

ZB# 99-50

**Joseph & Fawn
Accetura**

27-1-5.2

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Corcoran, Jason

FILE# 99-50

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid ct # 1653
11/24/99*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

paid ct # 1654

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE	<u>11/22/99-5</u>	\$ <u>22.50</u>
2ND PRELIMINARY- PER PAGE	<u>12/13/99-3</u>	\$ <u>13.50</u>
3RD PRELIMINARY- PER PAGE		\$ <u> </u>
PUBLIC HEARING - PER PAGE		\$ <u> </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$ <u> </u>
TOTAL		\$ <u>36.00</u>

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING:	<u>11/22/99</u>	\$ <u>35.00</u>
2ND PRELIM.	<u>12/13/99</u>	\$ <u>35.00</u>
3RD PRELIM.		\$ <u> </u>
PUBLIC HEARING		\$ <u> </u>
PUBLIC HEARING (CONT'D)		\$ <u> </u>
TOTAL		\$ <u>70.00</u>

MISC. CHARGES:

..... \$
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$
 REFUND DUE TO APPLICANT .. \$ 194.00

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Joseph M. Accettura
 Dawn R. Accettura
 1 Barnstead Rd.
 New Windsor, NY 12553

50-228-617
 219

1654

NOV. 24, 1999

Pay to the order of Topic of \$ 300.00
Three Hundred and No/100 Dollars

THE BANK OF NEW YORK
 ROUTE 17K OFFICE, 900 AUTO PARK PLACE
 NEWBURGH, NY 12550

Memo ESCROW for Fees 28A 99-50 Laura R. Accettura

⑆021902352⑆ ⑆6800010010⑆ 1654

Joseph M. Accettura
 Dawn R. Accettura
 1 Barnstead Rd.
 New Windsor, NY 12553

50-228-617
 219

1653

NOV. 24, 1999

Pay to the order of Topic of \$ 50.00
Fifty and No/100 Dollars

THE BANK OF NEW YORK
 ROUTE 17K OFFICE, 900 AUTO PARK PLACE
 NEWBURGH, NY 12550

Memo Application Fee 28A 99-50 Laura R. Accettura

⑆021902352⑆ ⑆6800010010⑆ 1653

-----X
In the Matter of the Application of
FAWN & JOSEPH ACCETTURA

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-50.
-----X

WHEREAS, FAWN & JOSEPH ACCETTURA, residing at 1 Farmstead Road, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for variation of Section 48-14C(1)(d) and 48-14C of the Supplemental Yard Regulations to allow an existing 6-7 ft. scalloped-topped picket fence and chain link fence for a dog pen at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of December, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicants appeared on behalf of this Application; and

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

WHEREAS, no one 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 fence will not create any water run off or water drainage problems.

(c) The fence will not obstruct the site view of any other motorists on the adjacent roadway. The location of the fence is sufficiently set back from the road so that no motorists' vision will be obstructed.

(d) The property borders on a busy highway and the fence is necessary for the safety of those in the yard, including animals and for users of the inground pool.

(e) A fence is not built on the top of any water or sewer easements.

(f) The fence is similar in appearance to other fences in the neighborhood.

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.

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 variation of Section 48-14C(1)(d) and 48-14C of the Supplemental Yard Regulations to allow an existing 6-7 ft. scalloped-topped picket fence and chain link fence for a dog pen at the above address, in an R-4 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: March 27, 2000.


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 1/8/00, 19.....

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

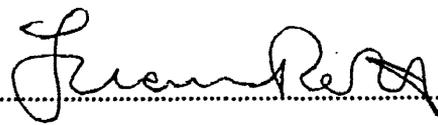
TO Frances Roth
 168 N. Drury Lane DR.
 Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
12/13/99	Zoning Board Mtg	75 00	
	Misc - 1		
	Farkas - 4 - 18.00.		
	Malazuk - 3 - 13.50.		
	DiBernardo - 6 - 27.00		
	Impellittiere - 6 - 27.00.		
	Accettura - 3 - 13.50.		
	<u>23</u>	<u>92 00</u>	
		167 00	
	<i>James Neupert</i>		

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

ACCETTURA, FAWN

MR. NUGENT: Request for variation of Section 48-14C(1)(d) and 48-14 C to allow an existing 6-7 foot scalloped top picket fence and chain link fence for dog pen at 1 Farmstead Road in an R-4 zone.

Ms. Fawn Accettura appeared before the board for this proposal.

MR. NUGENT: You're on.

MS. ACCETTURA: The only thing I was asking for last time and this time was disability to cars trying to see, I took some additional pictures the fence is 39 feet, good 39, maybe even a little over off of Farmstead and here are the pictures. There's the fence and that's actually the visibility.

MS. BARNHART: And can I assume that that's part of your representation over there sitting next to you so there's no other people here for this?

MS. ACCETTURA: He's my support.

MS. BARNHART: There's no other spectators in the audience who are interested in this, although we sent out 41 or 42, 41 addressed envelopes.

MS. ACCETTURA: And one to you.

MS. BARNHART: Right.

MR. KANE: Variation in the height of the fence from 6 to 7 is because the fence scallops up and down?

MS. ACCETTURA: Yes.

MR. KRIEGER: Since the fence has been up, have you received any complaints, formal or informal?

MS. ACCETTURA: No.

MR. KRIEGER: It's been there for three years, have there been any complaints on the record?

MR. BABCOCK: No.

MR. KANE: Fence is up for the safety of your yard and privacy and help keep your dog in the yard?

MS. ACCETTURA: Yes.

MR. KANE: You have an inground pool?

MS. ACCETTURA: Yes.

MR. TORLEY: And the fence is clearly set far enough back horizontally and vertically from the road, that's no problem.

MR. KANE: Creation of the fence, any ponding of water, creating any runoffs?

MS. ACCETTURA: No.

MR. KRIEGER: Built on the top of any water or sewer easements?

MS. ACCETTURA: No.

MR. KRIEGER: And that screens the property, the back yard from the town or from the public highway that's right next to it?

MS. ACCETTURA: Right, I mean, here's my pool and right here is the fence out there.

MR. KRIEGER: On the other side of the fence is Blooming Grove?

MS. ACCETTURA: Right.

MR. NUGENT: Any further questions by the board? I'll accept a motion.

MR. MC DONALD: Make a motion that we grant the requested variance.

MR. KANE: Second the motion.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

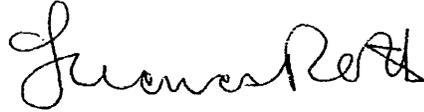
MR. MC DONALD: I move we adjourn.

MR. KANE: Second it.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

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: November 10, 1999

APPLICANT: Fawn and Joseph Accettura

FILE COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: November 9, 1999

FOR : 6'-7' Scalloped top picket fence for privacy and chain link fence for dogs.

LOCATED AT: 1 Farmstead Road, New Windsor, NY 12553

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 27-5-1.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1.48-14C (1d) exceptions to yard requirements, fences or walls with a height in excess of six feet shall conform to the requirements set forth herein for buildings. *a*

4. 48-14C

Louis J. Kuychev
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 6'-7' Fence

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD: 35'

3'

32'

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE .W/ ATTACHED MAP

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, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. 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. Call 24 hours in advance, with permit number, to schedule 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 here is no fee for this.

FILE COPY

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Fawn and Joseph Accettura

Address 1 Farmstead Rd Phone 562-8461

Mailing Address Same

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

RECEIVED

BUILDING DEPARTMENT

1. On what street is property located? On the South East side of Farmstead
(N,S,E or W)
and _____ feet from the intersection of Farmstead & Blooming Grove
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 27 Block 5 Lot 1.2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction. Fence already 3 years old.
a. Existing use and occupancy _____ b. Intended use and occupancy To protect my dogs To give privacy to pool from Blooming Grove Twp. Fence.
5. Nature of work (check if applicable) New Sldg Addition Alteration Repair Removal Demolition Other Fence.
6. Is this a corner lot? yes
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height 6' Fence 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 NO FEE

EST 603A

____/____/____
date

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 & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp. Exarr. _____
Fire Insp. Exarr. _____
Appr. _____
Disappr. _____
Permit No. _____

FILE COPY

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; 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 specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment 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 specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection, 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 be issued by the Building Inspector.

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

Louis R. Anttila

(Signature of Applicant)

1 Farmstead Rd. N.W., N.Y. 12553

Address of _____

Louis R. Anttila

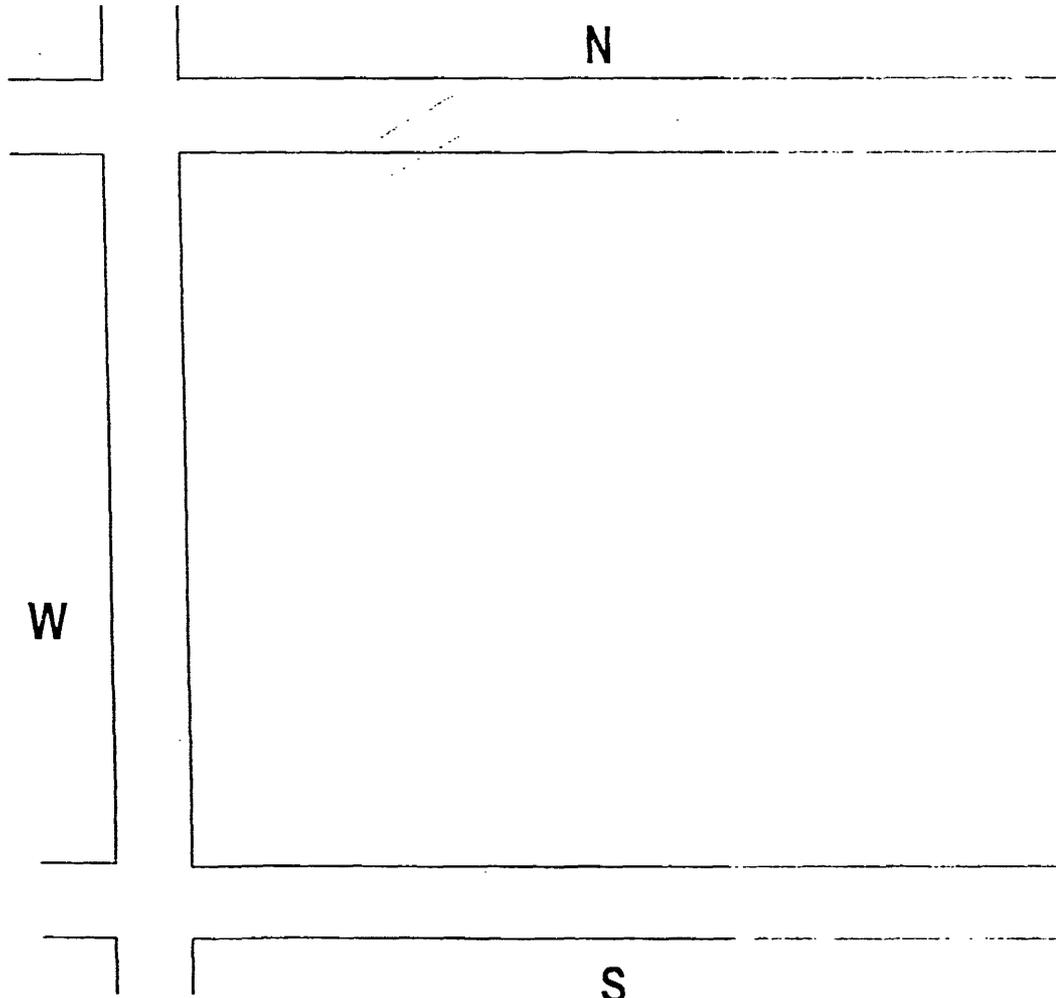
(Owner's Signature)

Owner's Address _____

PLOT PLAN

NOTE:

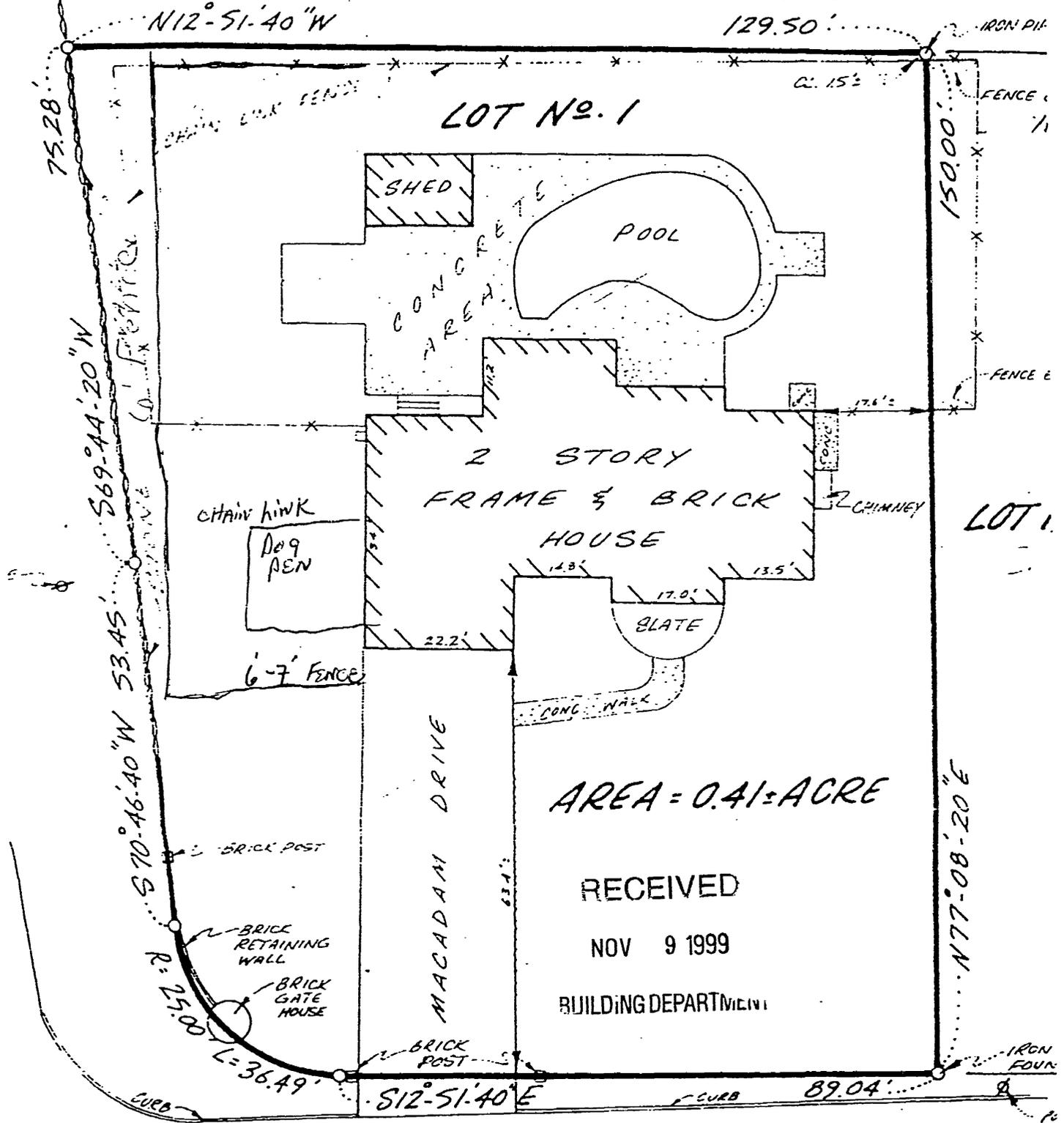
Locate all buildings and indicate all set back dimensions. Applicant must indicate building line or lines clearly and distinctly on the drawings.



NORTH

N/F MILLMAN
LIBER 1944 / CP 1134

FILE COPY



FARMSTEAD ROAD

Date 12/13/99, 19.....

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
1/22/99	Zoning Board Mtg	75 00	
	Minutes - 3		
	Accettura - 5 #22.50		
	Scaglione - 5		
	VGB Assoc. - 5		
	Hansen - 4		
	Mauvoce - 5		
	Misc - 2 -		
	29	130 50	
	<i>James H. Houghton</i>	205 50	

ACCETTURA, FAWN & JOSEPH

MR. NUGENT: Request for variation of Section 48-14C(1)(c) to allow a 6'-7' scalloped-topped wooden fence and chain link fence for dog pen at 1 Farmstead Road in an R-4 zone.

Ms. Fawn Accettura appeared before the board for this proposal.

MS. ACCETTURA: The fence we put up is an accessory, not a luxury. It replaced the original chain link fence that was this fence, custom made fence, cleared away dead weeds and shrubs and maintain the grass, the fence protection, my dogs, they can easily jump a four foot fence, dogs like mine are being stolen for dog fights in Newburgh. This way, no one can take them. The fence protects my children's play area. Blooming Grove Turnpike is highly trafficked, this fence gives the only privacy from Blooming Grove. My pool is also in my back yard, this fence provides only privacy from Blooming Grove Turnpike when we're swimming. As for the metal dog run, this is double protection for my dogs, people have left the gate open and my dogs have gotten out and harassed the neighbor's dog. People also walk their dogs passed this fence on Blooming Grove Turnpike.

MR. REIS: Can you tell us how long the fence has been there?

MS. ACCETTURA: Three years.

MR. KANE: That's that an existing fence?

MS. ACCETTURA: Yes.

MR. KANE: Does it obstruct the view of any passing motorists?

MS. ACCETTURA: No, it's quite a bit off the corner, that's Blooming Grove Turnpike there, you can see the house, the corner is way out, that's my pool and you see I have a four foot but if you looked passed it, that would be Blooming Grove. The first time I was in

the house when I was swimming, people would drive passed and stare at me in my back yard, that was unnerving while I was swimming, not pleasant.

MR. REIS: That's the price you pay for being an attractive woman. What brings you to the board?

MS. ACCETTURA: I had actually put up a structure that created attention which we got rid of and they brought it to his attention they said while you're going for a variance on this, they said your fence is above the regulations, so I had no idea, so I'm here for the fence only.

MR. KRIEGER: Six foot, seven foot, which is it, six foot at the low point and seven foot at the high point?

MS. ACCETTURA: I gather, I mean, I didn't measure it, but this is probably, I would say.

MR. KRIEGER: All right, cause it's rather unusual.

MS. ACCETTURA: Yeah.

MR. REIS: Have any of your neighbors voiced any negative feelings about the fence?

MS. ACCETTURA: It's been there three years and I was just notified, I didn't know until now.

MR. REIS: You constructed the fence?

MS. ACCETTURA: When I put up the tent-like structure, I didn't realize I needed a variance, that drew attention, they knew about the fence, but this is the first time in three years, otherwise, I would have been here sooner.

MR. REIS: The fence was there prior to the three years?

MS. ACCETTURA: No, there was a fence there.

MR. NUGENT: Mike, the denial, I have it, I'm just asking the building inspector what it says, three foot

variance request, 32 feet, now we're talking about a fence, we have two variances here, do you have the denial there?

MR. BABCOCK: Yes.

MR. TORLEY: Fence itself is too close to the road as well?

MR. BABCOCK: Yeah, yeah, it can't project closer to the street than the principal building.

MR. NUGENT: I understand that, but we're looking at two variances, she can't have a six foot fence either.

MR. BABCOCK: That's correct.

MR. NUGENT: She needs not only the fence height, but she also needs a variance for the closeness to the road if I understand it right.

MR. BABCOCK: Right.

MR. TORLEY: She can have a four foot fence out there but it's the fence height but she can't have a six foot fence even in the back yard so still a fence height.

MR. NUGENT: Do you have a copy of the, do you see what it says?

MR. TORLEY: Yeah, 35 because I guess it's--

MS. ACCETTURA: I have frontage on Blooming Grove.

MR. TORLEY: It's, if her house is 35 foot from the road, she's closer to the road.

MS. ACCETTURA: I only have a problem I think on one side on the Farmstead side.

MR. NUGENT: We need two variances, not just one.

MR. TORLEY: If we vary the fence height, she can put a 4 foot fence out there but--

MR. KANE: Is that considered frontage though on that side?

MR. BABCOCK: Yes.

MR. KANE: So, the fence is in front of it, technically, the corner property, two front yards.

MR. TORLEY: She can have a four foot high fence in the front, can't she?

MR. BABCOCK: Yes.

MR. TORLEY: So, it's a question, it's a six foot high fence, not four.

MS. ACCETTURA: There was a four foot existing, I just replaced where it was.

MR. NUGENT: It's not a problem, I just want to make sure that we cover everything.

MS. ACCETTURA: I don't want to come back again.

MR. TORLEY: You might want to check on your measurements, make sure the height is measured properly.

MS. ACCETTURA: The inspector was there, he's the one that did inspect it, it was inspected so--

MR. TORLEY: Make sure you don't do it twice.

MR. NUGENT: We need two variances, right?

MR. BABCOCK: Yeah, it's 48-14C and 48-14C(1)(d).

MR. NUGENT: We'll make that correction in here.

MR. BABCOCK: Yes.

MR. NUGENT: Okay. Are there any further questions? I'll accept a motion.

MR. MCDONALD: Make a motion for public hearing.

MR. TORLEY: Second it.

ROLL CALL

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

MS. BARNHART: Just follow the instructions on the sheet I gave you, the procedure for public hearing, when you have all your paperwork ready, call me, make an appointment to come in and file your papers for the public hearing.

MR. KRIEGER: When you make your presentation at the public hearing, if you'd address yourself to the five criteria set forth on that sheet, that would be helpful, since those are the criteria on which the state requires that the zoning board decide.

MS. ACCELTURA: Okay.

MR. TORLEY: One of the things that we ask would be make sure that this fence does not cause a safety hazard for drivers going down the road at the intersection, so be prepared to talk to that at the next meeting.

MS. ACCELTURA: Lou was there, he said there's no problem, so do I call him and ask him?

MR. TORLEY: No, discuss it at the public hearing.

MS. ACCELTURA: Okay, thank you.

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

In the Matter of the Application for Variance of

Jawn Accettura

Applicant.

99-50.

AFFIDAVIT OF
SERVICE BY
MAIL

STATE OF NEW YORK)

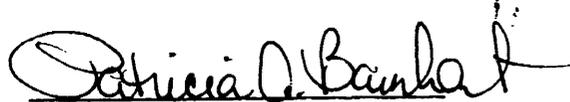
) SS.:

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 11/29/99, I compared the 41 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

Sworn to before me this
___ day of _____, 19__.

Notary Public

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 Propcosition:

Appeal No. 50

Request of Fawn R. Accettura

for a VARIANCE of the Zoning Local Law to Permit:

6'-7' Scalloped top picket fence which projects
closer to road than principal structure;

being a VARIANCE of Section 48-14 - Supp. Yard Regs.

for property situated as follows:

1 Farmstead Road, New Windsor, N.Y. 12553

known and designated as tax map Section 27, Blk. 5 Lot 1.2

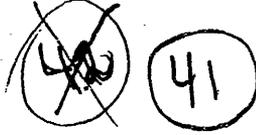
PUBLIC HEARING will take place on the 13th day of December, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman



Town of New Windsor

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



Assessors Office

November 24, 1999

Fawn Accettura
1 Farmstead Road
New Windsor, NY 12553

Re: 27-~~5~~-2.1

Dear Ms. Accettura:

Please be advised that the attached list of properties are within five hundred (500) feet of the above referenced property.

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

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

Lc/lrd
Attachments

CC: Pat Barnhart, ZBA

Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

Nicholas Sbarra
8 Farmstead Road
New Windsor, NY 12553

Richard and Dagmar Bucci
3009 NYS Route 9W
New Windsor, NY 12553

John Joseph and Melanie Antonelli
8 Barclay Road
New Windsor, NY 12553

Jan and Ann McDonald Jr.
10 Farmstead Road
New Windsor, NY 12553

Walter and Jeanne Millman
38 Blooming Grove Turnpike
New Windsor, NY 12553

Paul and Virginia Casaccio
6 Barclay Road
New Windsor, NY 12553

Anthony Rinaldi and Wendi Skaggs
11 Barclay Road
New Windsor, NY 12553

William Horton and Valerie Metzger
40 Blooming Grove Turnpike
New Windsor, NY 12553

Lisa Lagueras Schutzman
4 Barclay Road
New Windsor, NY 12553

William and Debra Herron
3 Farmstead Road
New Windsor, NY 12553

James and Joanne Quicksell
46 Blooming Grove Turnpike
New Windsor, NY 12553

George and Deborah Green
2 Barclay Road
New Windsor, NY 12553

Andrew and Mary Gallivan
5 Farmstead Road
New Windsor, NY 12553

Donald and Anne McClellan
50 Blooming Grove Turnpike
New Windsor, NY 12553

Mushen and Karen Jabbour
9 Barclay Road
New Windsor, NY 12553

Benjamin Pol and Alexander Jancy
7 Farmstead Road
New Windsor, NY 12553

Jeffrey Miller
52 Blooming Grove Turnpike
New Windsor, NY 12553

Todd Crowder and Catherine Bale
7 Barclay Road
New Windsor, NY 12553

Joseph and Roseann Kennedy
5 Farmstead Road
New Windsor, NY 12553

Michael and Nehiei Pace
2 Allen Place
New Windsor, NY 12553

Holger and Barbara Bernhardt
5 Jo Marie Lane #6
Beacon, NY 12508

Alvin and Cynthia Wilson
11 Farmstead Road
New Windsor, NY 12553

Dolores and Arthur Fitch
Bernadette Di Bernardo
4 Allen Place
New Windsor, NY 12553

Wayne Kroll
4 Farmstead Road
New Windsor, NY 12553

Alan George Kravitz
13 Farmstead Road
New Windsor, NY 12553

David and Suzanne Stanway
6 Allen Place
New Windsor, NY 12553

Sallie Warren
6 Farmstead Road
New Windsor, NY 12553

Dori Associates Inc.
P.O. Box 4097
New Windsor, NY 12553

Kenneth and Lillian Devine
5 Allen Place
New Windsor, NY 12553

Christopher and Pamela Fitch
Arthur and Dolores Fitch
3 Allen Place
New Windsor, NY 12553

Gary and Carol Durham
45 Blooming Grove Turnpike
New Windsor, NY 12553

Louis and Patricia Hamernik
1 Allen Place
New Windsor, NY 12553

Crystal Run Village, Inc.
601 Stony Ford Road
Middletown, NY 10941

Mary Rose Gostony Zampino
19 Blooming Grove Turnpike
New Windsor, NY 12553

Joseph and Mary Ellen Sayegh
3011 Route 9W
New Windsor, NY 12553

Patrick and Susan Torpey
C/o Cross
PO Box 37909
Salt Lake City, Utah 84157

*Wrong address:
Sent to Torpey
@ 25 Blooming Grove Tpk.
N.W.*

Douglas and Grace Eames
29 Blooming Grove Turnpike
New Windsor, NY 12553

Martin and Mary Sheffield
33 Blooming Grove Turnpike
New Windsor, NY 12553

John Mullarkey
37 Blooming Grove Turnpike
New Windsor, NY 12553

Mary Ellen Wright
41 Blooming Grove Turnpike
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-50.

Date: 11/24/99.

I. Applicant Information:

- (a) Fawn R. Accettura, Farmstead Rd. NW, N.Y. 12553 (914) 562-8461
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R4 1 Farmstead Rd. NW, N.Y. 12553 37-5-1.2 129 x 150 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? Oct. 1995.
- (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? _____
- (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 48-14C, Table of Supp. Yard Regs., ~~601~~.
(1d) + 48-14C.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>35'</u>	<u>3'</u>	<u>32'</u>
Reqd. Side Yd. _____	_____	_____
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

(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:

(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.)

We had a custom fence put up. This was replacing old chain link fence. This taller fence prevents animals + children from jumping our fence and getting into our pool. We mow and maintain property on both sides of fence. Trees and grass are maintained + trimmed + kept weed and debris free.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- 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: 11/24/99

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.

x Laura R. Cuertusa
(Applicant)

Sworn to before me this

24th day of November, 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, 192001

2001

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

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)