

ZB# 99-33

Donna Yonnone

20-2-18

#99-33- Yonnon, Donna + Mickey

20-2-18 Area

Prelim.

July 12, 1999

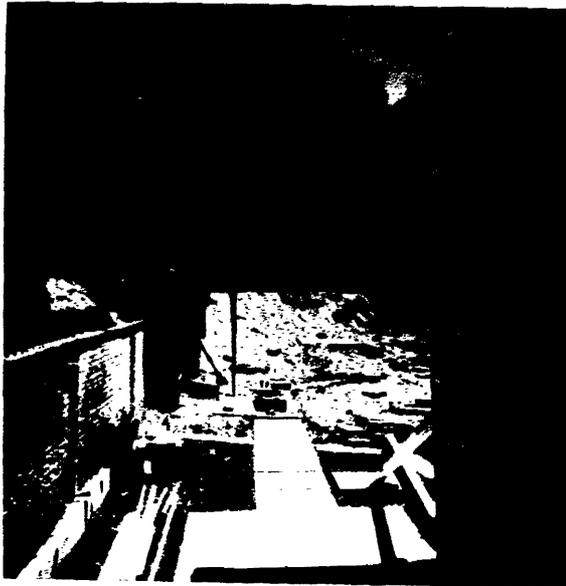
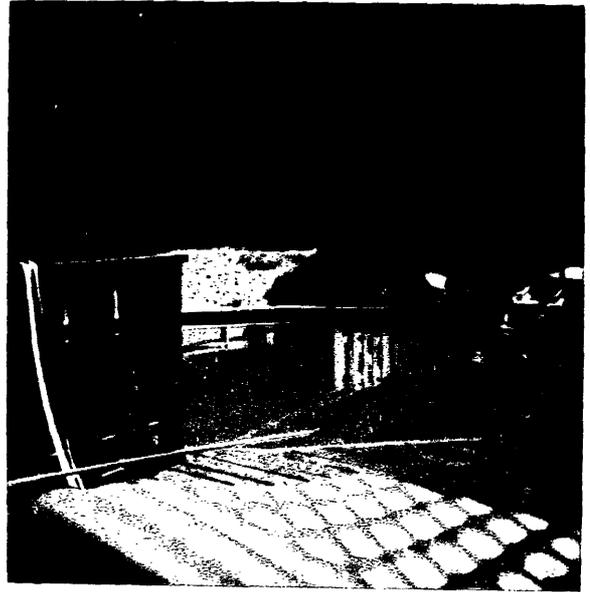
Notice to Sentinal
7/20/99.

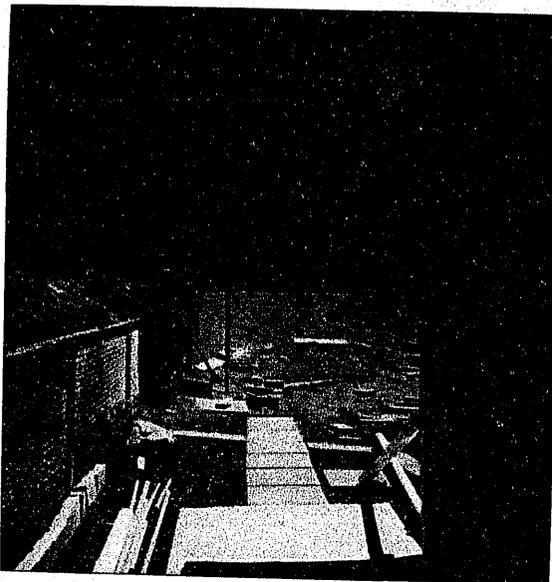
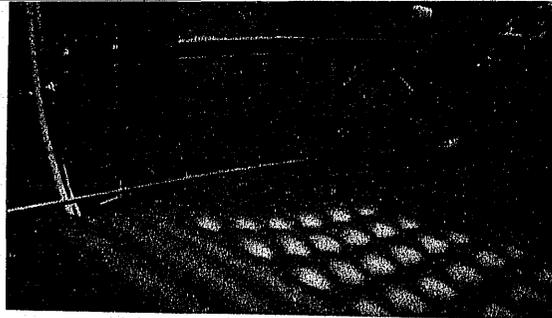
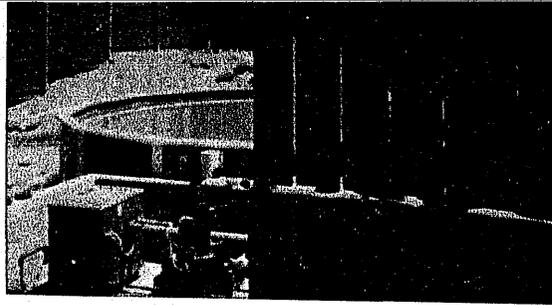
Public Hearing.

Aug. 9, 1999.

Granted.

Refund: \$ 212.00





Wilson Jones - Carbonless - S1654-NCR Duplicate - S1657N-CL Tripticals
© Wilson Jones, 1989

DATE July 22, 1999 RECEIPT 134166
 RECEIVED FROM Mickey + Donna Yammone
 Address _____
Fifty 00/100 DOLLARS \$ 50.00
 FOR ZBA 97-33

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	102
AMOUNT PAID		CHECK	50 00
BALANCE DUE		MONEY ORDER	

Town Clerk
 BY Dorothy H. Hansen
 sh

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Yannone

FILE# 99-33

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid check #102
ck #103
on 7/22/99*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/12/99-2 \$ 9.00
2ND PRELIMINARY- PER PAGE 8/9/99-2 \$ 9.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 7/12/99 \$ 35.00
2ND PRELIM. 8/9/99 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 88.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 212.00

MICKEY J YANNONE
DONNA YANNONE
16 FERNANDEZ AVE
NEW WINDSOR, NY 12553

501-9026

102

DATE

7/22/99

10-4/220
BRANCH 419

PAY TO THE
ORDER OF

Town of New Windsor \$ 50⁰⁰

fifty dollars and $\frac{00}{100}$

DOLLARS  Security features included. Details on back.

 **M&T Bank**

Manufacturers and Traders Trust Company
Hudson Valley Division
Shop/Rite Vails Gate Office

M&T Select

FOR

ZBA #99-33

Donna Yannone

⑆022000046⑆⑆110009⑆⑆42⑆⑆44⑆⑆ 0102

MICKEY J YANNONE
DONNA YANNONE
16 FERNANDEZ AVE
NEW WINDSOR, NY 12553

501-9026

103

DATE

7/22/99

10-4/220
BRANCH 419

PAY TO THE
ORDER OF

Town of New Windsor \$ 300⁰⁰

Three hundred dollars and $\frac{00}{100}$

DOLLARS  Security features included. Details on back.

 **M&T Bank**

Manufacturers and Traders Trust Company
Hudson Valley Division
Shop/Rite Vails Gate Office

M&T Select

FOR

ZBA #99-33

Donna Yannone

⑆022000046⑆⑆110009⑆⑆42⑆⑆44⑆⑆ 0103

In the Matter of the Application of

DONNA YONNONE

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#99-33.

WHEREAS, DONNA YONNONE, residing at 16 Fernandez Drive, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 7 ft. side yard and 7 ft. rear yard variance for the construction of a playhouse at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 9th day of August, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared before the Board for this Application; and

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

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-4 zone neighborhood containing one-family homes.

(b) The Applicant wishes to construct a "playhouse".

(c) Because of the configuration of the property, the only feasible place to locate the playhouse on the property is where indicated.

(d) The playhouse, if permitted, will not create any water hazards, ponding or

collection of water or interfere with the course of any water drainage.

(e) The playhouse will not be built on the top of any septic or well, sewer or water easement.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

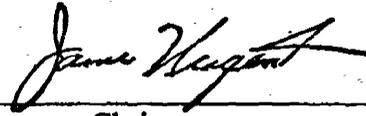
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. side yard and 7 ft. rear yard variance for construction of a playhouse at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New

Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: October 25, 1999.

A handwritten signature in cursive script, appearing to read "James Houghton", written over a horizontal line.

Chairman

TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWED
8/9/99	Zoning Board Mtg	75 00	
	Misc - 2		
	Fox - 1		
	Rinaldi - 4		
	Windsor Academy - 15		
	Wolf - 6		
	Kadian - 2		
	Barbera - 3		
	Gannon - 2 9.00		
	Clement - 2	1166 50	
	37		
		241 50	

YANNONE, DONNA

MR. NUGENT: Request for 7 ft. side and 7 ft. rear yard variance to construct a playhouse at 16 Fernandez Avenue an R-4 zone.

Ms. Donna Yannone appeared before the board for this proposal.

MR. NUGENT: Let the record show there's no one in the audience for this.

MR. REIS: This is the young lady that needs a playhouse.

MR. KANE: Donna, in the building of the playhouse, you're not going to create any ponding or standing water?

MS. YANNONE: No.

MR. KANE: This is the only spot in the yard where you can put it?

MS. YANNONE: Yes.

MR. KANE: Cutting any trees down?

MS. YANNONE: No.

MR. KRIEGER: Building over the top of any water or septic easements, water or sewer easements?

MS. YANNONE: No.

MR. KRIEGER: Any septic system, well?

MS. YANNONE: No.

MR. KRIEGER: Who owns the properties nearest to where this will be?

MS. BARNHART: Nobody cares because they all received notices.

MR. KRIEGER: What's on those properties?

MS. YANNONE: Well, next to it, that yard is somebody's lawn, you know, it's like mostly woods, the fort's going to be here and then it's woods behind it, we have a stockade fence where you're not going to really see it from their yard anyway.

MS. BARNHART: For the record, we sent out 57 notices on July 27, no response.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we approve the request for requested variances at 16 Fernandez Avenue.

MR. KANE: Second it.

ROLL CALL

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

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: June 22, 1999

APPLICANT: Mickey & Donna Yannone
16 Fernandez Ave.
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 21, 1999

FOR : 8' X 11' play house

LOCATED AT: 16 Fernandez

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 20-2-18

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 8' X 11' play house will not meet minimum 10' set back. This is a corner Lot.

Below must be made or Certificate of Occupancy may be withheld. Do not mistake
Unless an inspection report is left on the job indicating approval of one of these inspections it
approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 21 1999

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

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

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

Owner of Premises Mickey J Yannoni / Donna T Yannoni
Address 16 FERNANDEZ AVE NEW WINDSOR NY 12553 Phone 501-9026
Mailing Address 16 FERNANDEZ AVE NEW WINDSOR NY 12553
Name of Architect SELF
Address _____ Phone _____
Name of Contractor SELF
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 E 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 020 Block 002 Lot 018

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

6. Is this a corner lot? _____

8X11 PLAY HOUSE

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 \$ 50.00

Needs VARIANCE

TOWN OF NEW WINDSOR
Pursuant to New York State Building Code and Town Ordinances

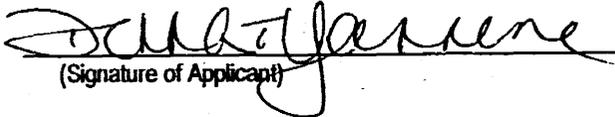
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

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

INSTRUCTIONS

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

16 FERNANDEZ AVE NEW WINDSOR
NY 12553
(Address of Applicant)

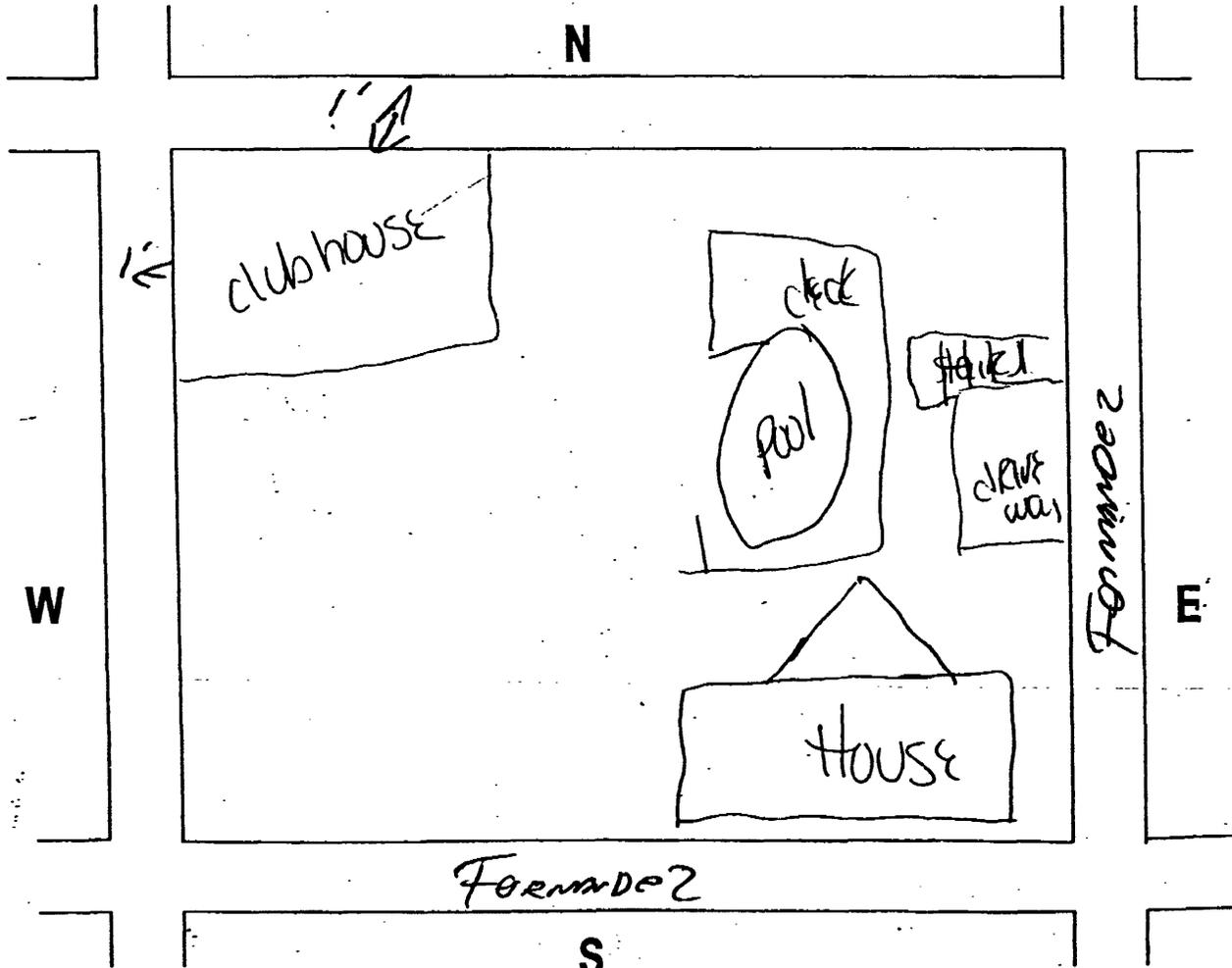
(Owner's Signature)

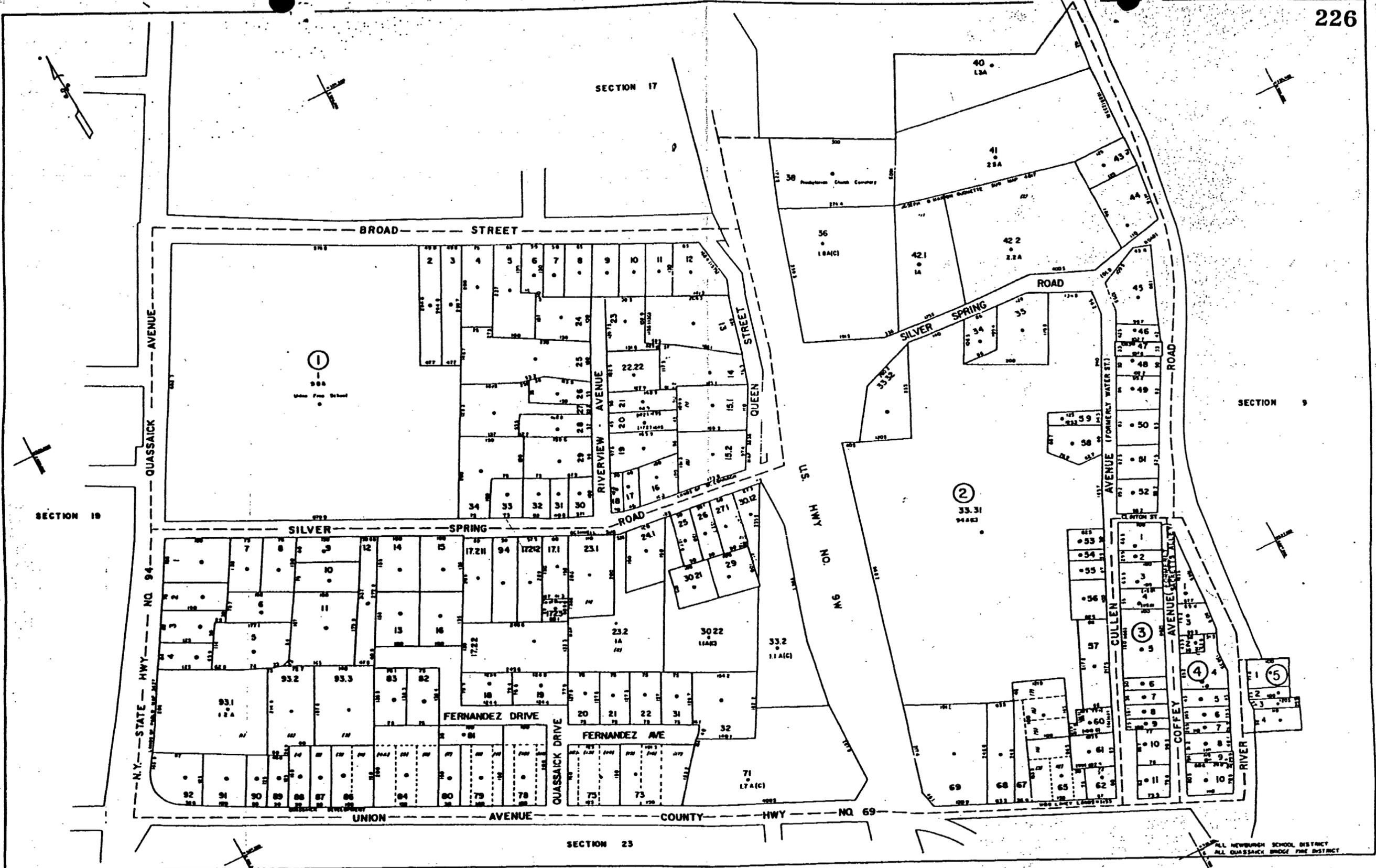
(Owner's Address)

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.





Prepared by
AERO SERVICE CORPORATION
 400 W. 42nd St., New York 36, N.Y.
FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND

STATE OF NEW YORK	PLATED PLAT MAP LINE	THE NEW BRIDGE	PLATED PLAT MAP UP
CITY OF NEW YORK	LOT LINE	THE NEW BRIDGE	PLATED PLAT MAP UP
SCHOOL DISTRICT LINE	LOT LINE	THE NEW BRIDGE	PLATED PLAT MAP UP
SCHOOL DISTRICT LINE	LOT LINE	THE NEW BRIDGE	PLATED PLAT MAP UP
PROPERTY LINE	LOT LINE	THE NEW BRIDGE	PLATED PLAT MAP UP

ORANGE COUNTY-NEW YORK

Photo No. 14-2432 Date of Map 9-25-57
 Date of Photo 3-1-53 Date of Revision 3-1-51
 Scale 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 20

TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWED
8/9/99	Zoning Board Mtg	75 00	
	Misc - 2		
	Fox - 1		
	Rinaldi - 4		
	Windsor Academy - 15		
	Wolf - 6		
	Kadian - 2		
	Barbera - 3		
	Yannone - 2		
	Clement - 2 @ 9.00	166 50	
	<u>37</u>	<u>241 50</u>	

VILLA, CLEMENT

MR. NUGENT: Request for 14 ft. rear yard variance for existing addition and 7 ft. side yard variance for existing shed at 17 Haight Drive in an R-4 zone.

Mr. Villa Clement appeared before the board for this proposal.

MR. NUGENT: Let the record show there's no one here.

MS. BARNHART: We sent out 34 addressed envelopes with the notices, 31 addressed notices on July 29th. Basically, you have to say the same thing you said before.

MR. NUGENT: Why you are doing it? Why can't you move it?

MR. CLEMENT: Okay, this was built, the addition was built in '71 and I believe the shed was built maybe four or five years ago, I'm acting as an executor for my mother's will, who passed away, and I'd like to sell as executor this piece of property to a family member and the building had a permit given on the addition but never had a C.O. and I have had the New York State Board of Underwriters out there as well as an engineer to sign off on the structure and the electrical which both came out okay.

MR. KANE: Neither of the structures you have had gone over, any septic or any water, create any ponding of water?

MR. CLEMENT: No.

MR. KANE: Any complaints, formal or informal on either structure?

MR. CLEMENT: No.

MR. REIS: Not possible to move the shed from that position as it is now?

MR. CLEMENT: It may be but the, I guess the direction

in which the 4 x 4's or whatever it's built on is in such a way that you wouldn't be able to get to it and I don't know, you could probably try to do it because it's not bolted down.

MR. TORLEY: It would be economically infeasible to do it?

MR. CLEMENT: Yeah, or it may fall down.

MR. KRIEGER: It's unfeasible because of the configuration of the property is such that you couldn't physically get there to move it?

MR. CLEMENT: Correct.

MR. KANE: I move we grant the application by Mr. Villa Clement for his requested variances at 17 Haight Drive.

MR. REIS: Second it.

ROLL CALL

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

Date 7/21/99, 19.....

TOWN OF NEW WINDSOR

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

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

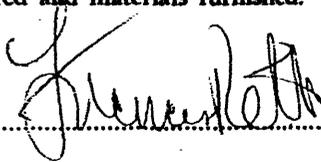
DATE		CLAIMED	ALLOWED
7/21/99	Zoning Board Mtg	75 00	
	Misc. - 2		
	Marusa - 4		
	Kadian - 4		
	Fountain - 10		
	Paspisil - 6		
	Cannone - 2 \$9.00		
	Leatts - 3		
	Zecoda - 2		
	McQuinness - 3		
	Cestari - 2	171 00	
	38		
		246 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the

Town Clerk on the

of, 19.....

the within claim was audited and allowed

for the sum of

\$

.....
Clerk

YANNONE, MICKEY & DONNA

MR. NUGENT: Request for 9 ft. side yard and 9 ft. rear yard variance for construction of playhouse on a corner lot located at 16 Fernandez Drive in an R-4 zone.

Mrs. Donna Yannone appeared before the board for this proposal.

MR. NUGENT: This is the same problem that that gentleman has, it's a corner lot.

MS. YANNONE: It's in the back yard, though. I asked him but it's like three to four feet.

MR. TORLEY: It's going to go back?

MS. YANNONE: Up on the hill.

MR. KANE: Donna, in building this, you're not removing any trees or creating any water hazards or anything like that?

MS. YANNONE: No, there's just a hill there that he's going to fill in with the playhouse.

MR. NUGENT: Where the stakes are is the proposed layout.

MR. REIS: How large of a playhouse is this going to be?

MS. YANNONE: Eight by twelve.

MR. REIS: There's no other place in the yard that this would be practical to place it?

MS. YANNONE: No.

MR. REIS: Accept a motion?

MR. NUGENT: Yes, I will.

MR. REIS: Make a motion that we set up Mike and Donna Yannone for the requested variance for public hearing

July 12, 1999

27

at 16 Fernandez Drive.

MR. KANE: Second it.

ROLL CALL

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

MS. BARNHART: Donna, here's your paperwork, you may have your pictures back, but bring them back to the public hearing.

MS. YANNONE: And you'll let me know when that is?

MS. BARNHART: Just read all the information that's on that.

MR. KRIEGER: If you would take this with you, those are the criteria on which the zoning board must decide. So if you would address yourself to those criteria at the public hearing, that would be helpful.

MS. YANNONE: Thank you.

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

In the Matter of the Application for Variance of

Ms. Donna Yannone,
Applicant.

99-33.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on July 27, 1999, I compared the 57 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
27th day of July, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2001



Town of New Windsor

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

Assessors Office

July 16, 1999

Ms. Donna Yannone
16 Fernandez Avenue
New Windsor, NY 12553

RE: 20-2-18

Dear Mrs. Yannone:

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

The charge for this service is \$75.00, less your deposit of \$25.00. Please remit the balance of \$50.00 to the Town Clerk at the above referenced parcel.

Sincerely,

S. Cook (e)

Leslie Cook
Sole Assessor

/jc
Attachments

Cc: Pat Barnhart, ZBA

City School District of Newburgh
98 Grand Street
Newburgh, NY 12550

Maude Horaz
62 Silver Spring Road
New Windsor, NY 12553

Perry D Clark
64 Silver Spring Road
New Windsor, NY 12553

Lisa A Calapa
2 Riverview Avenue
New Windsor, NY 12553

Wade C & Debra L Cornman
66 Silver Spring Road
New Windsor, NY 12553

George W & Gladys M Tibby
68 Silver Spring Road
New Windsor, NY 12553

William A & Gladys E Lawlor
3904 Copperleaf Road
Fredericksburg, VA 22407-6878

Roland Verdier
72 Silver Spring Road
New Windsor, NY 12553

June Miller
74 Silver Spring Road
New Windsor, NY 12553

Mark James & Vicky A Pittman
8 Treehaven Lane
New Windsor, NY 12553

John & Antoinette Ferraiolo
4 Tree Haven Lane
New Windsor, NY 12553

Armen R & Jana M Papazian
97 Silver Spring Road
New Windsor, NY 12553

Vernon L & Claudia Couser
93 Silver Spring Road
New Windsor, NY 12553

Gertrude B Weber
1 Tree Haven Lane
New Windsor, NY 12553

Frank G Maresco
3 Tree Haven Lane
New Windsor, NY 12553

Ivan Charles & Jane F Thompson
24 Fernandez Drive
New Windsor, NY 12553

George S Kingsley
87 Silver Spring Road
New Windsor, NY 12553

Trent Raffaella
PO Box 4736
New Windsor, NY 12553

William S & Kathleen H Spellman
20 Fernandez Drive
New Windsor, NY 12553

Michael & Jo Anne Petrocelli, Frances
Stasio
73 Silver Spring Road
New Windsor, NY 12553

Gary E & Dianna L Cornman
81 Silver Spring Road
New Windsor, NY 12553

Charles Sandike
77 Silver Spring Road
New Windsor, NY 12553

James B & Phyllis Creagan
18 Fernandez Drive
New Windsor, NY 12553

Leonard g & Cynthia A Harris
12 Fernandez Drive
New Windsor, NY 12553

Joseph S & Grace Degregoria
10 Fernandez Drive
New Windsor, NY 12553

Milton s & Patricia J Dietz
8 Fernandez Drive
New Windsor, NY 12553

Maurice & Margaret O'Connor
6 Fernandez Drive
New Windsor, NY 12553

James W & Karen Bothwell
Rd# 1, Box 692 Arbor Road
Campbell Hall, NY 10916

Samuel Jr & Carol J Russo
67 Silver Springs Road
New Windsor, NY 12553

George & Charlene VanHouten
65 Silver Spring Road
New Windsor, NY 12553

William & Dale Hein
59 Silver Spring Road
New Windsor, NY 12553

David G & Mary C Kelly
755 Jacqueline Drive
Valley Cottage, NY 10989

Mary Kelly
735 Jacqueline Drive
Valley Cottage, NY 10989

Marion Joan Bouton
4 Fernandez Drive
New Windsor, NY 12553

Maureen M Grzibowski
2 Fernandez Drive
New Windsor, NY 12553

Georgina M Ahl Trust
C/o Georgina M Ahl, Trustee
26 Union Avenue
New Windsor, NY 12553

Robert & Patricia Chisholm
44 Union Avenue
New Windsor, NY 12553

Dominick & Barbara Orsino
48 Union Avenue
New Windsor, NY 12553

William F & Francis M Dobson
56 Union Avenue
New Windsor, NY 12553

Robert E Bamberger & Mary Ann Watson
60 Union Avenue
New Windsor, NY 12553

James S & Rose Marie Ray
62 Union Avenue
New Windsor, NY 12553

Marilyn W Saffioti
17 Fernandez Drive
New Windsor, NY 12553

Christopher Vavrinec
19 Fernandez Drive
New Windsor, NY 12553

Mary A Smith
21 Fernandez Avenue
New Windsor, NY 12553

Richard & Linda Ostner
66 Union Avenue
New Windsor, NY 12553

Lee C & Christine L Stout
70 Union Avenue
New Windsor, NY 12553

Michael A & Rosemarel Callan
76 Union Avenue
New Windsor, NY 12553

Salvador & Irene Maria Paratore
640 Corwin Avenue
Glendale, CA 91206

Richard A & Beth A Fiore
Box 1150
Newburgh NY 12550

Frank A Scarbaci
25 Fernandez Drive
New Windsor, NY 12553

Michael R Forrester & Kathleen Cummings
23 Fernandez Drive
New Windsor, NY 12553

Elizabeth Mensch & Thomas G Donegan
79 Silver Spring Road
New Windsor, NY 12553

Albert A Minnick Jr.
57 Kenwood Drive, Apt B
New Windsor, NY 12553

Fleet National Bank
2970 Transit Road
West Seneca, NY 12308

Francis J Sylvester
Hudson Bluff Drive
Marlboro, NY 12542

Violet Schumske
39 Union Avenue
New Windsor, NY 12553

JMR Associates LLC
1 Garret Mountain Plaza
8th floor
West Paterson, NY 07424

Pls. publish immediately - send bill to Yonnane @ below address.

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

Revised

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. 33

Request of Jonna Yonnane

for a VARIANCE of the Zoning Local Law to Permit:

Approx. 8'x11' play house - shed.
with insufficient rear & side yards;

being a VARIANCE of Section 48-12 - Table of Use / Bulk Regs. - Cols. F, G.

for property situated as follows:

16 FERNANDEZ AVE NEW WINDSOR NY 12553

known and designated as tax map Section 20, Blk. 2, Lot 18.

SAID HEARING will take place on the 9th day of August, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

By: Patricia A. Banhart, Secy

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-33

Date: 7/22/99

I. ✓ Applicant Information:

- (a) 501-9026
DONNA VANNONE 16 FERNANDEZ AVE NEW NY (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) R-4 16 FERNANDEZ AVE 20-2-18 79.00 x 124.00
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R2 & NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 7/22/81
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No ___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law Section 48-12, Table of Use/Bulks Regs., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>3'</u>	<u>7'</u>
Reqd. Rear Yd. <u>10'</u>	<u>3'</u>	<u>7'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

NO UNDESIRABLE CHANGES IN THE NEIGHBORHOOD.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

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

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A.

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

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

✓ VIII. Additional comments:

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

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

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

LIBER 2192 PG 154

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 22nd day of April, nineteen hundred and eighty-one,
BETWEEN ELIOT E. MALLOY and JEAN M. MALLOY, husband and wife,
residing at No. 16 Fernandez Avenue, New Windsor, Orange County,
New York 12550,

party of the first part, and ^{JOHN} MICKEY YANNONE residing at No. 20 Patton Drive,
Cornwall, Orange County, New York 12518,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and no/100 - - - - -
- - - - - (\$10.00) - - - - - -dollars,

lawful money of the United States, and other good and valuable considerations, paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
~~being and being in the Town of New Windsor, County of Orange and State of~~
New York, and known as No. 16 Fernandez Drive, and more particularly
described as follows:-

14
BEGINNING at the easterly corner of the intersection of the northeasterly and southeasterly lines of Fernandez Avenue which point of beginning is the following three courses from the center line of Silver Spring Road (said point in the center line of Silver Spring Road being 39.65 feet from the most northerly point of lands conveyed by Saffioti to Fernandez by deed recorded November 20, 1954 in Liber 1238 of Deeds at Page 348), viz:- (1) South 39° 2' West 292.85 feet, (2) South 51° 30' 40" East 200 feet, (3) South 39° 2' West 137.99 feet, and from said point of beginning running thence South 51° 40' East 124.42 feet along the northeasterly side of said Fernandez Avenue; thence North 39° 2' East 78.42 feet; thence North 51° 26' West, 123.645 feet, running thence and along the southeasterly side of said Fernandez Avenue, South 39° 02' West for 78.95 feet to the corner the point or place of

beginning.

TOGETHER with a right in common with all others who may be given the same right to use for purposes of ingress and egress the proposed roadway running along the northwesterly line of the premises hereby conveyed and from thence in a general northerly direction over said proposed roadway to Silver Spring Road.

TOGETHER WITH AND SUBJECT TO the same covenants and restrictions and rights as set forth in and BEING AND INTENDED TO BE the same premises conveyed by Joseph Fernandez to Eliot E. Malloy and Jean M. Malloy by deed dated July 21, 1955, recorded July 25, 1955 in Liber 1355 of Deeds at Page 8, Orange County Clerk's Office.

LIBER 2192 PG 155

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:
[Faint illegible text]

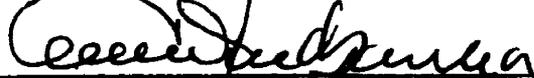
Eliot E. Malloy (L.S.)
Eliot E. Malloy

Jean M. Malloy (L.S.)
Jean M. Malloy

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 22nd day of April 1981, before me personally came ELIOT E. MALLOY and JEAN M. MALLOY,

to me known to be the individual S described in and who executed the foregoing instrument, and acknowledged that they executed the same.



Notary Public

ALLEN J. INDZONKA

Notary Public in the State of NY.

Residence on Appointment - Orange County

Commission Expires March 30, 1982

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

CHICAGO TITLE INSURANCE CO.

~~Marginal and Title Book~~

CT-38,50

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. 81-11-34874 - R-141 -

SECTION

BLOCK

LOT

COUNTY OR TOWN

ELIOT E. MALLOY and JEAN M.
MALLOY, husband and wife
TO

MICKEY YANNONE

RETURN BY MAIL TO:

SCOTT + SCHECHTMAN
178 GRAND STREET
NEWBURGH, N.Y.

Zip No. 12550

3/50
131
Chicago T-1

Reserve this space for use of Recording Office.

LIBER 2192 PG 157

REG-38.50
APR 28 1981
COUNTY

Recorded... day
of... at 9:00
of clock...
... at page 157.
and Examined.
Mickey Yannone