located is irregularly shaped and is on the corner of two streets.

(g) Other homes in the neighborhood have similar sheds.

(h) The shed is not located on the top of any water or sewer easements.

(i) During the time the shed has been erected there have been no complaints neither formal or informal.

**WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:**

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

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

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

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

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. side yard variance for an existing shed located at the above address in a CL-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

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

Dated: September 13, 1999.

  
Chairman



STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

.....  
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....

Town of New Windsor

.....  
Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....  
the within claim was audited and allowed  
for the sum of  
\$ .....

.....  
Clerk

Date 7/27/99, 19.....

(8)

**TOWN OF NEW WINDSOR**  
 TOWN HALL, 555 UNION AVENUE  
 NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
 168 N. Drury Lane DR.  
 Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
6/28/99	Zoning Board Mtg (Denise Pronick)	75 00	
	Misc. 2		
	Oswest Beatty - 2		
	McGuinness, Karen - 4		
	Villa - 4		
	Estate of Zeccola - 2		
	Jennings - 2		
	Barbera - 2		
	Bigi - 3 * 13.50		
	Barton - 2		
	83	103 50	
		178 50	

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

.....  
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....

Town of New Windsor

.....  
Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day

of ....., 19.....

the within claim was audited and allowed

for the sum of

\$ .....

.....  
Clerk

PUBLIC HEARINGS:

DONALD & DONNA BIGI

MR. NUGENT: Is there anyone here for the Bigi, Donald & Donna?

MR. TORLEY: Besides the applicants.

MR. NUGENT: Let the record show there's no one here. Request for a 5 foot side yard variance for existing shed at 216 Butterhill Drive in a CL-1 zone.

Mr. Donald Bigi appeared before the Board for this proposal.

MR. NUGENT: Explain loud enough so the young lady can hear you and tell us why you're doing this.

MR. BIGI: When we refinanced the house, we found out there was a violation on the side shed. And we had one of your inspectors come over to check it out and he measured everything out and I needed like 4 1/2 feet more from my property line, so he put down 5 feet. That's what I need for the side variance.

MR. NUGENT: It's impractical for you to move this?

MR. BIGI: It was, because I ended up putting all bushes on the one side and then I had a concrete slab underneath, so it would be almost impossible. So I sent out all the letters and I gave them to Pat.

MR. TORLEY: Mr. Chairman, if I might, I'd like to place in the record a letter from our secretary Patricia Barnhart reflecting that on June 11th, 1999 we mailed 76 addressed envelopes for this public hearing.

MR. KANE: How long has the shed been in existence?

MR. BIGI: Since the house was built in 1985.

MR. KANE: Any water runoff, any drainage problems?

MR. BIGI: No, not at all.

MR. KANE: Other homes in the area have similar existing sheds?

MR. BIGI: Yes, they do.

MR. KANE: Any removal of any trees or anything like that?

MR. BIGI: No. The only trees are what I planted.

MR. TORLEY: You're not over any easements for the water, sewer or anything like that?

MR. BIGI: No. There's an easement way back.

MR. KRIEGER: We just care about where the shed is.

MR. BIGI: Not where the shed is, no, not at all.

MR. TORLEY: And your neighbors in the area have similar, not necessarily identical, but similar sheds?

MR. BIGI: Yes.

MR. KRIEGER: Why did you choose to locate the shed on the property the way you did?

MR. BIGI: More or less ignorance. I didn't know I needed a permit. I would have put it in farther if I would have known. Just ignorance.

MR. KRIEGER: What general shape is your property?

MR. BIGI: Excellent.

MR. KRIEGER: Is it a rectangle in shape?

MR. BIGI: It's on a corner lot. I own the corner of Butterhill and Butternut.

MR. KRIEGER: So because of that it's a irregular-shaped lot?

MR. BIGI: Yes, it is. It's an odd-shaped lot.

MR. KANE: So putting it in that space that you did gave you more use of your property?

MR. BIGI: Yes. By putting it in that corner it gave me a lot more backyard space and side space.

MR. KRIEGER: Who is on the side of the property next to the shed?

MR. BIGI: That is John and Leslie --

MR. KRIEGER: It's another one-family house?

MR. BIGI: Another one-family house, yes.

MR. KRIEGER: Their backyard?

MR. BIGI: Correct.

MR. KRIEGER: Have you had any complaints from them or anybody else about the shed --

MR. BIGI: No. We're friends with them.

MR. KRIEGER: -- formal or informal?

MR. BIGI: Both.

MR. KRIEGER: What I meant is you've had no complaints formal or informal?

MR. BIGI: Not at all.

MR. REIS: What prompted your move to the ZBA?

MR. BIGI: I refinanced my house at a lower interest rate, that's when I found there was this violation, so I want to correct everything. I don't want any problems later on.

MR. KANE: Mr. Chairman, accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we grant Mr. Bigi his requested variances for 216 Butterhill Drive.

MR. REIS: Second.

ROLL CALL

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

MR. NUGENT: You're all set.

MR. TORLEY: See Mike.

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

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

**DATE: 12/1/98**

**APPLICANT: Donald S. Donna J. Bigi  
216 Butterhill Drive  
New Windsor, New York 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/21/98**

**FOR : 8.5' X 13' shed**

**LOCATED AT: 216 Butterhill**

**ZONE: ~~R4~~ RL-1**

**DESCRIPTION OF EXISTING SITE: 80-4-8**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

**1. 48-14 A (1) b sheds must be set back 10' from any lot line, shed is located 5' from the side lot line.**



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
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 and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the 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 and 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 no fee for this.

12/1/98 DENIED, SIDEYARD SETBACK  
JK

NOV 21 1998

BUILDING DEPARTMENT

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises DONALD S. & DONN J. BIEL

Address 216 BUTTERHILL DR. Phone 561-2317

Mailing Address NEW WINDSOR, N.Y. 12553

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 \_\_\_\_\_

FOR OFFICE USE ONLY

Building Permit # \_\_\_\_\_

1. On what street is property located? On the NE side of \_\_\_\_\_  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N X
3. Tax Map Description: Section 80 Block 4 Lot 8
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 if applicable) New Bldg  Addition  Alteration  Repair  Removal  Demolition  Other
6. Is this a corner lot? \_\_\_\_\_ (SHED)(EXISTING) ZBA
7. Dimensions of entire new construction. Front 8.5 Rear 8.5 Depth 13 Height 8' No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_
 

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_  
 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 \_\_\_\_\_ Fee \_\_\_\_\_  
(To be Paid on this Application)
11. School District: NEWBURGH

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.

11/23/1998

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi, Ernst Schmidt  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4618 563-4615  
(914) 563-4693 FAX

Eldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved 12/1/98 AK  
Permit No. \_\_\_\_\_

*Denied 5' side yard setback.*

REFER TO:  
Planning Board  Highway Dept  Sewer  Water  Zoning Board of Appeals

INSTRUCTIONS

- 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.

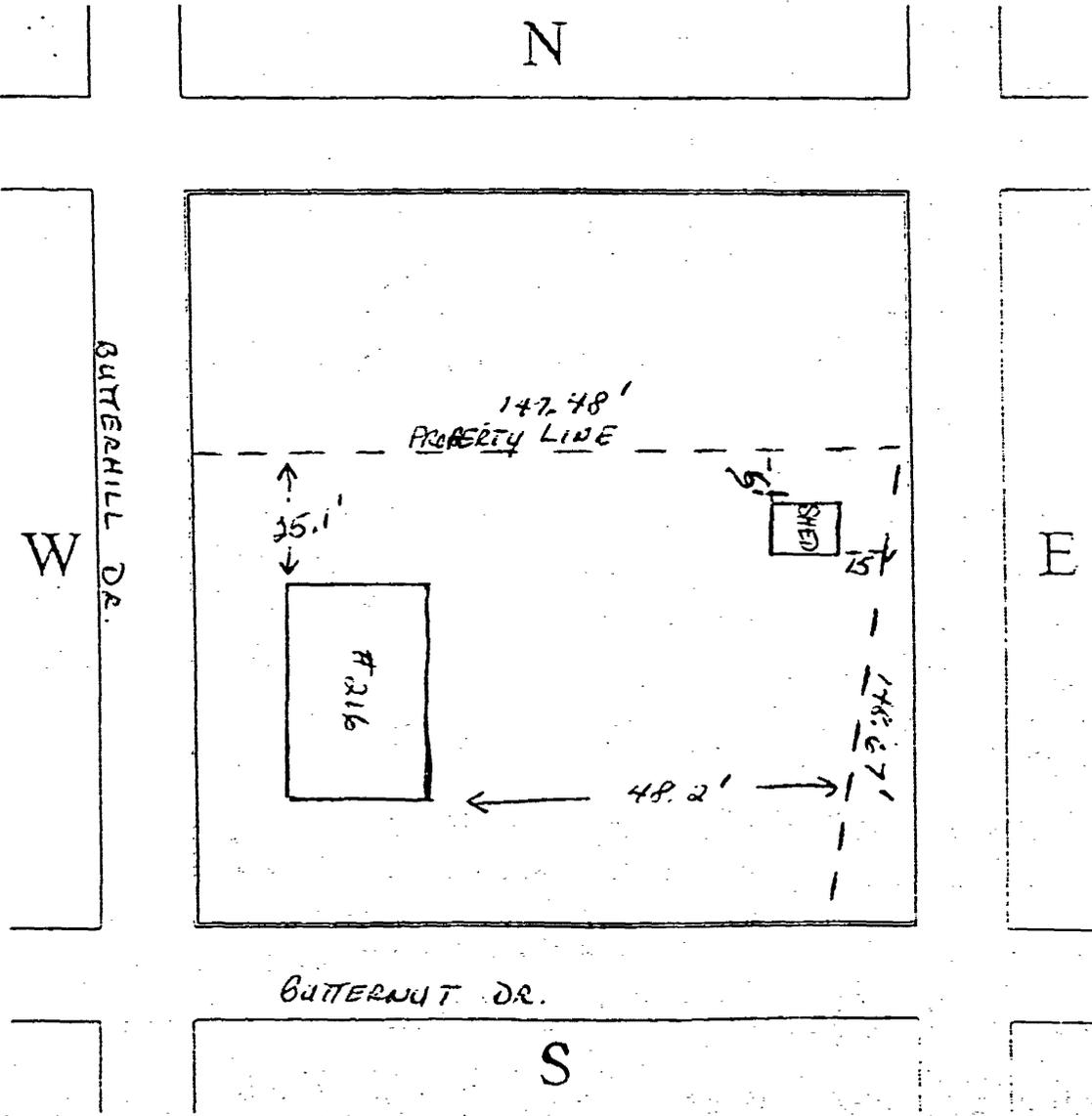
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein 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.

Donald A. Ricci  
(Signature of Applicant)

216 BUTTERHILL DR. NEW WINDSOR, NY  
(Address of Applicant)

12553

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

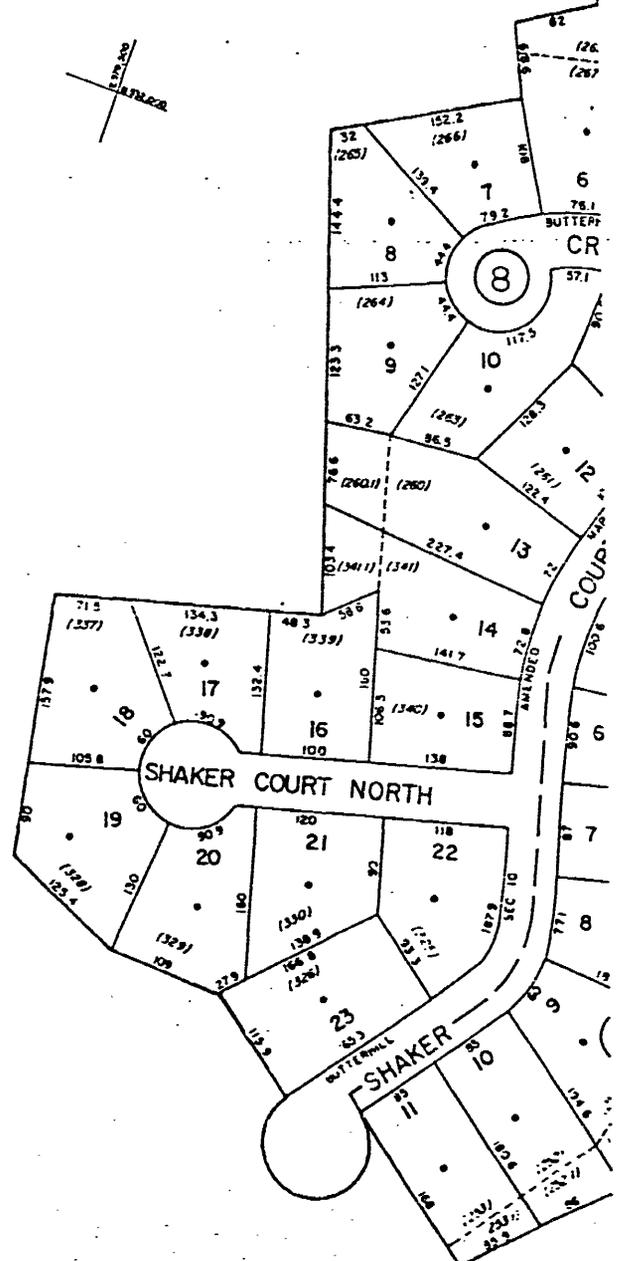


E IN 1/10 OF AN INCH



1-800-345-7334

SECTION 37



LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO	FILED PLAN BLOCK NO
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO	FILED PLAN LOT NO
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Deed) 11 A, (Contract) 11 B, (C)	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) 00 (Survey) 00	COUNTY HIGHWAYS
PROPERTY LINE	ONE COORDINATE CENTROS		TOWN ROADS

N.Y.

STATE

HWY.

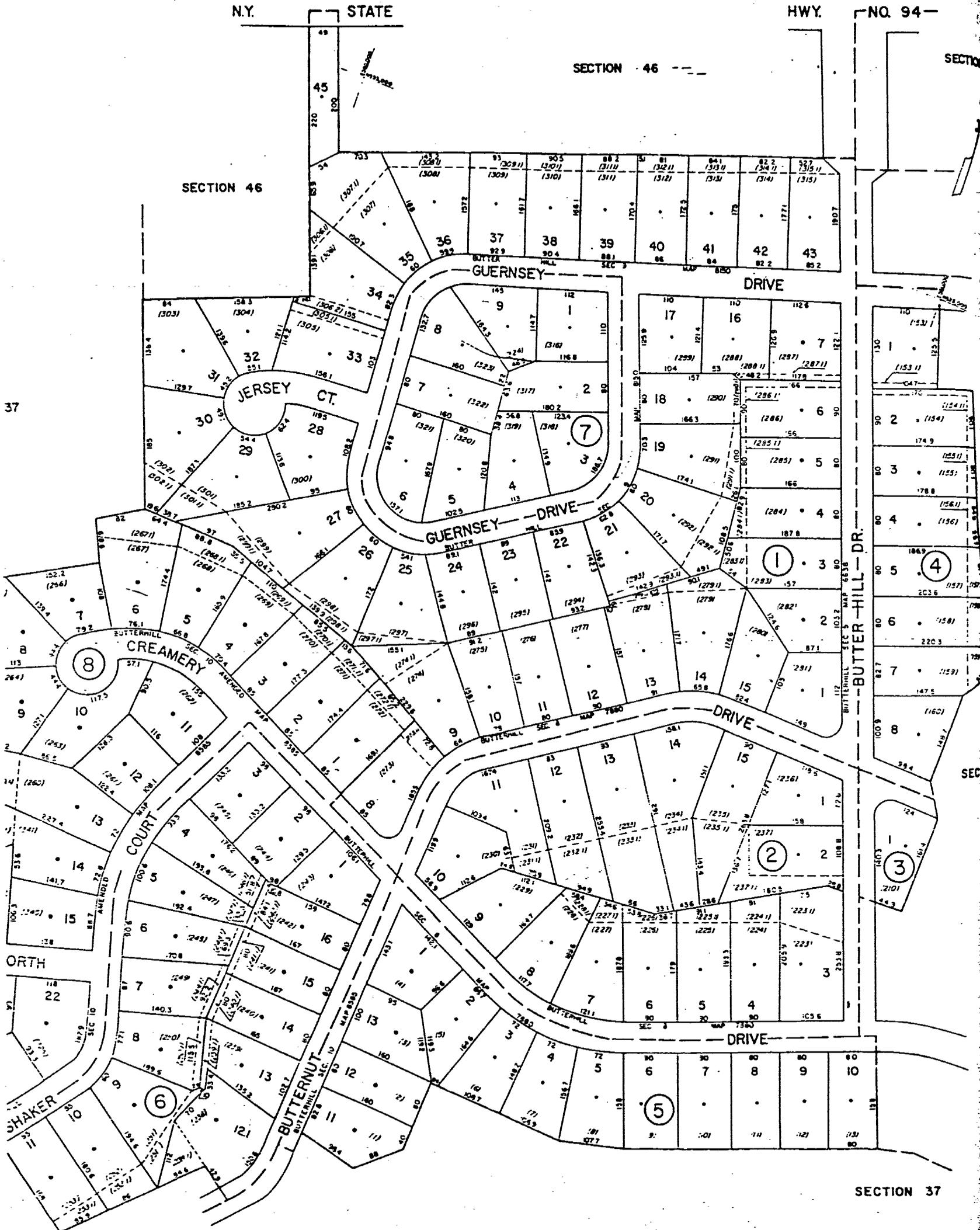
NO. 94-

SECTION 46

SECTION

SECTION 46

37



SECTION 37

INDEXED PLAN BLOCK NO.	② ②
INDEXED PLAN LOT NO.	---
STATE HIGHWAYS	STATE HWY NO. 7
COUNTY HIGHWAYS	COUNTY HWY NO. 4
TOWN ROADS	TOWN RD. 1

# ORANGE COUNTY~NEW YORK

Photo No: 14-3233

Date of Map: 9-10-84

Date of Photo: 3-1-65

Date of Revision: 3-1-93

Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 80

NOT TO SCALE  
DATE: 10-1-84

ONLY 87



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

76

May 28, 1999

Donald & Donna Bigi  
216 Butterhill Drive  
New Windsor, NY 12553

RE: 80-4-8

Dear Mr. & Mrs. Bigi:

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

The charge for this service is \$95.00, less your deposit of \$25.00. Please remit the balance of \$70.00 to the Town Clerk at the above referenced parcel.

Sincerely,

*L. Cook* (ev)

Leslie Cook  
Sole Assessor

/ev  
Attachments

Cc: Pat Barnhart, ZBA

Jeune, Kenneth Louis, &  
Madeline Monroig  
215 Butterhill Drive  
New Windsor, NY 12553

Maureen Mullen & Alan Scheck  
213 Butterhill Drive  
New Windsor, NY 12553

John Weber  
211 Butterhill Drive  
New Windsor, NY 12553

Andrew & Carol Elstob  
209 Butterhill Drive  
New Windsor, NY 12553

Michael & Leonia Busija  
207 Butterhill Drive  
New Windsor, NY 12553

Samir & Dimple Patel  
205 Butterhill Drive  
New Windsor, NY 12553

Michael & Karen Pospisil  
203 Butterhill Drive  
New Windsor, NY 12553

Farrel & Heidi Tannenbaum  
334 Butternut Drive  
New Windsor, NY 12553

Mark & Nicole Owens  
332 Butternut Drive  
New Windsor, NY 12553

Michael & Nancy Bell  
330 Butternut Drive  
New Windsor, NY 12553

Anthony & Venus Sanchez  
328 Butternut Drive  
New Windsor, NY 12553

Maria Defazio &  
Gail Steinheimer  
326 Butternut Drive  
New Windsor, NY 12553

Brian & Janet Carpenter ✓  
96 Guernsey Drive  
New Windsor, NY 12553

James & Nancy Keating  
94 Guernsey Drive  
New Windsor, NY 12553

Louis Hernandez &  
Iris Cordero-Hernandez  
92 Guernsey Drive  
New Windsor, NY 12553

Luigi & Linda Dicocco  
90 Guernsey Drive  
New Windsor, NY 12553

Albert Jr. & Janet Barton  
88 Guernsey Drive  
New Windsor, NY 12553

Robert & Rosmarie Meyers  
217 Butterhill Drive  
New Windsor, NY 12553

Peter & Ellen Chiavaro  
219 Butterhill Drive  
New Windsor, NY 12553

Robert & Angela Donaldson  
221 Butterhill Drive  
New Windsor, NY 12553

Philip & Irene Hernandez  
84 Creamery Drive  
New Windsor, NY 12553

Gerald Jr. & Rose Marie Bohr  
86 Creamery Drive  
New Windsor, NY 12553

Gary & Theresa Hall  
88 Creamery Drive  
New Windsor, NY 12553

Andres & Deirdre Washington  
90 Creamery Drive  
New Windsor, NY 12553

Richard & Carol Keber  
331 Butternut Drive  
New Windsor, NY 12553

Craig & Patricia Wood  
329 Butternut Drive  
New Windsor, NY 12553

John & Margaret Scott  
327 Butternut Drive  
New Windsor, NY 12553

Joseph & Audrey Addo  
325 Butternut Drive  
New Windsor, NY 12553

Paul Decker & Luann Serrano  
323 Butternut Drive  
New Windsor, NY 12553

James Suraci & Jeannie Olivieri  
202 Butterhill Drive  
New Windsor, NY 12553

Peter Stukonis & Margaret Elstob  
204 Butterhill Drive  
New Windsor, NY 12553

Donna D'Allacco  
78 Creamery Drive  
New Windsor, NY 12553

David & Cathy Ann Principato  
321 Butternut Drive  
New Windsor, NY 12553

Roy & Cynthia Gutshall  
705 Mara Drive  
Blue Bell, PA 19422

Carlos Medina & Ramon Gonzales  
76 Creamery Drive  
New Windsor, NY 12553

Peter & Joanne Samplaski  
89 Creamery Drive  
New Windsor, NY 12553

Ava & Herbert Benjamin  
208 Butterhill Drive  
New Windsor, NY 12553

Michael & Marcella Trotman  
74 Creamery Drive  
New Windsor, NY 12553

Thomas & Amalia Smith  
91 Creamery Drive  
New Windsor, NY 12553

Anthony DiLorenzo & Linda Pulz  
210 Butterhill Drive  
New Windsor, NY 12553

Joseph & Frances Roca  
72 Creamery Drive  
New Windsor, NY 12553

Gary Capodiec  
93 Creamery Drive  
New Windsor, NY 12553

John P. Fox  
212 Butterhill Drive  
New Windsor, NY 12553

Robert & Carol Ierace  
70 Creamery Drive  
New Windsor, NY 12553

Joseph & Milagros Arce  
322 Butternut Drive  
New Windsor, NY 12553

John Guido & Leslie Hynes  
2 Park Place, Apt. # 1B  
Newburgh, NY 12550

Prakash Shukla  
311 Butternut Drive  
New Windsor, NY 12553

Jan & Angelina Rosteck  
320 Butternut Drive  
New Windsor, NY 12553

Christopher, Michele &  
William Wing  
99 Creamery Drive  
New Windsor, NY 12553

Ismet & Norma Ramos  
313 Butternut Drive  
New Windsor, NY 12553

Joanne Tormey & Vincent Costa Jr.  
318 Butternut Drive  
New Windsor, NY 12553

William & Donna Perk  
97 Creamery Drive  
New Windsor, NY 12553

Donna Mulder  
315 Butternut Drive  
New Windsor, NY 12553

James & Dolores Davitt  
316 Butternut Drive  
New Windsor, NY 12553

Miguel & Frances Rodriguez  
95 Creamery Drive  
New Windsor, NY 12553

Jean Kelley  
317 Butternut Drive  
New Windsor, NY 12553

Kevin & Joelle Haggerty  
314 Butternut Drive  
New Windsor, NY 12553

James Dietz  
220 Butterhill Drive  
New Windsor, NY 12553

Michael Burge &  
Barbara Trotta-Burge  
319 Butternut Drive  
New Windsor, NY 12553

Robert Dubee  
312 Butternut Drive  
New Windsor, NY 12553

**Martin & Jean Cossavella**  
310 Butternut Drive  
New Windsor, NY 12553

**Steven & Carol Lynn Radich**  
27 Guernsey Drive  
New Windsor, NY 12553

**Tony & Mary Ann Eller**  
308 Butternut Drive  
New Windsor, NY 12553

**Kelvin & Julie Hill**  
216 Dairy Lane  
New Windsor, NY 12553

**Mark & Ann Campbell**  
209 Dairy Lane  
New Windsor, NY 12553

**Yvon Olivier &  
Yolene Monchais-Olivier**  
214 Dairy Lane  
New Windsor, NY 12553

**Christopher & Georgette Roth**  
211 Dairy Lane  
New Windsor, NY 12553

**James & Susan Smith**  
212 Dairy Lane  
New Windsor, NY 12553

**John & Lisa Walsh**  
213 Dairy Lane  
New Windsor, NY 12553

**Michael & Lisa Marinelli**  
210 Dairy Lane  
New Windsor, NY 12553

**Gerald & Cheryl Walker**  
215 Dairy Lane  
New Windsor, NY 12553

**Victor & Milagros Lopez**  
208 Dairy Lane  
New Windsor, NY 12553

**Herman & Dorothy Soloway**  
348 Sussex Street  
Jersey City, NJ 07302

**Michael & Maureen Busweiler**  
219 Dairy Lane  
New Windsor, NY 12553

**Robert & Peggy Smith**  
221 Dairy Lane  
New Windsor, NY 12553

**Raymond & Laura McCormack**  
223 Dairy Lane  
New Windsor, NY 12553

Date 1/25/98, 19....

**TOWN OF NEW WINDSOR**

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
166 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
1/11/99	Zoning Board Mtg	75 00	
	Misc - 3		
	Burgi - 3 13.50		
	Cagione/Mellick - 3		
	Mans - 10		
	Orwest/Dairy Mart - 22		
	Dantas - 4		
	Pellegrino - 3		
	58	261 00	
	James Nugent	336 00	

PRELIMINARY MEETING:

BIGI, DONALD

MR. NUGENT: Request for 5 ft. side yard variance for existing shed located at 216 Butterhill Drive in a CL-1 zone.

Mr. Donald Bigi appeared before the board for this proposal.

MR. NUGENT: Just explain to the board what you want to do.

MR. BIGI: Yes, I had a shed, I originally put a shed on my property, when I first moved in, I really didn't know about any town ordinances or anything like that. I just recently refinanced my house and they said that I had a violation, the shed was too close to the property line. I had the town inspector come over.

MR. REIS: Building inspector?

MR. BIGI: Building inspector come over and he checked everything and I was five feet from the property line. I think there's an ordinance that is supposed to be ten feet and I asked him what I could do without moving the shed because I have in fact I have pictures of the shed there.

MR. NUGENT: You can pass them out to the board.

MR. BIGI: I have trees and everything that was for over ten years now and they are quite high too. It will be extremely difficult for me to move the shed. He said that I have to get a variance from the Zoning Board and supposedly, I guess I have to send out some letters or whatever and so I just that's why I'm here, you know, I'm trying to alleviate moving the shed which will be almost impossible for me to do that. This was the notice of--

MR. NUGENT: I have that.

MR. TORLEY: Is the shed sitting on concrete or on

wood?

MR. BIGI: It's, well, actually, both, I have the concrete and blocks on each corner and in the middle part of the shed and then put like 4 x 4's and then built the shed up and it's quite a large shed.

MR. NUGENT: It's 8 1/2 by 13.

MR. REIS: How long has it been there?

MR. BIGI: From the day I moved in which was 1986, '85.

MR. REIS: Neighbors haven't complained?

MR. BIGI: No, no, in fact, I even told him what I'd have to do and I have great neighbors, you know, all around me no matter where I go, but I don't think there'd have a problem with that.

MR. NUGENT: Let me, when the notice goes out for public hearing, it's not very self-explanatory, so you may want to go to your immediate neighbors and explain to them what you're doing.

MR. BIGI: Sure, sure.

MR. TORLEY: That way, they won't think you're putting up a T.V. tower.

MR. NUGENT: Any further questions?

MR. REIS: No, sir.

MR. NUGENT: I'll accept a motion.

MR. REIS: Make a motion that we set up Mr. Bigi for a public hearing for his requested variance.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN            AYE

MR. TORLEY        AYE

January 11, 1999

4

MR. REIS            AYE  
MR. NUGENT        AYE

MR. KRIEGER: When you come, if you would address yourself to the criteria on that sheet, those are the criteria on which the State has required that the zoning board decide.

MR. NUGENT: Instructions are all in there.

MS. BARNHART: The procedure is very self-explanatory.

MR. NUGENT: If you have any questions, call Pat.

MR. TORLEY: Sir, you have had, by this motion, you have the right to come to a public hearing, you're not obligated to do that. Once you look at the paperwork and fees you may want to decide to just pull the shed out and move it over the five feet. So far, you're not out any money yet.

MR. BIGI: That's it?

MS. BARNHART: That's it.

MR. BIGI: Thank you.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

-----X  
**In the Matter of the Application for Variance of**

Donald & Donna Bixi,

Applicant.

# 98-56.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

-----X  
**STATE OF NEW YORK)**

) **SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

**That on June 11, 1999, I compared the 76 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.**

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this

15<sup>th</sup> day of June, 1999.

Deborah Green  
Notary Public

**DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999**

Pls. publish on June 3, 1999 - send bill to Applicant @ below address.

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

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

Appeal No. 56

Request of Donald S. & Donna J. Bigi

for a VARIANCE of the Zoning Local Law to Permit:

existing shed w/ insufficient side yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs, Col. F. and 48-14 A(1)b - Supplemental Yard Regs.  
for property situated as follows:

216 Butterhill Drive, New Windsor, N.Y.

known and designated as tax map Section 80, Blk. 4, Lot 8.

SAID HEARING will take place on the 28<sup>th</sup> day of June, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Banhart, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 98-56

Date: 5/28/99.

I. ✓ Applicant Information:

- (a) DONALD S + DONNA J. BIGI - 216 BUTTERHILL DR. NEW WINDSOR NJ  
(Name, address and phone of Applicant) (Owner) 12553
- (b) 914-561-2317  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. ✓ Property Information:

- (a) CL-1 216 BUTTERHILL DRIVE 20-4-8 100x160 ±  
(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? NOV. 7, 1985.
- (e) Has property been subdivided previously? - NO -
- (f) Has property been subject of variance previously? - NO -  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? - NO -
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. *N/A*

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

√v. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F.  
*also Section 48-14A(1) b - Supp. Yard Regs.*

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only  
\*\* No-residential districts only

X (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

SHED IS IN AN AREA THAT IS INCONSPICUOUS AND NOT SEEN.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

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

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

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

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

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

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

VII. Interpretation: N/A

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

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

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

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

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

SHED IS LANDSCAPED WITH SHUBS AND NOT AN EYE SORE.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- 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 in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: 5/28/99.

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/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Donald J. Berg  
(Applicant)

Sworn to before me this

28th day of May, 1999.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1999.

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

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NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

312-  
061022  
THIS INDENTURE, made the 7th day of November, nineteen hundred and eighty five  
BETWEEN C. STEPHEN SCHERRER, d/b/a C. STEPHEN SCHERRER ENTERPRISES,  
[REDACTED], doing business at Tuthill Road, Blooming Grove, New York

Town of  
New Windsor

80-4-8

party of the first part, and DONALD S. BIGI and DONNA J. BIGI, his wife,  
residing at 11 Sylvia Terrace, Spring Valley, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being more particularly described as Lot # 160 as shown on a map entitled "Final Subdivision Plan, Section 5, Butter Hill" last revised October 10, 1983 and filed in the Orange County Clerk's Office on July 20, 1984 as Map No. 6638.

TOGETHER with a right-of-way over Creamery Lane and Butter Hill Drive referenced on the aforementioned subdivision map until such lane is dedicated to the Town of New Windsor.

BEING AND INTENDED to be the same land conveyed by North American Homes, Inc., to C. Stephen Scherrer, d/b/a C. Stephen Scherrer Enterprises, Inc., by deed dated April 9, 1985 and recorded in the Orange County Clerk's Office in Liber 2348 at page 161 on April 15, 1985.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



C. STEPHEN SCHERRER d/b/a

C. Stephen Scherrer Enterprises,

LIBER 2437 PG 265

Reserve this space for use

LIBER 2437 PG 266...

RECEIVED  
3 13 72  
REAL ESTATE  
NOV 12 1988  
TRANSFER TA  
ORANGE  
COUNTY

Orange County Cler  
Recorded on the  
of ...  
o'clock ... M.  
and Examined.



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

3/2-  
061022

THIS INDENTURE, made the 7th day of November, nineteen hundred and eighty five BETWEEN C. STEPHEN SCHERRER, d/b/a C. STEPHEN SCHERRER ENTERPRISES, [redacted], doing business at Tuthill Road, Blooming Grove, New York

Town of

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 7th day of November 1985, before me personally came

C. STEPHEN SCHERRER

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Notary Public

BERNARD E. DAVIS  
Notary Public, State of New York  
Orange County Clerk's #4199666  
Commission Expires March 30, 1987

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

that he is the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

that he knows \_\_\_\_\_

\_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

SECTION 80  
BLOCK 4  
LOT 8

372-  
11-  
2-

COUNTY OR TOWN Orange-New Windsor

C. STEPHEN SCHERRER

TO

DONALD AND DONNA BIGI

RETURN BY MAIL TO:

JOHN MIRABILE, ESQ.  
49 South Main Street  
Spring Valley, NY 10977  
Zip No.

*A. Bigi*

Reserve this space for use of Recording Office.

LIBER 2437 PG 266...

RECEIVED  
\$ 372.00  
REAL ESTATE  
NOV 12 1985  
TRANSFER TAX  
ORANGE  
COUNTY

Orange County Clerk's Office, s.s.  
Recorded on the 12<sup>th</sup> day of Nov 1985 at 3:47  
of ... at ...  
o'clock ... M. in Liber ...  
... at page ...  
and Examined.

*Mirabile S. Newberry*