

ZB# 02-56-A

Joseph Accettura

27-5-1.2

Prelim.

Sept. 23, 2002.

Public Hearing -

Oct. 26, 2002.

Granted.

Refund: \$ 203.00

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Variances Granted 10/28/02

#02-56A

Christina, Joseph

Anna

(212-5-123)





34 on
list

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Accettura, Jos

FILE# 02-56

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid ck #2095
9/27/02*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

paid ck #2096

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE <i>9/23 3</i>	\$ <u>13.50</u>
2ND PRELIMINARY- PER PAGE <i>10/28/02 3</i>	\$ <u>13.50</u>
3RD PRELIMINARY- PER PAGE	\$ _____
PUBLIC HEARING - PER PAGE	\$ _____
PUBLIC HEARING (CONT'D) PER PAGE	\$ _____
TOTAL	\$ <u>27.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: <i>9/23</i>	\$ <u>35.00</u>
2ND PRELIM. <i>10/28/02</i>	\$ <u>35.00</u>
3RD PRELIM.	\$ _____
PUBLIC HEARING	\$ _____
PUBLIC HEARING (CONT'D)	\$ _____
TOTAL	\$ <u>70.00</u>

MISC. CHARGES:

..... \$ _____
TOTAL \$ 99.00

LESS ESCROW DEPOSIT \$ 300.00
 (ADDL. CHARGES DUE) \$ _____
 REFUND DUE TO APPLICANT .. \$ 203.00

ZBA #02-57

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#867-2002



09/27/2002

Accettura, Fawn R
1 Farmstead Rd
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees on 09/27/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

HP LaserJet 3100
 Printer/Fax/Copier/Scanner

SEND ERROR REPORT for
 Town of New Windsor
 845 563 4692
 Sep-27-02 11:32AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
119	9/27 11:35AM		1	Send	0/ 1		Canceled by Operator..... 940
119	9/27 11:32AM	0'00"	1	Send	0		Remote Fax was Busy..... 961

Total 0'00" Pages Sent: 0 Pages Printed: 0

Joseph M. Accettura
 James R. Accettura
 1 Farmstead Rd.
 New Windsor, NY 12553

2096
 2096
 2096

THE BANK OF NEW YORK
 ROUTE 17K OFFICE, 180 AUTO PARK PLACE
 NEW WINDSOR, NY 12553

2096

Joseph M. Accettura
James R. Accettura
1 Farmstead Rd.
New Windsor, NY 12553

9-20617
219

2095

Date 9/27/02

Pay to the order of Town of New Windsor
Fifty Dollars

\$ 50.00

Dollars

THE BANK OF NEW YORK
ROUTE 17K OFFICE, 600 AUTO PARK PLACE
NEWBURGH, NY 12550

MEMO Variance Fee ZBA # 02-57

Laura R. Accettura

⑆021902352⑆ ⑆6800010010⑆ 2095

COMPLIANT WITH RECORDS MANAGEMENT ACT

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#855-2002**

09/25/2002

**Accettura, Fawn R
1 Farmstead Rd
New Windsor, NY 12553**

**Received \$ 25.00 for Assessors List on 09/25/2002. Thank you for stopping
by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

27-5-1.2



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

January 28, 2003

Mr. & Mrs. Joseph Accettura
1 Farmstead Road
New Windsor, NY 12553

SUBJECT: ZBA #02-56 VARIANCE REQUEST

Dear Mr. & Mrs. Accettura:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

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

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

#02-56
-----X

WHEREAS, JOSEPH AND FAWN ACCETTURA, owners of 1 Farmstead Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a 5 ft. 2 inch front yard variance for a proposed two-story addition at the above single-family residence in an R-4 Zone; and

WHEREAS, a public hearing was held on the 28th day of October, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant 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 published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant wishes permission to build an addition on the top of an existing garage.

- (c) The property is located on the corner of a residential street and a busy state highway. The property fronts on the residential street and is separated from the highway by a substantial fence.
- (d) Because of the location of the lot, a variance is requested for construction on the top of the existing garage. If the lot were not located on a corner, as mentioned previously, no variance would be required.
- (e) The structure, if permitted, will not extend in front of the existing house with respect to the residential road, Farmstead, but will project closer to Blooming Grove Turnpike than the existing residence. Visually the residence appears to front on Farmstead Road and the existence of Blooming Grove Turnpike does not appear to the observer relevant.
- (f) The addition, if permitted, will not be constructed on top of any easements, including those for sewer or water.
- (g) The addition, if permitted, will not alter the course of water drainage or cause the ponding or collection of water.
- (h) The addition, if permitted, will not obstruct the vision of motorists on the adjacent roadway.
- (i) The addition, if permitted, will not make the house larger than other homes 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 variances 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 variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances 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 variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. 2 inch front yard variance for proposed two-story addition, at the above residence, 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: January 14, 2003


Chairman

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

* 02-56

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 9/18/02

APPLICANT: Joseph & Fawn Accettura
1 Farmstead Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/18/02

FOR : Proposed 2 story addition

LOCATED AT: 1 Farmstead Road

ZONE: R-4 Sec/Blk/ Lot: 27-5-1.2

DESCRIPTION OF EXISTING SITE: Single Family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use/Bulk tables R-4 zone column E-8: Required front yard set-back is 35ft, proposed front yard set-back is 29ft10in. A variance of 5ft 2in is required.

ZONING BOARD
COPY


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 2 story addition

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 35ft

29ft10in

5ft2in

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

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

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 under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
6. Insulation.
8. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified **BUILDING DEPARTMENT** 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.

RECEIVED

SEP 18 2002

FOR OFFICE USE ONLY:
Building Permit #: 2002-1074

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

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

Owner of Premises Fawn + Joseph Accettura

Address 1 Farmstead Rd Phone # 562 8461

Mailing Address New Windsor, N.Y. 12553 Fax # _____

Name of Architect Anthony Coppolla

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)

1. On what street is property located? On the _____ side of Farmstead
and Blooming Grove Trpk (N, S, E or W)
is at from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section _____ Block _____ Lot _____

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 _____

X 5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other

X 6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms 1 Baths 1 Toilets 1 Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars 2 TOTAL

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

X 10. Estimated cost _____

Fee 50.00
CH # 2089

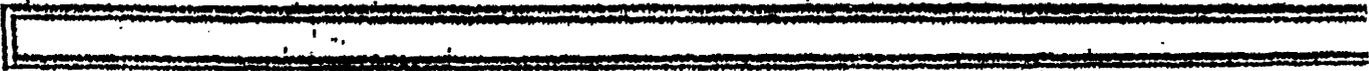
PLANNING ZONING BOARD

X 9118102
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 Liel & Louis Krychek
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12683
(845) 683-4818
(845) 683-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

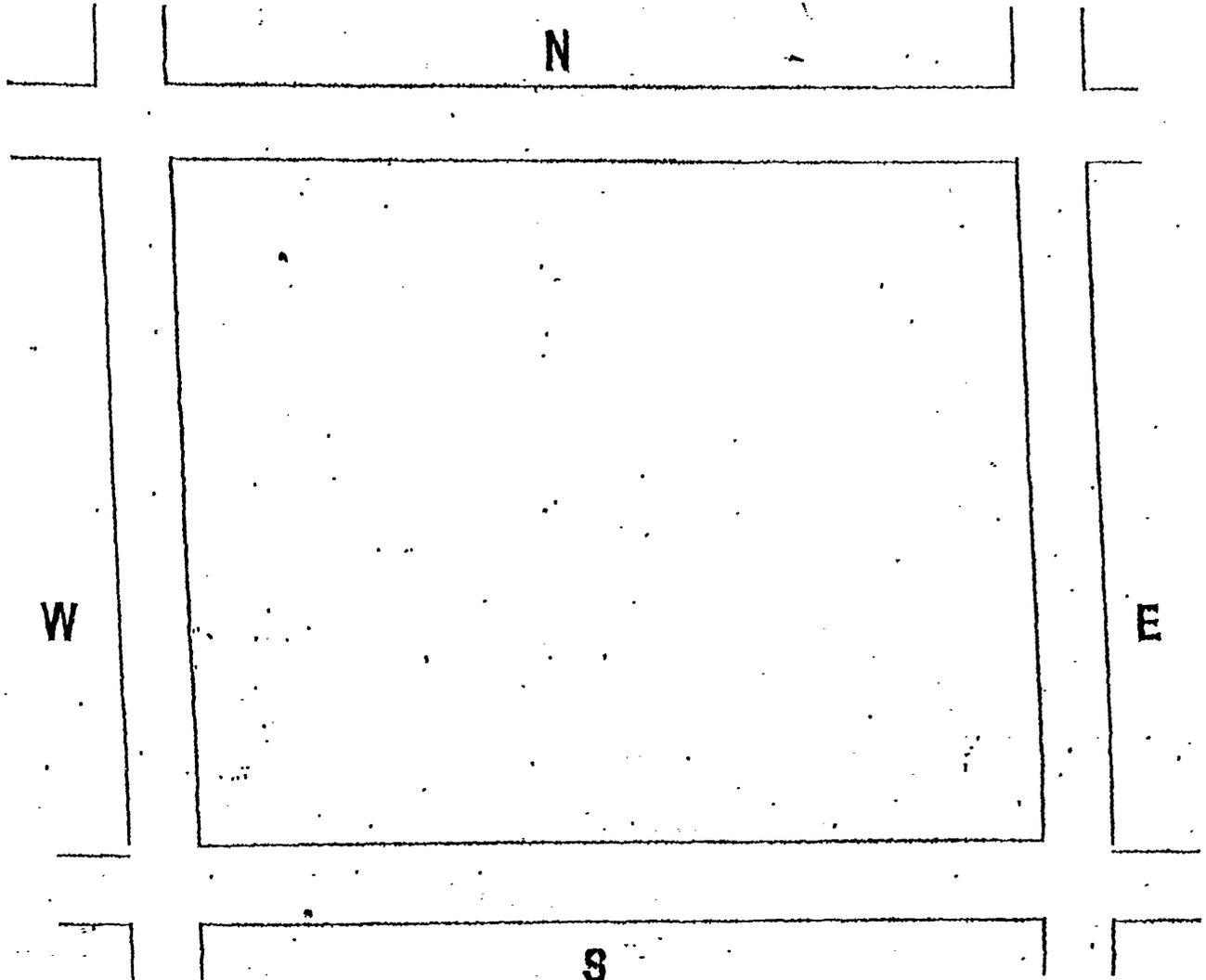
- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property 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.

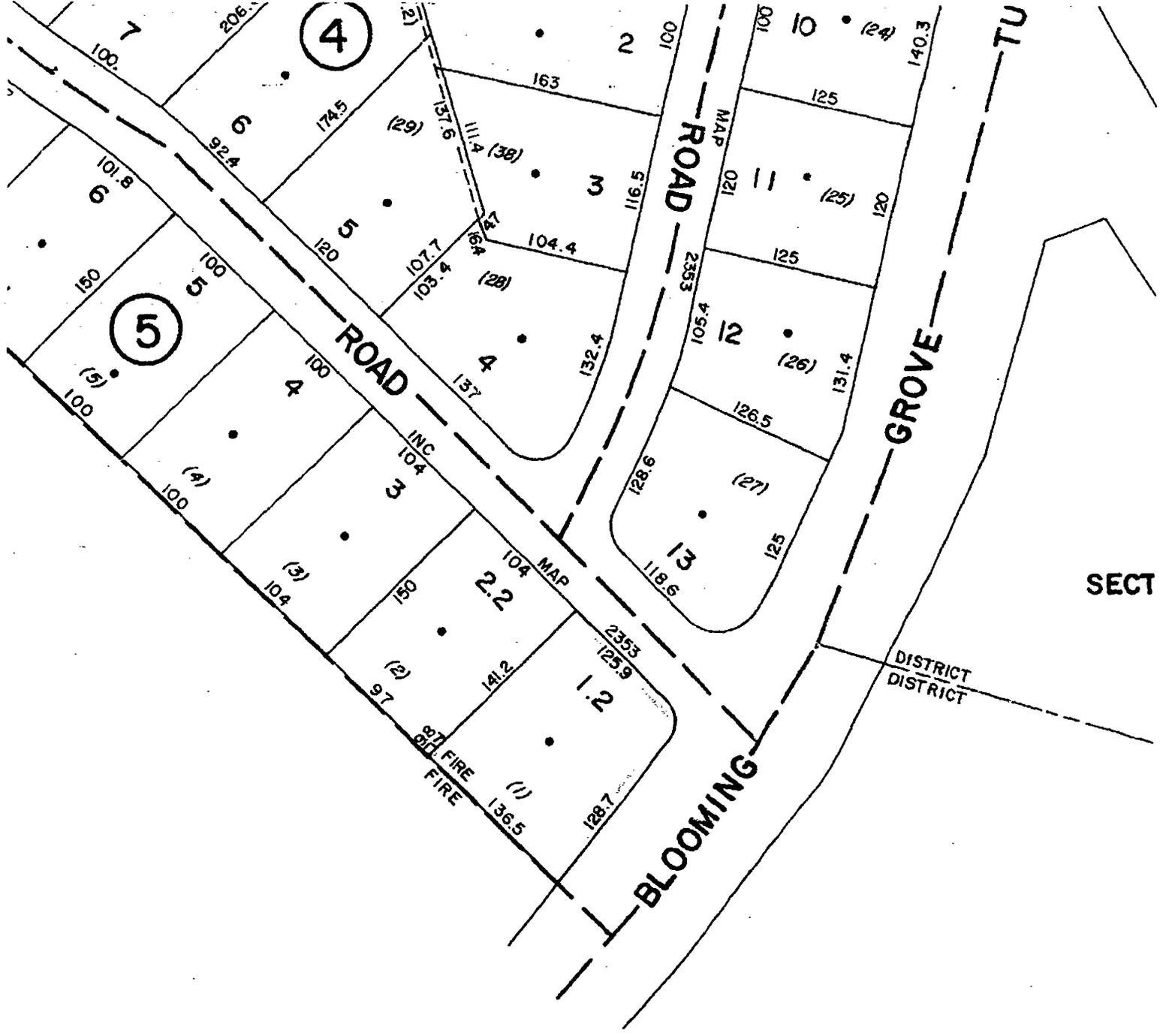
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein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

X Laura P. Quattrone _____
(Signature of Applicant) (Address of Applicant)
X Laura P. Quattrone _____
(Owner's Signature)

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.





SECT

DISTRICT
DISTRICT

Date

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
10/28/07	Lennox Board Mtg	75 00	
	Misc - 2		
	Post - 3		
	Newman - 3		
	Kronner - 4		
	Moraco - 4		
	Accettura - 3 13.50		
	Chin - 3		
	Yarus - 4	117 00	
	26		
		193 00	

PUBLIC HEARINGS:

ACCIETTURA, JOSEPH

MR. TORLEY: Request for 5 ft. 2 in. front yard variance for proposed two-story addition at 1 Farmstead Road in an R-4 zone.

Mr. and Mrs. Joseph Accettura appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience that wishes to speak on this matter besides the applicant? Seeing none, would you please so note for the record.

MS. CORSETTI: We have 34 addressed envelopes that went out containing the public hearing notice on October 16.

MR. TORLEY: So this is what it would look like on the outside? So what's the existing house now?

MRS. ACCETTURA: The garage is one level.

MR. TORLEY: You're going to expand the garage up?

MRS. ACCETTURA: Yes, up and out, this will show it better. This is the actual garage, this will become, this garage will go in the front, this will become living area and this is what's going above the garage and it will go back here, it will go up to about a little piece of the front of the garage and over the existing--

MR. TORLEY: The problem is the distance from the garage to the front.

MRS. ACCETTURA: It's not this, yes, it's this way, but the problem is this way, I have two frontages on a corner lot, it's from here to there, I need the offset here, but not here because it curves, if you look, I need it over here but it slants in.

MR. TORLEY: So the variance exists off Blooming Grove Turnpike not Farmstead?

MR. BABCOCK: That's correct, Farmstead she meets the 35 foot front yard, we're putting the addition straight parallel with the house, she gets closer to the property line as she goes out.

MR. TORLEY: So were this a standard type, a standard type lot absent two front yards, there'd be no variance required?

MR. BABCOCK: That's correct, she's not going out any farther than in front of her house, it's just the idea that she's going out farther and the property line gets closer as she goes.

MR. TORLEY: Obviously, ma'am, for you to create this addition with a slant so it paralleled the road frontage would detract in the efficiency of it?

MRS. ACCETTURA: And the beauty.

MR. TORLEY: And make it less valuable?

MRS. ACCETTURA: Yes.

MR. TORLEY: You're not going over any easements or water or sewer lines?

MRS. ACCETTURA: No.

MR. TORLEY: Not going to be changing the drainage patterns?

MRS. ACCETTURA: No, I mean, he will probably do a footing drain but they're going to do it the same, it's going to connect into everything.

MR. TORLEY: And this addition even though it encroaches somewhat on the front yard and the corner will not abstract drivers' visions in any way?

MRS. ACCETTURA: Not at all because it's set 35 feet back from the front.

MR. TORLEY: Gentlemen, turn it over to you.

MR. REIS: No further questions.

MR. RIVERA: No questions.

MR. TORLEY: Since there's no one in the audience, we'll open and close the public hearing.

MR. KRIEGER: If the variance were granted, it would make it, it wouldn't make the house significantly larger than any other house in the neighborhood?

MRS. ACCETTURA: No, there's a bigger house in the neighborhood already, it's 5,700 square feet, that's the old Antonelli house.

MR. TORLEY: Gentlemen, any questions at this time or entertain a motion?

MR. REIS: I'll make a motion that we pass Joseph Accettura's requested variance at 1 Farmstead Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

34

Assessors Office

September 27, 2002

Fawn Accettura
1 Farmstead Road
New Windsor, NY 12553

Re: 27-5-1.2

Dear Ms. Accettura:

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "John McDonald". The signature is written in black ink and is enclosed in a hand-drawn oval.

John McDonald
Acting Assessor

JM/lrd
Attachments

CC: Pat Corsetti, ZBA

✓ 27-3-9
Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

✓ 27-3-10
John Joseph & Melanie Antonelli
8 Barclay Road
New Windsor, NY 12553

✓ 27-3-11
Paul & Virginia Casaccio
6 Barclay Road
New Windsor, NY 12553

✓ 27-3-12
Lisa Lagueras Schutzman
4 Barclay Road
New Windsor, NY 12553

✓ 27-3-13
George & Deborah Green
2 Barclay Road
New Windsor, NY 12553

✓ 27-4-1
Mushen & Karen Jabbour
9 Barclay Road
New Windsor, NY 12553

✓ 27-4-2
Todd Crowder
Catherine Bale
7 Barclay Road
New Windsor, NY 12553

✓ 27-4-3
Holger & Barbara Bernhardt
5 Barclay Road
New Windsor, NY 12553

✓ 27-4-4
Wayne Kroll
4 Farmstead Road
New Windsor, NY 12553

✓ 27-4-5
Sallie Warren
6 Farmstead Road
New Windsor, NY 12553

✓ 27-4-6
Nicholas Sbarra
8 Farmstead Road
New Windsor, NY 12553

✓ 27-4-7
Ann McDonald
10 Farmstead Road
New Windsor, NY 12553

✓ 27-4-13
Kenneth Lemire
11 Barclay Road
New Windsor, NY 12553

✓ 37-1-21.2
Richard & Dagmar Bucci
3009 NYS Rte. 9W
New Windsor, NY 12553

✓ 41-3-3
Walter & Jeanne Millman
38 Blooming Grove Turnpike
New Windsor, NY 12553

✓ 41-3-4
William Horton
Valerie Metzger-Horton
40 Blooming Grove Turnpike
New Windsor, NY 12553

✓ 41-3-5
James & Joanne Quicksell
46 Blooming Grove Turnpike
New Windsor, NY 12553

✓ 41-3-6
Donald & Anne McClellan
50 Blooming Grove Turnpike
New Windsor, NY 12553

✓ 41-3-7
Kevin Nash
Lorraine Veve
52 Blooming Grove Turnpike
New Windsor, NY 12553

✓ 41-3-8
Michael & Nettie Pace
2 Allen Place
New Windsor, NY 12553

✓ 41-3-9
Dolores & Arthur Fitch
Bernadette Di Bernardo
4 Allen Place
New Windsor, NY 12553

✓ 41-3-10
David & Suzanne Stanway
6 Allen Place
New Windsor, NY 12553

✓ 41-3-11
Kenneth & Lillian Devine
PO Box 4730
New Windsor, NY 12553

✓ 41-3-12
Christopher & Pamela Fitch
Arthur & Dolores Fitch
3 Allen Place
New Windsor, NY 12553

✓ 41-3-13
Patricia Hamernik
1 Allen Place
New Windsor, NY 12553

✓ 48-1-1
Crystal Run Village, Inc.
601 Stony Ford Road
Middletown, NY 10941

✓ 48-1-2
Mary Rose Gostony Zampino
19 Blooming Grove Turnpike
New Windsor, NY 12553

✓ 48-1-3.1 & 48-1-3.2
Joseph & Mary Ellen Sayegh
3011 Route 9W
New Windsor, NY 12553

✓ 48-1-5
Patrick & Susan Torpey
C/o Cross
PO Box 57909
Salt Lake City, Utah 84157

✓ 48-1-6
Douglas & Grace Eames
29 Blooming Grove Turnpike
New Windsor, NY 12553

48-1-7
Martin & Mary Sheffield
33 Blooming Grove Turnpike
New Windsor, NY 12553

48-1-8
John & Jennifer Mullarkey
37 Blooming Grove Turnpike
New Windsor, NY 12553

48-1-9
Mary Ellen Wright
41 Blooming Grove Turnpike
New Windsor, NY 12553

48-1-10
Gary & Carol Durham
45 Blooming Grove Turnpike
New Windsor, NY 12553

ACCETTURA, JOSEPH

Mr. and Mrs. Joseph Accettura appeared before the board for this proposal.

MR. TORLEY: Request for 5 ft. 2 in. front yard variance for construction of an addition at 1 Farmstead Road (corner lot) in an R-4 zone.

MRS. ACCETTURA: My mother's handicapped, she can no longer do stairs. I'm Fawn Accettura. My mother can no longer do the stairs and so we want to turn our garage into her room with handicapped access and handicapped, I've got a plan.

MR. ACCETTURA: We're trying to make our existing garage her handicapped room.

MRS. ACCETTURA: This is our garage here and so this is where it is now, this is our garage now this is the door into the house, we're making another door and putting the garage in the front and making since we're building this we want to put a room over it.

MR. TORLEY: That's fine.

MRS. ACCETTURA: This is in line, it's this garage that comes out and it's only 22 feet, it's the garage that's off by the side yard because our lot, we have a corner lot, it comes this way.

MR. KANE: Hitting this for two front yards?

MR. BABCOCK: Yes.

MR. KANE: Otherwise you wouldn't be here.

MR. BABCOCK: That's correct, this house, the C.O. was issued in 1967, the building permit was taken out November 7 of 1966, so this is like one of the first houses they got a building permit for in New Windsor and as you look at the lot.

MR. TORLEY: What number is the building permit?

MR. BABCOCK: Just says November, it's number 119, it's the 119th building permit. And if you look at the lot back then and it was done with an approval of the Planning Board, according to this paperwork here, it didn't meet zoning today, the house doesn't meet zoning, the front yard off of Blooming Grove is only 33.2 feet and so therefore, the 35 feet that they're required off Farmstead they're going to maintain but since the angle of the house and the angle of the lot as they come out with their garage, they're getting actually closer to Blooming Grove, I tried to research back to see what the requirement was then and I can't find it.

MR. TORLEY: They're covered so they'll never be questioned again. One thing we're going to ask you because you're putting in this assuming this is going to public hearing, we ask you to verify this will remain a single family home, it's for your mother, of course, and it will, you will not convert it into an apartment.

MR. KANE: On the record is what we're going to ask you.

MRS. ACCETTURA: It will never be converted, if I want to convert, I come back for a variance.

MR. KANE: For a use variance.

MRS. ACCETTURA: No, my mother's in rehabilitation now and--

MR. KRIEGER: If you were granted permission by the ZBA to construct this addition, then it will need your affirmation on the record that you know it's a one-family house, that it will always remain a one-family house and this will not be used as a rental unit to rent to anybody else.

MRS. ACCETTURA: Right.

MR. TORLEY: So when you do have the the public hearing, you will be asked that specifically because that's important because you don't want to have people,

you're taking, you're obeying a code a lot older than your zoning code, taking care of your parents, we want to make sure in the future when you don't have that necessity.

MR. KRIEGER: Well, if you want--

MRS. ACCETTURA: The affirmation now will stand but if I ever want to change, then I have to come back.

MR. KANE: You have to come back for a use variance and honestly it's very tough.

MR. KRIEGER: As the law is presently constituted, it would be very difficult but yes, you cannot automatically use this without coming back and asking for a variance, subsequent variance from the planning board, from the Zoning Board of Appeals.

MR. TORLEY: Asking for a use variance I'd rather be staked out on an ant hill first.

MR. KANE: It's almost impossible.

MR. TORLEY: Gentlemen, do you have any questions on this matter? I accept a motion on this.

MR. REIS: Make a motion that we set up Joseph Accettura for his requested variance at 1 Farmstead Road.

MR. MC DONALD: Second it.

ROLL CALL

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

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

Prelim.
10/28/02

#02-59

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 02-23

DATE: 2 OCT 02

APPLICANT: PLYMPTON HOUSE SITE PLAN
% PETER KRONNER

PLYMPTON ST CORP
10 PLYMPTON ST

NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 23 AUG 02

FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT 10 PLYMPTON ST

ZONE _____

DESCRIPTION OF EXISTING SITE: SEC: 14 BLOCK: 2 LOT: 3.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

USE VARIANCE R2D

FOR PROPOSED CATERING USE


MARK J. EDGALL PE FC
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>PI</u> USE _____		
MIN. LOT AREA	_____	_____
MIN. LOT WIDTH	_____	_____
REQ'D FRONT YD	_____	_____
REQ'D SIDE YD.	_____	_____
REQ'D TOTAL SIDE YD.	_____	_____
REQ'D REAR YD.	_____	_____
REQ'D FRONTAGE	_____	_____
MAX. BLDG. HT.	_____	_____
FLOOR AREA RATIO	_____	_____
MIN. LIVABLE AREA	_____	_____
DEV. COVERAGE _____%	_____%	_____%
O/S PARKING SPACES _____	_____	_____

USE VARIANCE

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

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE Z.B.A. REFERRALS

PLYMPTON HOUSE (02-23)

MR. PETRO: OK – Possible ZBA referrals is the Plympton House, 10 Plympton Street represented by Mr. Brown. The application proposes the use of existing facilities and site for a catering operation. The plan is reviewed on a concept basis only. The property is located in a PI Zoning District. Catering is not a use by right in the zone. As such it is preferred that this board refers this application to the Zoning Board of Appeals for necessary action. Mark's note here says, "It may be beneficial that the Board discusses in the record the history of the non-successful applications that have been before this board for this property. As well, a general planning opinion of the site for the proposed use would be helpful."

We have had quite a few people come in on this site for a number of different applications, one was a school I believe, one was a funeral parlor and nothing ever came of it but, I think that that is not necessarily from a planning aspect as it may be from a business aspect as the whole property. So, it may not affect you, I am just giving you my opinion. Why don't you just give us... again we are going to send you to the Zoning Board... but it would be a good idea if you at least tell us what you are doing briefly anyway.

MR. BROWN: We will use the existing building..... inaudible....

MR. PETRO: Mark, this is going for a use variance?

MR. EDSALL: Yes, that is why I thought it was important that the Zoning Board understand that this has been before the Board on several occasions for other uses and that it appears that there is difficulties developing the other uses here successfully. That is one of the criteria for considering a use variance. I thought it was worthwhile to have that on record and, again secondly, if the Board believes there is any planning concerns, it might be worthwhile to discuss it now, if not, we can send them over.

MR. PETRO: You're using the existing building, correct? I don't see any additions or changes to the main structure. So, basically, it is just the use of the interior structure and the parking layout. Mark, you must have gone over the parking layout.

MR. EDSALL: Yes, well I'm deferring the detailed review until they are done with the ZBA.

MR. PETRO: Well, I think it has been empty a long time there, I think it would be nice to have a nice use there and again, I'll say it again and repeat myself, "I don't necessarily think that it was all planning issues that kept that building from being occupied in the past. I think it had something to do with the applicants. So, I think if you had the right person there and develop it properly I think it would be a good spot and I think the Board should give a Positive Recommendation to the Town of New Windsor Zoning Board. That is my opinion if anyone wants to ...

MR. ARGENIO: Is that the building as you go down the hill on Walsh's Road it's on your left side and looks like a big old home. I think I'm familiar with it now.

MR. PETRO: It would just be nice to have something nice there. OK – do we have a motion for final approval.

MR. LANDER: So moved.

MR. KARNAVEZOS: Seconded

ROLL CALL:

Mr. ARGENIO	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the Town of New Windsor Zoning Board for your necessary variances or variance. If you are successful and receive that variance and wish to return to this board once again, you have the right to do so. We will see you then. Then again, I think we are sending the applicant with a positive recommendation, does anybody disagree with that? OK.

Pls. publish immediately. Send bill to Applicant.

**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. 57.

Request of Joseph & Fawn Accettura

for a VARIANCE of the Zoning Local Law to Permit:

construction of addition w/ less than the allowable front yard;

being a VARIANCE of Section 48-12 - Table of Use, Bulk Regs. - Col. E

for property situated as follows:

One Farmstead Road, New Windsor, N.Y.

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

PUBLIC HEARING will take place on the 28th day of October, 2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Request for 28 ft. 6 in. rear yard variance for existing attached deck at the above residence in an R-4 zone.

25-5-39 WILLIAMS, KEITH USEVARIANCE DENIED

518 BALMORAL CIRCLE #84-5 R-4 ZONE 04/09/84

REQUEST FOR USE VARIANCE FOR BEAUTY SHOP IN BASEMENT OF RESIDENCE LOCATED IN R-4 ZONE. USE I NOT PERMITTED AND IS NOT CONSIDERED A HOME OCCUPATION.

27-4-3 PAPPIS, MICHAEL AREA VARIANCE GRANTED

30 FARMSTEAD ROAD R-4 ZONE #91-9 06/10/91

REQUEST FOR 25 FT. REAR YARD VARIANCE TO CONSTRUCT A DECK ON RESIDENCE LOCATED ABOVE.

27-4-7 DURABLE HOMES INC. AREA VARIANCE GRANTED

10 FARMSTEAD ROAD #84-7 R-4 ZONE 03/26/84

REQUEST FOR 6 FT. 4 IN. FRONT YARD VARIANCE FOR EXISTING SINGLE FAMILY RESIDENCE.

27-5-1.2 ACCETTURA, FAWN AND JOSEPH AREA VARIANCES FENCE GRANTED 12/14/99

1 FARMSTEAD ROAD #99-50 R-4 ZONE (CORNER LOT)

REQUEST GRANTED FOR VARIATION OF SEC. 48-14C(1)(d) AND 48-14C OF THE SUPPLEMENTAL YARD REGULATIONS TO ALLOW EXISTING 6 FT. - 7 FT. SCALLOPED TOP PICKET FENCE FOR PRIVACY AND A CHAIN LINK FENCE FOR DOG PEN AT ABOVE RESIDENCE.

27-5-9 FOTI, JOSEPH AREA VARIANCE GRANTED

17 FARMSTEAD ROAD R-4 ZONE #87-14 04/27/87

REQUEST FOR 7 1/2 FT. SIDE YARD VARIANCE FOR CONSTRUCTION OF GARAGE AT RESIDENCE.

29-1-26.221 BROTHERHOOD WINERY SIGN VARIANCE GRANTED

S.E. CORNER TOLEMAN RD/ROUTE 207 #75-12 6/9/75

29-1.28.3 - KEESLER, JAMES R-4 ZONE #98-43 - AREA VARIANCE GRANTED 10/26/98

4 VANCE LANE

REQUEST GRANTED FOR 9 FT. FRONT YARD VARIANCE TO CONSTRUCT ADDITION AT 4 VANCE LANE IN R-2 ZONE.

29-1-43.1 SHEAFE, WAYLAND H. AREA VARIANCE GRANTED

ROUTE 207/MAPLE AVENUE #75-2 OLI 2/24/75

CONST. OF SINGLE-FAMILY RESIDENCE AND STORAGE BLDG.

#91-28 - REQUEST FOR USE VARIANCE TO CONSTRUCT A 4,800 S.F. COLD STORAGE DETACHED WAREHOUSE IN R- I ZONE. USE NOT PERMITTED. (NO FORMAL DECISION COMPLETED).

29-1-53.2 MC ADON, VINCENT & LINDA AREA VARIANCE GRANTED

BEECH ACRES DRIVE 485-29.1 R-I ZONE 08/12/85

REQUEST FOR 20 FT. FRONT YARD VARIANCE FOR CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL DWELLING IN R- I ZONE.

29-1-64 MILLER, SCOTT AREA VARIANCE DENIED

VANCE DRIVE R- I ZONE #87-31 07/13/87

REQUEST FOR 28,560 S.F. LOT AREA VARIANCE TO CONSTRUCT SINGLE FAMILY RESIDENCE ON VANCE DRIVE IN R- I ZONE. (NO TOWN WATER OR SEWER).

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-56

Date: 9/27/02.

I. Applicant Information:

- (a) Joseph & Dawn Accettura, 1 Farmstead Rd., New Windsor x
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Anthony Cappola
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-4 (Same) 27-5-1.2 136.5 x 141.2 ±
(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? 1995.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? yes.
If so, when? 12/14/99.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? None.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

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 ___.

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. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>35 ft.</u>	<u>29 ft. 10 in.</u>	<u>5 ft. 2 in.</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:

The area variance if granted will not be detrimental to the health, safety & welfare of the neighborhood or community. Area will remain substantially the same i.e. residential

(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?

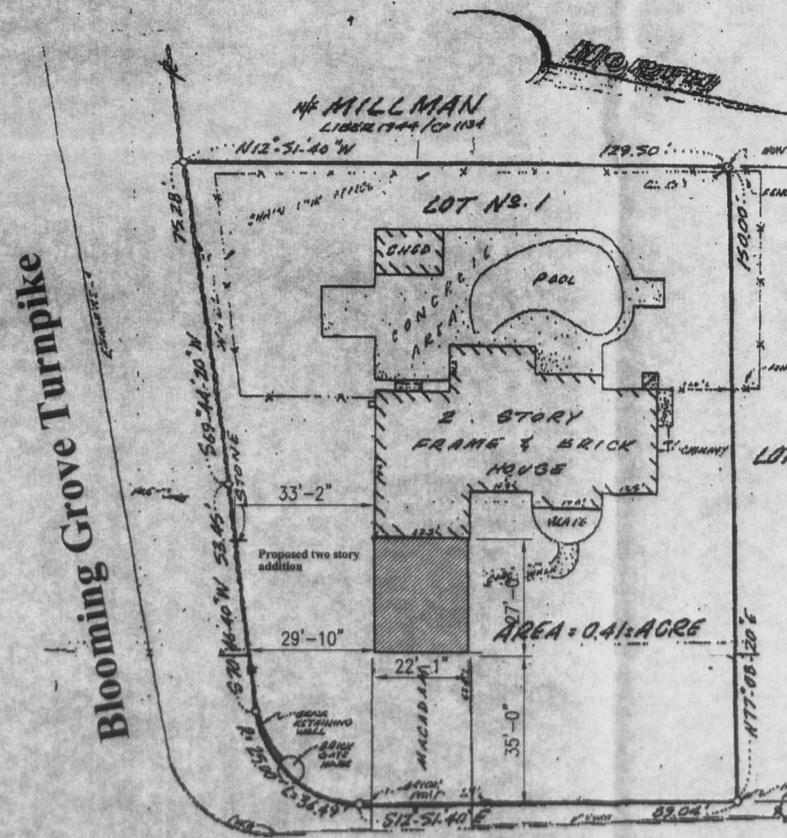
VII. Interpretation. N/A

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

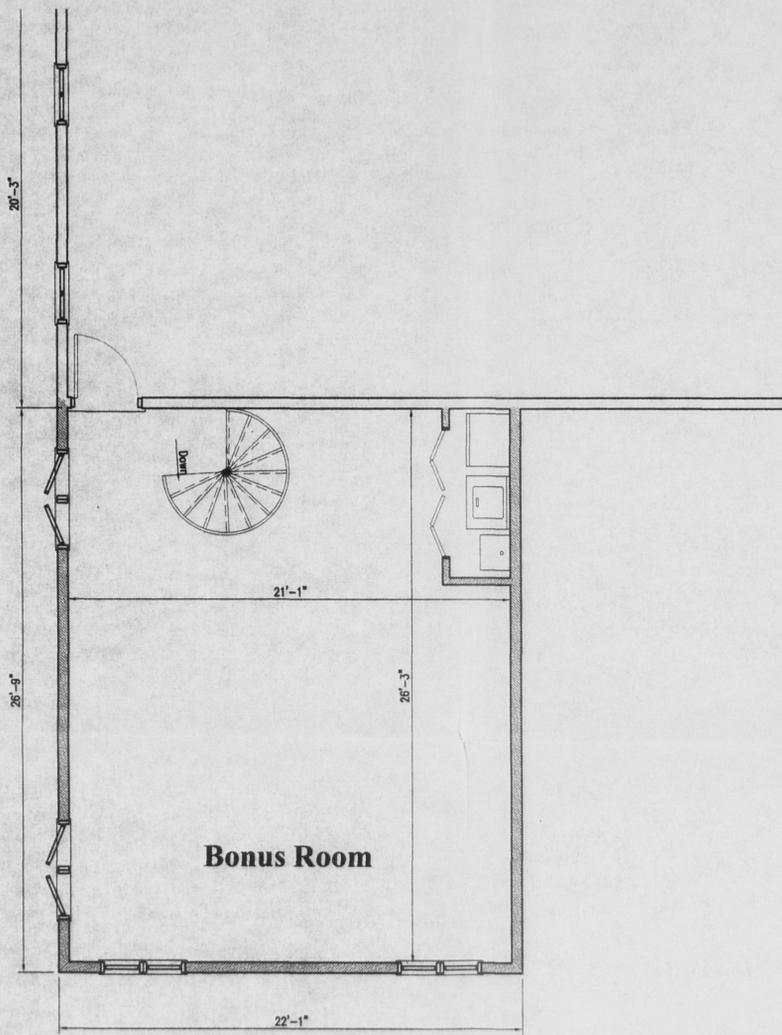
(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

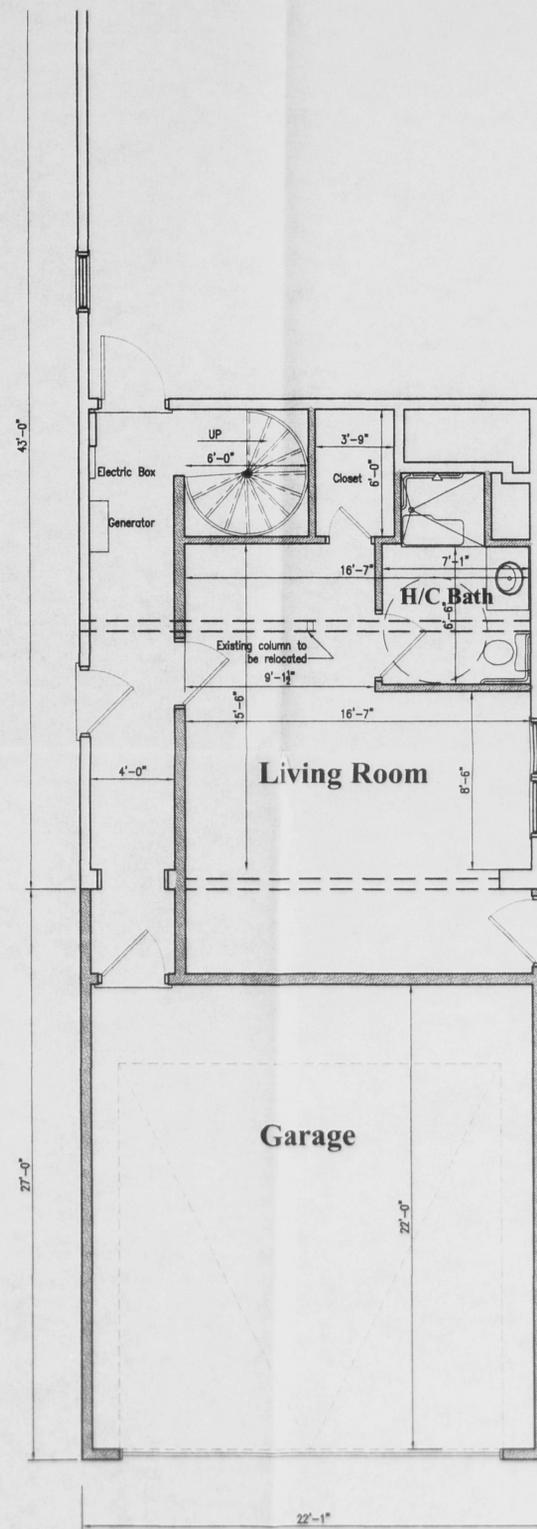
(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



1 Site Plan
A3 Scale: 1"=20'-0"



1 2nd Floor Plan
A1 Scale: 1/4"=1'-0"



1 1st Floor Plan
A1 Scale: 1/4"=1'-0"

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License Number: 018849

Plans for the:
Accettura Addition
 1 Farmstead Rd, New Windsor, NY

Revisions	
Drawn By:	
Date:	9/19/02
SCALE:	As Noted
PROJECT NUMBER	02-92

Sheet No.
A1
 Of 3

FOUNDATION PLAN, WALL DETAIL, GEN. NOTES