

ZB# 04-35

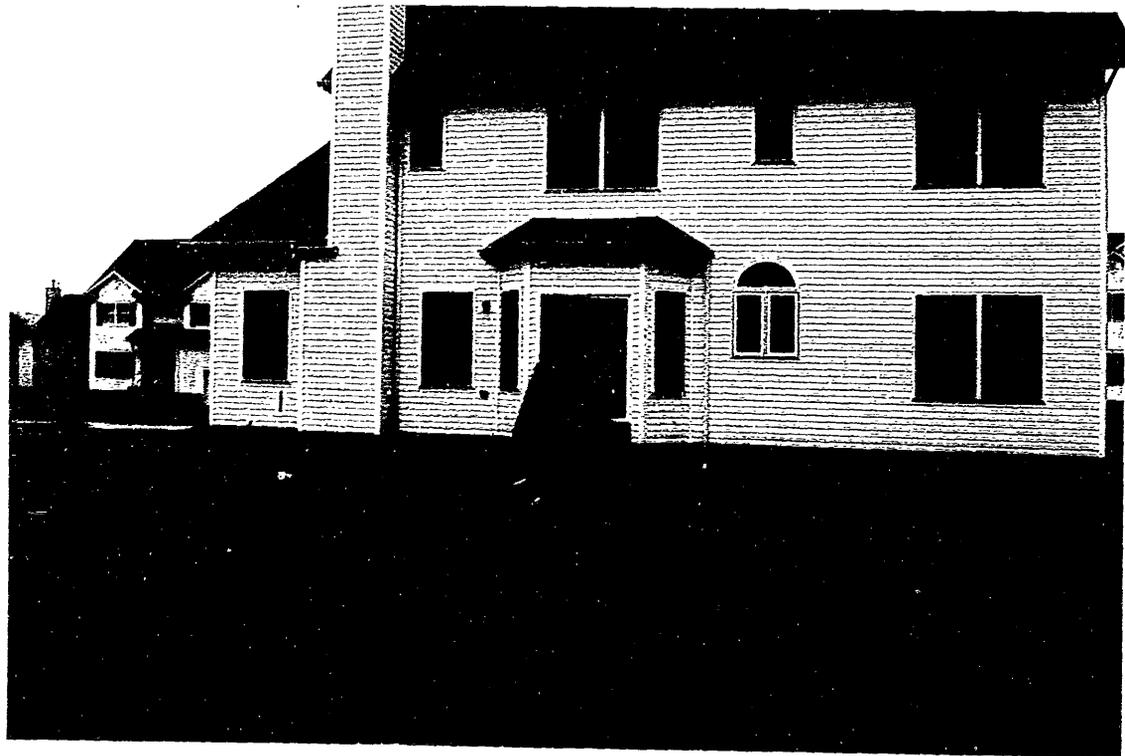
Donald Dematteo

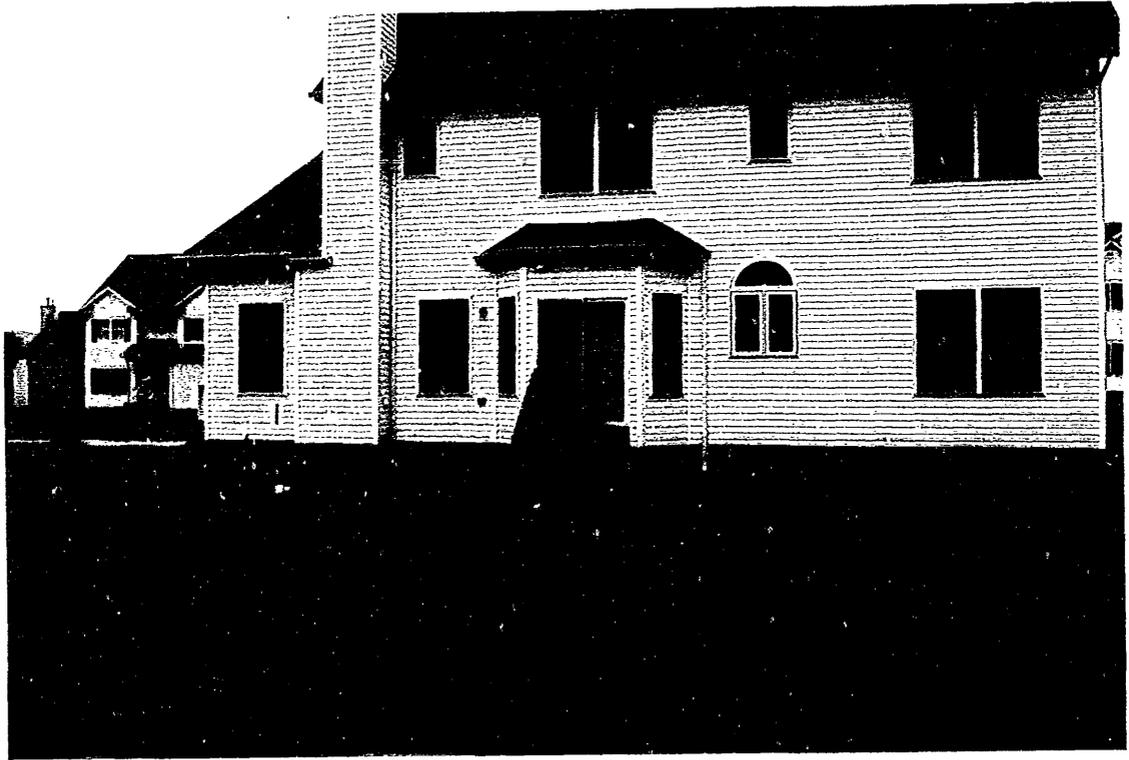
77-1-19

ZBA #04-35 DONALD DEMATTEO
376 CHERRY TREE WAY
(AREA) 2718 COLONIAL DR. (77-1-19)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 6-14-04

Donald Dematteo 567-3839





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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: **April 8, 2004**

APPLICANT: **Don Demastteo**
2816 Cherry Tree Way

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: **4/5/04**

FOR : **Proposed 16x16 attached rear deck.**

LOCATED AT: **2816 Cherry Tree Way**

ZONE: **R-3 Sec/Blk/ Lot: 77-1-19**

DESCRIPTION OF EXISTING SITE: **Existing one-family house**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **Proposed 16x16 ft. rear deck will not meet minimum 30ft. rear set-back.**


BUILDING INSPECTOR

COPY

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: Bulk Tables See original approval site plan – Mt. Airy Estates

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

30'

17' 3"

12' 9"

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

APPROVED

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 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 permit.
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

APR 5 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2004-0438

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 Don DeMatteo

Address 2816 Cherry Tree Way

New Windsor

Phone #

845 567-3839

Mailing Address

Fax #

845 567 4318

Name of Architect N/A

Address

Phone

Name of Contractor N/A / Owner

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 North side of Cherry Tree Way
(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 77 Block 1 Lot 19

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Home b. Intended use and occupancy Home

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other
Deck 16 ft x 16 ft

6. Is this a corner lot? No

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 3,000 Fee 30

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

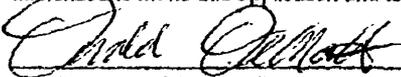
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4685 FAX

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

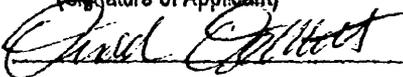
INSTRUCTIONS

- 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.


(Signature of Applicant)

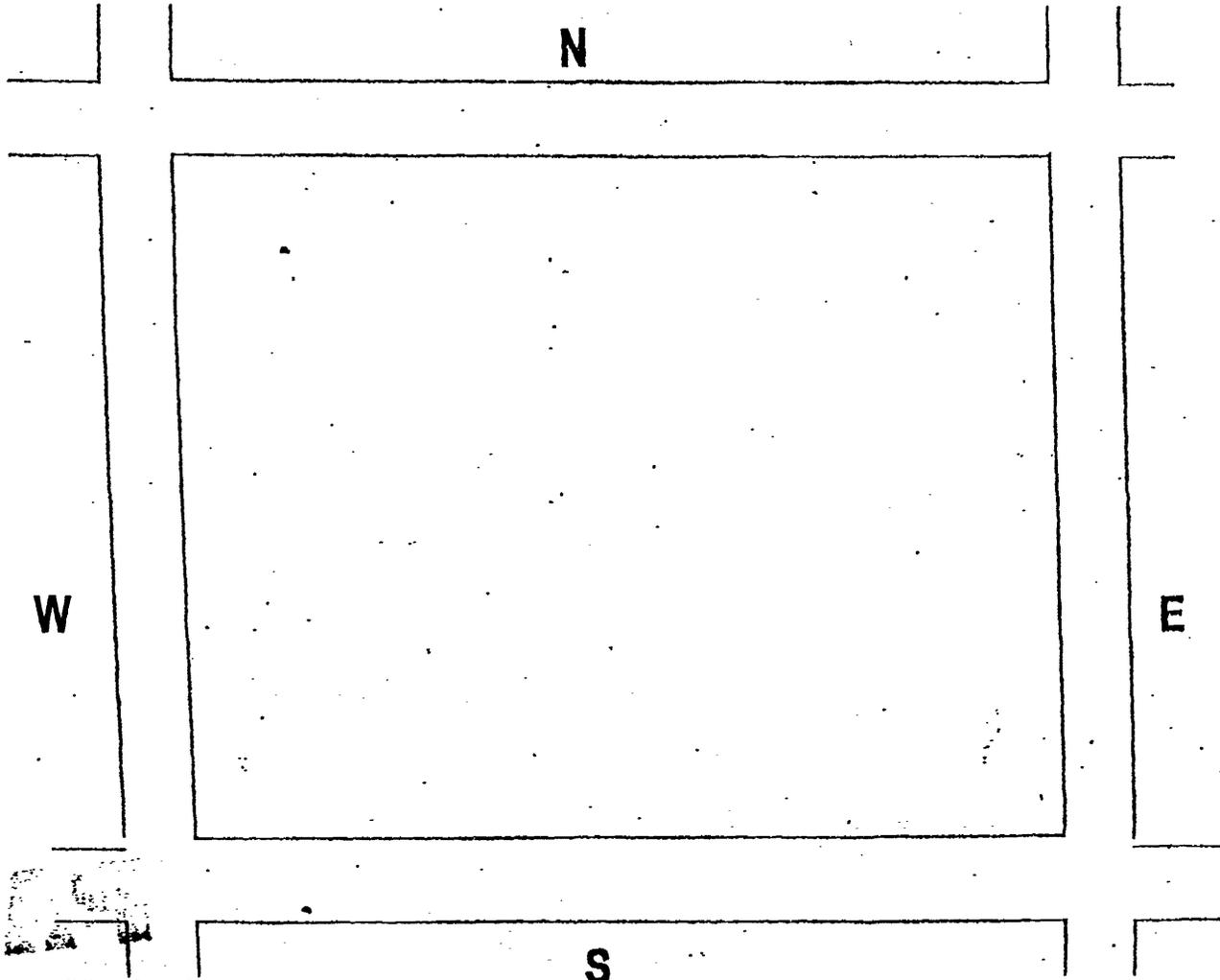
(Address of Applicant)


(Owner's Signature)

2816 Cherry Tree Ckwy

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.



CLERK

OFFICIAL STAMP

F.M. LOT

6

S 83°-18'-51" E
100.00'

F.M. LOT

19

16x16'

BUILDING
SETBACK LINES

2 STORY
FRAMED
DWELLING

N 06°-41'-09" E
100.00'

S 06°-41'-09" W
100.00'

12'

18'

13.1'±

38.8'±

SIDEWALK

GRAVEL
DRIVE

25'

29.0'±

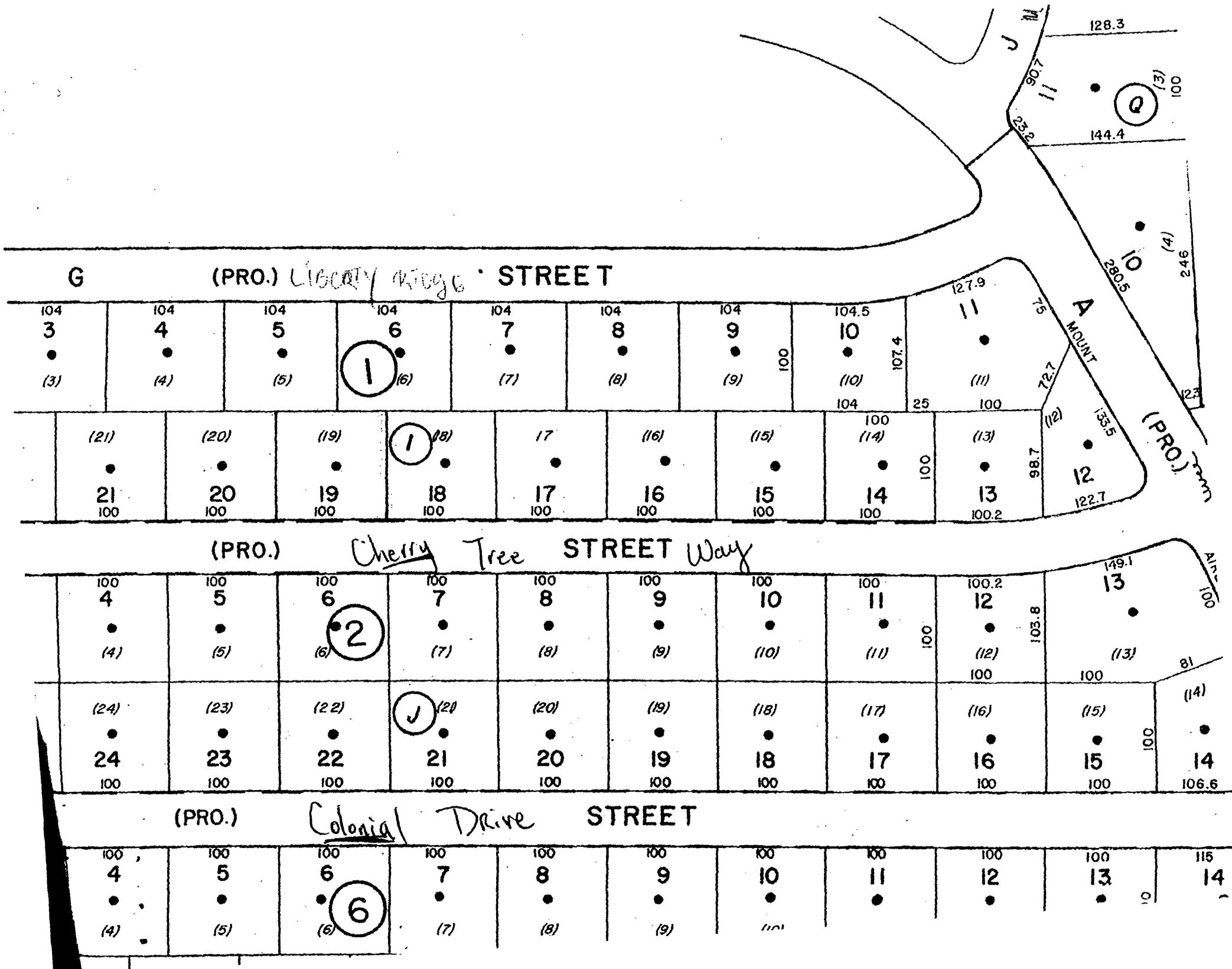
100.00'

N 83°-18'-51" W

UNDERGROUND
UTILITIES

W.V.

F CURB



G (PRO.) LIBERTY STREET

104 3 • (3)	104 4 • (4)	104 5 • (5)	104 6 • I (6)	104 7 • (7)	104 8 • (8)	104 9 • (9)	104 10 • (10)	104.5 11 • (11)	100 12 • (12)	100 13 • (13)	100 14 • (14)	100 15 • (15)	100 16 • (16)	100 17 • (17)	100 18 • (18)	100 19 • (19)	100 20 • (20)	100 21 • (21)
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(PRO.) Cherry Tree STREET Way

100 4 • (4)	100 5 • (5)	100 6 • 2 (6)	100 7 • (7)	100 8 • (8)	100 9 • (9)	100 10 • (10)	100 11 • (11)	100.2 12 • (12)	100 13 • (13)	100 14 • (14)
100 24 • (24)	100 23 • (23)	100 22 • (22)	100 21 • J (21)	100 20 • (20)	100 19 • (19)	100 18 • (18)	100 17 • (17)	100 16 • (16)	100 15 • (15)	100 14 • (14)

(PRO.) Colonial Drive STREET

100 4 • (4)	100 5 • (5)	100 6 • 6 (6)	100 7 • (7)	100 8 • (8)	100 9 • (9)	100 10 • (10)	100 11 • (11)	100 12 • (12)	100 13 • (13)	115 14 • (14)
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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

September 14, 2004

Donald Dematteo
2816 Cherry Tree Way
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-35

Dear Mr. Dematteo:

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

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-1-19

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

DONALD DEMATTEO

AREA

CASE #04-35
-----X

WHEREAS, Donald DeMatteo, owner(s) of 2816 Cherry Tree Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 12 ft. 9 inches for Rear Yard Setback for proposed 16ft. X 16ft. deck at 2816 Cherry Tree Way in an R-3 Zone (77-1-19)

WHEREAS, a public hearing was held on June 14, 2004 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) In constructing the deck the applicants will not remove any trees or substantial vegetation.
 - (c) The deck will not be on top of, nor will it interfere with, any easements including, but not limited to, water, sewer or utilities.

- (d) The deck is necessary for the safety of the occupants of the adjacent home. Persons exiting the home from the rear entrance/exit would be likely to fall and sustain serious physical injury absent the presence of the deck.

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 is/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/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/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).

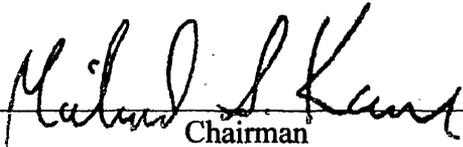
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 12 ft. 9 inches for Rear Yard Setback for proposed 16ft. X 16ft. deck at 2816 Cherry Tree Way in an R-3 Zone (77-1-19) 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: June 14, 2004


Chairman

**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: 08-09-04
SUBJECT: ESCROW REFUND 04-35

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 208.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-35

NAME & ADDRESS:

**Donald Dematteo
2816 Cherry Tree Way
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.08-09-04



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



FILE #04-35 TYPE:AREA

APPLICANT Name & Address:

Donald Dematteo
2816 Cherry Tree Way
New Windsor, NY 12553

TELEPHONE: 567-3839

RESIDENTIAL:	\$ 50.00	CHECK # <u>329</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #1046



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>	
PRELIMINARY:	<u>2</u>	PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	___	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	___	PAGES	\$ _____	\$ _____

TOTAL: \$ 22.00 \$ 70.00



ESCROW POSTED: \$ 300.00
 LESS: DISBURSEMENTS: \$ 92.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 208.00

Cc:

DONALD DEMATTEO (04-35)

Mr. and Mrs. DeMatteo appeared before the board for this proposal.

MR. KANE: Request for 12 ft. 9 inches for rear yard setback for proposed 16 ft. x 16 ft. deck at 2816 Cherry Tree Way in an R-3 zone.

MR. DEMATTEO: I don't know if you need the plans, I haven't submitted them to the building department yet just so you get an idea.

MRS. DEMATTEO: It hasn't changed.

MR. KANE: I think we'll be fine, thank you. Okay, let's see, you want to build a 16 x 16 rear deck?

MR. DEMATTEO: Yes.

MR. KANE: And the deck is not oversized to other decks in your neighborhood?

MR. DEMATTEO: No.

MR. KANE: Cutting down of trees or substantial vegetation?

MR. DEMATTEO: No.

MR. KANE: Create any water hazards or runoffs?

MR. DEMATTEO: No.

MR. KANE: Any easements from where the deck is going to be?

MR. DEMATTEO: No.

MR. KANE: Without the deck there, walking out your

rear door would be a little bit of a safety issue?

MR. DEMATTEO: Yes.

MR. KANE: So 12 foot 9 inch rear setback basically any deck you're trying to put you're going to need some kind of a variance?

MR. BABCOCK: It would be allowed about a three foot deck probably.

MR. KANE: At this point, I will ask if there's anybody in the audience for this particular hearing? And there is not, so we will open and close the public hearing portion. Myra, how many mailings?

MS. MASON: On the 17th of May, I mailed out 35 addressed envelopes with no responses.

MR. KANE: Any other questions, guys?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we approve Donald DeMatteo's request for 12 foot 9 inch rear yard setback for proposed 16 x 16 deck at 2816 Cherry Tree Way.

MR. MC DONALD: Second it.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: June 14, 2004

PROJECT: Donald De Mattes

ZBA # 04-35
P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
MINUTA _____
KANE _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

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

RIVERA A
MC DONALD A
REIS A
~~MINUTA~~
KANE A

CARRIED: Y N _____.

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.

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 on the following Proposition:

Appeal No. 04-35

Request of DONALD DEMATTEO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 12 ft. 9 inches for Rear Yard Setback for proposed 16ft. X 16ft. deck at 2816 Cherry Tree Way in an R-3 Zone (77-1-19)

PUBLIC HEARING will take place on JUNE 14, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, 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 4, 2004

Donald Dematteo
2816 Cherry Tree Way
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-35

Dear Mr. Dematteo:

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:

2816 Cherry Tree Way
New Windsor, NY

is scheduled for the June 14th, 2004 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

DONALD DEMATTEO (04-35)

MR. KANE: Request for 12 ft. 9 inch for rear yard setback for proposed 16 ft. x 16 ft. deck at 2816 Cherry Tree Way in an R-3 zone.

Mr. and Mrs. DeMatteo appeared before the board for this proposal.

MR. DEMATTEO: We just have stairs. A lot of people are doing patios which are nice but we're having a baby, I'm afraid if I open the door he'll go right down the stairs or on the patio running off into the neighbor's yards or whatever, deck is a little more access control.

MR. KANE: Sixteen by sixteen you don't feel that's an oversized deck for your particular neighborhood.

MR. DEMATTEO: No, from what I've seen today, it's a small size.

MR. KANE: Again, cutting down any trees or shrubbery?

MR. DEMATTEO: Not even pulling any grass out.

MR. KANE: Create any water hazards or runoffs?

MR. DEMATTEO: No.

MR. KANE: The deck will be similar in nature and size to other decks that are in your neighborhood?

MR. DEMATTEO: Yes.

MR. KANE: Obviously without the deck there or the steps it would be considered a safety hazard to step out that back door?

MR. DEMATTEO: Right.

MR. MINUTA: Just one question regarding the pictures versus the plan, the stairs shown in the plan will not be there for the new deck, correct?

MR. DEMATTEO: No, I'm sorry, I don't have the actual plans but he relocated it, I did put them there.

MR. MINUTA: The steps, the existing steps that are being shown here are also shown on this plan?

MR. KANE: You're going to be flush coming out?

MR. DEMATTEO: No stairs whatsoever, the stairs were on the survey, when I copied it, I should of whited it out, sorry, that's my mistake.

MR. REIS: You're not going over my easements or right-of-ways?

MR. DEMATTEO: No.

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: Make a motion we set up the Dematteos for their requested variance for a 12 foot 9 inch rear yard setback for the proposed deck at 2916 Cherry Tree Way.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE



Town of New Windsor

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

Assessor's Office

May 4, 2004

Donald DeMatteo
2618 Cherry Tree Way
New Windsor, NY 12553

Re: 77-1-19 ZBA#04-35

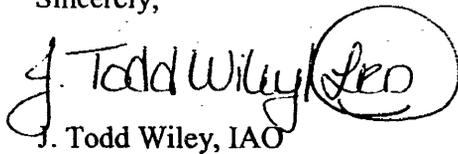
Dear Mr. DeMatteo:

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

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,


J. Todd Wiley, IAO

Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

Part Sec. 64 & Part 76 & Part 77
Mt. Airy Estates Inc.
C/o Sarna Enterprises
15 Engle Street, Suite 100
Englewood, NJ 07631

77-2-21
James Hoskin
Kathryn Brown
2716 Colonial Drive
New Windsor, NY 12553

77-6-4
Joseph & Jodi Antonacci
2721 Colonial Drive
New Windsor, NY 12553

77-2-4
Benedetto & Kelly Allegra
2819 Cherry Tree Way
New Windsor, NY 12553

77-2-22
Brian & Carole McCue
2718 Colonial Drive
New Windsor, NY 12553

77-6-5
Barry & Joanne Washington
2719 Colonial Drive
New Windsor, NY 12553

77-2-5
John & Eva Lee
2817 Cherry Tree Way
New Windsor, NY 12553

77-2-23
Emanuel & Anelyn Suazo
2720 Colonial Drive
New Windsor, NY 12553

77-6-6
Brian & Dianna McLean
2717 Colonial Drive
New Windsor, NY 12553

77-2-9
Antonio & Maria Tommasi
2809 Cherry Tree Way
New Windsor, NY 12553

77-2-24
Craig & Valerie Barnes
2722 Colonial Drive
New Windsor, NY 12553

77-6-7
Harvey Mathis
Lydia Alvarez
2715 Colonial Drive
New Windsor, NY 12553

77-2-10
Matthew & Cheri Elliott
2807 Cherry Tree Way
New Windsor, NY 12553

77-2-25
Dion & Joan Edwards
2724 Colonial Drive
New Windsor, NY 12553

77-6-8
Michael & Michelle Thomas
2713 Colonial Drive
New Windsor, NY 12553

77-2-11
Antonio & Laura Nastro
2805 Cherry Tree Way
New Windsor, NY 12553

77-2-26
Robert & Zoraida Marquez
2726 Colonial Drive
New Windsor, NY 12553

77-6-9
James Porter
Leo Carmelle Mathelier
2711 Colonial Drive
New Windsor, NY 12553

77-2-17
Christopher & Jennifer Bautista
2708 Colonial Drive
New Windsor, NY 12553

77-2-27
Maria Pippi
David Layne
2728 Colonial Drive
New Windsor, NY 12553

77-6-10
Neal & Theresa Iaquina
2709 Colonial Drive
New Windsor, NY 12553

77-2-18
Laverne Bey
2710 Colonial Drive
New Windsor, NY 12553

77-6-1
Patrick McNamara
Cecilia Miro
2727 Colonial Ridge
New Windsor, NY 12553

77-6-11
Amir & Farida Islam
2707 Colonial Drive
New Windsor, NY 12553

77-2-19
New Windsor Development Co. LLC
16 Microlab Road, Suite A
Livingston, NJ 07039

77-6-2
Rudolph Trocard
2725 Colonial Drive
New Windsor, NY 12553

77-6-20
David & Ellen Olsen
2612 Liberty Ridge
New Windsor, NY 12553

77-2-20
John & Nicole White
2714 Colonial Drive
New Windsor, NY 12553

77-6-3
Elliot Gaztambide Jr.
Jennifer Rivera-Gaztambide
2723 Colonial Drive
New Windsor, NY 12553

77-6-21
Francisco Soto Jr.
Cynthia Diaz
2614 Liberty Ridge
New Windsor, NY 12553

77-6-22

Jeri & Cheryl Kocik
2616 Liberty Ridge
New Windsor, NY 12553

77-6-23

Edward & Regina Davis
2618 Liberty Ridge
New Windsor, NY 12553

77-6-24

Irina Simknovich
2620 Liberty Ridge
New Windsor, NY 12553

77-6-26

Mark Monte
Jocelyn Pacatang
2624 Liberty Ridge
New Windsor, NY 12553

77-6-27

Charles Grady
Emily Smith
2626 Liberty Ridge
New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF: May 10, 2004

PROJECT: Donald Dematteo

ZBA # 04-35

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

RIVERA _____

MCDONALD _____ CARRIED: Y _____ N _____

REIS _____

MINUTA _____

KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

RIVERA _____

MCDONALD _____ CARRIED: Y _____ N _____

REIS _____

MINUTA _____

KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

RIVERA _____

MCDONALD _____ CARRIED: Y _____ N _____

REIS _____

MINUTA _____

KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

RIVERA _____

MCDONALD _____ CARRIED: Y _____ N _____

REIS _____

MINUTA _____

KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) RS S) MN VOTE: A 3 N 0

~~RIVERA~~ _____

MCDONALD _____

REIS A

MINUTA A

KANE A

CARRIED: Y N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

RIVERA _____

MC DONALD _____

REIS _____

MINUTA _____

KANE _____

CARRIED: Y _____ N _____

No Easements

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 05-03-04

FOR: ESCROW 04-35

FROM: DONALD DEMATTEO
2816 CHERRY TREE WAY
NEW WINDSOR, NY 12553

Corrected Address

CHECK NUMBER: 1046

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

5/4/09

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 05-04-04 PROJECT NUMBER: ZBA# 04-35 P.B. # _____

APPLICANT NAME: DONALD DEMATTEO

PERSON TO NOTIFY TO PICK UP LIST:

DONALD DEMATTEO
2816 CHERRY TREE WAY
NEW WINDSOR, NY 12553

TELEPHONE: 567-3839

TAX MAP NUMBER: SEC. 77 B LOCK 1 LOT 19
 SEC. _____ BLOCK _____ LOT _____
 SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 2816 CHERRY TREE WAY
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 328

TOTAL CHARGES: _____



Town of New Windsor

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

ZONING BOARD OF APPEALS

May 3, 2004

Donald Dematteo
2816 Cherry Tree Way
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-35

Dear Mr. & Mrs. Dematteo:

This letter is to inform you that you have been placed on the May 10th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2816 Cherry Tree Way
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

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

RECEIPT
#434-2004

05/04/2004

DeMatteo, Donald
54 Basswood Court
Bardonia, NY 10954

Received \$ 50.00 for Zoning Board Fees, on 05/04/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA - 04-35 application fee



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

* **ESCROW**
 IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (*self-sealing envelopes are much appreciated*) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. ***YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.***

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).


SIGNATURE

04/17/04
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



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



APPLICATION FOR VARIANCE

4/12/04
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 561-3839
Donald + Kathleen DeMatteo Fax Number: (845) 5674318
(Name)
2816 Cherry Tree Way New Windsor, N.Y. 12553
(Address)

II. **Applicant:** Phone Number: ()
(Name) Fax Number: ()
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
(Name) Fax Number: ()
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
(Name) Fax Number: ()
(Address)

V. **Property Information:**
Zone: R-3 Property Address in Question: 2816 Cherry Tree Way
Lot Size: .25 Tax Map Number: Section 77 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?
c. When was property purchased by present owner? March 23, 2004
d. Has property been subdivided previously? If so, When:
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector?
f. Is there any outside storage at the property now or is any proposed?

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

**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,

	<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.	30'	17' 3"	12' 9"
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.**

COMPLETE THIS PAGE

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

APPLICATION FOR VARIANCE - continued

- IX. 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.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The proposed addition will provide a safe fenced place where my family may take advantage of the outdoors. I will increase the value and appeal of my home.

PLEASE NOTE:

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

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.)
-
-

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, 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 THREE(3) 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:

20th day of April 2004

Gloria F. Talone
Signature and Stamp of Notary

[Signature]
Owner's Signature (Notarized)

Don DeMatteo
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

GLORIA F. TALONE
Commissioner of Deeds
City of Yonkers, New York
Term Expires Feb. 15, 2005

COMPLETE THIS PAGE