

ZB# 77-18

Albert Pacione

41-1-1

77-18 - Pacione, Albert P. - lot area variance

See - for Denial

Public Hearing -

July 18, 1977 - 8 p.m.

(State Highway)

Notice sent to Paper 6/24/77

Fee paid 7/19/77. PK.

Fee sent to Town Clerk

7/22/77 R.

GENERAL RECEIPT

3342

Town of New Windsor, N. Y.

July 29, 1977

Received of Albert Paciore Jr \$ 25.00

Twenty-five and 00/100 Dollars

For # 77-18 - Varline Applications

DISTRIBUTION

FUND	CODE	AMOUNT
<u>25.00</u>		
<u>check</u>		

BY Charlotte Marcantonio

TITLE

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

77-18  
(Number)

6/15/77  
(Date)

I. Applicant information:

- (a) MARIANNE and ALBERT P. PACIONE - 7 Schoonmaker Drive,  
(Name, address and phone of Applicant) Town of New Windsor, N. Y.
- (b) -  
(Name, address and phone of purchaser or lessee)
- (c) same as above - 56 5-5553  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) R-4 7 Schoonmaker Drive 41 - 1 - 1 100 by 250  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? N.C., Prof. zoning
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes - other house
- (d) When was property purchased by present owner? 1/76
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when \_\_\_\_\_
- (h) Is there any outside storage at the property now or \_\_\_\_\_

77-18  
(Number)

6/15/77  
(Date)

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- (a) MARIANNE and ALBERT P. PACIONE - 7 Schoonmaker Drive,  
(Name, address and phone of Applicant) Town of New Windsor, N. Y.
- (b) -  
(Name, address and phone of purchaser or lessee)
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- (d) When was property purchased by present owner? 1/76
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when -
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_, to allow

(Describe proposed use)

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

(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.

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

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Blk. Regs. Column 4

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____ <u>15,000</u>	<u>10,000</u>	<u>5,000 sq. ft.</u>
Min. Lot Width _____ <u>100</u>	<u>100</u>	_____
Reqd. Front Yard <u>2@ 35</u>	<u>2@ 35</u>	_____
Reqd. Side Yards <u>15 / 30</u>	<u>26 / 35</u>	<u>/</u>
Reqd. Rear Yard _____ <u>40</u>	<u>41</u>	_____
Reqd. Street Frontage* <u>(A)</u>	<u>2@ 100</u>	_____
Max. Bldg. Hgt. _____ <u>35ft</u>	<u>30ft.</u>	_____
Min. Floor Area* _____ <u>1,000</u>	<u>1,100</u>	_____
Development Coverage* <u>30 %</u>	<u>30 %</u>	<u>%</u>
Floor Area Ratio** _____	_____	_____

\* Residential districts only

(Describe proposed use)

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Reqd. Front Yard <u>2@ 35</u>	<u>2@ 35</u>	<u>                    </u>
Reqd. Side Yards <u>15 / 30</u>	<u>26 / 35</u>	<u>                    </u>
Reqd. Rear Yard <u>40</u>	<u>41</u>	<u>                    </u>
Reqd. Street Frontage* <u>60</u>	<u>2@ 100</u>	<u>                    </u>
Max. Bldg. Hgt. <u>35ft</u>	<u>30ft.</u>	<u>                    </u>
Min. Floor Area* <u>1,000</u>	<u>1,100</u>	<u>                    </u>
Development Coverage* <u>30 %</u>	<u>30 %</u>	<u>                    </u>
Floor Area Ratio** <u>                    </u>	<u>                    </u>	<u>                    </u>

\* Residential districts only  
 \*\* Non-residential districts only

(b)

The legal standard for an "ARCA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

The land upon which the variance is requested meets all the requirements of the Zoning Code except the total square footage requirements. The location is already equipped with town water and sewer. The land is not zoned for anything except residential use and the applicant intends to build a one family residence, should approval be granted. The total area owned by the applicant was subdivided in 1939 and the lots at that

cont'



VI. Sign Variance:

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

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/> <hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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

\_\_\_\_\_

10

of the Zoning Code except the total square footage requirements. The location is already equipped with town water and sewer. The land is not zoned for anything except residential use and the applicant intends to build a one family residence, should approval be granted. The total area owned by the applicant was subdivided in 1939 and the lots at that

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	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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

\_\_\_\_\_

con't page 3

time were 50' by 250' on this particular subdivision. The former owner of the land built a residence leaving a distance of 112' from the end of the house to the road at Rt. 94. All this land is now vacant and the applicants would like to put it to use and pay taxes on that land while selling the house upon which their residence at this time sits.

Due to the pre-existing conditions of the subdivision we are prohibited from allotting the necessary area to the proposed lot. Due to the position of the present dwelling and plot of the house, the proposed area is all that is humanly possible to use.

In conclusion, we are both natives of New Windsor and believe in the future of New Windsor and have decided to make our home here as well as our future.

VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. Additional comments:

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

The applicants would like to build a residence in an already residential zone.

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IX. Attachments required:

- Copy of letter of referral from Building and Zoning Inspector.
- Copy of contract of sale, lease or franchise agreement.
- Copy of tax map showing adjacent properties
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- Check in amount of \$25.00, payable to Town of New Windsor.



(b) Describe in detail the use and structures proposed for the special permit.

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  - Copy(ies) of sign(s) with dimensions.
  - Check in amount of \$25.00, payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.  
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- Other

X. AFFIDAVIT.

Date 6/15/77

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

Marianne Pacione  
(Applicant)  
[Signature]  
APPLICANT

Sworn to before me this  
15th day of June, 1977.

Gloria C Pacione

GLORIA C. PACIONE  
Notary Public, State of New York  
Qualified in Orange County  
My comm. expires Mar 30, 1979

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_  
Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

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

Marianne Pacione  
(Applicant)  
APPLICANT

Sworn to before me this  
15th day of June, 1977.

Gloria C. Pacione

GLORIA C. PACIONE  
Notary Public, State of New York  
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Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
ALBERT P. PACIONE, JR. and MARIANNE PACIONE  
for an area variance #77-18.

DECISION DENYING  
AREA VARIANCE

-----X  
WHEREAS, ALBERT P. PACIONE, JR. and MARIANNE PACIONE of 7 Schoonmaker Drive,  
Town of New Windsor, Orange County, New York have applied to the Zoning Board of Appeals  
for an area variance to permit use of an undersized lot located on Schoonmaker Drive; and

WHEREAS, the applicants seek a variance of 5,000 square feet; and

WHEREAS, notice of public hearing was duly sent to residences and  
businesses as prescribed by law, and published in The Evening News, also required by  
law; and

WHEREAS, a public hearing was held on the 18th day of July, 1977; and

WHEREAS, ALBERT P. PACIONE, JR. and MARIANNE PACIONE appeared with their  
proposal at the time of the public hearing on the above date; and

WHEREAS, the applicants were represented by Albert P. Pacione, applicant and  
attorney; and

WHEREAS, opposition to this application was voiced by several spectators  
at this hearing; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the  
following findings of fact in this matter:

1. The proposed request of 13,364 sq. feet for this undersized lot would  
affect the general character of the neighborhood in the R4-A zone.

WHEREAS, the Zoning Board of Appeals makes the following determinations  
of law in this matter:

1. The variance sought is substantial in relation to the legally required lot area.

2. The applicant has not established practical difficulty in accordance with the New Windsor Zoning Local Law.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor deny an area variance of 5,000 square feet as hereinabove requested by Albert P. Pacione, Jr. and Marianne Pacione, applicants.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicant, the Town Planning Board and the Town Clerk.

Dated: November 14, 1977.

  
THEODORE JAGSTORF, Chairman



COUNTY OF ORANGE

JUN 27 1977

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

June 23, 1977

Mr. Theodore Jargstorf, Chairman  
% Patricia Razansky, Secretary  
New Windsor Zoning Board of Appeals  
Town Hall, 555 Union Avenue  
New Windsor, N.Y. 12550

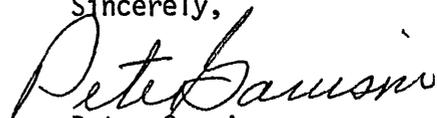
Re: Area Variance - Pacione  
Schoonmaker Drive & Rt. 94

Dear Mr. Jargstorf:

We have received the above application, in accordance with the provisions of Section 239, l and m, of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination by your Board.

Sincerely,

  
Peter Garrison  
Commissioner of Planning

PG:mj

Enclosure

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

---

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor New York 12550  
(914) 565-8808

1763

June 14, 1977

Albert P. & Marianne Pacione  
7 Schoonmaker Drive  
New Windsor, N.Y. 12550

RE: 41-1-1

Dear Mr. & Mrs. Pacione:

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

The charge for this service is \$30.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

*Ellsworth E. Weyant*  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk  
att.

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

---

Chairman  
Ellsworth E Weyant  
555 Union Avenue  
New Windsor New York 12550  
(914) 565-8808

1763 Olsen, Ernest E. & Mildred G.  
290 Quassaick Avenue  
New Windsor, N.Y. 12550

Lahey, John V, & Helen F.  
292 Quassaick avenue  
New Windsor, N.Y. 12550

Marino, Carmen A. & Frances F.  
1 Margaret Place  
New Windsor, N.Y. 12550

Barry, David J. Jr. & Elsie  
16 Cross Street  
New Windsor, N.Y. 12550

D'Angelo, Joseph & Rose  
18 cross Street  
New Windsor, N.Y. 12550

Pearl, Emanuel & Rose  
22 Cross Street  
New Windsor, N.Y. 12550

Battista, Joseph  
24 Cross Street  
New Windsor, N.Y. 12550

Medina, Antoinette  
MD#14 Cross Street  
New Windsor, N.Y. 12550

Farley, Edward W. & Jane R.  
21 Cross Street  
New Windsor, N.Y. 12550

Vecchio, George J. & Julia M.  
4 Schoonmaker Drive  
New Windsor, N.Y. 12550

Diamonti, Patrick J. & Gloria  
6 Schoonmaker Drive  
New Windsor, N.Y. 12550

Crudele, Michael A. & Helen A.  
291 Quassaick Avenue  
New Windsor, N.Y. 12550

Gillen, Kathryn E.  
289 Quassaick Avenue  
New Windsor, N.Y. 12550

Angelone, Joseph A. & Jennie P.  
RD#2 Moores Hill Road  
New Windsor, N.Y. 12550

Legette, Willie L. & Martha  
283 Quassaick avenue  
New Windsor, N.Y. 12550

Torelli, Donato & Sue  
8 Forest Hill Road  
New Windsor, N.Y. 12550

Gardner, David & Hazel  
47 Forest Hill Road  
New Windsor, N.Y. 12550

Bynum, Raymond E. III & Lois C.  
294 Quassaick Avenue  
New Windsor, N.Y. 12550

Blazick, Charles & Sadie  
1519 Second st. Apt D.101  
Coronado, Calif. 92118

Minuta, Vincent  
6 Farnstead Road  
New Windsor, N.Y. 12550

Brydon Const. Corp.  
86 Grand st.  
Newburgh, N.Y. 12550

Minuta, Joseph & Anna  
304 QUAssaick avenue  
New Windsor, N.Y. 12550

Bertero, Richard L. & Lillian M.  
308 Quassaick Avenue  
New Windsor, N.Y. 12550

Dillon, Evelyn  
314 Quassaick Avenue  
New Windsor, N.Y. 12550



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman  
Ellsworth E Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

1763 Sausville, Edward A. & Pauline  
3 Schoonmaker Drive  
New Windsor, N.Y. 12550

Fisher, Patricia  
15 Cross Street  
New Windsor, N.Y. 12550

Peters, Manuel & Laura  
13 Cross Street  
New Windsor, N.Y. 12550

Konkol, Daniel P. & Dorothy M.  
11 Cross Street  
New Windsor, N.Y. 12550

Wolynic, Edward J. & Fortunata  
9 Cross Street  
New Windsor, N.Y. 12550

Rant, David R. & Marcia J.  
7 Cross Street  
New Windsor, N.Y. 12550

Conyea, Donald L. & Mary  
96 Blooming Grove Tpke.  
New Windsor, N.Y. 12550

Gormley, Harriette L.  
100 Blooming Grove Tpke.  
New Windsor, N.Y. 12550

Peters, Gregory Joseph & Virginia  
106 Blooming Grove Tpke.  
New Windsor, N.Y. 12550

Peters, Mary G.  
C/O Vale  
108 Blooming Grove Tpke.  
New Windsor, N.Y. 12550

Roberts, Josephine B.  
311 Quassaick Avenue  
New Windsor, N.Y. 12550

Applegate, Lillian  
309 Quassaick Avenue

Juba, Helen C. & Michael F.  
305 Quassaick Avenue  
New Windsor, N.Y. 12550

Fiorelli, Carl A. & Louise  
301 Quassaick Avenue  
New Windsor, N.Y. 12550

Hodge, Robert A. & Elizabeth A.  
299 Quassaick Avenue  
New Windsor, N.Y. 12550

Dubiell, Ernest J. & Theresa  
297 Quassaick Avenue  
New Windsor, N.Y. 12550

Capelli, Humbert  
12 Cross Street  
New Windsor, N.Y. 12550

Hanretta, Thomas F. & Dolores  
2 Margaret Place  
New Windsor, N.Y. 12550

Laduca, Samuel & Grace  
90 Blooming Grove Tpke.  
New Windsor, N.Y. 12550

Rodino, Joseph M. & Mary Ann  
8 Cross Street  
New Windsor, N.Y. 12550

Warmers Construction Corp.  
P.O. Box 148  
Newburgh, N.Y. 12550

Yanakis, John & Ann A.  
284 Quassaick Avenue  
New Windsor, N.Y. 12550

Davis, Thomas R. & Hermie L.  
286 Quassaick Avenue  
New Windsor, N.Y. 12550

Phillips, Robert W.  
P.O. Box 2353  
Newburgh, N.Y. 12550

555 Union Avenue  
New Windsor, N.Y. 12550  
July 22, 1977

Mr. and Mrs. Albert P. Pacione  
P. O. Box 4109  
New Windsor, N.Y. 12550

RE: APPLICATION FOR VARIANCE # 77-18

Dear Al and Marianne:

This letter is to confirm that your application for an area  
variance before the Zoning Board of Appeals was denied at  
the July 18, 1977 meeting.

Sincerely yours,

PATRICIA RAZANSKY, Secretary

/pr

cc: Howard Collett, Bldg./Zoning Inspector  
Town of New Windsor

8 p.m. Public Hearing - 7/18/77 - Pacione -

Spectators -

Names:	Addresses:
William L. Tonkel	11 Cross St. New Windsor, N.Y.
Michael A. Crudele	291 Quassaick Ave. New Windsor, N.Y.
Edwin D. Barry	16 Cross St. New Windsor, N.Y.
Robert F. Lactone Jr.	22 Jones Hill Rd. New Windsor, N.Y.
Lawrence R. Caldwell Sr.	4 One Lane New Windsor, N.Y.
John F. Mahoney	122 Vich Gate Gate Dr. New Windsor

Rec'd. ZBA - 7/18/77

26

TO: The Zoning Board of Appeals  
Town of New Windsor  
Town Hall, Union Ave  
New Windsor, New York 12550

We the undersigned who are taxpayers and property owners situate in the Town of New Windsor, New York and in the proximity of property owned by Mr. & Mrs. Albert P. Pacione, Jr., Schoonmaker Drive, New Windsor, New York hereby petition the Zoning Board of Appeals to deny the Paciones' request for a property variance.

NAME	ADDRESS	DATE & WITNESS
Daniel P. Konkol	11 Cross St. New Windsor NY	7/4/77 Dorothy M Konkol
Dorothy M Konkol	11 Cross St New Windsor NY	7/4/77 Daniel P. Konkol
Carl A Fiorelli	301 QUASSAICK AVE NW.	7/4/77 Daniel P. Konkol
Louise Fiorelli	301 Quassaick Ave. Fr. W	7/4/77 Daniel P. Konkol
Helen Juba	305 Quassaick Ave	7/4/77 Daniel P. Konkol
Richard H. Applegate	309 Quassaick Ave	7/4/77 Daniel P. Konkol
Donald Conner	96 Bloomingrove TRK	7/7/77 Daniel P. Konkol
Fortunata Polignone	9 Cross St New Windsor	7/9/77 Daniel P. Konkol
Edward J. Polignone	9 Cross St. New Windsor	7/9/77 Daniel P. Konkol
Patricia Foster (Long)	15 Cross St New Windsor	7/9/77 Daniel P. Konkol
Elaine Barry	16 Cross St New Windsor	7/9/77 Daniel P. Konkol
David Barry	16 Cross St New Windsor	7/9/77 Daniel P. Konkol
Mary Ann Paderni	8 Cross St New Windsor	7/9/77 Daniel P. Konkol
Joseph M. Paderni	8 Cross St New Windsor NY	7/9/77 Daniel P. Konkol
David R. Pant	7 Cross St. New Windsor NY	7/9/77 Daniel P. Konkol
Margie J. Pant	7 Cross St. New Windsor, NY	7/9/77 Daniel P. Konkol
Thomas F. Hurvich & Margaret Pl	New Windsor NY	7/9/77 Daniel P. Konkol
George J. Veeder	4 Schoonmaker Dr, New Windsor NY	7/9/77 Daniel P. Konkol
Betty Dodge	299 Quassaick Ave	7/9/77 Daniel P. Konkol
Robert H. Dodge	299 QUASSAICK AVE	7/9/77 Daniel P. Konkol
Edward J. Benfield	296 Quassaick Ave	7/9/77 Daniel P. Konkol
Manuel Peters	13 Cross St.	7/10/77 Daniel P. Konkol

TO: The Zoning Board of Appeals  
Town of New Windsor  
Town Hall, Union Ave  
New Windsor, New York 12550

We the undersigned who are taxpayers and property owners  
situate in the Town of New Windsor, New York and in the proximity  
of property owned by Mr. & Mrs. Albert P. Pacione, Jr., Schoonmaker  
Drive, New Windsor, New York hereby petition the Zoning Board of  
Appeals to deny the Paciones' request for a property variance.

NAME	ADDRESS	DATE & WITNESS
Richard J. Butts	308 Massachusetts	7-8-77 "
Mary Peters	108 Bloomingrove TPK	7-9-77 "
Harriet E. Denton	31 Cross St.	7/16/77 "
T. R. Davis	286 Massachusetts Ave	7/17/77 "

TO: The Zoning Board of Appeals  
Town of New Windsor  
Town Hall, Union Ave  
New Windsor, New York 12550

We the undersigned who are taxpayers and property owners  
situate in the Town of New Windsor, New York and in the proximity  
of property owned by Mr. & Mrs. Albert P. Pacione, Jr., Schoonmaker  
Drive, New Windsor, New York hereby petition the Zoning Board of  
Appeals to deny the Paciones' request for a property variance.

NAME	ADDRESS	DATE & WITNESS
Edward A. Sansille	3 Schoonmaker Dr.	7/10/77 Don Barry
Michael A. Crudele	291 Quassaick Ave.	7/15/77 Don Barry
Nelen A. Crudele	291 Quassaick Ave.	7/15/77 Don Barry
Mary A. Cappelli	12 Cross St New Windsor Ny	7/15/77 Don Barry

ALBERT P. PACIONE, JR., P. C.  
ATTORNEY AT LAW  
914 - 561-1500

22 FOREST HILLS RD.  
P. O. BOX 4109  
NEW WINDSOR, N. Y. 12550

June 15, 1977

JUN 20 1977

Patricia Razansky  
Zoning Board of Appeals  
555 Union Avenue  
New Windsor, N. Y. 12550

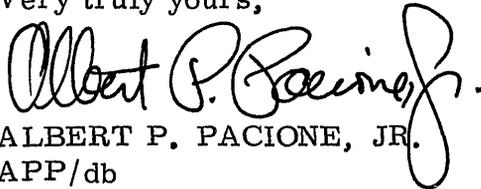
Re: Appeal No. 18

Dear Pat:

Enclosed please find original and two copies of the application for a variance, public hearing notice, revised proposal, and application to Orange County Planning Department. Would you kindly have the public hearing notice published and ask the Evening News to send me the bill along with the affidavit of publication.

I hope to send you the certified receipts as soon as possible .  
Thank you very much for your help in this matter.

Very truly yours,

  
ALBERT P. PACIONE, JR.  
APP/db

encl.

**ALBERT P. PACIONE, JR., P. C.**  
ATTORNEY AT LAW  
914 - 561-1500

22 FOREST HILLS RD.  
P. O. BOX 4109  
NEW WINDSOR, N. Y. 12550

June 15, 1977

Orange County Planning Department  
255 Main St.  
Goshen, N. Y. 10924

Re: Public Hearing for Area Variance, July 18, 1977  
Town of New Windsor

Dear Mr. Garrison:

Enclosed please find application for variance and proposal of myself and my wife Marianne pursuant to 239 l & m of the General Municipal Law.

Thank you for your kind attention.

Very truly yours,

ALBERT P. PACIONE, JR.

APF/db

encl.

✓ cc. Pat Razansky, Secretary Zoning Board of Appeals, Town of New Windsor

ALBERT P. PACIONE, JR., P. C.  
ATTORNEY AT LAW  
914 - 561-1500

JUN 17 1977

22 FOREST HILLS RD.  
P. O. BOX 4109  
NEW WINDSOR, N. Y. 12550

June 16, 1977

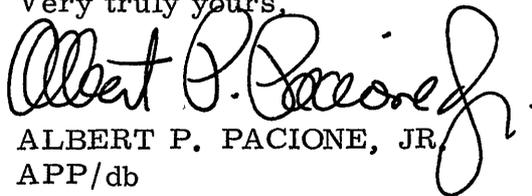
Patricia Razansky  
Zoning Board of Appeals  
555 Union Ave.  
New Windsor, N. Y. 12550

Re: Appeal No. 18

Dear Pat:

Enclosed for each member of the board, please find seven amended proposals for consideration of our appeal. I will see you on the 18th of July and hope to provide you with the receipts as soon as possible as the letters went out today.

Very truly yours,



ALBERT P. PACIONE, JR.  
APP/db  
encl.

PUBLIC NOTICE OF HEARING BEFORE  
THE ZONING BOARD OF APPEALS

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 48-33A of the Zoning Ordinance on the following  
proposition:

Appeal No. 18

Request of \_\_\_\_\_

for a Variance ~~Special Use Permit~~ of the  
regulations of the Zoning Local Law, to permit

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

being a Variance ~~Special Use Permit~~ of  
Section \_\_\_\_\_,

for property situated at: \_\_\_\_\_

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

SAID HEARING will take place on the 18th day of July, 1977,  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.  
beginning at 8 o'clock P. M.

\_\_\_\_\_  
Chairman

### PROCEDURE FOR PUBLIC HEARING

In order to prepare for a Public Hearing before the Zoning Board of Appeals the applicant must first prepare a public hearing notice, publication to appear in The Evening News once at least 10 days prior to the public hearing date. When notice has been prepared, return it to the Zoning Board Secretary (address below) so that she may publish same at the expense of the applicant. Three copies of the application must also be filled out and returned to the Secretary.

Registered or Certified letters are to be sent to all residents and property owners within a radius of 500 ft. of the property in question. This list may be obtained from the Town Assessor's Office for a fee which is determined by the Town Assessor. His office is located in the Town Hall - 555 Union Avenue, New Windsor, N. Y. All registered or certified letters must have return receipts. All return receipts, copy of published notice, copy of letter and all site plans with measurements must be presented to the Secretary at the public hearing by the applicant. Please include the Assessor's list of names and addresses of all property owners within 500 ft. for the record. A fee of \$50.00 payable to the TOWN OF NEW WINDSOR, should accompany all applications for commercial use. A fee of \$25.00 is required for residential use only. All fees due at the time the applications are returned to the secretary.

Please have your attorney determine whether Section 239 1&m of the General Municipal Law is applicable, and if so, send a copy of your application with plans attached to the Orange County Planning Dept., 124 Main Street, Goshen, New York 10924. (This section only applies if you are located within 500 ft. of a County Road.)

#### RETURN ALL PAPERS PROMPTLY TO:

PATRICIA RAZANSKY, Secretary  
New Windsor Zoning Board of Appeals  
555 Union Avenue  
New Windsor, N. Y. 12550

Tel: 565-8550

#### Applicant's check list:

1. Fill out and return 3 copies of application & map or plans.
2. Fill out and return public hearing notice.
3. Town Assessor's list to secretary.
4. Return receipts (green cards) to secretary.
5. Fee for application.
6. Application to Orange County Planning Dept., if applies.
7. Provide secretary with Affidavit of Publication (provided by newspaper.)

Note: The ZBA meet every 2nd and 4th Monday of every month.

ALBERT P. PACIONE, JR., P. C.  
ATTORNEY AT LAW  
914 - 561-1500

22 FOREST HILLS RD.  
P. O. BOX 4109  
NEW WINDSOR, N. Y. 12550

June 1, 1977

Town of New Windsor  
Zoning Board of Appeals  
555 Union Avenue  
New Windsor, N. Y. 12550

Re: Proposed application for variance

Ladies & Gentlemen:

My wife and I are the owners of two 50' x 250' lots located at the corner of Rt. 94 & Schoonmaker Dr. upon which our house sits. The premises are too large for me to take care of and the taxes are quite high. In addition, I would like to locate my office in my home.

Earlier in the month of May I contacted Mr. Howard Collett, Building Inspector of the Town of New Windsor regarding the construction of a residence on the corner of my property. He indicated that while my proposed plans meet all the setback requirements, I would need an area variance to construct the house. He further suggested that I meet before the Zoning Board of Appeals for a preliminary hearing on the proposal.

I have attached a survey of my property and a rough sketch of what I propose. I will need subdivision approval of course to make two lots which presently do not conform to the zoning code of the Town of New Windsor. I propose to make a <sup>100'</sup>~~57'~~ x 100' lot on the corner of the property leaving a conforming 150' x 100' lot on the remainder of the property. I propose to build a 24' x 39' house set back 35' from both front yards with the front of the house facing Schoonmaker Dr. This will leave a rear yard of 41' and a side yard of 23', all of which meet the regulations. However, the total square footage of the proposed lot is 9700, which is short of the required 15,000 required in the R-4 area.

ALBERT P. PACIONE, JR., P. C.  
ATTORNEY AT LAW  
914 - 561-1500

22 FOREST HILLS RD.  
P. O. BOX 4109  
NEW WINDSOR, N. Y. 12550

-2-

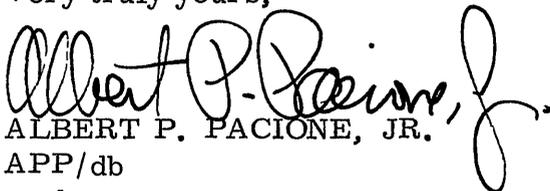
Zoning Board of Appeals

The premises has water and sewer and if the proposal meets with your approval I intend to hook up to both. In addition, if the proposal meets with your approval I represent that I shall use the premises both as a residence and an office with no more than 30% of the inside being used as an office in accordance with the code of the Town of New Windsor.

The remaining lot will be used by myself as rental property or will be sold as a residence.

If I can answer any questions regarding this proposal I shall be more than happy to answer them on June 13, 1977. Thank you for your kind attention.

Very truly yours,

  
ALBERT P. PACIONE, JR.  
APP/db  
encl.

← 100 ft →

250'

250ft

Proposed  
Lot

97

97'

23'

24'

39'

Proposed  
house

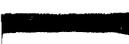
39'

35'

24'

41'

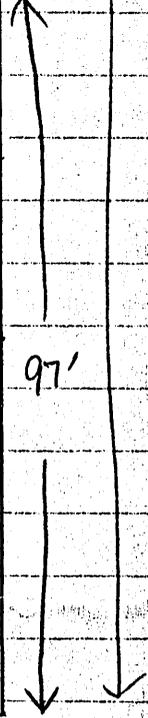
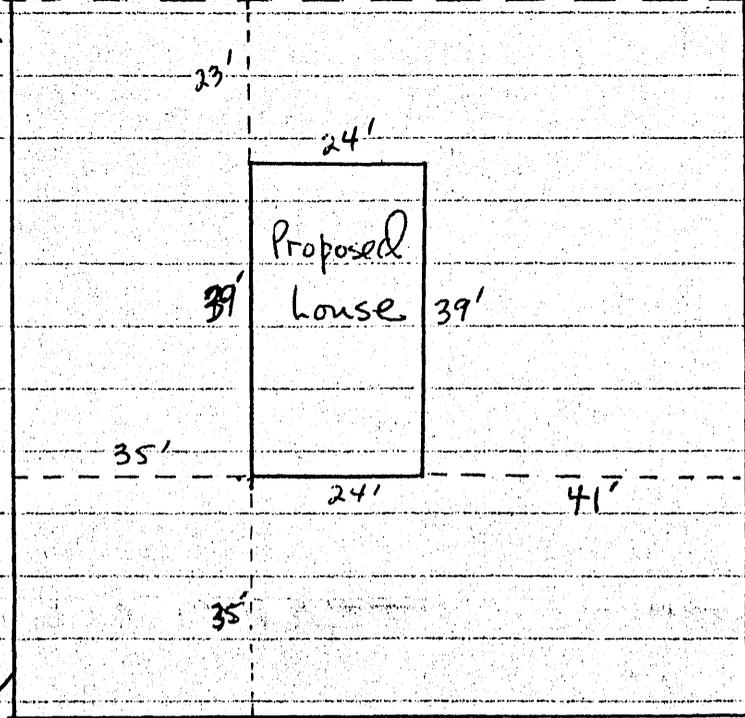
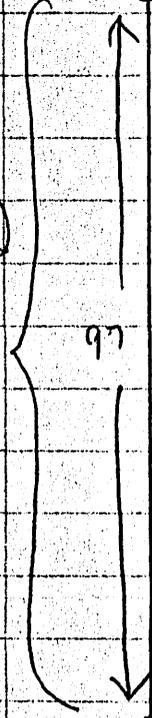
35'



250'

250ft

Proposed  
lot

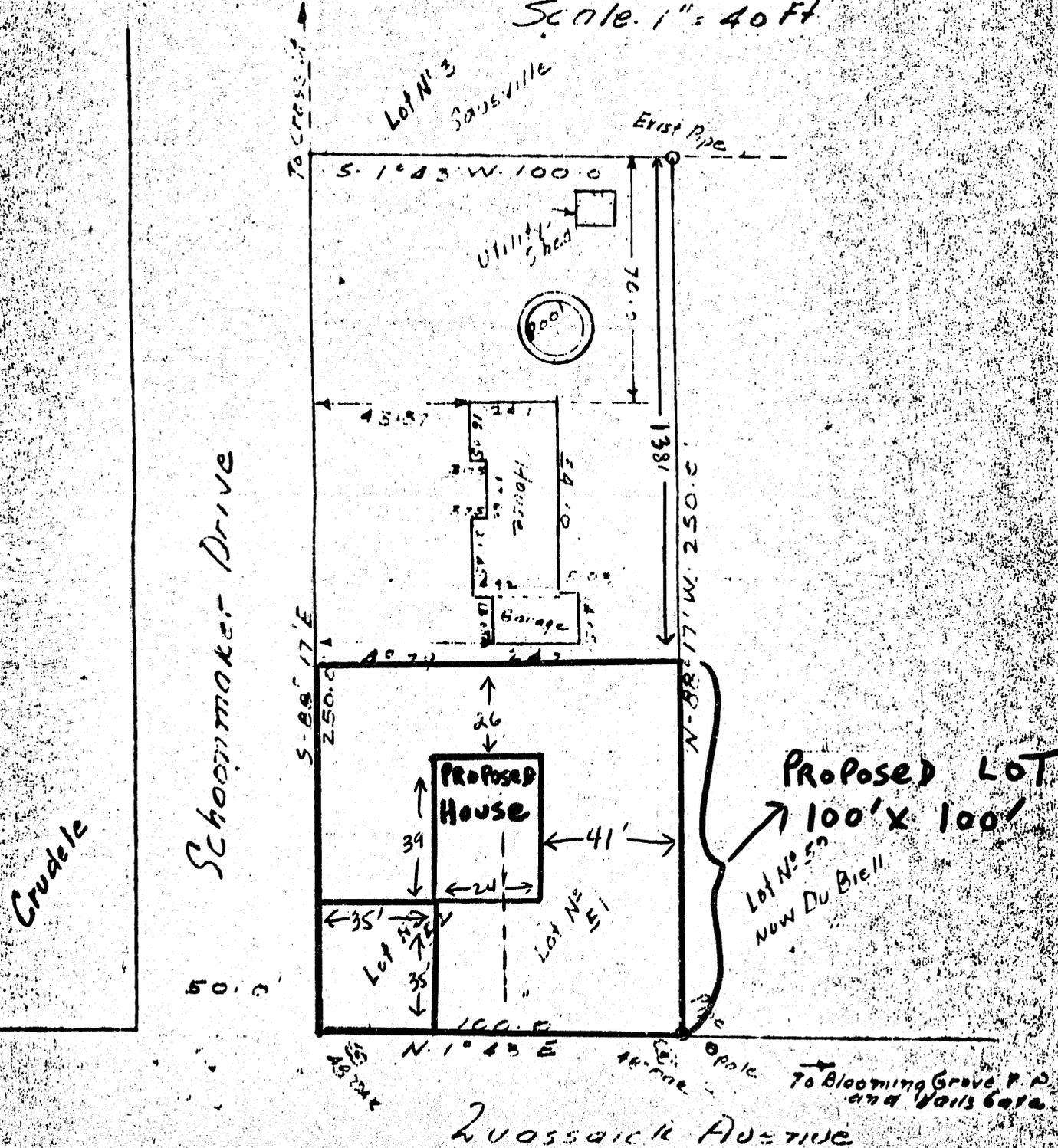


100'

— "Windsor Acres Subdivision" Sec. 1 —  
 — Town of New Windsor — Orange County, N.Y. —  
 — Survey Plot Plan of Lot No. 51 & 52 —  
 — Lands of James G. & Gilda Huston —



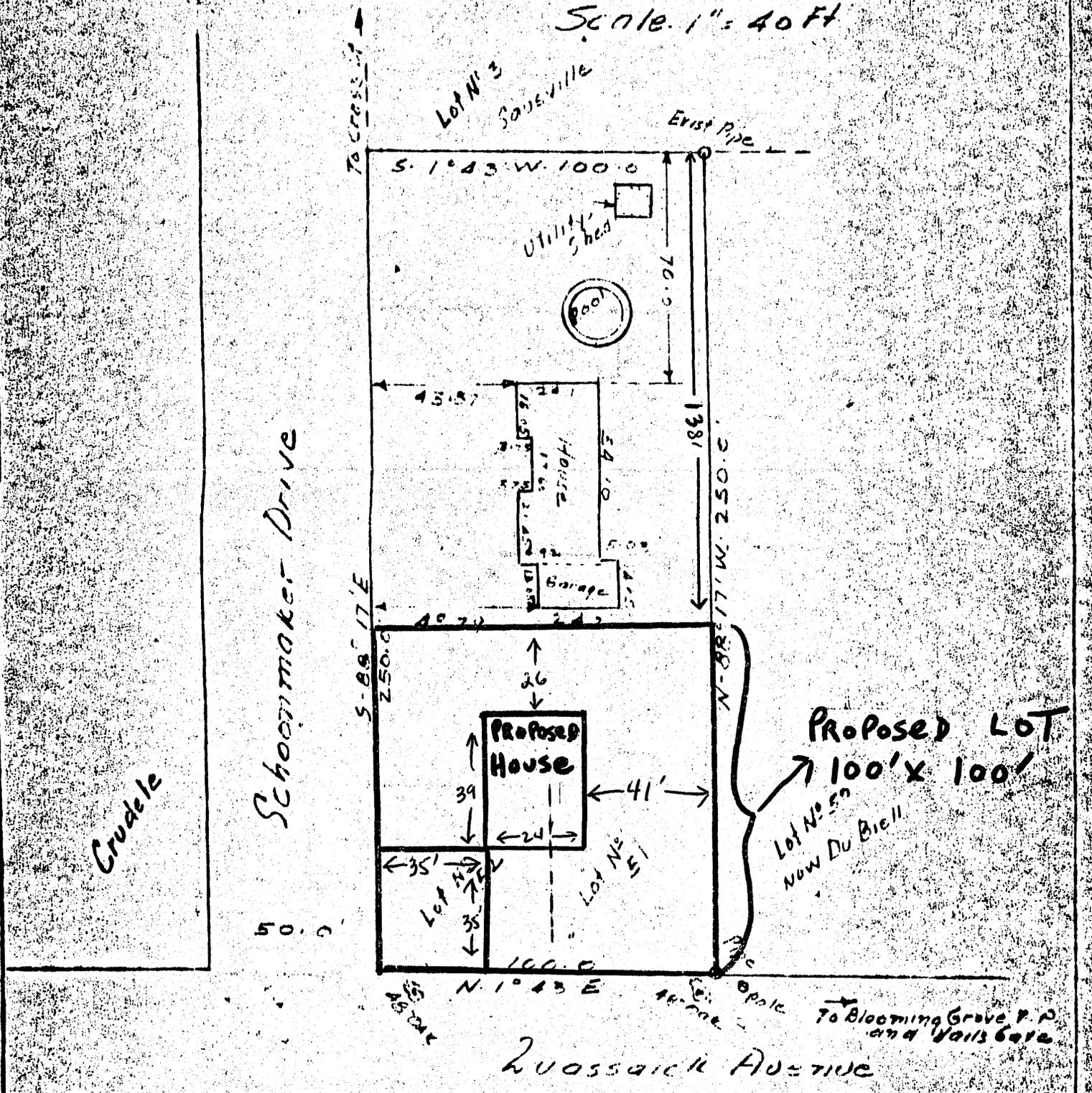
By Theodore J. Jorgensen P.L.S.  
 Dec. 12, 1975  
 Scale: 1" = 40 Ft



— Survey Plot Plan of Lot No 51 & 52 —  
 — Lands of James G. & Gilda Huston —



By Theodore J. Jorgstorf P.L.S.  
 Dec. 12, 1975  
 Scale: 1" = 40 Ft



Certified to Albert P. Pacione, Marganne DeLello, The Security Title Guarantee Company and The Savings and Loan Association that this survey is accurate and that there are no visible encroachments.  
 By Theodore J. Jorgstorf P.L.S. Dec. 16, 1975

