

ZB# 00-40

Raymond Cutro

29-1-71

Prelim.

Aug. 14, 2000.

No Show

App. given to Applicant &

January 29, 2001

Set down to Kathy & Kuhn

Public Hearing:

Feb. 26, 2001

Area Varance

Granted

Refund: \$198.50

00-40 - Cutro, Raymond

Area

00-40
29-1-21.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Cutro, Raymond

FILE# 00-40

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE..... \$ 50.00 *Cash paid 2/8/01. to Town Clerk*

ESCROW DEPOSIT FOR CONSULTANT FEES..... \$ 300.00 *Cash paid to 2/8/01. Compt.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/29/01: 3 \$ 13.50
2ND PRELIMINARY- PER PAGE 2/26/01: 4 \$ 18.00
3RD PRELIMINARY- PER PAGE..... \$ _____
PUBLIC HEARING - PER PAGE..... \$ _____
PUBLIC HEARING (CONT'D) PER PAGE..... \$ _____
TOTAL..... \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING:..... 1/29/01 \$ 35.00
2ND PRELIM..... 2/26/01 \$ 35.00
3RD PRELIM..... \$ _____
PUBLIC HEARING..... \$ _____
PUBLIC HEARING (CONT'D)..... \$ _____
TOTAL..... \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL..... \$ 101.50

LESS ESCROW DEPOSIT..... \$ 300.00
(ADDL. CHARGES DUE)..... \$ _____
REFUND DUE TO APPLICANT.. \$ 198.50

-----x
In the Matter of the Application of

RAYMOND CUTRO

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

#00-40.
-----x

WHEREAS, RAYMOND CUTRO, residing at 6 Abby Lane, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 15 ft. front yard variance for an existing in-ground pool and fence at the above address in an R-1 zone; and

WHEREAS, a public hearing was held on the 26th day of February, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant represented himself; and

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

WHEREAS, no one spoke in favor or opposition to this 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 one-family house located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance for an in-ground pool and fence which is already existing on the premises.

(c) Due to the configuration of the premises, the pool and fence are located in an area which is treated as a front yard under the terms of the New Windsor Zoning Code but which appears visually to be a side yard.

- (d) The lot in question is located on a cul-de-sac and is one of three lots.
- (e) The pool has been in existence since 1989.
- (f) Neither the pool nor the fence cause any drainage or water problems or divert the flow of water or drainage.
- (g) There have been no complaints about the pool or fence, either formally or informally.
- (h) The fence is higher than is allowed by the Zoning Code for a front yard fence, but it is of a height required as a safety measure for in-ground pools, the requirement being one of State Law.
- (i) Because of the configuration of the property, there is no other place where the pool and fence can be located.
- (j) It would be economically infeasible to fill in one pool and construct another pool.
- (k) The pool is similar to other pools in the neighborhood.
- (l) The existence of the pool is a safety measure as it supplies a source of water for fire fighting

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 variances 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 variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.
4. The requested variances 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 variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances 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 variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 15 ft. front yard variance for an existing in-ground pool and fence at the above residence in an R-1 zone.

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: March 26, 2001.


Chairman

PUBLIC HEARING:

CUTRO, RAYMOND

MR. NUGENT: Is there anyone in the audience for this public hearing for Raymond Cutro other than the applicant?

MS. CORSETTI: For the record, we sent out 18 addressed envelopes with notices on February 8, 2001.

MR. NUGENT: Request for 15 ft. front yard variance for existing in-ground pool and fence at 6 Abby Lane in an R-1 zone.

Mr. Raymond Cutro appeared before the board for this proposal.

MR. KANE: This is for a pool in a front yard, that's not a front yard.

MR. BABCOCK: Effectively, we had to call it a front yard because we're giving him road frontage as a front yard.

MR. KANE: I understand.

MR. TORLEY: He's actually three lots back there, they're so far off the road you don't notice they're there at all.

MR. NUGENT: Three lots come off the cul-de-sac?

MR. BABCOCK: That's correct.

MR. KANE: How long has the inground pool been in existence?

MR. CUTRO: 1989.

MR. TORLEY: Does it have the required fences and all that?

MR. CUTRO: Correct.

MR. KANE: Any drainage or water problems with the building of the pool?

MR. CUTRO: No.

MR. KANE: Any complaints either formally or informally about the pool?

MR. CUTRO: No.

MR. TORLEY: Again, the fence is over the zoning code height for fence in the front yard, but it's also required as a safety measure for an inground pool so it's required to have a fence he's not allowed to have.

MR. KANE: Right, 46 inches by state law.

MR. REIS: There's nothing you can do with this project to alleviate these variances that are required here?

MR. CUTRO: Absolutely not, there's no more room.

MR. REIS: Just for the record.

MR. TORLEY: It would be economically infeasible to fill in one pool, put another pool in, otherwise, you'd lose the value of the house?

MR. CUTRO: Waste a lot of money, too.

MR. TORLEY: So, it's an economic hardship for you to comply with the area requirements?

MR. CUTRO: Absolutely.

MR. REIS: Accept a motion, Mr. Chairman?

MR. KANE: In the neighborhood that you live, are there similar inground pools?

MR. CUTRO: Yes, there's pools but not inground, above-ground pools.

MR. KANE: What's the size of the pool that you have right now?

MR. CUTRO: 20 by 40.

MR. KANE: Above-ground pools in the area close to that, 18 by 33?

MR. CUTRO: Yes.

MR. TORLEY: Presence of such a pool is also an emergency reservoir for fire fighting in the area.

MR. CUTRO: They can have all the water they want.

MR. KANE: Was there a permit process on the pool?

MR. BABCOCK: We're going through that right now.

MR. KANE: So he'll go through the electrical inspections?

MR. BABCOCK: Yes.

MR. NUGENT: Let the record show there's no one in the audience that wants to speak.

MR. REIS: Make a motion we grant Mr. Cutro his requested variances.

MR. KANE: Second the motion.

ROLL CALL

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

MR. REIS: Motion to adjourn.

MR. KANE: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. REIS	AYE

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

COPY

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: July 10, 2000

APPLICANT: Raymond Cutro
6 Abby Lane
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing in-ground pool and fence permit

LOCATED AT: 6 Abby Lane

ZONE: R-1 SEC/BLK/LOT: 29-1-71

DESCRIPTION OF EXISTING SITE: Existing One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing in-ground pool and fence, can not be ^{located} installed in the required front yard set back of 45' minimum in a R-1 Zone.


BUILDING INSPECTOR

PERMITTED 45'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-1 USE: 48-21-G-(1), 5-E Bulk Tables

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D. FRONT YD:

30'

15'

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

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

COPIES

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 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.

FOR OFFICE USE ONLY

Building Permit #: [REDACTED]

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 Raymond C. Tro

Address 6 ABBY LANE Phone 496-5557

Mailing Address ROCK TAVERN, N.Y. 12575

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____

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

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 S side of ABBY Ln
(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 29 Block 1 Lot 71

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
EXISTING IN GROUND POOL/FENCE

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Frnt _____ 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 _____

PAID

10. Estimated cost 20,000 Fee _____

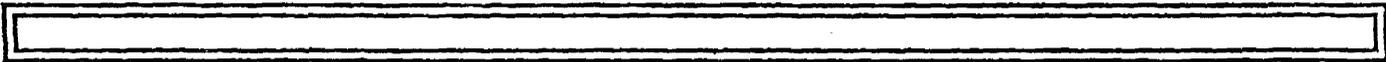
\$50.00 Rec#
Cash 1163

____/____/____
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 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.

Raymond Cato

(Signature of Applicant)

07-07-00

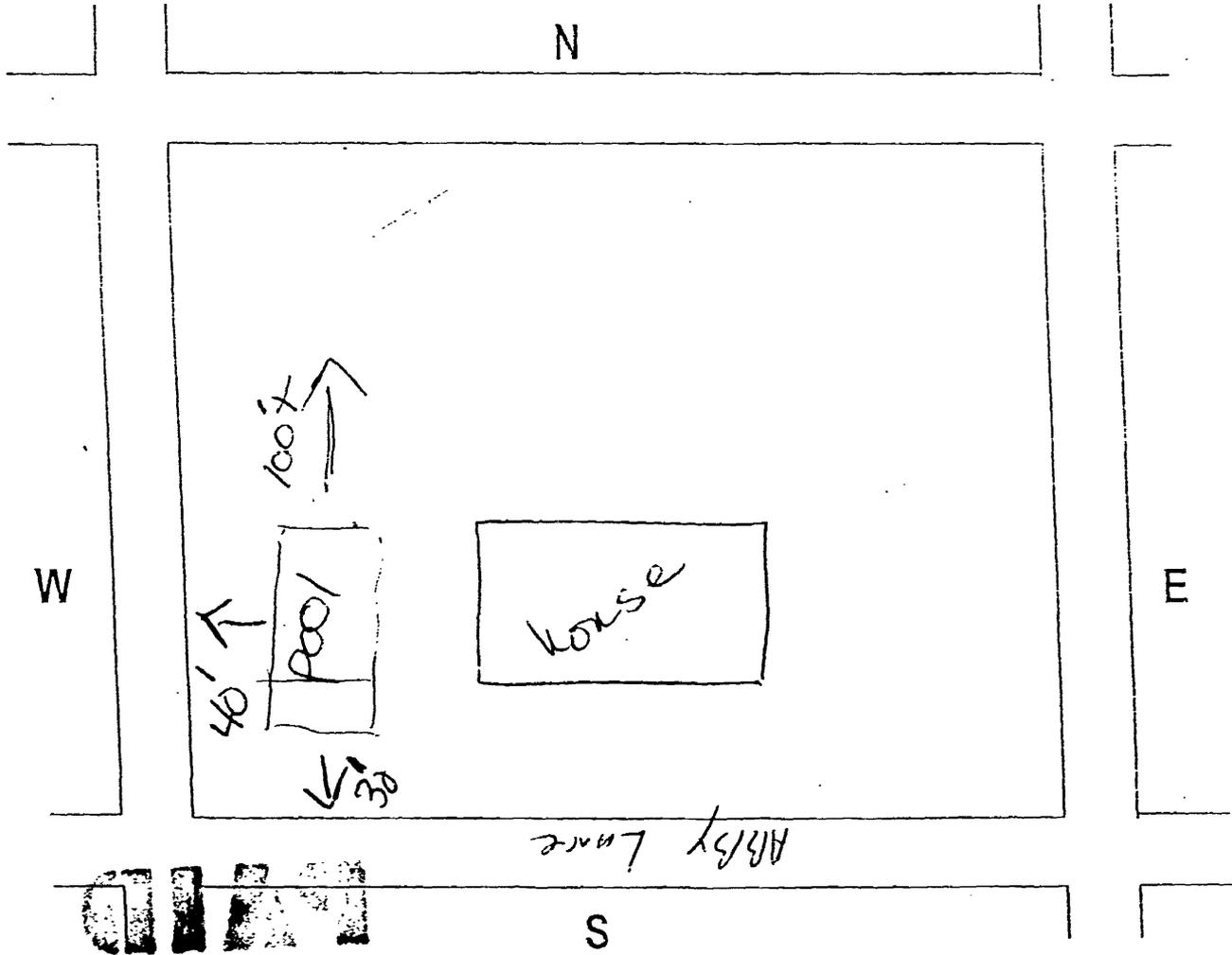
(Address of Applicant)

(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.



RPS DATA

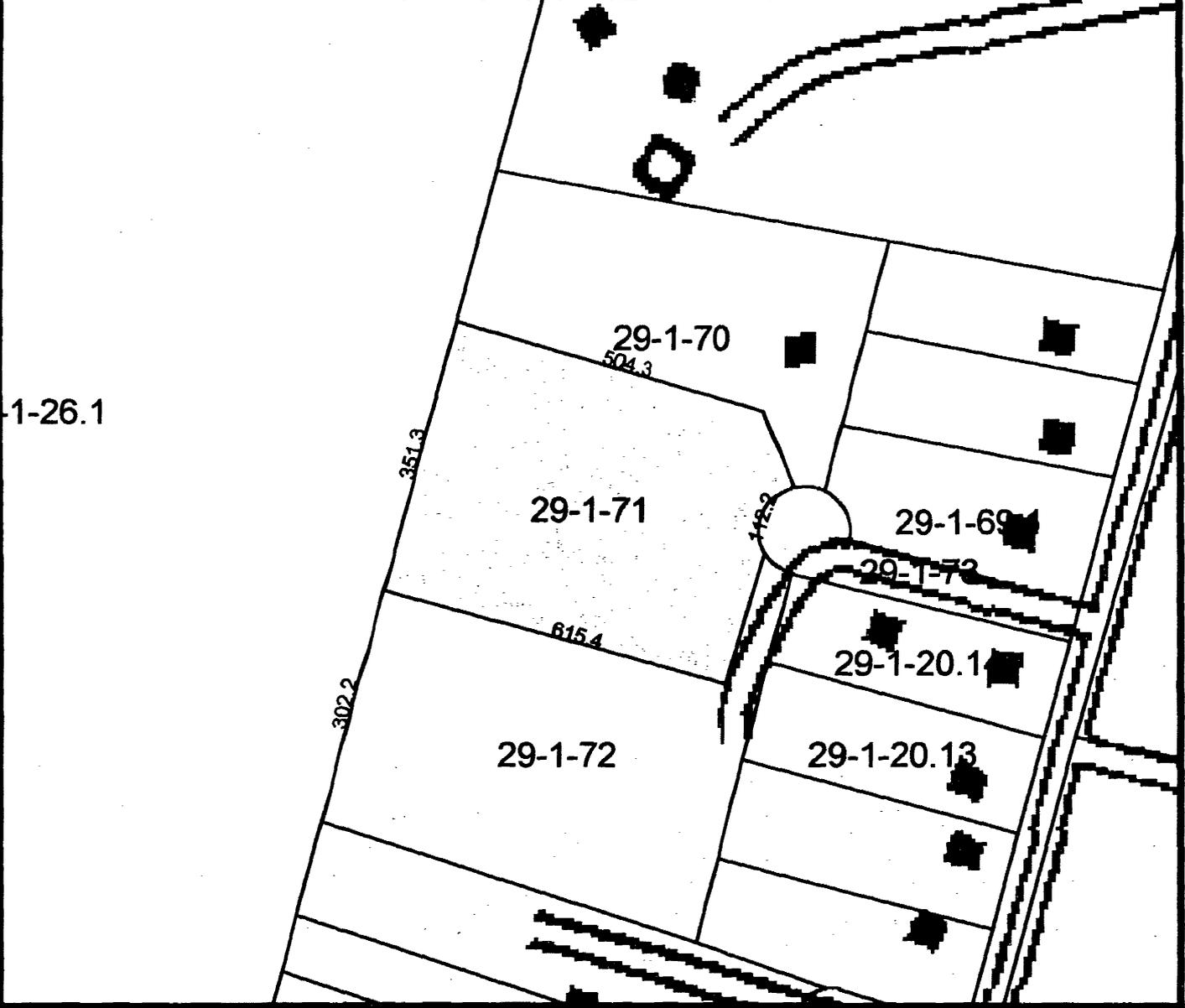
TAX# 334800.029.000-0001-071.000/0000

AREA 620



PROP ADDR	STATION RD	RDFR	0	MSQFT	152910
PROP CLASS	210	DEP	0	MACRE	3.5
SCH	332002	RESIDENTIAL SINGLE FAMILY	ACRE	3	YRBT
SQ.FT.	2586	WASHINGTONVILLE	BSMT	0	#BD
LANDTYPE	PRIMARY	1ST	2ND		#BA
UTIL		ZONE	00	USED AS	3.0
EAST_GRID	555830	WTR		SWR	MNRL RGT
STYLE	COLONIAL	NORTH_GRID	536800	NGHBHD	0
# KIT	1.00000	EXTER	WOOD	ATTCCAP	1
# OF STORY	2.00	PORCH TYPE	OPEN	BSMCCAP	0
CONDITION	GOOD	PORCH AREA	28	# FPLCS	1
FEAT DESC	GAR DE 15 S	CONST DESC	AVERAGE	AC %	
OWNER	CUTRO RAYMOND J & CAROLE L	FEAT YRBT	1986	SPRKN %	
ADDRESS	STATION RD	LAND VALUE	15300	TOTAL_VAL	58900
	NEW WINDSOR NY				

SALE	TTD	TYPE	VALID	ARMS	BOOK	PAGE	TYPE	DATE	MORT#
	19870501				2704	113			



CUTRO, RAYMOND

Mr. Raymond Cutro appeared before the board for this proposal.

MR. NUGENT: Request for 15 ft. front yard variance for existing in-ground pool and fence at 6 Abby Lane in an R-1 zone.

MR. CUTRO: I'm the owner, Raymond Cutro, I don't know if you have any paperwork on this at all, but I'm in a rural spot over there and these are the proposed plans as Vincent Biagini filed for them back in '86 and can I come up so I can show you this here?

MR. KANE: Sure, please.

MR. CUTRO: This is the proposed, this is the way that it truly is, this is the main road coming in off Station Road, then you've got a house over here, one neighbor and house over here and this is, we're here, so now my road comes directly down here and I have a circular driveway. This here is wetlands behind me here, this over here is unusable, over here was the leach field which failed. We have these pipes going this way. We had to rebuild the leach fields. We built them down here, tiered up and put our pool over here which ends up being in front of our home, here's the pool, here's the front of the house, this here is this road.

MR. KANE: How old is the pool itself?

MR. CUTRO: Eight years old.

MR. KANE: Was there a permit given for the pool originally?

MR. CUTRO: Pool contractor was supposed to originally have a permit but he did not.

MR. KANE: So Michael will take care of that after that electrical?

MR. BABCOCK: Yes.

MR. KANE: You're looking at right where, here?

MR. CUTRO: Yes, this is where the house was over here.

MR. NUGENT: Why is the pool in the front yard?

MR. CUTRO: There's no back yard, it's wetlands behind the house, this is Station Road.

MR. TORLEY: We gave the variance a few years back.

MR. NUGENT: The pool is to the side of it?

MR. CUTRO: Yes, the side or the front of the house which is a private road.

MR. NUGENT: Septics in the back?

MR. CUTRO: Yes.

MR. TORLEY: So the pool projects 25 feet closer to the road?

MR. BABCOCK: No, actually, the law says the pool can be in the front yard, but can't be in the required front yard, required is 45 feet, it's at 35, so we're saying he needs a 15 foot variance.

MR. REIS: Mr. Cutro, what brings you to the board?

MR. CUTRO: We're selling the house.

MR. TORLEY: And because he also needs a variance for the fence, doesn't he?

MR. BABCOCK: It's part of the, what it is is we put in the thing.

MR. TORLEY: Clearly, he's got no place else to put the pool.

MR. REIS: Have you had any complaints from your neighbors about this at all?

January 29, 2001

8

MR. CUTRO: No, I only have one neighbor on that side.

MR. REIS: Just for the record.

MR. KANE: Mr. Chairman, accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up a public hearing for Raymond Cutro for requested variance at 6 Abby Lane.

MR. REIS: Second it.

ROLL CALL

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

MR. KRIEGER: Then if you would take this at the public hearing, would you address yourself to those criteria since those are the criteria on which the zoning board must decide.

MR. CUTRO: Thank you.

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

RECEIPT
#101-2001

02/08/2001

Cutro, Raymond

Received \$ 50.00 for Zoning Board Fees, on 02/08/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-40

Date: 02/01/01

I. Applicant Information:

- (a) Raymond Cutro 6 Abby Lane, Rock Tavern 496-5557
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Barry Friedman 357 Fullerton Ave, Newburgh 562-4948
(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-1 6 Abby Lane 29-1-71 3.3 ac
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1987
- (e) Has property been subdivided previously? Yes
- (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: _____

IV. Use Variance. N/A.

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

N/A.

(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/Bulk Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>45'</u>	<u>30'</u>	<u>15'</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
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;

The pool has been in existance for 12 years. It is not a bazard to neighboring properties. There was no other possible placement of the pool. The requested variance is only for 15' less out of the normal 645' required for setback. The company that built the pool was supposed to have installed it to code & supplied permits. (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.

	Requirements	Proposed or Available	Variance Request
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

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be no significant changes or alterations to the zone which is residential.

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- 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 in question.
- Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$ 50 and the second check in the amount of \$ 300, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: x 2-1-01

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/or 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.

Beth E Dailey
Sworn to before me this 1st day of FEB, 192001

Raymond Cuto
(Applicant)
BETH E. DAILEY
Notary Public, State of New York
Qualified in Orange County
No. 01DA5042420
Commission Expires April 17, 192001

XI. ZBA Action:

(a) Public Hearing date: 2-26-01

07:13:00

10:33 FAX 914 582 0168

GLG-B&B ATTYS

002

7/12/00

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

VINCENT BLAGINI,

SECTION 29 BLOCK 1 LOT 20.15

TO
RAYMOND CUTRO and CAROLE L. CUTRO,

RECORD AND RETURN TO:

JOHN PASSARELLO, ESQ.
2141 Richmond Road
Staten Island, New York 10306

CONTROL NO 155835 DATE _____ CHECK _____ CASH _____ CHARGE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

- BG20 Blooming Grove _____
- CH22 Chester _____
- CD24 Cornwall _____
- CR26 Crawford _____
- DP28 Decpark _____
- GO30 Goshen _____
- GR32 Greenville _____
- HA34 Hamptonburgh _____
- HI36 Highland _____
- MX38 Minisk _____
- ME40 Montoe _____
- MY42 Montgomery _____
- MH44 Mounl Hope _____
- NT46 Newburgh (T) _____
- NW48 New Windsor
- TU50 Tuxedo _____
- WL52 Walkill _____
- WK56 Warwick _____
- WAS6 Wawayanda _____
- WO58 Woodbury _____
- MA08 Middletown _____
- NC11 Newburgh _____
- PJ13 Port Jervis _____
- 8999 Hold _____

RECEIVED
 \$ 780.00
 REAL ESTATE
 MAY 3 1997
 TRANSFER TAX
 ORANGE COUNTY

ORANGE COUNTY CLERK'S OFFICE S.S.
 Recorded on the 1st day of May 1997 at 10:18
 O'Clock A M. in Liber 2704
 at page 113 and examined Deed
Marion S. Murphy
 County Clerk

Mortgage Amount _____
 Exempt Yes _____ No _____
 Received Tax on above Mortgage
 Basic \$ _____
 MTA \$ _____
 Spec. Add. \$ _____
 TOTAL \$ _____
 MARION S. MURPHY
 Orange County Clerk
 by _____

MORTGAGE TAX \$ _____
 TRANSFER TAX \$ 780.-
 SERIAL NO. _____
 RECORD FEE \$ 11.-
 REPORT FORMS \$ 5.-
 CERT. COPIES \$ _____
Grendell

LIB 2704 FC 113

07/13/00 10:33 FAX 914 582 0188

GLG-B&B ATTYS

003

4567/dah

Standard N.Y. & T.O. Form 1002 (1) Register of Deeds, with Common Interest Clauses, as Amended to Conform to Conveyance (Single Sheet)
CONVEY YOUR OWN PROPERTY WITHOUT ENCUMBRANCES THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 14th day of April, one thousand and eighty seven BETWEEN VINCENT BIAGINI, residing at P.O. Box 188, Washingtonville, New York,

party of the first part, and RAYMOND J. CUTRO and CAROLE L. CUTRO, husband and wife, both residing at 6 Strawberry Lane, Staten Island, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other 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 of parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, designated as Parcel "C" on a certain map entitled "Subdivision for Arthur Morris" dated 10/9/85 and filed in the office of the Clerk of Orange County March 11, 1986 as Map #7512.

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 easements 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 encumbered 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 shall hold the proceeds of this conveyance and will hold the right to receive such consideration as a trust fund for the purpose of paying the cost of the improvement and will apply the same first to the payment 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:

Vincent Biagini
VINCENT BIAGINI

2704 to 114

07/13/00

10:33 FAX 914 562 0188

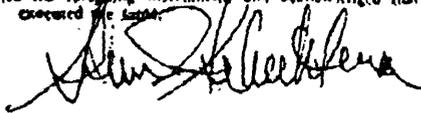
GLG-B&B ATTYS

STATE OF NEW YORK, COUNTY OF ORANGE
On the 14th day of April 19 87, before me
personally came Vincent Biagini

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me
personally came

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

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



RAYMOND J. SCHENTMAN
PUBLIC STATE OF NEW YORK
JUDICIAL OFFICE
ROCKLAND COUNTY

STATE OF NEW YORK, COUNTY OF
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

STATE OF NEW YORK, COUNTY OF
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 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 corpora-
tion, and that he signed his name thereto by like order.

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 thereon.

Margin and Sale Order
WITH COVENANT AGAINST CHAINING ACTS

SECTION 25
BLOCK 1
LOT 21 13
COUNTY OR TOWN

TITLE NO
VINCENT BIAGINI.

TO
RAYMOND J. CUTRO and CAROLE L. CUTRO,

RETURN BY MAIL TO:

STANDARD FORM TO NEW YORK STATE OF TITLE UNDERWRITER
Provided by
SECURITY TITLE AND GUARANTY COMPANY
CORPORATION 240 ST IN NEW YORK

JOHN PASSARELLO, ESQ.
2141 Richmond Road
Staten Island, New York 10306

FILE THIS SPACE AND USE AS RECORDING OFFICE

2704 pg 115



Town of New Windsor

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

Assessors Office

February 2, 2001

Raymond Cutro
6 Abby Lane
Rock Tavern, NY 12575

18

Re: 29-1-71

Dear Mr. Cutro,

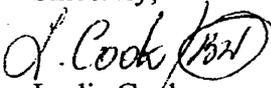
According to our records, the attached list of the property owners are within five hundred (500) feet of the above reference property.

Parcels marked with an asterisk (*) represent abutting parcels, two asterisks (**) represent parcels within an Agricultural District and three astrisks (***) represent that the parcel is both abutting and located within an Agricultural District.

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,


Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti

29-1-20.11

Kevin and Amy Goggin
553 Station Road
Rock Tavern, NY 12575

29-1-69.1

Lloyd Harmon
577 Station Road
Rock Tavern, NY 12575

29-1-20.12

Thaddeus and Joanne McCourt
559 Station Road
Rock Tavern, NY 12575

29-1-69.2

Charles and Janet Churik
PO Box 220
Rock Tavern, NY 12575

29-1-20.13

Stephen and Mary Ellen Carolan
565 Station Road
Rock Tavern, NY 12575

29-1-69.3

Gregory Deangelis
589 Station Road
Rock Tavern, NY 12575

29-1-20.14

Mark and Marcel Milstein
571 Station Road
Rock Tavern, NY 12575

29-1-70

James and Kathleen Manera *
4 Abby Lane
Rock Tavern, NY 12575

29-1-20.2

Cynthia Leghorn
601 Station Road
Rock Tavern, NY 12575

29-1-72

Michael Merainer *
3 Abby Lane
Rock Tavern, NY 12575

29-1-21.1

Lorenzo and Joann Santiago
3 Kale Lane
Rock Tavern, NY 12575

29-1-73

County of Orange *
255-275 Main Street
Goshen, NY 10924

29-1-21.2 29-1-21.3

Steven and Teresa Margolis
4 Kale Lane
Rock Tavern, NY 12575

54-1-1.12

Westminster Church
560 Station Road
Rock Tavern, NY 12575

29-1-22

Arthur and Esther Riffard
549 Station Road
Rock Tavern, NY 12575

54-1-53.1

Dorothy and Clay and John Clement **
548 Station Road
Rock Tavern, NY 12575

29-1-26.11

Rock Tavern Village LP *
614 Little Britain Road
New Windsor, NY 12553

29-1-53.23

Nancy Tienken
12 Beech Acres Drive
Rock Tavern, NY 12553

pls. publish immediately. send bill to Applicant @

6 Abby Lane
Rock Tavern, N.Y.

**PUBLIC NOTICE OF HEARING
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. 40

Request of Raymond Cutro

for a VARIANCE of the Zoning Local Law to Permit:

Existing in-ground pool and fence w/
insufficient front yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs. - Col. E.

for property situated as follows:

6 Abby Lane, New Windsor, N.Y.

known and designated as tax map Section 29, Blk. 1 Lot 71

PUBLIC HEARING will take place on the 26th day of February, 2000 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. Corsetti, Secy.

Date 4/13/00, 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
2/14/00	Zoning Board Mtg,	75.00	
	Misc - 2		
	Losio - 2		
	Ferguson - 3		
	Marulanda - 5		
	Dunkin Donuts - 3		
	Lehman - 3		
	Schlesinger - 3		
	Panella - 3		
	Pearson - 3		
	Cutro - 1 4.50.		
	Young - 3		
	Days Inn - 3		
	Czepiel - 2	175.50	
	Lahey - 3 39	250.50	

August 14, 2000

24

CUTRO, RAYMOND

MR. TORLEY: Request for 15 foot front yard variance for existing in-ground pool and fence.

No appearance by applicant.

N542,000
E535,000

COUNTY

HWY 43685
ACCESS NO 5934

RURAL

FIRE

VALLS
PROTECTION

DRURY

LANE

GATE

FIRE

DISTRICT

7855

KINGS

ROAD

SALISBURY MILLS
FIRE DISTRICT

SECTION

SEE SECTION 31
1" = 100'

DENNISTON
LANE

NQ 1

DISTRICT

20.31
4A

20.32
4.9A

WOLF (4)
SUB (3)

MAP 4726 & 4801

20.2
9.5A

FIRE

70
2.6A

MASSEY SUB-
(3) 69.31A
(2) 69.2
1A

7512 (B)

71
3.5A

MAP 1A 8194
(2) 73 69.1
SHERMAN SUB
490.7 348.5

SUB

72
3.7A

20.14 1A
(3) 1A
20.13
(3) 1A
20.12
(2) 1A
20.11 1A
(1) MAP 7176

MORRIS

BLOOMING GROVE OPERATING
(2) 21.2 1.8A

MAP 7162
(1) 21.1 1.5A

MILLS
BURL-STATION RD
(1) 53.23
(1) 2.5A

56 DIST
(1) 1.9A
(1) 55
(1) 1.7A

53.22
(1) 1.8A

(1) 54
(1) 1.7A

53.21
(1) 2.3A

(1) 52
(1) 1.7A

61
(1) 1.1A

(1) 57
(1) 1.4A

SECTION 54

21.3
22

STATION

ROAD

719