

ZB# 04-03

Gold Star Real Estate

54-1-74.4

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 01-26-04

ZBA #**04-03** GOLDSTAR REAL EST.
2 PIETERS CT (AREA) 54-1-74.4

Joe Fontana 351-5451

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 12/22/03

APPLICANT: Goldstar Real Estate, LLC
75 Clubhouse Road
Tuxedo Park, NY 10987

COPY

PLEASE TAKE NOTICE THAT YOUR PERMIT # PA2003-1211

FOR : Single Family Dwelling

LOCATED AT: 2 Pieter's Court

ZONE: R-1 Sec/Blk/ Lot: 54-1-74.4

DESCRIPTION OF EXISTING SITE: Foundation encroaches on side yard set-back

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Use/Bulk Tables R-1 zone Column F-5

1. Required side yard 40ft. Existing side yard setback is 37.3ft. A variance of 2.7ft is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: Foundation

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 40ft

37.3ft

2.7ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

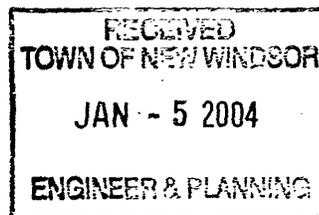
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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



04-03

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 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 above.
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 para test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

SEP 24 2003

FOR OFFICE USE ONLY:
Building Permit #: _____

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

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

Owner of Premises Goldstar Real Estate, LLC

Address 75 clubhouse Rd, Tuxedo Park NY 10987-845 Phone # 351-5451

Mailing Address same Fax # 351-5456

Name of Architect Tom Costello - Design Group

Address 233 Route 29 central Valley, NY 10917 Phone 928-2288

Name of Contractor Joseph Fontana

Address 75 Clubhouse Rd, Tuxedo Park Phone 845-251-5451

State whether applicant is owner, lessee, agent, architect, engineer or builder owner & builder

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

1. On what street is property located? On the W side of PETERS COURT Lot 4
and right side of cul-de-sack (N, E or W)
feet from the intersection of off Dutchman Drive

2. Zone or use district in which premises are situated single family home is property a flood zone? N

3. Tax Map Description: Section 54 Block 1 Lot 74.4

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy N/A b. Intended use and occupancy single family home

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 67'6" Rear 67'6" Depth 30' Height 30' No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1 total

Number of bedrooms 4 Baths 3 Toilets 0 Heating Plant: Gas or X
Electric/Hot Air _____ Hot Water X If Garage, number of cars 2 car

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use NO

10. Estimated cost 175,000 Fee _____

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW BRUNSWICK, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinance

Building Inspector: Michael L. Babcock
Asst. Inspector: Frank List & Louis Kopyanski
New Brunswi...

Big Map Exempted

date
1

____/____/____
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 Kryshnar
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 863-4618
(845) 863-4895 FAX

Blgd 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 work in connection with this application.

Joseph Tondora
(Signature of Applicant)

75 Clubhouse Rd, Puttalo Park NY
(Address of Applicant)

Paul Tondora
(Owner's Signature)

same
(Owner's Address)

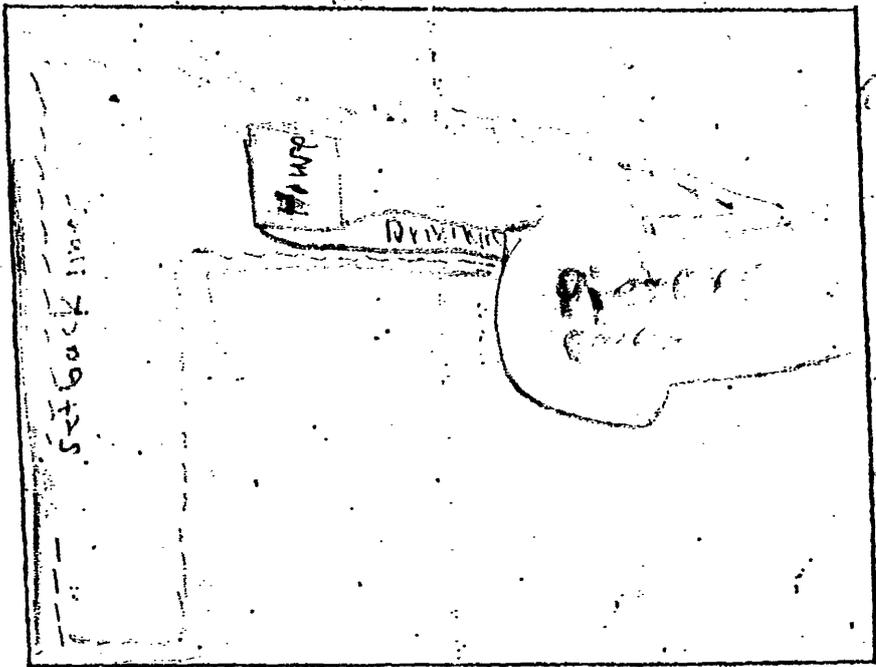
10987

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.

N

W



E

S

Peters

Borrower: Loray Thompson

File No.:

Property Address: Lot 3, Hammer Lane

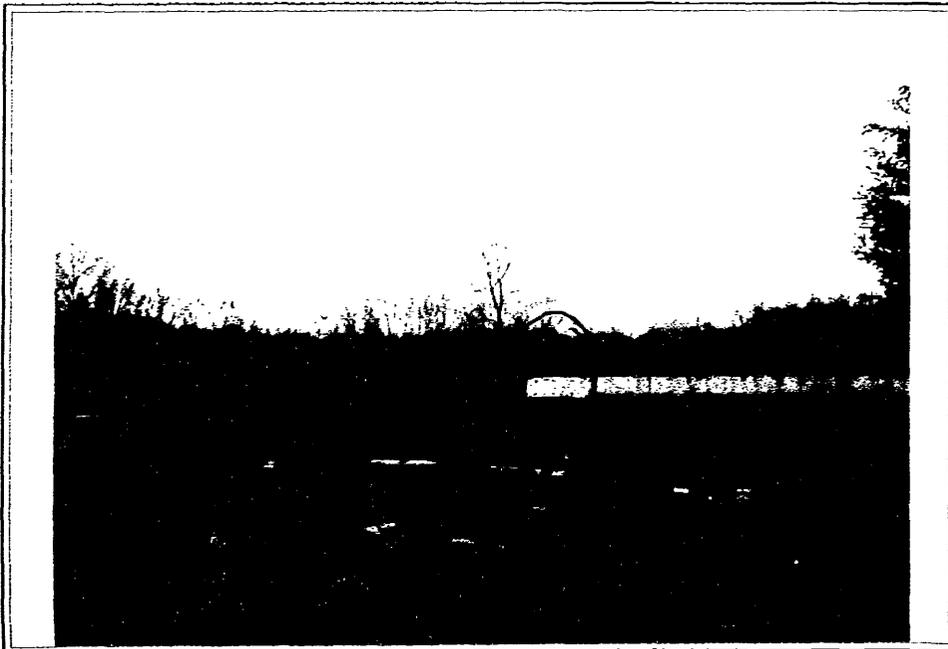
Case No.:

City: Walden

State: NY

Zip: 12549

Lender: Carteret Mortgage Corp.





04-03

P. 1755 (1)

Borrower	_____	File No.:	_____
Property Address	_____	Case No.:	_____
City: Walden	_____	State: NY	Zip: 12549
Lender: Carteret Mortgage Corp.			





EYORS SEAL
W.
BSEQUENT OWNERS.
IT VISIBLE ARE NOT SHOWN OR CERTIFIED.
IT BE VALID.

N/F MULLEAVY
FILED MAP #36-00

1006.00'

20' WIDE DRAINAGE EASEMENT
AS PER FILED MAP #36-00.

R=225.00'
L=124.96'

S87°57'30"E
16.09'

5.16'

PROPOSED 20' DRAINAGE EASEMENT
AS PER FILED MAP #288-03.

R=25.00'
L=21.06'

PIETERS COURT

R=65.00'
L=92.93'

FOUNDATION
LOCATED
12/10/03

367.1'

271.61'

N83°59'01"W

253.55'

N73°32'28"W

307.24'

N/F STRATEGIC HOMES, LLC
FILED MAP LOT 3

-----X
In the Matter of the Application of
GOLDSTAR REAL ESTATE, LLC.

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #04-03
-----X

WHEREAS, Joseph Fontana, owner(s) of 2 Pieter's Court, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 2.7 ft. Side Yard Setback for proposed single family home (48-12; R-1 Column F-5) in an R-1 Zone and;

WHEREAS, a public hearing was held on January 26, 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 was one spectator appearing at the public hearing; and

WHEREAS, one person spoke neither in favor of or in opposition to the Application but, only to have questions answered; and

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

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The property has not yet been improved by the proposed single family home, but, it is in a neighborhood of single family residences.
 - (c) The foundation of the house has already been installed.

(d) The variance, if permitted, will not interfere with the drainage of the neighboring property.

(e) The house will not be constructed on the top of any water or sewage easements or effect the drainage of water.

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

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

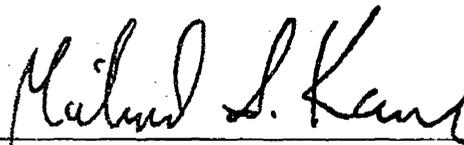
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2.7 ft. Side Yard Setback for proposed single family home (48-12; R-1 Column F-5) at 2 Pieter's Court in an R-1 Zone (54-1-74.4) 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: January 26, 2004

A handwritten signature in cursive script, reading "Michael S. Kears", is written over a horizontal line.

Chairman



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

May 11, 2004

Goldstar Real Estate, LLC
75 Clubhouse Road
Tuxedo Park, NY 10987

SUBJECT: REQUEST FOR VARIANCE #04-03

Dear Sir:

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

GOLDSTAR REAL ESTATE (04-03)

Mr. Joe Fontana appeared before the board for this proposal.

MR. REIS: Request for 2.7 ft. side yard setback for proposed single family home (48-12; R-1, column F-5) at 2 Pieter's Court in an R-1 zone.

MR. FONTANA: I'm requesting a side yard setback of 3 feet, we need a boundary line variance, it's a large piece of property 6 acres but we did a mistake and we were a few feet over.

MR. MC DONALD: Foundation is already poured?

MR. FONTANA: Yes, it's very wide, but we were near the line, didn't realize how close they were.

MR. REIS: Open it up to the public. Anybody like to comment? Please identify yourself.

MS. MALEAVY: Hi, my name is Barbara Maleavy (phonetic), I have lot 8 of the subdivision, I believe it's next to that property.

MR. FONTANA: Are you living in the house?

MS. MALEAVY: I haven't built mine, I just wanted to make sure it wasn't going to be where the drainage easement's going through.

MR. FONTANA: No, it's not near that and I'm on the other side with a house already existing, you couldn't be there, you'd have to be--

MR. BABCOCK: This is lot 8, this is the foundation that's in there.

MS. MALEAVY: This is set back, I just wanted to make

sure because there's going to be water going through there.

MR. BABCOCK: This corner right here is just over the line, see the line.

MR. FONTANA: That's the variance request.

MS. MALEVY: For your circle there, okay, I just want to make sure that you weren't in the way.

MR. FONTANA: No, I'm not on that side.

MR. BABCOCK: She's on the opposite side of this area.

MR. REIS: He's giving you more room.

MR. KRIEGER: Now that you understand the situation, do you have any opposition to this variance request? Are you opposed to it?

MS. MALEVY: Well, I don't know what questions to ask I just where the septic is or anything like that how close is that to the line, I'm sure the Town is going to put it in a safe--

MR. FONTANA: It's behind the house that's next to me, it's not even near my house.

MR. KRIEGER: Even if he were granted an area variance here, it would not relieve him from any other obligations of the law. So in terms of the siting of sewage and water, those are separate laws that he gets no relief from here.

MR. BABCOCK: It's completely on the opposite side of the lot from her house.

MS. MALEVY: And this house is facing this way?

MR. BABCOCK: Yes, instead of putting it here, they put it here.

MS. MALEAVY: This is going to be--

MR. BABCOCK: That's you.

MS. MALEAVY: And I will be speaking with you shortly, okay, so it doesn't--

MR. REIS: You're okay with this request?

MS. MALEAVY: Yes, yes, I just wanted to make sure it wasn't on our property.

MR. BABCOCK: On her lot, Mr. Chairman--

MS. MALEAVY: There's a low area that it's going to require drainage through, I just wanted to make sure that wasn't going to change.

MR. BABCOCK: He has a buildable area from her lot of 40 feet and he's 95.5 feet so he's way clear from her lot.

MS. MALEAVY: Cause that area along the property line can't be altered at all.

MR. REIS: Right. No intention of doing that?

MR. FONTANA: No, not at all.

MR. REIS: You're comfortable?

MS. MALEAVY: Yes.

MR. REIS: Thank you very much. Close the public hearing. Any other questions, folks?

MR. MC DONALD: Letters.

MS. MASON: On the 13th of January, 13 envelopes containing the notice of public hearing were mailed out with no response.

MR. REIS: Thank you. Motion?

MR. MC DONALD: Make a motion that we grant Goldstar Real Estate request for the 2.7 foot side yard setback for the proposed single family home at 2 Pieter's Court in an R-1 zone.

MR. BABCOCK: Mr. Chairman, last meeting at the preliminary the chairman asked me to change that 2.7 to 3 feet, he asked me to round that off so all the numbers have been changed to a three foot variance just so if in case it's off just a touch, we have no problem.

MR. REIS: Thank you.

MR. RIVERA: Second it.

ROLL CALL

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

MR. REIS: Motion to adjourn.

MR. MC DONALD: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE

January 26, 2004

42

MR. REIS

AYE

Respectfully Submitted By:

Frances Roth 1/28/04

Frances Roth
Stenographer

**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: MARCH 1, 2004
SUBJECT: ESCROW REFUND - GOLDSTAR

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 197.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-03

NAME & ADDRESS:

**Goldstar Real Estate, LLC
75 Clubhouse Road
Tuxedo Park, NY 10987**

THANK YOU,

MYRA

L.R.03-01-04



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



FILE #04-03 TYPE: AREA

APPLICANT Name & Address:

**Goldstar Real Estate, LLC
75 Clubhouse Road
Tuxedo Park, NY 10987**

TELEPHONE: 351-5451

RESIDENTIAL:	\$ 50.00	CHECK #1824
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1823

<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>4</u>	PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____
	TOTAL:		\$ <u>33.00</u>	\$ <u>70.00</u>

ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>103.00</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>197.00</u>

GOLDSTAR REAL ESTATE (04-03)

Mr. Joe Fontana appeared before the board for this proposal.

MR. KANE: Request for 2.7 ft. side yard setback for proposed single family home (48-12: R-1 Column F-5) at 2 Pieter's Court in an R-1 zone.

MR. FONTANA: Slight mistake, it's like a 6 acre piece of property and we're 40 feet from the setback and the excavator must of dug the hole a few feet and he went over two feet over, just one corner of it, he slipped by mistake over on the corner.

MR. KANE: Mike, to err on the side of caution here, don't you think we should make it 3 feet instead of 2.7?

MR. BABCOCK: We could do that, we have a survey showing that exact number, so that's why we wrote it exactly that way. Three foot is fine.

MR. KANE: I think I'd be a little comfortable with that knowing how banks are today if you're off an inch.

MR. BABCOCK: It's already in, this the foundation is in and when they got a foundation survey, they realized it was pushed over a little too far and they wanted to come and get the variance before they went any further.

MR. KANE: I still want to move it up to three. Putting in there was an error?

MR. FONTANA: On the excavator's part.

MR. KANE: Obviously, it would be a financial hardship?

MR. FONTANA: It would be a big financial problem for me.

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

MR. FONTANA: No.

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

MR. FONTANA: No.

MR. KANE: If the variance was granted, would it change the nature of the neighborhood with it being 2.7 feet off?

MR. FONTANA: No, I don't believe so.

MR. KANE: Gentlemen, do you have any questions?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: I move we set up Goldstar Real Estate for the public hearing for the requested three foot side yard setback for proposed single family home at 2 Pieter's Court.

MR. REIS: Second it.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: January 6, 2004

PROJECT: Goldstar Real Estate

ZBA # 04-03
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) MC S) Riv VOTE: A 3 N 0.

RIVERA A
MC DONALD A
REIS A
MINUTA _____
KANE _____
CARRIED: Y N _____

Barbara Mullavey - Lot #8 - No Objection
3' variance

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-03

Request of GOLDSTAR REAL ESTATE (JOSEPH FONTANA)

for a VARIANCE of the Zoning Local Law to Permit:

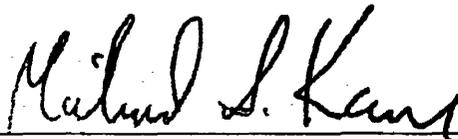
Request for ^{3'}2.7 ft. Side Yard Setback for proposed single family home in an R-1 Zone

being a VARIANCE of Section (48-12; R-1 Column F-5)

for property located at: 2 Pieter's Court

known and designated as tax map Section 54 Block 1 Lot 74.4

**PUBLIC HEARING will take place on JANUARY 26, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**


Michael Kane, Chairman

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-03

Request of GOLDSTAR REAL ESTATE (JOSEPH FONTANA)

for a VARIANCE of the Zoning Local Law to Permit:

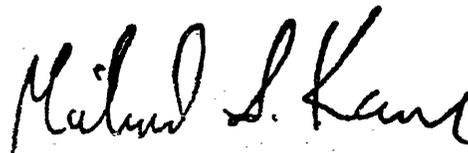
Request for 3 ft. Side Yard Setback for proposed single family home in an R-1 Zone

being a VARIANCE of Section (48-12; R-1 Column F-5)

for property located at: 2 Pieter's Court

known and designated as tax map Section 54 Block 1 Lot 74.4

**PUBLIC HEARING will take place on JANUARY 26, 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) 563-4631
Fax: (845) 563-4693

Assessor's Office

January 7, 2004

Joe Fontana
Goldstar Real Estate
75 Clubhouse Road
Tuxedo Park, NY 10987

Re: 54-1-74

Dear Mr. Fontana:

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

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

54-1-2.2
ADC Windsor Inc.
1995 Broadway, Suite 1200
New York, NY 10023

54-1-72
Edmond & Wendy Fitzgerald
37 Dutchman Drive
New Windsor, NY 12553

54-1-3.11
Willard & Diane Burt
4 Dutchman Drive
New Windsor, NY 12553

54-1-73
Robert & Barbara Mulleavy
23 Buckingham Drive
Newburgh, NY 12550

54-1-3.12
Joseph & Anne Diaz
10 Dutchman Drive
New Windsor, NY 12553

54-1-75
Gabriel Compere
25 Dutchman Drive
New Windsor, NY 12553

54-1-3.13
Wanda & Theodore Jacobsohn
16 Dutchman Drive
New Windsor, NY 12553

54-1-3.14
Thomas & Lynn Ann Buhler
22 Dutchman Drive
New Windsor, NY 12553

54-1-3.2
Lillian Sladewski
469 Lake Road
New Windsor, NY 12553

54-1-4
Steven & Jacqueline Cooper
451 Lake Road
New Windsor, NY 12553

54-1-53.1
Dorothy & Clay & John Jr. Clement
C/o Dorothy Clement
548 Station Road
Rock Tavern, NY 12575

54-1-70
Peter & Helen Fedun
32 Dutchman Drive
New Windsor, NY 12553

54-1-71
Carmine & Patricia DeFreese
41 Dutchman Drive
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 01-06-04 PROJECT NUMBER: ZBA# 04-03 P.B. #

APPLICANT NAME: GOLDSTAR REAL ESTATE

PERSON TO NOTIFY TO PICK UP LIST:

JOE FONTANA (GOLDSTAR REAL ESTATE)
75 CLUBHOUSE ROAD
TUXEDO PARK, NY 10987

TELEPHONE: 351-5451

TAX MAP NUMBER: SEC. 54 BLOCK 1 LOT 74.4
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: **2 PIETER'S COURT**
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: 1825

TOTAL CHARGES: _____



RESULTS OF Z.B.A. MEETING OF: January, 2004

PROJECT: Goldstar Real Estate ZBA # 04-03
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) Riv S) Ris VOTE: A 4 N 0
RIVERA A
~~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 _____ CARRIED: Y ___ N _____.
REIS _____
MINUTA _____
KANE _____

Change to 3' variance requested



Town of New Windsor

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

ZONING BOARD OF APPEALS

January 6, 2004

Goldstar Real Estate, LLC
75 Clubhouse Road
Tuxedo Park, NY 10987

SUBJECT: REQUEST FOR VARIANCE #04-03

Dear Mr. Fontana:

This letter is to inform you that you have been placed on the January 12th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2 Pieter's Court
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
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 1-5-04

FOR: ESCROW 04-03

FROM: GOLDSTAR REAL ESTATE, LLC

75 CLUBHOUSE ROAD

TUXEDO PARK, NY 10987

CHECK NUMBER: 351-5451

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME



DATE

1-7-04

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

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

ZONING BOARD OF APPEALS

January 12, 2004

Goldstar Real Estate, LLC
75 Clubhouse Road
Tuxedo Park, NY 10987

SUBJECT: REQUEST FOR VARIANCE #04-03

Dear Mr. Fontana:

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:

2 Pieter's Court
New Windsor, NY

is scheduled for the January 26th, 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



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	

RECEIVED
 TOWN OF NEW WINDSOR
 JAN - 5 2004
 ENGINEER & PLANNING
 PAGE 1

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).

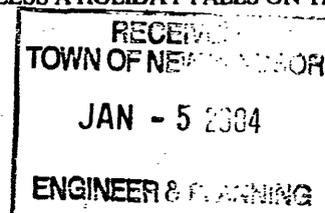
SIGNATURE

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)

PAGE 2



COMPLETE THIS PAGE

04-03

**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)

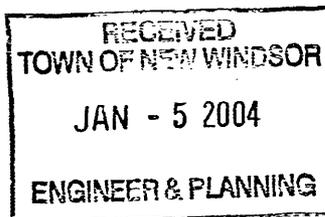
Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	4.0 ft	37.5 ft	2.7 ft
Reqd. Rear Yd.			
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.**



04-03

COMPLETE THIS PAGE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

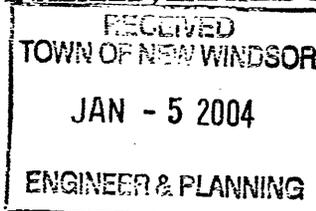
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change 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:

Just one corner of the house
is 2'7" over the 40' side setback.
We have a lot of room on the other side of
the house. The excavator just made a mistake
by a couple feet. I need this zoning variance
to sell the house. Thank you for your help
& sorry for the trouble
This would cause no trouble for anyone else.

PLEASE NOTE:

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



04-03

COMPLETE THIS PAGE

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 showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - One in the amount of \$ 300.00 or 500.00 , (escrow)
 - One in the amount of \$ 50.00 or 150.00 , (application fee)
 - One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

29th day of December 2003.

Joseph V. Fontana 472-402-273
 Owner's Signature (Notarized)

JOSEPH V. FONTANA
 Owner's Name (Please Print)

Mary Ann Hotaling
 Signature and Stamp of Notary

MARY ANN HOTALING
 Notary Public, State of New York
 No. 01HO5062877
 Qualified in Orange County
 Commission Expires July 8, 2004

Joseph V. Fontana
 Applicant's Signature (If not Owner)

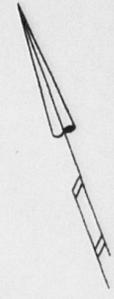
PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

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 JAN - 5 2004
 ENGINEER & PLANNING

COMPLETE THIS PAGE

04-03

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. EASEMENTS OR RIGHTS OF WAY ON OR BELOW THE SURFACE OF THE GROUND WHICH ARE NOT VISIBLE ARE NOT SHOWN OR CERTIFIED. SUBJECT TO THE FINDINGS OF A COMPLETE AND UP TO DATE TITLE SEARCH. COPIES OF THIS SURVEY NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.



N/F MULLEAVY
FILED MAP #36-00

S70°11'32"E

1006.00'

S87°57'30"E
16.09'

20' WIDE DRAINAGE EASEMENT
AS PER FILED MAP #36-00.

R=225.00'
L=124.96'

PROPOSED 20' DRAINAGE EASEMENT
AS PER FILED MAP #288-03.

R=25.00'
L=21.06'

PIETERS COURT

R=65.00'
L=92.93'



367.1'

271.61'

N83°59'01"W

253.55'

N73°32'28"W

N/F STRATEGIC HOMES, LLC
FILED MAP LOT 3

307.24'

S22°47'51"W

N72°09'32"W

89.24'

238.50'

N71°44'59"W

226.77'

N21°46'20"E

299.29'

N22°47'51"E

N/F CLEMENT
FILED MAP #7847

N/F COOPER

CERTIFIED ONLY TO:

GOLDSTAR REAL ESTATE, LLC
BUILDERS CAPITAL, LLC
FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF NEW YORK

REFERENCE: BEING LOT 4, AS SHOWN ON A MAP ENTITLED
"PENNING'S MAJOR SUBDIVISION, SECTION 4" FILED IN THE
ORANGE COUNTY CLERK'S OFFICE ON JULY 16, 2003
AS MAP # 288-03.

TAX LOT 54-1-74.4
6.2571 ACRES.
272,561 SQ.FT.

FOUNDATION LOCATION FOR
GOLDSTAR REAL ESTATE, LLC
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

DECEMBER 11, 2003 SCALE 1" = 50'

JOHN ROBERT NELTING
SURVEYING AND MAPPING, PLLC
P.O. BOX 17 JOHNSON, N.Y. 10933
845-355-3823

JOB #
963-4

John Nelting

JOHN NELTING, L.S., N.Y. LIC. # 49990

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