

**ZB# 03-30**

**Tom Prendergast**

**18-1-19**

**ZBA #03-30** TOM PRENDERGAST  
(AREA) 110 MERLINE AVE (18-1-19)

ZBA  
**APPROVED**  
7-14-03

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

FILE # 03-30 TYPE: AREA  USE Representative

APPLICANT: Tom Prendergast (Melcar Const)

110 Mesline Ave  
New Windsor, NY

TELE: 907-1991 (melcar)

\*RESIDENTIAL: \$ 50.00 CHECK # 3795

\*\*COMMERCIAL: \$150.00 CHECK # \_\_\_\_\_

\*INTERPRETATION: \$150.00 CHECK # \_\_\_\_\_

ESCROW: \$300.00 / \$500.00 CHECK # 3794

**DISBURSEMENTS:**

	<b>MINUTES</b>	<b>ATTORNEY FEES</b>
	<b>\$4.50 PER PAGE</b>	<b>\$35.00 / MEETING</b>
PRELIM..... <u>6/23</u> .....	\$ <u>9.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIM.....	_____	_____
3 <sup>RD</sup> PRELIM.....	_____	_____
PUB HEARING..... <u>7/14/03</u> .....	-	<u>35.00</u>
PUB HEARING (CONT')...	_____	_____
TOTAL	\$ <u><u>9.00</u></u>	\$ <u><u>70.00</u></u>

OTHER CHARGES:..... \$ \_\_\_\_\_



ESCROW POSTED: \$ 300.00  
AMOUNT DUE: \$ \_\_\_\_\_  
REFUND DUE: \$ 221.00



# 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

November 12, 2003

Mr. Thomas Prendergast  
110 Merline Avenue  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-30

Dear Mr. Prendergast:

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

cc: Michael Babcock, Building Inspector – w/enc.  
Eric Mason – Melcar Construction – w/enc.

-----X

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**THOMAS PRENDERGAST**

**AREA**

**CASE #03-30**

-----X

**WHEREAS, Thomas Prendergast**, owner(s) of 110 Merline Avenue, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 12 foot Rear Yard Setback for proposed attached deck in an R-4 Zone;

**WHEREAS**, a public hearing was held on July 14, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Mr. Eric Mason, of Melcar Construction, 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 property has an existing deck on it, which the applicant wishes to extend to the pool.
  - (c) Without this deck, a person entering or exiting the pool would probably sustain serious injurt.
  - (d) The deck will be protected by a self-closing and locking gate.
  - (e) The deck will be similar in size and appearance to other decks 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(s) 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 that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) 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(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) 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(s).

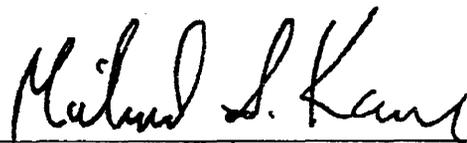
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 12 foot Rear Yard Setback for proposed attached deck 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/or Building Inspector and Applicant.

Dated:



Chairman

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 (845) 563-4615 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: May 12, 2003**

**APPLICANT: Tom Prendergast  
110 Merline Ave.  
New Windsor, N. Y. 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 9, 2003**

**FOR : 12 X 14 Deck**

**LOCATED AT: 110 Merline Ave**

**ZONE: R-4 Sec/Blk/ Lot: 18/1/19**

**DESCRIPTION OF EXISTING SITE: Section 18 Block 1 Lot 19**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed attached rear deck will not meet minimum rear yard set-back of 40'.**

**COPY**

BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: G 8 Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

28'

12'

REQ'D FRONTAGE:

MAX BLDG HT:

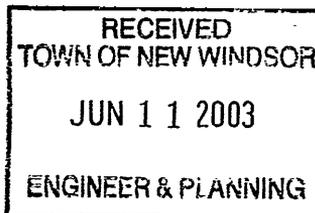
FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

APPROVED



03-30

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 under slab 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 to be completed at this time. Well water test required and engineer's certification letter for septic system.
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 percolation 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

MAY 09 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**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 TOM Pruder, CAST

Address 110 Melrose Ave. Phone # 565 2710

Mailing Address \_\_\_\_\_ Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor MELCA const corp

Address 126 Mt Airy Rd New Windsor NY Phone 845 567 1991

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

If applicant is a corporation, signature of duly authorized officer. CA Pres.  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ 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 \_\_\_\_\_

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 \_\_\_\_\_

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

6. Is this a corner lot? \_\_\_\_\_ 12x14

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 \_\_\_\_\_ 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 \$50 —

CH # 3773

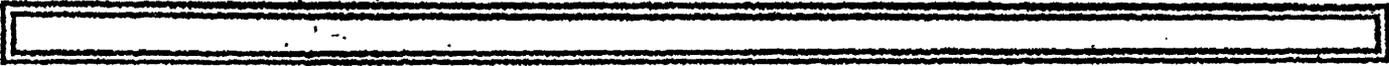
**PAID**  
**ZONING BOARD**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
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 Kryshear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4885 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.

*GA man*  
\_\_\_\_\_  
(Signature of Applicant)

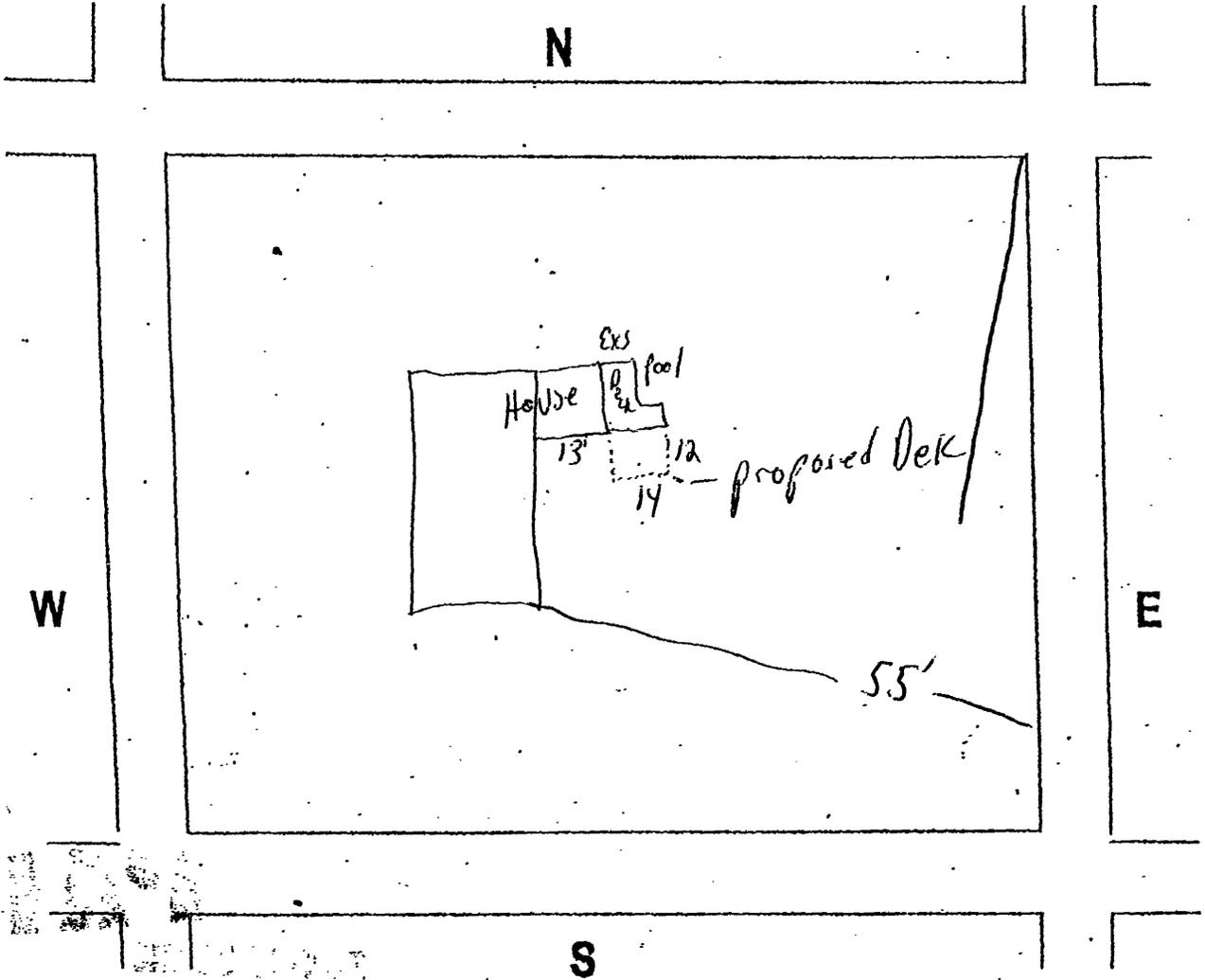
*1260 Mt Airy Rd New NY*  
\_\_\_\_\_  
(Address of Applicant)

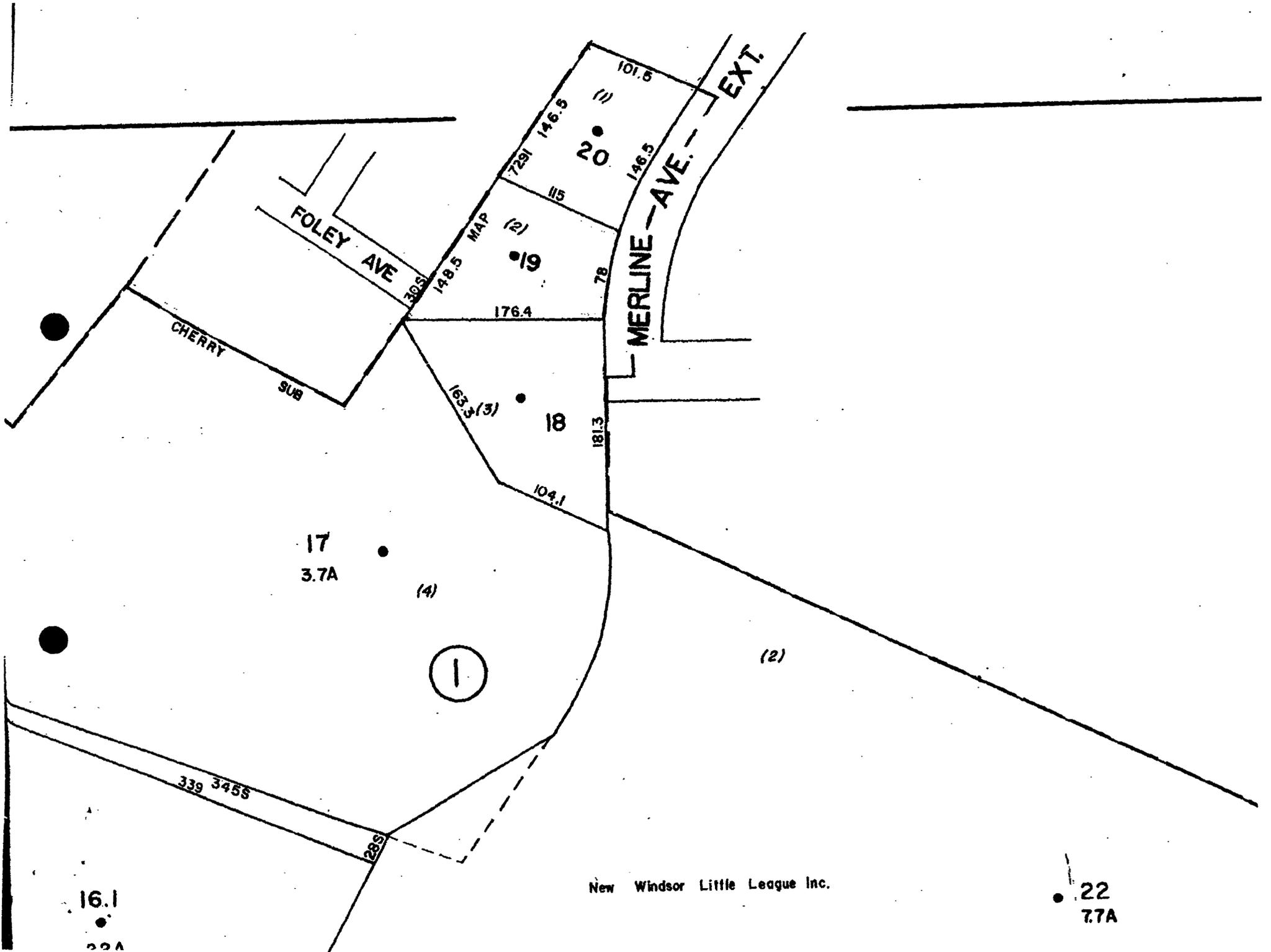
*Tom [unclear]*  
\_\_\_\_\_  
(Owner's Signature)

*110 Madison Ave New NY*  
\_\_\_\_\_

PLOT PLAN

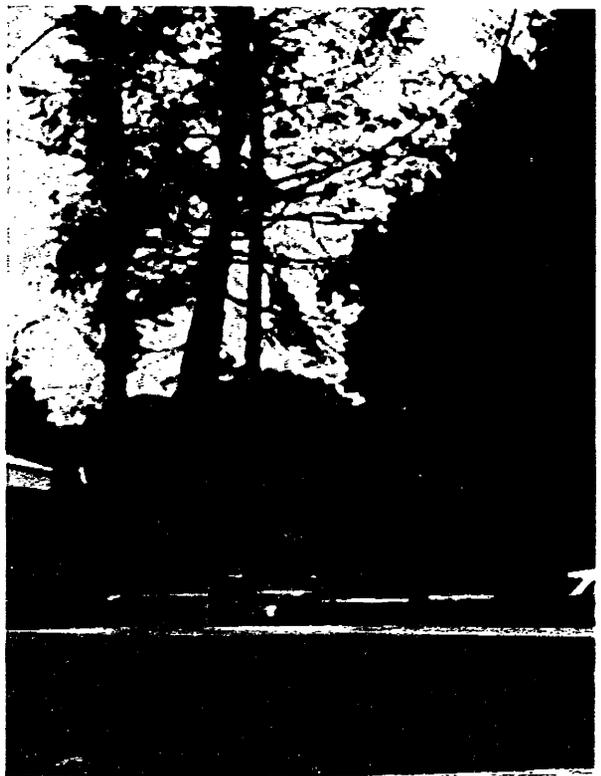
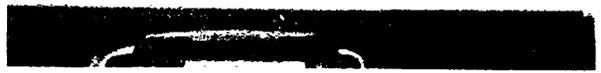
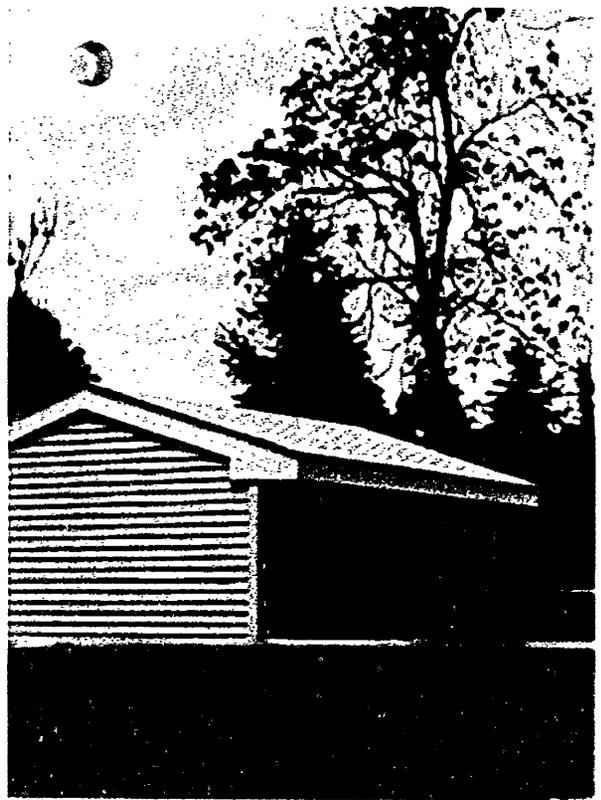
**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





New Windsor Little League Inc.

22  
7.7A



IRON PIPE S  
N 48° 15' 00" E

N 75° 56' 38" W

148.50'

LOT NO. 2  
15,032 ± S.F.  
0.345 ± A.C.

SEC. 18 BLK. 1 LOT 19

N/F  
PARK  
(LOT NO. 3)

SEC. 18 BLK. 1 LOT 18



TWO STORY  
FRAME HOUSE

17.7'

DRIVE

28.3'

2' CANTILEVER

CONCRETE PAD

176.38'

43.7'

352.19' 59" E

IRON PIPE

CONCRETE CURB

R=301.17 L=78.00'

UNGRAVED

IRON PIPE

0.8'

MERLINE AVENUE

SUBDIVISION



ZAI  
(LC  
SEC. 18  
L. 244

CERT  
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Federal  
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complete  
Code of  
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knowledg



RESULTS OF Z.B.A. MEETING OF: July 14, 2003

PROJECT: Tom Prendergast ZBA # 03-30  
P.B.# \_\_\_\_\_

USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:      M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
KANE \_\_\_\_\_  
TORLEY \_\_\_\_\_

PUBLIC HEARING:      STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:      M) RS S) RV VOTE: A 4 N 0.

RIVERA      A  
~~MCDONALD~~  
REIS      A  
KANE      A  
~~TORLEY~~  
MINUTA      A

CARRIED: Y  N \_\_\_\_\_.

No trees - runoff.  
Same as other decks

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: AUGUST 11, 2003**  
**SUBJECT: ESCROW REFUND - 03-30 - PRENDERGAST (MELCAR CONST.)**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 221.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-30**

**NAME: MELCAR CONSTRUCTION (FOR PRENDERGAST)**

**ADDRESS: 126 MT. AIRY ROAD**

**NEW WINDSOR, NY 12553**

**THANK YOU,**

**MYRA**

**L.R. 8-11-03**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #03-30      TYPE:AREA

APPLICANT:  
THOMAS PRENDERGAST

TELEPHONE:    567-1991 (MELCAR)

RESIDENTIAL:	\$ 50.00	CHECK # 3795 MELCAR
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW:            RESIDENTIAL \$300.00      CHECK # 3794 MELCAR

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> FEE
PRELIMINARY:	<u>2</u>	PAGES	\$ <u>9.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u>	PAGES	\$ <u>   </u>
PUBLIC HEARING:	<u>0</u>	PAGES	\$ <u>35.00</u>
PUBLIC HEARING:	<u>   </u>	PAGES	\$ <u>   </u>
TOTAL:			\$ <u>9.00</u> \$ <u>70.00</u>

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

ESCROW POSTED:	\$300.00
LESS: DISBURSEMENTS:	\$ <u>   </u>
AMOUNT DUE:	\$ <u>   </u>
REFUND DUE:	<u>\$221.00</u>

L.R. 8-11-03

TOM PRENDERGAST (#03-30)

MR. KANE: Request for 12 ft. rear yard setback for proposed attached deck at 110 Merline Avenue in an R-4 zone.

Mr. Eric Mason appeared before the board for this proposal.

MR. MASON: Mr. Chairman, I submitted pictures and maps, he's looking for a 12 foot rear yard setback to extend his existing deck. We're not really going to be changing any characteristics or anything as far as the neighborhood.

MR. KANE: Excuse me, as I resign, Mr. Torley has arrived.

(Whereupon, Mr. Torley entered the room.)

MR. TORLEY: My apologies for being late. Go ahead.

MR. MASON: We're looking for a 12 foot rear yard setback, we're not going to be changing any characteristics or anything in the neighborhood. We looked at other places to extend this deck on the property and nothing else really fit. That's really it in a nutshell. The property line is on quite a steep angle and that's where we ran into a problem.

MR. BABCOCK: If I can add one thing, the purpose of this variance is because the deck is attached to the house.

MR. KANE: So it becomes the house setback?

MR. BABCOCK: That's correct.

MR. TORLEY: You're attaching to the house for reasons of safety?

MR. MASON: Safety and to give him a little bit more room. The deck as it's existing is more open and access, yes, it's pretty tight right now the way it

sits.

MR. KANE: With the existing deck and the now proposed deck adding that will keep that in line with other decks in the area? It's not oversized?

MR. MASON: I would say so for that neighborhood.

MR. KANE: Creating any water hazards or runoffs with the building of the deck?

MR. MASON: No.

MR. KANE: Cutting down any trees?

MR. MASON: No.

MR. KANE: Any septic easements that you know of?

MR. MASON: No, it's all Town supplied water and sewer I believe.

MR. BABCOCK: Yes.

MR. TORLEY: Gentlemen, do you have any other questions at this time?

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we set up Mr. Tom Prendergast for a public hearing on his requested variance at 110 Merline Avenue.

MR. MC DONALD: Second it.

ROLL CALL

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





# Town of New Windsor

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

## Assessors Office

June 18, 2003

Tom Prendergast (Melcar Construction Corp.)  
126 Mt. Airy Rd  
New Windsor, NY 12553

Re: 18-1-19 ZBA#03-30

Dear Mr. Prendergast:

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 \$65.00, minus your deposit of \$25.00.

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

Sincerely,

*J. Todd Wiley* *BAW*

J. Todd Wiley, IAO  
Sole Assessor

JTW/baw  
Attachments

CC: Myra Mason, ZBA

9-1-55  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

15-2-6  
Joseph Vignogna  
74 Myrtle Ave  
New Windsor, NY 12553

15-2-7; 15-2-10  
Rose Anna Crudele  
78 Myrtle Ave  
New Windsor, NY 12553

15-2-11.1  
Elvira Crudele-LE  
& Rose Anna Etal Crudele  
90 Myrtle Ave  
New Windsor, NY 12553

15-2-16  
Gaetano Rizzo  
116 Myrtle Ave  
New Windsor, NY 12553

15-2-20  
Alfonso & Rosalia Spoto  
118 Myrtle Ave  
New Windsor, NY 12553

15-2-23 ; 15-2-24 ; 15-2-25; 15-2-26  
Vincent & Theresa Di Chiaro  
128 Myrtle Ave  
New Windsor, NY 12553

15-3-2  
Vincent & Rose De Fabio  
1 Foley Ave  
New Windsor, NY 12553

15-3-4  
Edward & Rita Mastrorocco  
3 Foley Ave  
New Windsor, NY 12553

15-3-6; 15-4-19  
John Petro  
8 Park Hill Drive  
New Windsor, NY 12553

15-4-6  
Michael & Sharon Alexander  
80 Meriline Ave  
New Windsor, NY 12553

15-4-7  
Cosmo ,David & Vincent Yonnone  
82 Meriline Ave  
New Windsor, NY 12553

15-4-8; 15-4-30  
Ronald & Lari-Sue McDermott  
88 Meriline Ave  
New Windsor, NY 12553

15-4-10  
Robert & Rose Gilfeather  
90 Meriline Ave  
New Windsor, NY 12553

15-4-11  
Margaret, Caroline & Frank Komar  
96 Meriline Ave  
New Windsor, NY 12553

15-4-17  
Charles Carlstrom & Marlene Mazzola  
323 Frozen Ridge Rd  
Newburgh, NY 12550

15-4-21  
Louis Vignogna  
111 Myrtle Ave  
New Windsor, NY 12553

15-4-22  
William & Shirley Petro  
109 Myrtle Ave  
New Windsor, NY 12553

15-4-25  
Carlos Vega Jr.  
101 Myrtle Ave  
New Windsor, NY 12553

15-4-27; 15-4-28.2  
John Veneziali  
99 Myrtle Ave  
New Windsor, NY 12553

15-4-28.1  
Richard & Maryann Hotaling  
95 Myrtle Ave  
New Windsor, NY 12553

15-4-29  
Arthur & Clara Mott  
91 Myrtle Ave  
New Windsor, NY 12553

15-4-31  
Cosmo & Stephanie Yonnone  
67 Myrtle Ave  
New Windsor, NY 12553

15-5-1  
John & Frances Homin  
91 Meriline Ave  
New Windsor, NY 12553

15-5-4  
Rebecca Foster  
14 Goodman Ave  
New Windsor, NY 12553

15-5-5  
John Mullarkey  
37 Blooming Grove Tpke  
New Windsor, NY 12553

15-5-7.1  
Donald & Edith Smith  
24 Goodman Ave  
New Windsor, NY 12553

15-6-6; 15-6-10  
Michelle Roach  
32-30 Cruger Ave  
Bronx, NY 10467

15-6-11.1  
Alcides & Alexandra Blanco  
87 Meriline Ave  
New Windsor, NY 12553

15-6-12.1  
Louis Sr. & Louise Pisano &  
Dante & Jennifer Dichiaro  
81 Meriline Ave  
New Windsor, NY 12553

15-6-13  
Micah & Julie Salisbury  
77 Meriline Ave  
New Windsor, NY 12553

15-8-26  
Humberto & Linda Alvarez  
121 Blanche Ave  
New Windsor, NY 12553

15-8-27  
Edmund & Barbara McDaniel  
123 Blanche Ave  
New Windsor, NY 12553

15-8-28  
Robert & Judith Molter  
125 Blanche Ave  
New Windsor, NY 12553

15-8-29  
John O'Brien  
127 Blanche Ave  
New Windsor, NY 12553

15-8-30  
John Ulrich & Kimberly Lenz  
120 Blanche Ave  
New Windsor, NY 12553

15-8-31  
John J Jr. & Georgia Ulrich  
105 Meriline Ave  
New Windsor, NY 12553

15-8-32  
Robert & Deborah Quattrociocchi  
118 Blanche Ave  
New Windsor, NY 12553

15-8-33  
Robert & Jo Ann Hilfiger  
116 Blanche Ave  
New Windsor, NY 12553

15-8-34  
Richard & Dorothy Urbaniak  
114 Blanche Ave  
New Windsor, NY 12553

18-1-14.1  
Amoia Realty LLC  
24 Ruscitti Road  
New Windsor, NY 12553

18-1-14.2; 18-1-17  
William Cherry  
C/o Ruth Cherry  
118 Cedar Ave  
New Windsor, NY 12553

18-1-14.3  
Amoia Business Ventures LLC  
C/o Anthony Amoia  
12 Ruscitti Road  
New Windsor, NY 12553

18-1-16.1; 18-1-16.2  
Anthony Etal Amoia  
C/o A&R Concrete Products Spec. Inc.  
Ruscitti Road  
New Windsor, NY 12553

18-1-18  
Joseph & Patricia Alfieri  
112 Meriline Ave  
New Windsor, NY 12553

18-1-20  
Frederick & Linda Ann Zamenick  
108 Meriline Ave  
New Windsor, NY 12553

18-1-22  
New Windsor Little League Inc.  
P.O. Box 4024  
New Windsor, NY 12553

**PUBLIC HEARING NOTICE**  
**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. 03-30**

**Request of THOMAS PRENDERGAST**

**for a VARIANCE of the Zoning Local Law to Permit:**

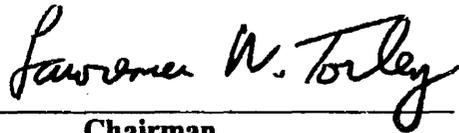
**Request for 12 ft. Rear Yard Setback for proposed attached deck**

**being a VARIANCE of Section 48-14 G-8 BULK TABLES**

**for property located at: 110 Merline Avenue - New Windsor, NY**

**known and designated as tax map Section 18 Block 1 Lot 9**

**PUBLIC HEARING will take place on JULY 14TH, 2003**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Chairman**

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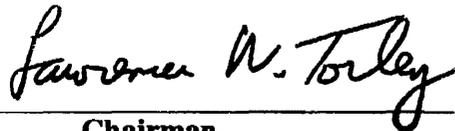
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---

**Chairman**



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

June 25, 2003

Thomas Prendergast  
110 Merline Avenue  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #03-30

Dear Mr. Prendergast:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

110 Merline Avenue  
New Windsor, NY

is scheduled for the July 14th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm ✓

cc: Eric Mason – Melcar Construction ✓

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**ZONING BOARD OF APPEALS**  
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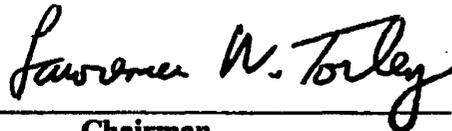
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**beginning at 7:30 P.M.**



**Chairman**





**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: JUNE 11, 2003

FOR: 03-30 ESCROW

FROM: MELCAR CONSTRUCTION CORP. (FOR TOM PRENDERGAST)

126 MT. AIRY ROAD

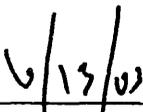
NEW WINDSOR, NY 12553

CHECK NUMBER: 3794

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

**RECEIPT  
#569-2003**

**06/13/2003**

**Mel Car Construction Corp**

**Received \$ 50.00 for Zoning Board Fees, on 06/13/2003. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

MELCAR CONSTRUCTION CORP. ZBA #03-30 Application Fee

3795

ERIC MASON, PRESIDENT  
(845-567-1991)  
126 MT. AIRY RD.  
NEW WINDSOR, NY 12553

1-108/210

DATE 5-28-07

PAY TO THE ORDER OF Town of New Windsor \$ 50 -

fifty 00/100 DOLLARS

HSBC BANK, USA  
NEWBURGH OFFICE  
100 AUTO PARK PLACE  
NEWBURGH, NEW YORK 12550

SA

FOR \_\_\_\_\_ MP

⑆003795⑆ ⑆021001088⑆494703424⑆

MELCAR CONSTRUCTION, CORP. ZBA #03-30 ESCROW

3794

ERIC MASON, PRESIDENT  
(845-567-1991)  
126 MT. AIRY RD.  
NEW WINDSOR, NY 12553

1-108/210

DATE 5-28-07

PAY TO THE ORDER OF Town of New Windsor \$ 300 -

three hundred 00/100 DOLLARS

HSBC BANK, USA  
NEWBURGH OFFICE  
100 AUTO PARK PLACE  
NEWBURGH, NEW YORK 12550

SA

FOR \_\_\_\_\_ MP

⑆003794⑆ ⑆021001088⑆494703424⑆



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**

52803      **Application Type:** Use Variance  Area Variance   
 Date      Sign Variance  Interpretation

I. **Owner Information:**      Phone Number: (845) 567 1991  
Tom Freuderpost      Fax Number: ( )  
 (Name)  
110 Melrose Ave New Windsor NY  
 (Address)

II. **Purchaser or Lessee:**      Phone Number: ( )  
 Fax Number: ( )  
 (Name)  
 (Address)

III. **Attorney:**      Phone Number: ( )  
 Fax Number: ( )  
 (Name)  
 (Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**      Phone Number (845) 587 1991  
 Fax Number: ( )  
Melcar Const Corp Eric Mason  
 (Name)  
126 Mt Airy Rd New Windsor NY  
 (Address)

V. **Property Information:**  
 Zone: R4      Property Address in Question: 110 Melrose Ave  
 Lot Size: \_\_\_\_\_ Tax Map Number: Section 18 Block 1 Lot 19  
 a. What other zones lie within 500 feet? \_\_\_\_\_  
 b. Is pending sale or lease subject to ZBA approval of this Application? NO  
 c. When was property purchased by present owner? 1994  
 d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
 e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO  
 f. Is there any outside storage at the property now or is any proposed? yes

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

RECEIVED  
 TOWN OF NEW WINDSOR  
 JUN 11 2003  
 ENGINEER & PLANNING

**03-30**

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Area For new deck will not change surrounding Area

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy 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.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - One in the amount of \$ 300.00 or 500.00 (escrow)
  - One in the amount of \$ 50.00 or 150.00 (application fee)
  - One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

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/her 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.

Sworn to before me this:

11<sup>th</sup> day of June 2003.

Thomas F. Prendergast  
Owner's Signature (Notarized)

THOMAS F. PRENDERGAST  
Owner's Name (Please Print)

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

[Signature]  
Signature and Stamp of Notary

[Signature]  
Applicant's Signature (If not Owner)

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

RECEIVED  
JUN 11 2003  
ENGINEER & PLANNING

03-30

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

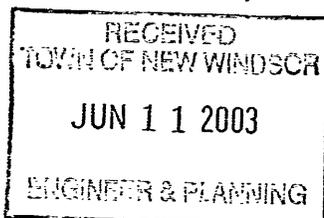
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40	28	12
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:  
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE  
OF SUBMITTAL.**



**03-30**

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Thomas Prexdergast, deposes and says that he resides  
(OWNER)

at 110 Merline Ave - N.W. in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 18 Block 1 Lot 19)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

Eric Mason (Mel-Car) - Mt Airy Rd.  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: June 11<sup>th</sup>, 2003

Sworn to before me this:  
11<sup>th</sup> day of June 2003

**JENNIFER MEAD**  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified in Orange County  
Commission Expires 12/30/2006

\_\_\_\_\_  
Signature and Stamp of Notary

\*\* Thomas Prexdergast  
Owner's Signature (MUST BE NOTARIZED)

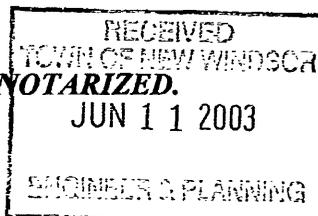
\_\_\_\_\_  
Applicant's Signature (If different than owner)

\_\_\_\_\_  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

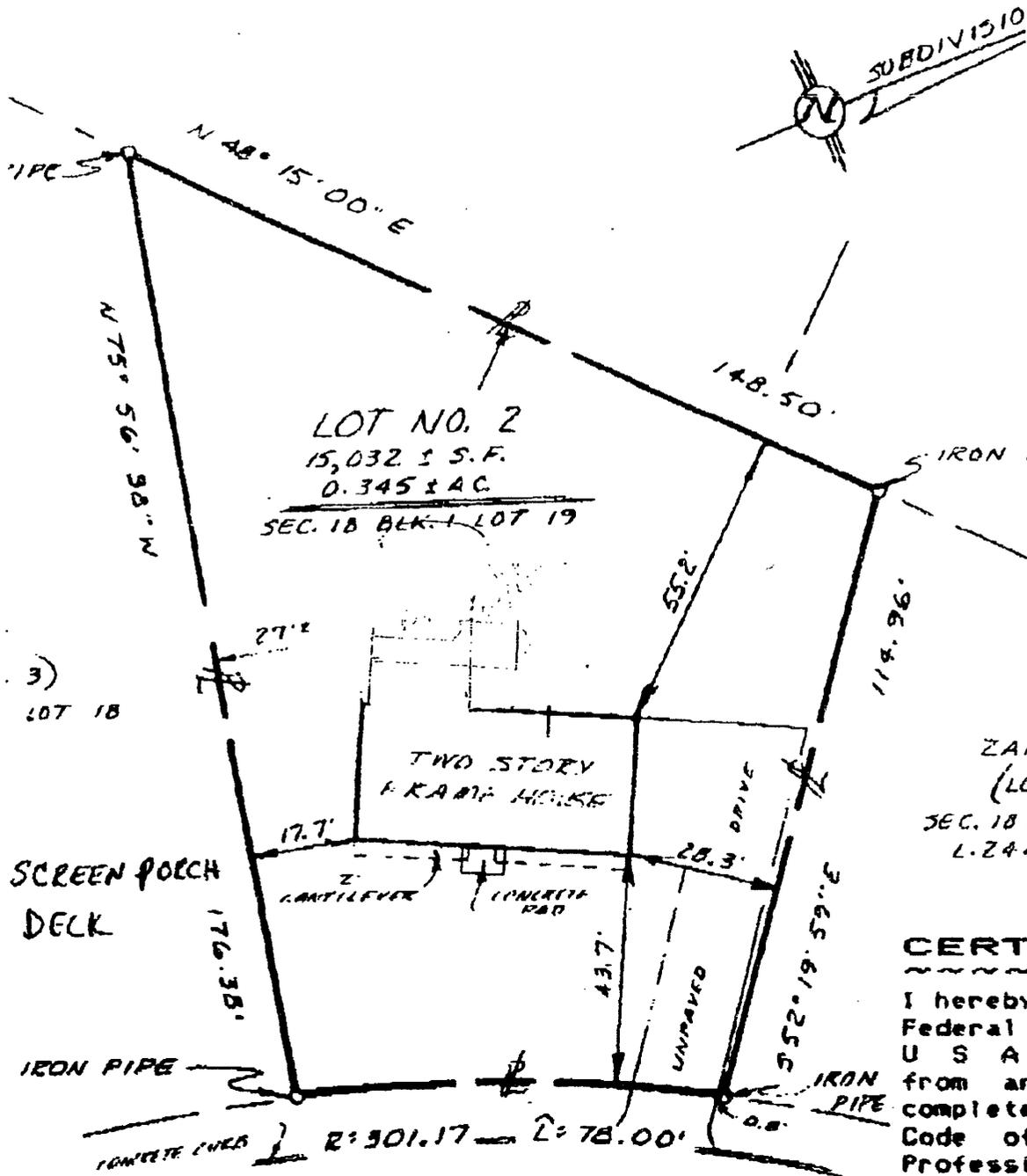
**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**



**03-30**

ATT: MURA  
 RE: Prodergast survey map.



ZAI  
 (LC  
 SEC. 18  
 L. 244

**CERT**  
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 I hereby  
 Federal  
 U S A  
 from an  
 complete  
 Code of  
 Professional  
 knowledge

03-3 MERLINE AVENUE