

**PB# 05-12**

**Faricellia's Market**

**13-2-17**

TOWN OF NEW WINDSOR  
PLANNING BOARD  
APPROVED COPY

DATE: 12-20-06

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/20/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 5-12  
NAME: FARICELLIA'S MARKET PA2004-0917  
APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/18/2006	2% OF 8800.00 INSP FEE	CHG	176.00		
12/20/2006	REC. CK. #2900	PAID		176.00	
		TOTAL:	176.00	176.00	0.00

  
12/28/06

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

**RECEIPT  
#977-2006**

12/28/2006

**Faricella's Market**

Received \$ 125.00 for Planning Board Fees, on 12/28/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green  
Town Clerk**

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/20/2006

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 5-12

NAME: FARICELLIA'S MARKET PA2004-0917

APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
12/20/2006	PLANS STAMPED	APPROVED
05/10/2006	P.B. APPEARANCE	LA:SCHED PH
05/11/2005	P.B. APPEARANCE . REFER TO ZBA WITH NEGATIVE RECOMMENDATION	REFER TO ZBA
04/06/2005	WORK SHOP	SUBMIT
07/21/2004	WORK SHOP	RET. TO WS

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/20/2006

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 5-12

NAME: FARICELLIA'S MARKET PA2004-0917

APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/05/2005	REC. CK. #3170	PAID		750.00	
05/11/2005	P.B. ATTY. FEE	CHG	35.00		
05/11/2005	P.B. MINUTES	CHG	38.50		
06/16/2006	LEGAL NOTICE	CHG	12.30		
06/28/2006	P.B. MINUTES	CHG	42.00		
11/08/2006	P.B. ENGINEER	CHG	617.10		
12/20/2006	RET. TO APPLICANT	CHG	5.10		
		TOTAL:	750.00	750.00	0.00



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## OFFICE OF THE PLANNING BOARD

December 18, 2006

Faricellia's Market  
238 Walsh Road  
New Windsor, NY 12553

ATTN: ELLEN JACOPINO

SUBJECT: P.B. #05-12 - FEES DUE

Dear Mrs. Jacopino:

Please find attached printouts of fees due for subject project. There is a balance remaining in the escrow account of \$5.10 that will be returned to the applicant.

We ask that you please submit payments in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$	125.00
Check #2 - 2% of \$8,800.00 (inspection fee)	\$	176.00

Upon receipt of these checks and ten (10) sets of plans, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason  
Myra L. Mason, Secretary To The  
NEW WINDSOR PLANNING BOARD

MLM

**FAXED**

12/18/06

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/18/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 5-12  
NAME: FARICELLIA'S MARKET PA2004-0917  
APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/05/2005	REC. CK. #3170	PAID		750.00	
05/11/2005	P.B. ATTY. FEE	CHG	35.00		
05/11/2005	P.B. MINUTES	CHG	38.50		
06/16/2006	LEGAL NOTICE	CHG	12.30		
06/28/2006	P.B. MINUTES	CHG	42.00		
11/08/2006	P.B. ENGINEER	CHG	617.10		
		TOTAL:	744.90	750.00	-5.10

*To be returned to  
applicant.*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/18/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 5-12  
NAME: FARICELLIA'S MARKET PA2004-0917  
APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/18/2006	SITE PLAN APPROVAL	CHG	125.00		
			-----	-----	-----
		TOTAL:	125.00	0.00	125.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/18/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 5-12  
NAME: FARICELLIA'S MARKET PA2004-0917  
APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/18/2006	2% OF 8800.00 INSP FEE	CHG	176.00		
		TOTAL:	176.00	0.00	176.00





Wednesday, October 25, 2006

Mark J. Edsall, Planning Board Engineer  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY, 12553

**PROJECT: FARICELLIA'S MARKET  
238 WALSH RD, NEW WINDSOR, NY**

Dear Mark Edsall:

Please accept this letter as my review and certification of the following changes to the site plan in response to your review comments of June 28, 2006.

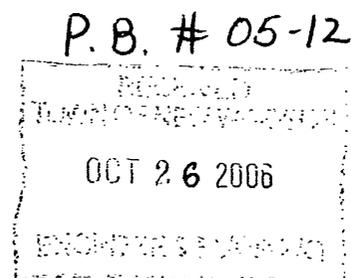
1. The individual tax parcels have been combined. Please check with Todd Wiley.
2. The parking spaces have been changed on the site plan to 19'-0" x 9'-0", and the back-out aisle dimension has been changed to 25'-0".
3. A Bond Estimate is enclosed with this letter.
4. A copy of the "Exclusive Access, Parking and Utility Easement prepared by Daniel Bloom are enclosed with this letter.

As always please contact my office if you have any other questions.

Very Truly Yours,

Anthony J. Coppola, R.A.

cc: *Faricellia's Market (Via First Class Mail)*



**COPPOLA ASSOCIATES**

<b>Faricellia's Market Site Work Construction Budget</b>				
Item	Quantity	Unit Price	Total	
<b>Site Work:</b>				
◆ Site lighting	1 PC	\$4,000	\$	4,000.00
◆ Rough grading/Demolition			\$	5,000.00
◆ Final grading			\$	2,000.00
◆ Pavement	400 SY <del>3,585 SF</del>	\$ 12 <del>3.00</del>	\$	<del>10,755.00</del>
◆ Pre-Molded Rubbermaid Garbage Containers	4 pe	\$ 50.00	\$	200.00
<b>Total:</b>			\$	<del>21,955.00</del>

4000  
4800

\$ 8800

2% \$ 176.00

RECEIVED  
 TOWN OF NEW WADSWORTH  
 OCT 26 2006  
 ENGINEER'S PLANS

# ORANGE COUNTY TAX MAP DEPARTMENT

124 MAIN STREET, GOSHEN, NEW YORK 10924

## NOTICE OF TAX MAP REVISION

MAP: CITY OF \_\_\_\_\_ TOWN OF: New Windsor VILLAGE OF: \_\_\_\_\_

SUB MAP \_\_\_\_\_

### CHANGE

RE: DEED/LIBER 2878 PAGE 94 RECORDED 03-19-1967

SAME AS

PORTION OF

PRESENT TAX MAP: SECTION 13 BLOCK 2 LOT 8 & 17

CORRECTION

CHANGE TAX MAP: SECTION 13 BLOCK 2 LOT 17.2

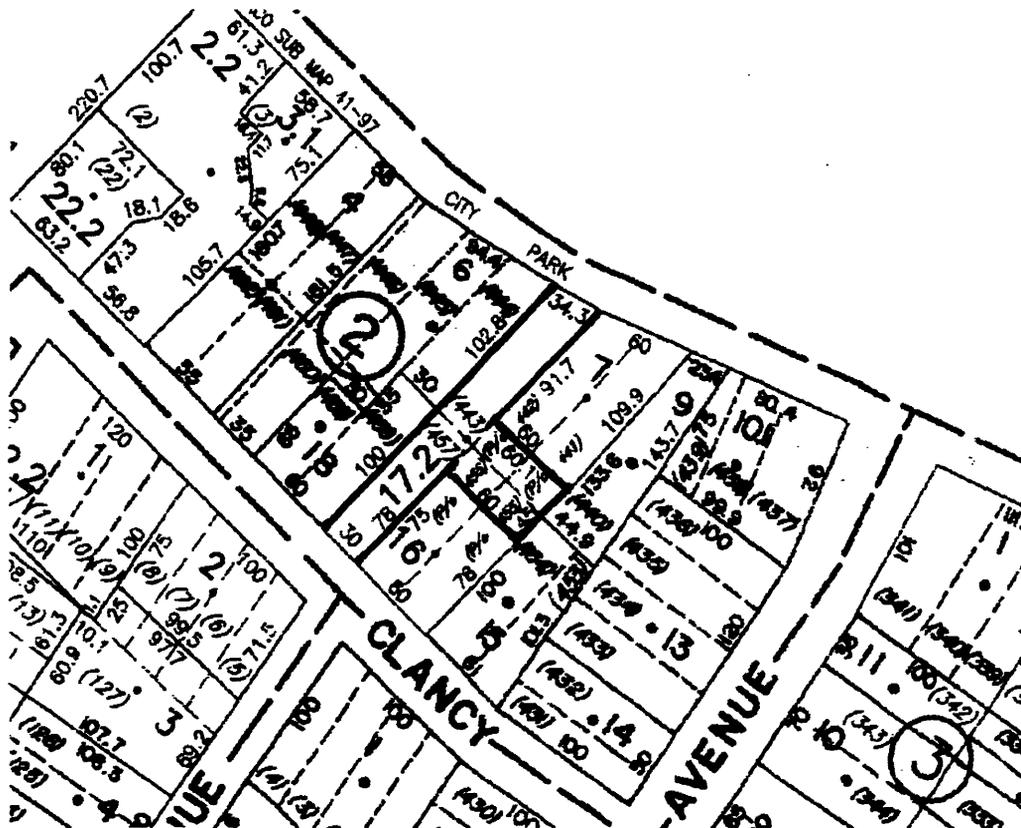
OTHER  Combo

Delete TAX MAP: SECTION 13 BLOCK 2 LOT 5

SUBDIVISION

EXPLANATION Delete 13-2-8 Change 13-2-17 to 13-2-17.2

Lots 443 and 457 and a portion of Lots 441, 442, 455 and 456 City Park MAP 647  
coords (E621,936) (N968,082) Size 30x202.8(total)x1R



SCALE: 1" = 100' DATE: December 5, 2006 m.a.w.

**MAKE CHANGES AS SHOWN IN RED**

Standard Contract, Form 1500 Copyright and Title Block, which is a document of the County of Orange, New York, and is a document of the County of Orange, New York, and is a document of the County of Orange, New York.

3.

1400 98

THIS INSTRUMENT, made the 29th day of December, nineteen hundred and eighty-six  
BETWEEN **JOSEF PARICELLIA and LUCILLE PARICELLIA**, husband and  
wife, both residing at No. 6 Mark Street, Town of New Windsor,  
Orange County, New York,

party of the first part, and **EDWARD A. JACOPINO and ELLEN JACOPINO**,  
husband and wife, both residing at 829 Terrace Place,  
Peekskill, Westchester County, New York,

053738

party of the second part.  
WITNESSETH, that the party of the first part, in consideration of

That dollar  
lawful money of the United States, and other good and valuable consideration paid  
by the party of the second part, does hereby grant and release unto the party of the second part, the title or  
interest and assigns of the party of the second part forever,

13-2-8  
13-2-17

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of New Windsor, Orange County, New York

being lots 443 and 457 and portion of lots 441, 442, 455, and 456  
as shown on a certain map entitled "City Park" dated August 16, 1909,  
and filed August 30, 1909 in the Office of the Orange County clerk as  
map No. 547;

SAID lots and portions of lots, when taken together, being more  
particularly bounded and described as follows:

**BEGINNING** at the point of intersection of the southwesterly line of  
Walsh Road and the division line between lots 442 and 443 as shown on  
the aforesaid filed map;

**RUNNING** thence along said division between lots 442 and 443, South  
55 degrees 13' 00" West 91.67 feet to a point on the northwesterly line  
of lot 442 as shown on the aforesaid filed map;

**RUNNING** thence through lots 442 and 441, South 37 degrees 31' 19"  
West 60.07 feet to a point on the division line between lots 440 and 441;

**RUNNING** thence along same and along the division line between lots  
454 and 455 South 55 degrees 13' 00" West 45.00 feet to a point on the  
southeasterly line of lot 455 as shown on the aforesaid filed map;

**RUNNING** through lots 455 and 456, North 34 degrees 47' 00" West 60.00

2678 94

feet to a point on the division line between lots 456 and 457;  
RUNNING thence along same South 55 degrees 13' 00" West 78.00  
feet to a point on the northerly line of Clancy Avenue;  
RUNNING thence along same North 34 degrees 47' 00" West 30.00  
feet to a point on the division line between lots 457 and 458;  
RUNNING thence along same North 55 degrees 13' 00" East 100.00  
feet to a point on the division line between lots 443 and 444;  
RUNNING thence along same North 53 degrees 28' 17" East 102.78  
feet to a point on the southwesterly line of Walsh Road;  
RUNNING thence along same South 58 degrees 05' 25" East 34.35  
feet to the point and of place of BEGINNING.

2678 95

TOGETHER with all rights, 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 extent hereinafter stated.

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, 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 will create the consideration for this conveyance and will hold the right to create 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 instrument so requires.

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

IN WITNESS OF:

NOTARY PUBLIC  
STATE OF NEW YORK

*John Faricella*  
JOHN FARICELLA

*Lucille Faricella*  
LUCILLE FARICELLA

2078 96

STATE OF NEW YORK, COUNTY OF ORANGE, ss.  
 On the 29th day of December, 1986, before me personally came:  
**JOHN FARICELLIA and LUCILLE FARICELLIA.**  
 to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

*Bernard Lotz*

**BERNARD LOTZ - NOTARY PUBLIC NY STATE ORANGE COUNTY IKN EXP. 1988**

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 it in accordance with the 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 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 it in accordance with the order.

SOUTH BRIGNO AGENCY INC.  
 PARK CIRCLE BUILDING  
 AT JAVIER SQUARE  
 MINERAL SPRING, NEW YORK 10566  
 914 438 4798

**Bargain and Sale Deed**

WITHOUT COVENANT AGAINST GRANTOR'S ACTS  
 TITLE NO. *810-1146/PA2*

JOHN FARICELLIA and LUCILLE FARICELLIA  
 TO

EDWARD A. JACOPINO and ELLEN JACOPINO

SECTION 13  
 BLOCK 2  
 LOT P 417  
 COUNTY OR TOWN *New Windsor*

*1400-115*

Recorded at Request of CHICAGO TITLE INSURANCE COMPANY

STANDARD FORM OF NEW YORK DEED OF TITLE INSURANCE  
 Distributed by  
**CHICAGO TITLE INSURANCE COMPANY**

Return by Mail to  
 William A. ZURT  
 BOLGER, Hinz & ZURT P.C.  
 PO Box 159  
 PUTNAM VALLEY, NY 10579

*R. T. Jones Agency*

RESERVE THIS SPACE FOR USE OF RECORDING DEVICE

RECEIVED  
 \$ 1,400.00  
 REAL ESTATE  
 MAR 19 1987  
 TRANSFER TAX  
 ORANGE COUNTY

Orange County Clerk's Office's at  
 Recorded on the 19 day  
 of March 1987 at  
 o'clock P.M. in Lib. # 10579  
 and Examined,  
*William J. Murphy*

LIBER 2678 of 97

**EXCLUSIVE ACCESS, PARKING**  
**AND UTILITY EASEMENT**

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between **MICHAEL J. FARICELLIA**, residing at 650 Blooming Grove Tpke., New Windsor, Orange County, New York 12553 (hereinafter referred to as "GRANTOR") and **EDWARD JACOPINO** and **ELLEN JACOPINO**, husband and wife, both residing at 238 Walsh Avenue, New Windsor, Orange County, New York 12553 (hereinafter referred to collectively as "GRANTEE"). The Grantor and Grantee shall sometimes herein be referred to collectively as the "PARTIES".

**RECITALS:**

A.) GRANTOR is the owner of certain real property with improvements situate thereon located in the Town of New Windsor, Orange County, New York, more particularly described on the tax map of said Towns as Section: 13; Block: 2; Lot: 18; and further described in certain Deed recorded in the Office of the Orange County Clerk in Liber 1979, at Page 422.

B.) GRANTEE is the owner of certain real property with improvements situate thereon, contiguous with the aforesaid property of the GRANTOR, and described on the Tax Map of the Town of New Windsor as follows: Section: 13; Block: 2; Lot: 17; and also described in certain Deeds recorded in the Office of the Orange County Clerk in Liber 1968 of Deeds at Page 747, and Liber 1646 of Deeds at Page 165.

C.) GRANTEE has submitted to the Town of New Windsor Planning Board a proposed site plan prepared by "Coppola Associates; Design, Architecture and Planning"

of 375 Third Street, Newburgh, New York, dated July 26, 2006.

D.) As a condition for granting final approval for such site plan, the Town of new Windsor Planning Board requires that the GRANTEE receive from GRANTOR a FOURTEEN (14) foot wide Easement as depicted on said site plan (a copy of a portion of said site plan depicting the area of said FOURTEEN (14) foot wide Easement is attached hereto as Exhibit "A").

E.) GRANTOR has agreed to grant to the GRANTEE the aforesaid easement and related rights, over, under and through the premises of the GRANTOR.

F.) GRANTEE is agreeable to receiving the benefits of such Easement and related rights in exchange for its obligation to maintain said Easement area at its sole cost and expense and to indemnify and hold harmless the GRANTOR from any and all damages that may arise by reason of the use of the same.

G.) These RECITALS shall be deemed a part of the Agreement of the parties set forth hereinbelow.

***NOW, THEREFORE***, it is agreed by and between the parties hereto as follows:

**EXCLUSIVE ACCESS, PARKING AND UTILITY EASEMENT:**

1.) GRANTOR, in consideration for the payment of TEN AND 00/100 DOLLARS (\$10.00), as well as other good and valuable consideration, receipt of which is hereby acknowledged, hereby grants, transfers, conveys and releases and by these presents does grant, convey and release unto the GRANTEE for the purpose of ingress and egress by pedestrian and/or normal vehicular traffic (including necessary truck traffic) as well as for the installation of utilities and parking, an exclusive easement described on the aforesaid proposed site plan (Exhibit "A" attached), serving as access to and from Clancy Avenue to the premises of the GRANTEE.

2.) GRANTEE, hereby agrees to indemnify GRANTOR and hold him harmless

from any and all liabilities or damages arising out of the use of said right of way, including reasonable counsel fees. In addition, GRANTEE shall provide GRANTOR with a Certificate of General Liability Insurance in the amount of at least THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$300,000.00) designating GRANTOR as "an additional insured thereon".

3.) In the event the premises of the GRANTOR are encumbered by any one or more mortgages or other encumbrances, GRANTOR agrees to take all necessary and appropriate action to obtain the consent of the aforesaid Mortgagee(s) (or other lienholders) to subordinate their mortgages (liens) to the subject Easement on the condition that GRANTEE herein agrees to reimburse GRANTOR for any expenses incurred in connection therewith (including reasonable counsel fees).

4.) Without limiting the terms of this Easement in any respect, this EXCLUSIVE EASEMENT specifically permits GRANTEE to place water, sewer, electric, telephone and any other utility lines, as well as cable T.V. and related service lines, associated with the legitimate commercial and/or residential facilities of the GRANTEE over and under the subject right of way for the purpose of bringing such utilities/service lines to the premises of the GRANTEE from the nearest public highway. Upon completion of any such construction projects, GRANTEE shall immediately restore the premises to its original condition in a workmanlike manner at its sole expense.

5.) GRANTEE shall maintain the subject right of way premises as delineated on the attached site plan (Exhibit "A") at all times at its sole expense, keeping it in good condition, including but not limited to, mowing, snowplowing and landscaping. Should GRANTEE fail to adequately maintain the Easement in the aforesaid regard, GRANTOR may proceed to do so and seek reimbursement for the same from the GRANTEE, including reasonable attorneys' fees.

6.) GRANTEE shall have the right to erect fences upon any portion of the Easement area in accordance with local municipal regulations at its sole expense and in a

workmanlike manner.

7.) Attached hereto as Exhibit "B" is a "metes and bounds description" of said FOURTEEN (14) foot wide easement.

8.) GRANTEE shall also have the right to park cars at its sole discretion, on any portion of the easement premises.

9.) The PARTIES agree to execute such additional documents as may be necessary to implement the purposes of this Easement Agreement.

**THIS AGREEMENT**, including each every provision set forth herein, shall be deemed to be a covenant running with the land, and shall be binding upon all of the parties hereto, their successors, heirs and/or assigns.

**WHEREFORE**, the parties have hereunto set their respective signatures on the date first-above written.

  
\_\_\_\_\_  
Michael J. Foricellia - Grantor

  
\_\_\_\_\_  
Edward Jacopino - Grantee.

  
\_\_\_\_\_  
Ellen Jacopino - Grantee

STATE OF NEW YORK)

)ss.:

COUNTY OF ORANGE)

On the 22<sup>nd</sup> day of August, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL J. FARJCELLIA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Ellen Testa  
Notary Public

STATE OF NEW YORK)

)ss.:

COUNTY OF ORANGE)

ELLEN TESTA  
NOTARY PUBLIC-STATE OF NY  
RESIDING IN ORANGE COUNTY  
#01TE5009112  
COMMISSION EXPIRES 03/08/2007

On the 22<sup>nd</sup> day of August, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD JACOPINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Ellen Testa  
Notary Public

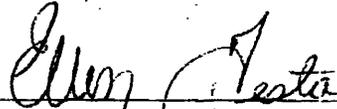
ELLEN TESTA  
NOTARY PUBLIC-STATE OF NY  
RESIDING IN ORANGE COUNTY  
#01TE5009112  
COMMISSION EXPIRES 03/08/2007

STATE OF NEW YORK)

)ss.:

COUNTY OF ORANGE)

On the 22nd day of August, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared ELLEN JACOPINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

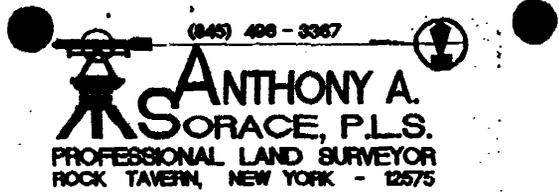
ELLEN TESTA  
NOTARY PUBLIC-STATE OF NY  
RESIDING IN ORANGE COUNTY  
#01TE5009112  
COMMISSION EXPIRES 03/08/2007

**EXHIBIT "A"**

**Please see map dated 7/26/06, which your office prepared.**

**Project # 04-132, Sheet # SP1**

**Premises: 238 Walsh Road, New Windsor, New York**



L E G A L   D E S C R I P T I O N

14 FOOT WIDE EASEMENT

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a 1/2" iron rod on the northeasterly side of CLANCY AVENUE at the southeasterly corner of lands now or formerly FARICELLIA (liber 4407 page 192) and the southwesterly corner of lands now or formerly JACOPINO (liber 2678 page 94);

THENCE North 34 degrees 47 minutes 00 seconds West a distance of 14.00 feet along the northeasterly side of CLANCY AVENUE to a point;

THENCE North 55 degrees 13 minutes 00 seconds East a distance of 73.00 feet through the lands now or formerly FARICELLIA (liber 4407 page 192) to a point;

THENCE South 34 degrees 47 minutes 00 seconds East a distance of 14.00 feet through the lands now or formerly FARICELLIA (liber 4407 page 192) to a point;

THENCE South 55 degrees 13 minutes 00 seconds West a distance of 78.00 feet along the lands now or formerly JACOPINO (liber 2678 page 94) to the point or place of BEGINNING.

TOGETHER with and subject to covenants, easements and restrictions of record.

CONTAINING - 0.025 acres of land more or less.





**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** FARICELLIA'S MARKET (JACOPINO) SITE PLAN  
(PROPOSED ADDITIONAL TWO APARTMENTS)  
**PROJECT LOCATION:** WALSH ROAD & CLANCY AVENUE  
SECTION 13 – BLOCK 2 – LOT 17  
**PROJECT NUMBER:** 05-12  
**DATE:** 28 JUNE 2006  
**DESCRIPTION:** THE APPLICATION PROPOSES TWO (2) ADDITIONAL APARTMENT  
UNITS IN A NEW SECOND STORY ON THE EXISTING DELI  
BUILDING. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 11  
MAY 2005 AND 10 MAY 2006 PLANNING BOARD MEETINGS. THE  
APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT  
THIS MEETING.

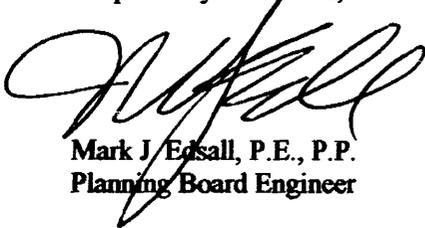
1. The property is located in the R-4 zoning district of the Town. The deli use is a pre-existing non-conforming use. The multiple apartment use is non-conforming in the zone, and this application *increases* the non-conformity. The applicant was referred to the Zoning Board of Appeals on 5-18-06, and has returned indicating all necessary variances have been granted. A record of the ZBA decision should be on file with the Planning Board.
2. The following are open items that must be addressed by the applicant, as part of a re-submittal or as a condition of approval, if so determined by the Board:
  - The individual tax lots must be combined, as a condition of any approval. This should be in the form of a new deed with a single perimeter description, which should be reviewed by the Attorney for the Planning Board prior to stamp of approval. The note on the plan should be revised to read "... combined to a single deed parcel".
  - Parking dimensions still do not meet code. Spaces must be 19' x 9'. Backout (aisle) dimension should be 25 ft.
  - The entire parking lot is paved. We previously noted concern regarding drainage impact. The Highway Superintendent should have the opportunity to comment on this aspect.
  - The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Chapter 137 of the Town Code.

**REGIONAL OFFICES**

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

3. If the Board hears back from the Highway Superintendent that the Towns drainage facilities and Town roadway will not be negatively impacted from the paved parking lot discharge, I am aware of no other outstanding environmental impact issues. If this is the case, the Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW05-12-28June06.doc



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

□ Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 587-3100  
e-mail: mhany@mhepc.com

□ Regional Office  
507 Broad Street  
Millford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpc@mhepc.com

Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 05-12  
WORK SESSION DATE: 21 June 06 PROJECT: NEW OLD X  
REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: plans already in  
PROJECT NAME: Jacopino (Faricelli)  
REPRESENTATIVES PRESENT: Anthony C.  
MUNICIPAL REPS PRESENT: BLDG INSP. ENGINEER X FIRE INSP. PLANNER X BP  
P/B CHMN OTHER

ITEMS DISCUSSED:  
P/H @ P/B set for 6/28  
"Use" variance  
"combined to a single deed parcel"  
Resolve part or no part (drainage)

STND CHECKLIST: PROJECT TYPE  
DRAINAGE SITE PLAN  
DUMPSTER SPEC PERMIT  
SCREENING L L CHG.  
LIGHTING SUBDIVISION  
(Streetlights) OTHER  
LANDSCAPING  
BLACKTOP  
ROADWAYS  
APPROVAL BOX  
PROJECT STATUS:  
ZBA Referral: Y X N  
Ready For Meeting X Y N  
Recommended Mtg Date P/H 6/28



# Invoice

Date	Invoice #
6/26/2006	7887

<b>Bill To</b>
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

**RECEIVED**  
 JUL 18 2006  
 TOWN OF NEW WINDSOR  
 COMPTROLLER'S OFFICE

<b>P.O. No.</b>	<b>Terms</b>	<b>Project</b>
45238	Due on receipt	

Issue Date	Description	PCS/Units	Amount
6/16/2006	LEGAL ADS: JACOPINO 1 AFFIDAVIT	8.30 4.00	8.30 4.00
<b>Total</b>			\$12.30

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218

State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc. Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published IX

in said newspaper, commencing on the 16 day of June A.D., 2006 and ending on the 16 day of June A.D. 2006

*Patricia Quill*

Subscribed and shown to before me this 10<sup>th</sup> day of July, 2006

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984085  
Commission Expires July 15, 2007

My commission expires \_\_\_\_\_

**LEGAL NOTICE**  
NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on JUNE 28, 2006 at 7:30 P.M. on the approval of the proposed Site Plan for FARICELLIA'S MARKET (JACOPINO) Located at 238 WALSH AVENUE - NEW WINDSOR (Tax Map #Section 13, Block 2 Lot 173) of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.  
Date: 06-12-2006  
By Order of  
TOWN OF NEW WINDSOR PLANNING BOARD

PUBLIC HEARINGS:

---

JACOPINO\_(FOR\_FARICELLIA'S\_MARKET)\_ (05-12)

---

Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: I see you brought the gun with you in the front seat. This is a public hearing for the Jacopino site plan on Walsh Road. Mr. Coppola is going to do a brief presentation to the board as we've seen this a few times and we'll discuss it, I think we've discussed everything we can discuss. If there's anything further we'll discuss it and we'll open it up to the public and public will have the opportunity to comment and we'll look at it again. So Anthony, I want to ask you one thing before we start, anything changed in the plans?

MR. COPPOLA: We corrected the note on the item 4, I believe that was it.

MR. ARGENIO: Correct the parking places?

MR. COPPOLA: We sat down with Mark at a workshop last Wednesday, we discussed the drainage and the parking and we kind of left it that we'd discuss it more tonight.

MR. ARGENIO: That's the compliance with the code or the lack thereof on the parking places.

MR. COPPOLA: We're providing eight parking spaces.

MR. ARGENIO: No, the size.

MR. COPPOLA: We're 9 x 19 so we're okay on the size.

MR. EDSALL: It should be--

MR. BABCOCK: Nine by nine is fine.

MR. COPPOLA: We've got a discrepancy, the 18 has to be changed to a 19, these call for 19.

MR. ARGENIO: Go ahead.

MR. COPPOLA: Real quickly what we're proposing is basically a new second floor over the existing deli that will create two new apartments, we'll have here total on the site would be the existing deli at about 2000 square feet, there's two existing apartments, one in the lower level, one in the detached structure over here and then we'll be adding two apartments on the second floor. Each of those apartments will be about, one will be 1,100 square feet and the other will be 1,300 square feet and the front and the rear we're going to be adding a gable roof, windows all around over the top of the existing masonry building. We're proposing an eight parking space parking lot in the rear with a new access, well, there's existing access off the Clark Avenue, we have already received permission from the neighboring lot, there's a proposed easement that goes along with this that's 12 feet wide to maintain to get into that parking lot, there's going to be a carport there that's going to be removed and there's not too much more as far as the state improvements, it's a very confined site, the existing building takes up most of the the existing site in the front and we also already received variances from the zoning board for use variances and the accompanying area variances that go along with that.

MR. ARGENIO: Okay members, we know why we're here tonight, we've looked at this last time and we voted on this public hearing, I've seen this enough, it's not changed and there's some things that have to be done here, certainly that comment is not meant to silence the other members. Does anybody have anything else that we can possibly talk about about this plan? That not being said, on the 14th day of June, 2006, 10

addressed envelopes went out containing the notice of public hearing pertinent to this application. If there's anybody here in the room that would like to speak for or against this application, please raise your hand and be recognized and you'll be given the opportunity to speak.

MS. NEWLANDER: Diane Newlander. I just have a question. How many, these are pretty substantial apartments, how many bedrooms in each?

MR. COPPOLA: We have floor plans, I think there's two bedrooms in much, let me doublecheck that, I'm sorry, there's three bedrooms in each, each apartment has a kitchen, dining area, living room, one full bath, three bedrooms, I mean 1,300 square foot apartment is fairly large.

MS. NEWLANDER: That's why I asked. Thank you.

MR. ARGENIO: Anybody else? Inasmuch as there's no hands being displayed, I'll accept a motion to close this public hearing.

MR. MINUTA: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on Faricellia's Market, Jacopino site plan. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: The board talked and talked and talked about this, Mike, I'll ask it again, this is probably the third time, seems to be an improvement to the area, improvement to the structure, improvement to the situation over there?

MR. BABCOCK: Yes.

MR. ARGENIO: Do you agree with that statement?

MR. BABCOCK: Yes, I do.

MR. ARGENIO: I have a couple things that I need to do here but again open it up to my contemporaries, do you folks have any other comments you'd like to make or questions you'd like to ask Mr. Coppola. It's your lucky night.

MR. BABCOCK: Once Mr. Coppola does the building plans there will be a complete review of those.

MR. ARGENIO: Certainly you're aware of that, yes?

MR. COPPOLA: Oh, absolutely, no, no, we know that, I mean, what I should mention too is at least a portion of this building would have to be sprinklered under the State Building Code and whatever needs to be required under the Town of New Windsor.

MR. ARGENIO: We have a comment here about the drainage from Mark subsequent to him drafting his comments, I have here municipal highway approved, I have municipal fire approved. Mrs. Jacopino, do you have any questions?

MRS. JACOPINO: No, I don't.

MR. ARGENIO: Inasmuch as we've resolved the highway thing and parking lot, any questions on--we did not

close SEQRA?

MR. EDSALL: No, that was the only open issue, I'm glad Anthony had an opportunity to get back to us.

MR. ARGENIO: I'll accept a motion that we declare negative dec.

MR. MINUTA: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative declaration on the Faracellia's Market Jacopino site plan. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: There's some subject-tos here, I'll read them in and Mark will check me to see that I have not made any mistakes, if there's nothing else that anybody has, certainly Mrs. Jacopino would be thrilled if somebody would make a motion for final approval.

MR. MINUTA: I have only one comment, the plan that's been shown is very conducive, I'd like that to remain not just I assume vinyl is proposed that we do something that's banded that does look appropriate, the presentation you've shown tonight is good.

MR. COPPOLA: Thank you.

MR. ARGENIO: Okay.

June 28, 2006

16

MR. MINUTA: I'll move the motion.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for Faricellia's Market Mrs. Jacopino site plan subject to the following number 2 and all the bullets associated therewith and I think that's it. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. MINUTA	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

**Bloom & Bloom, P.C.**  
ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM  
PETER E. BLOOM  
KEVIN D. BLOOM\*  
\*ALSO ADMITTED IN FLORIDA

530 BLOOMING GROVE TURNPIKE  
P.O. Box 4323  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE (845) 561-6920  
FAX: (845) 561-0978  
E-MAIL: BLOOMBLOOM@hvc.rr.com

September 26, 2006

Coppola Associates  
Attn: Joseph Sandridge  
3 Washington Center  
2<sup>nd</sup> Floor  
Newburgh, New York 12550

**RE: Jacopino, Edward & Ellen d/b/a Faricellia's Market-Easement  
Our File No. G-395 (red)**

Dear Joe:

Further to our recent telephone conversation regarding the above matter I forward herewith a copy of the "Exclusive Access, Parking and Utility Easement" which was recorded in the office of the Orange County Clerk on August 29, 2006 in Liber 12,243 at Page 1563.

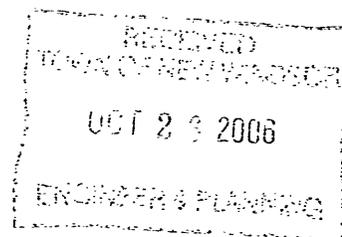
I will be happy to prepare and record a deed to the premises which will combine the existing 2 separate tax parcels as per request of the Planning Board, upon receipt of the necessary legal description.

Thank you.

Very truly yours,

*Daniel J. Bloom*  
DANIEL J. BLOOM  
DJB/sm(enc.)

cc: Mr. & Mrs. Edward Jacopino  
238 Walsh Avenue  
New Windsor, New York 12553



***EXCLUSIVE ACCESS, PARKING  
AND UTILITY EASEMENT***

***BETWEEN***

***MICHAEL J. FARICELLIA, Grantor***

***and***

***EDWARD JACOPINO and ELLEN JACOPINO, Grantees***

***Prepared By:***

***Bloom & Bloom, P.C.  
530 Blooming Grove Tpke.  
P.O. Box 4323  
New Windsor, NY 12553  
Tel. (845) 561-6920  
Fax. (845) 561-0978  
E-mail: [Bloombloom@hvc.rr.com](mailto:Bloombloom@hvc.rr.com)***

001-2-6-2006



**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **JUNE 28, 2006** at 7:30 P.M. on the approval of the proposed Site Plan for **FARICELLIA'S MARKET (JACOPINO)**

Located at **238 WALSH AVENUE - NEW WINDSOR**

(Tax Map #Section 13, Block 2, Lot 17) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: 06-12-2006

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

June 6, 2006

Ed Jacopino  
238 Walsh Ave.  
New Windsor, NY 12553

Re: 13-2-17

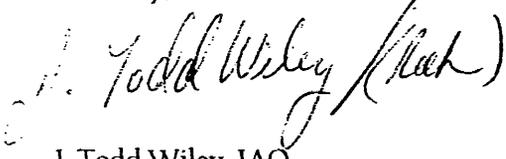
P.B.# 05-12 (10)

Dear Mr. Jacopino:

According to our records, the attached list of property owners are abutting to or across the street from the above referenced property.

The charge for this service is \$25.00, and paid in full with your deposit of \$25.00.

Sincerely,

  
J. Todd Wile, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Planning Board

George A Green, Supervisor  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Mark J Edsall, P.E.  
McGoey & Hauser Consulting Engineers  
33 Airport Center Drive – Suite 202  
New Windsor, NY 12553

Planning Board Chairman  
555 Union Avenue  
New Windsor, NY 12553

Andrew Krieger, Esq.  
225 Parkway Drive  
New Windsor, NY 12553

9-1-64  
John Montfort  
c/o Federal Block corp.  
247 Walsh Ave.  
New Windsor, NY 12553

13-2-6  
William Bessette  
Iris Rodriguez Bessette  
234 #6 Walsh Ave.  
New Windsor, NY 12553

13-2-7  
Mijoka Properties, Inc.  
PO Box 417  
Washingtonville, NY 10992

13-2-16  
Carmen Damario  
13 Oakridge Dr.  
New Windsor, NY 12553

13-2-18  
Faricellia LTD  
650 Blooming Grove Tpke.  
New Windsor, NY 12553

CHECKED BY MYRA: \_\_\_\_\_  
**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 06-01-06 PROJECT NUMBER: ZBA# \_\_\_\_\_ P.B. # 05-12

APPLICANT NAME: FARICELLA'S MARKET

PERSON TO NOTIFY TO PICK UP LIST:

ED JACOPINO  
238 WALSH AVE  
NEW WINDSOR, NY

TELEPHONE: 561-5450

TAX MAP NUMBER: SEC. 13 BLOCK 2 LOT 17  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: WALSH AVE  
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: XXX

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

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 \_\_\_\_\_

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT \_\_\_\_\_

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2794

TOTAL CHARGES: \_\_\_\_\_

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/28/2006

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 5-12

NAME: FARICELLIA'S MARKET PA2004-0917

APPLICANT: EDWARD AND ELLEN JACOPINO

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	06/26/2006 MUNICIPAL HIGHWAY	06/27/2006	APPROVED ✓
REV1	05/08/2006 MUNICIPAL HIGHWAY	/ /	
REV1	05/08/2006 MUNICIPAL WATER	/ /	
REV1	05/08/2006 MUNICIPAL SEWER	/ /	
REV1	05/08/2006 MUNICIPAL FIRE . MUST BE NOTED THAT THE BUILDING WILL EXCEED 5,000 SQ. FT. . AND MUST THEREFORE, COMPLY WITH TOWN CODE 142-16 WHICH CALLS . FOR SPRINKLER SYSTEM IN THE BUILDING.	05/10/2006	APPROVED ✓
REV1	05/08/2006 NYS DOT	/ /	
REV1	05/08/2006 E911	05/10/2006	APPROVED
ORIG	05/05/2005 MUNICIPAL HIGHWAY	05/11/2005	APPROVED
ORIG	05/05/2005 MUNICIPAL WATER	05/08/2006	SUPERSEDED BY REV1
ORIG	05/05/2005 MUNICIPAL SEWER	05/08/2006	SUPERSEDED BY REV1
ORIG	05/05/2005 MUNICIPAL FIRE	05/11/2005	APPROVED
ORIG	05/05/2005 NYS DOT	05/08/2006	SUPERSEDED BY REV1
ORIG	05/05/2005 E911 COORDINATOR	05/11/2005	APPROVED

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/28/2006

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd  
O [Disap, Appi

FOR PROJECT NUMBER: 5-12

NAME: FARICELLIA'S MARKET PA2004-0917

APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
05/10/2006	P.B. APPEARANCE	LA:SCHED PH
05/11/2005	P.B. APPEARANCE . REFER TO ZBA WITH NEGATIVE RECOMMENDATION	REFER TO ZBA
04/06/2005	WORK SHOP	SUBMIT
07/21/2004	WORK SHOP	RET. TO WS

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/28/2006

PAGE: 1

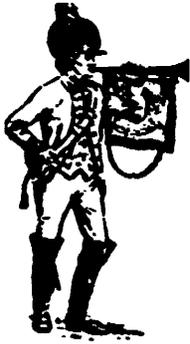
LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 5-12

NAME: FARICELLIA'S MARKET PA2004-0917

APPLICANT: EDWARD AND ELLEN JACOPINO

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	05/05/2005	EAF SUBMITTED	05/05/2005	WITH APPLIC
ORIG	05/05/2005	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	05/05/2005	LEAD AGENCY DECLARED	05/10/2006	TOOK LA
ORIG	05/05/2005	DECLARATION (POS/NEG)	/ /	
ORIG	05/05/2005	SCHEDULE PUBLIC HEARING	05/10/2006	SCHED PH
ORIG	05/05/2005	PUBLIC HEARING HELD	/ /	
ORIG	05/05/2005	WAIVE PUBLIC HEARING	/ /	
ORIG	05/05/2005	FINAL PUBLIC HEARING	/ /	
ORIG	05/05/2005	PRELIMINARY APPROVAL	/ /	
ORIG	05/05/2005	LEAD AGENCY LETTER SENT	/ /	



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 564-5102

**Superintendent of Highways**  
**Anthony E. Fayo**

TO: Myra Mason, Planning Board Secretary  
FROM: Anthony E. Fayo, Superintendent of Highways  
DATE: June 27, 2006  
SUBJECT: Faricellia's Market

Handwritten initials 'AEF' in a circle, likely the signature of Anthony E. Fayo.

Please be advised that I have reviewed the above referenced plan and it has met with my approval today.

If you have any questions, please do not hesitate to contact me.

AEF/mvz

Cc: file



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

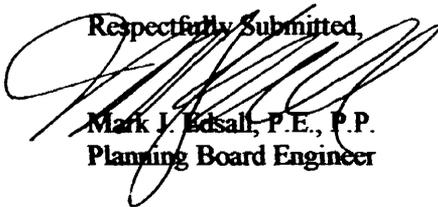
**WRITER'S E-MAIL ADDRESS:**  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** FARICELLIA'S MARKET (JACOPINO) SITE PLAN  
(PROPOSED ADDITIONAL TWO APARTMENTS)  
**PROJECT LOCATION:** WALSH ROAD & CLANCY AVENUE  
SECTION 13 - BLOCK 2 - LOT 17  
**PROJECT NUMBER:** 05-12  
**DATE:** 10 MAY 2006  
**DESCRIPTION:** THE APPLICATION PROPOSES TWO (2) ADDITIONAL APARTMENT UNITS  
IN A NEW SECOND STORY ON THE EXISTING DELI BUILDING. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE  
11 MAY 2005 PLANNING BOARD MEETING.

1. The property is located in the R-4 zoning district of the Town. The deli use is a pre-existing non-conforming use. The multiple apartment use is non-conforming in the zone, and this application *increases* the non-conformity. The application was referred to the Zoning Board of Appeals on 5-18-06, and it is my understanding the necessary variances were granted.
2. I have performed a follow-up review and have the following comments:
  - As previously requested, the plan now calls for combination of all lots. This should be in the form of a new deed with a single perimeter description, which should be reviewed by the Attorney for the Planning Board prior to stamp of approval.
  - Parking dimensions don't meet code, also I recommend against "bank run" as subbase for the parking area.
  - It appears that the entire parking area is to be provided with concrete curb. If the entire lot is paved, drainage should be addressed.
3. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
4. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

Respectfully Submitted,

  
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

**REGIONAL OFFICES**

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •





# TOWN OF NEW WINDSOR

## ZONING BOARD OF APPEALS

Regular Session

Date: MARCH 13, 2006

### AGENDA

7:30 p.m. – Roll Call

Motion to accept minutes of FEBRUARY 27, 2006 meetings as written.

#### PRELIMINARY MEETINGS:

- SET UP FOR P/H 1. **JOHN & SHARON BETTS (06-07)** Request to replace existing single-family home with a larger single-family home in a C-Zone on Rt. 94 (69-4-10)
- SET UP FOR P/H 2. **ELIZABETH HORNSBERGER (06-08)** Request for 23 ft. Front Yard Setback for existing front porch with roof at 117 Chestnut Drive in an R-4 Zone (17-2-16)
- SET UP FOR P/H 3. **NEIL SCHLESINGER (06-10)** Request for 3,770 sq. ft. Minimum Lot Area for single family home on Station Road in an R-1 Zone (57-1-2.7)
- SET UP FOR P/H 4. **JOSE ALEMANY (06-11)** Request for 14 ft. Rear Yard Setback for proposed attached rear decks at 2641 Liberty Ridge in an R-3 Zone (64-2-32)
- SET UP FOR P/H 5. **NORMAN VITALE (06-12)** Request for 12 ft. Front Yard Setback for proposed addition on a corner lot at 3 Shaw Road in an R-1 Zone (53-3-4)
- SET UP FOR P/H 6. **BETTY LAWRENCE (06-13)** Request for 80 ft. Rear Yard Setback for proposed attached rear deck at 405 Old Forge Hill Road in an R-5 Zone (71-1-8)

#### PUBLIC HEARINGS:

- USE P/H APPROVED 7. **EDWARD JACOPINO (d/b/a Faricellia's Market) (06-04)** Request for Use Variance for proposed Multi-family/Multiple Dwelling Use (increase in non-conformity); and Parking Variances for off-street parking of 5 spaces as referred from Planning Board for site at 238 Walsh Avenue in an R-4 Zone (13-2-17)



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**Regular Session - JANUARY 9, 2006**

**AGENDA**

7:30 p.m. - Roll Call

Motion to accept minutes of December 12, 2005 meetings as written. *APPROVED*

**PRELIMINARY MEETINGS:**

*SET UP FOR P/H*

1. **VASAL MONCZYN (06-01)** Request for 28 feet Rear Yard Setback for existing attached rear deck (G-5) at 170 Shaw Road in an R-1 Zone (52-1-48)

*SET UP FOR P/H*

2. **ERICA GRASSI (06-02)** Request for 13.3 feet Side Yard Setback for proposed addition to existing single-family dwelling (300-10(6) at 64 Merline Avenue in an R-4 Zone 15-4-3

*SET UP FOR P/H*

3. **CALLAHAN/CREAGAN (06-03)** Request for 26,777 Minimum Lot Area; and 17.3 feet Rear Yard Setback as referred from Planning Board for proposed Lot Line Change at Fernandez Drive (20-2-17.22 & 19) **PLANNING BOARD # 05-28**

*SET UP FOR P/H*

4. **EDWARD JACOPINO (d/b/a Faricellia's Market) (06-04)** Request for Use Variance for proposed Multi-family/Multiple Dwelling Use (increase in non-conformity); and Parking Variances for off-street parking of 5 spaces as referred from Planning Board for site at 238 Walsh Avenue in an R-4 Zone (13-2-17) **PLANNING BOARD # 05-12**

**PUBLIC HEARINGS:**

*APPROVED*

5. **JOHN LEWIS (05-74)** Request for Use Variance to build a single-family residence in a PI zone at 1113 River Road (20-2-49)

*APPROVED*

6. **LEWIS EVANGELISTO (for Detoro) (05-71)** Request for

**GARAGE:** .7 ft. Side Yard Setback and; 1.2 ft. Rear Yard Setback

**SHED:** 7.5 ft. Side Yard Setback

**HOUSE:** 17.5 ft. Front Yard Setback and; 1.5 ft. Side Yard Setback

For existing garage, shed and house at 45 Merline Avenue in an R-4 Zone (13-12-14.1)

*APPROVED*

7. **ROBERT MCKNIGHT, JR. (05-73)** Request for 4 ft. Side Yard Setback for Proposed 24' X 24' detached garage at 51 Birchwood Drive in an R-4 Zone (40-1-1)

*NO SHOW*

8. **JORG FRISCHKNECHT (05-72)** Request for 7 ft. Maximum Building Ht. for proposed detached two-car garage at 2 Oak Ridge Drive in an R-4 Zone (16-1-10)

**FORMAL DECISIONS: - APPROVED**

**Puccio 05-43**  
**Mowbray 05-52**  
**McGovern 05-44**  
**Thompson 05-46**

**Gualtieri 05-57**  
**Nadas 05-47**  
**Schiller 05-48**  
**Garcia 05-51**

**Mandato 05-45**  
**Patriot Plaza 05-53**  
**Quick Chek 05-54**

OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 05-12

DATE: 5-18-05

APPLICANT:

**Edward & Ellen Jacopino**  
**238 Walsh Avenue**  
**New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 4-18-05

FOR: SITE PLAN

LOCATED AT: Walsh Avenue & Clancy Avenue

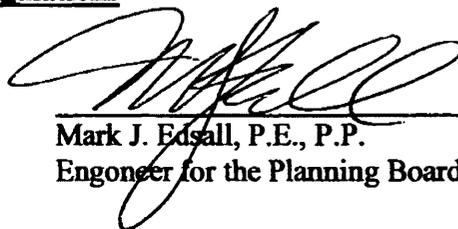
ZONE: R-4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 2 LOT: 17

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Use Variance Required for Proposed Multi-family/Multiple Dwelling Use (increase in non-conformity). Parking Variance for Off-street Parking of 5 spaces.**

TOWN OF NEW WINDSOR CODE: **Bulk Regulations**



Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

FARICELLIA'S MARKET SITE PLAN (05-12)

---

Mr. Anthony Coppola appeared before the board for this proposal.

MR. PETRO: Application proposes two additional apartment units in a second story on the existing deli building. This plan was reviewed on a concept basis only. Property is in R-4 zone district of the Town, the deli just is pre-existing and non-conforming use, multi apartment use is non-conforming in the zone and this application increases the non-conformity, referred to the zoning board for a use variance. Just briefly.

MR. COPPOLA: I'll be real brief because I know we're here for a referral tonight. Basically, what we're doing is adding two apartments, two dwelling units to the second floor of the existing structure, those two units will take up the entire second floor. Basically everything that's on this site remains. There's the existing deli on the first floor approximately 2000 square feet, there are two existing apartments, one on the lower level, one on the back of the first floor and then there's a third existing apartment in a detached structure here on this T shaped portion of the lot. So we have confirmed with the tax assessor's office that this is one lot so there's three dwelling units, we're going to add two so a total of five. The other thing we're proposing right now that's the only on-street, the only parking that's basically a few parking spaces for the deli customers right directly off Walsh Avenue, those will remain. We're proposing an 8 space parking lot area in the rear accessible off the rear drive near Clancy Avenue, a portion of that, those spaces will go onto the adjoining property. We've already obtained written permission from the property owner there. That will allow a little better access from these rear dwelling units than they have right now.

MR. ARGENIO: So you're putting parking places for this

existing one story frame building on the other guy's property?

MR. COPPOLA: We're putting all our residential parking spaces.

MR. ARGENIO: On somebody else's property?

MR. COPPOLA: It goes over by 12 feet.

MR. ARGENIO: Okay.

MR. COPPOLA: So--

MR. PETRO: What size is this lot, Anthony?

MR. COPPOLA: It's right there, it's, well, a fifth of an acre, 9,000 square feet.

MR. PETRO: What's R-4 allow, Mark?

MR. EDSALL: On which?

MR. PETRO: What's our R-4?

MR. BABCOCK: Single family.

MR. PETRO: Let me ask you something, I know he's been here before, I'm going try to do this not rudely, you now have a deli and three apartments, existing apartments on 1/5 of an acre where it's, the correct zoning is one single family, so you have non-conforming use of a deli and then in reality two extra apartments, you're allowed one, if you want to count that as a home. So you have a deli and apartment's already over the use that's provided for that zone and forget about that it's a fifth of an acre, I mean, now it's 80,000 feet, you've got a fifth of an acre which is how many feet?

May 11, 2005

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MR. COPPOLA: It's 9,000 square feet.

MR. PETRO: That's the entire site and you want us to send you to the zoning board for a use variance which is extremely hard for two more apartments in that site in which you're going to put parking 12 feet over on somebody else's property?

MR. COPPOLA: All that is correct, I understand the threshold of a use variance and I think my clients do too and they have been advised not just through me but through their attorney and I think they understand all these things and I think they have also taken a look at some of the other existing properties on Walsh Avenue, I believe Walsh Avenue is a real mixed bag of different things.

MR. PETRO: That may be true but it's an old area of Town, could be a chicken farm there, doesn't mean you can have a chicken farm now. I talked to somebody some time ago and I thought it was ridiculous, I don't know if it was you or the owner or whoever it was and I still think it's absolutely ridiculous, it's a waste of everybody's time but you're here and what we'll do is we'll refer you to the zoning board with a negative recommendation from this board and I will tell you this that if you do by some miracle get a use variance I'll do a swan dive off here if you get it.

MR. COPPOLA: We wouldn't ask you to do that.

MR. PETRO: I don't know if this board will review it so I'm telling you I think it's ridiculous and I hate to be so negative about something but I couldn't of said it better, you have a deli which is non-conforming, two extra apartments you're allowed in, not three, that's two too many and you want to put two more upstairs and put the parking on somebody else's property.

MR. COPPOLA: I fully understand all that, I understand the use variance, I understand the threshold is extremely difficult, there's five things under the state law that you have to prove, I believe, but they have been advised by an attorney too and they're pursuing what needs to be pursued to make that justification.

MR. PETRO: If you do get the use variance and come back we're not going to accept the parking, we don't accept parking on somebody else's property, you'll have to demonstrate parking for the other units on your property.

MR. COPPOLA: Well, I appreciate it if you make your recommendation with that so the zoning board knows that.

MR. PETRO: Well, it's in the minutes now. There's no way we're going to accept parking, we cannot accept parking on another property, I don't care if you have a letter from them, it could be in probate, something could happen later where the new owner says you can't have this anymore, then you have eight spots that are four feet deep, just not too good.

MR. BABCOCK: Just let me add one thing if the parking is this way and you don't, you're not going to accept that parking, they're going to require a parking variance also cause they don't have--

MR. PETRO: Well, there's no parking.

MR. BABCOCK: That's what I'm saying.

MR. SCHLESINGER: You have to go to the zoning board for that.

MR. PETRO: I would suggest, Paul, did you draw these plans?

May 11, 2005

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MR. COPPOLA: No, we drew these plans.

MR. ARGENIO: He either has to get a parking variance or somehow purchase the property.

MR. COPPOLA: I think the use variance is part of that, in other words.

MR. SCHLESINGER: If they don't get the use, they won't need the parking.

MR. COPPOLA: Correct.

MR. PETRO: While you're there, you don't want to come back here, I refuse to look at it because of the parking, if you get the use variance, I may or may not take a serious look at it, but definitely not with that parking, you may want to go for a parking variance for some reason, I don't know where or how.

MR. COPPOLA: Well, I would say, I mean, instead of the 8 you're going to get three spaces here to conform to that space so--

MR. PETRO: This is some plan that you have here, I mean, this is really over the top.

MR. SCHLESINGER: Let's just refer it.

MR. PETRO: I want to refer it with the right information.

MR. ARGENIO: I think the minutes reflect the flavor, Jim, at this point in time. I agree with you, for the record.

MR. PETRO: All right, I'll send you to the zoning board, if you come back and it's not with the correct variance, you may have to go back again or we'll review

it at that time.

MR. COPPOLA: Well, Mr. Chairman, that's the reason why we're here, just so we get the correct variances so we can proceed.

MR. PETRO: I think you should also then I would suggest that you put the correct number of spots that you can fit in that space on your own property and go for a variance on the balance cause I wouldn't review that, I can't review it, it's, why you would draw that, I don't know, whether you have permission from them or not.

MR. COPPPOLA: We thought that was acceptable but if it's not, we'll change it.

MR. PETRO: Change it and whatever parking variances you need for your request I would add that to your list. All right, entertain a motion to send Faricellia's Market site plan to the New Windsor Zoning Board for final approval.

MR. ARGENIO: I'll make a motion for final approval for Faricellia's Market.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Faricellia's Market site plan on Walsh Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	NO
MR. MINUTA	NO
MR. SCHLESINGER	NO
MR. ARGENIO	NO

May 11, 2005

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MR. PETRO                      NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you're successful in receiving those variances, you can then appear before this board again and I want you to know that we're sending you there with a negative recommendation.

MR. COPPOLA: Understood. Thank you.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
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**WRITER'S E-MAIL ADDRESS:**  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

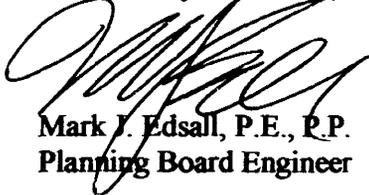
**PROJECT NAME:** FARICELLIA'S MARKET (JACOPINO) SITE PLAN  
(PROPOSED ADDITIONAL TWO APARTMENTS)  
**PROJECT LOCATION:** WALSH ROAD & CLANCY AVENUE  
SECTION 13 - BLOCK 2 - LOT 17  
**PROJECT NUMBER:** 05-12  
**DATE:** 11 MAY 2005  
**DESCRIPTION:** THE APPLICATION PROPOSES TWO (2) ADDITIONAL APARTMENT  
UNITS IN A NEW SECOND STORY ON THE EXISTING DELI  
BUILDING. THE PLAN WAS REVIEWED ON A CONCEPT BASIS  
ONLY.

1. The property is located in the R-4 zoning district of the Town. The deli use is a pre-existing non-conforming use. The multiple apartment use is non-conforming in the zone, and this application *increases* the non-conformity.

*A referral to the Zoning Board of Appeals is needed for a use variance.*

2. If the applicant is successful in obtaining the necessary variance(s), upon return to the Planning Board, further review can be given to the parking, possible consolidation of lots 17 & 8 and other site plan issues.

Respectfully Submitted,



Mark J. Edsall, P.E., R.P.  
Planning Board Engineer

MJE/st  
NW05-12-11May05.doc

**REGIONAL OFFICES**

- 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



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

**RECEIPT**  
**#428-2005**

05/10/2005

Faricellia's Market

#05-18

Received \$ 125.00 for Planning Board Fees, on 05/10/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 05/05/2005

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 5-12  
NAME: FARICELLIA'S MARKET PA2004-0917  
APPLICANT: EDWARD AND ELLEN JACOPINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/05/2005	REC. CK. #3170	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

*Received  
5/12/05  
K*



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: E 911 COORDINATOR

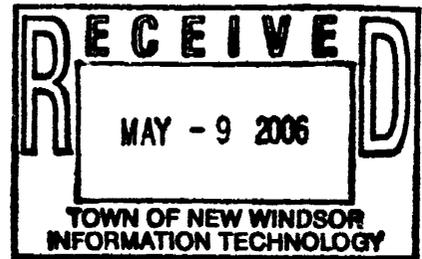
P.B. FILE #05-12 DATE RECEIVED: 04-25-06 TAX MAP #13-2-174

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-10-06 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

#### FARICELLIA'S MARKET

Applicant or Project Name



SITE PLAN XXX, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT XXX

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: J. McDonald 5/9/06  
Reviewed by \_\_\_\_\_ date

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO: Genaro Argenio, Planning Board Chairman**

**FROM: Kenneth Schermerhorn, Asst. Fire Inspector**

**SUBJECT: PB-05-12**  
**SBL: 13-2-174**  
**Faricellia's Market**

**DATE: May 10, 2006**

**Fire Prevention Reference Number: FPS-06-012**

**A review of the above referenced site plan and special permit have been conducted and are acceptable.**

**\* Must be noted that building will exceed 5,000 sq. ft. and must therefore comply with Town Code 142-16 which calls for sprinkler system in the building.**

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** James Petro, Planning Board Chairman

**FROM:** John McDonald, Dept. Head

**SUBJECT:** PB-05-12  
SBL: 13-2-174  
Faricella's Market



**DATE:** May 11, 2005

**Fire Prevention Reference Number: FPS-05-018**

**A review of the above referenced site plan was conducted and found to be acceptable.**

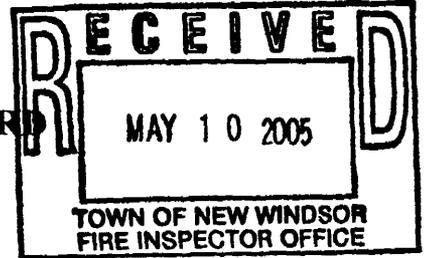


# Town of New Windsor

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OFFICE OF THE PLANNING BOARD

## PROJECT REVIEW SHEET



TO: FIRE INSPECTOR

P.B. FILE #05-12 DATE RECEIVED: 05-05-05 TAX MAP #13-2-174

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-11-05 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

### FARICELLIA'S MARKET

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature] 5/10/05  
Reviewed by \_\_\_\_\_ date

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO: James Petro, Planning Board Chairman**

**FROM: John McDonald, E911 Coordinator**

**SUBJECT: PB-05-12  
SBL: 13-2-174  
Faricella's Market**



**DATE: May 11, 2005**

**Fire Prevention Reference Number: FPS-05-017**

**A review of the above referenced site plan was conducted and found to acceptable.**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
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**OFFICE OF THE PLANNING BOARD**

## PROJECT REVIEW SHEET



**TO: E 911 COORDINATOR**

P.B. FILE #05-12      DATE RECEIVED: 05-05-05      TAX MAP #13-2-174

**PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-11-05 PLANNING BOARD  
MEETING.**

THE MAPS AND/OR PLANS FOR:

**FARICELLIA'S MARKET**

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

**APPROVED:**

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISAPPROVED:**

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: *J. McDerall*      5/10/05  
Reviewed by      date



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
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Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 100-3  
WORK SESSION DATE: 6 April 2005 PROJECT: NEW OLD  
REAPPEARANCE AT W/S REQUESTED: Not now RESUB. REQ'D: replan  
PROJECT NAME: Jo copina  
REPRESENTATIVES PRESENT: Anthony Capella / ed 7/

MUNICIPAL REPS PRESENT: 11-4 BLDG INSP. ENGINEER P/B CHMN FIRE INSP. PLANNER OTHER

ITEMS DISCUSSED: 13-2-17 + 13-2-8  
17 - Deli + 2 qtr EXIST  
8 - SFR  
17 - add 2 add'l qtr prop  
8 - same

STND CHECKLIST: PROJECT TYPE  
DRAINAGE SITE PLAN  
DUMPSTER SPEC PERMIT  
SCREENING L L CHG.  
LIGHTING SUBDIVISION  
(Streetlights) LANDSCAPING OTHER

Prop Pky lot 17 enclosed on 18  
need easement  
8 flk spaces prop pky lot  
Combine lots.

BLACKTOP  
ROADWAYS  
APPROVAL BOX  
PROJECT STATUS:  
ZBA Referral: X Y \_\_\_ N  
Ready For Meeting X Y \_\_\_ N  
Recommended Mtg Date next mon

USE V MIF



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

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Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN / VILLAGE OF:

New Windsor

P/B APP. NO.:

100-3  
05-12

WORK SESSION DATE:

21 July 2004

PROJECT: NEW

X OLD

REAPPEARANCE AT W/S REQUESTED:

later?

RESUB. REQ'D:

later?

PROJECT NAME:

Jacopino Site Plan

REPRESENTATIVES PRESENT:

Ed Jacopino +

MUNICIPAL REPS PRESENT:

BLDG INSP.  
ENGINEER X  
P/B CHMN \_\_\_\_\_

FIRE INSP. \_\_\_\_\_  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

ITEMS DISCUSSED:

238 Watch.

R-4  
Farcelli's existing  
2 apt. 1<sup>st</sup> bld  
1 apt 2<sup>nd</sup> bld  
propose 2 over market bld, for  
a new total of 5 apts.

- will need easement from one neighbor to get parking.
- need use + pkg variances (V)

RESUB CONF

STND CHECKLIST:

PROJECT TYPE

DRAINAGE \_\_\_\_\_

SITE PLAN

DUMPSTER \_\_\_\_\_

SPEC PERMIT

SCREENING \_\_\_\_\_

L L CHG.

LIGHTING \_\_\_\_\_

(Streetlights)

SUBDIVISION

LANDSCAPING \_\_\_\_\_

OTHER

BLACKTOP \_\_\_\_\_

ROADWAYS \_\_\_\_\_

APPROVAL BOX \_\_\_\_\_

PROJECT STATUS:

ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N

Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N

Recommended Mtg Date next

Mtg. Recd

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan  Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 13 Block 2 Lot 174

**BUILDING DEPARTMENT PERMIT NUMBER** PA 2004 - 0917

1. Name of Project Faricella's Market

2. Owner of Record Edward and Ellen Jacopino Phone (845) 561-5450

Address: 238 Walsh Avenue, New Windsor, New York 12553  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Edward and Ellen Jacopino Phone (845) 561-5450

Address: 238 Walsh Avenue, New Windsor, New York 12553  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Coppola Associates Phone (845) 561-3559

Address: 3 Washington Center, Maple Building, 2nd Floor, Newburgh, New York 12550  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Anthony J. Coppola, R.A. (845) 561-3559 (845) 561-2051  
(Name) (Phone) (fax)

7. Project Location: On the South side of Walsh Avenue and Marline Avenue  
(Direction) (Street)

8. Project Data: Acreage 9.007 Zone R-4 School Dist. Newburgh

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

\*This information can be verified in the Assessor's Office,

\*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Existing Deli/Market  
to remain; Existing three dwelling units to remain, including one detached; Proposed two new apartments on the 2nd floor. The addition consists of 1125 sf (second floor unit) and 1300 sf (new second floor

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

**IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.**

**GLORIA J. BRENTNALL**  
**Notary Public, State of New York**  
**No. 0187000013**  
**Qualified in Orange County**  
**Commission Expires 04/10/2006**

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 AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

18<sup>th</sup> DAY OF April 2005

*Robert A. ...*  
*Ellen ...*  
(OWNER'S SIGNATURE)  
*[Signature]*  
(AGENT'S SIGNATURE)

Anthony J. Coppola  
Please Print Agent's Name as Signed

*Gloria J. Brentnall*  
NOTARY PUBLIC

\*\*\*\*\*  
RECEIVED  
TOWN OF NEW WINDSOR  
MAY - 5 2005  
DATE APPLICATION RECEIVED  
05-12  
APPLICATION NUMBER

**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR PLANNING BOARD**

Edward and Ellen Jacopino, deposes and says that he resides  
(OWNER)

at 238 Walsh Avenue, New Windsor in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 13 Block 2 Lot 17)  
designation number (Sec.        Block        Lot       ) which is the premises described in  
the foregoing application and that he designates:

Anthony J. Coppola, R.A., Coppola Associates, 3 Washington Center, Maple Bldg., 2nd Floor, Newburgh, NY  
12550  
(Agent Name & Address)

Anthony J. Coppola, R.A., Coppola Associates, 3 Washington Center, Maple Bldg., 2nd Floor, Newburgh, NY  
12550  
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

18<sup>th</sup> DAY OF April 2005

Gloria J. Brentnall  
NOTARY PUBLIC

Ed J. Jacopino  
\*\* Ellen Jacopino  
Owner's Signature (MUST BE NOTARIZED)

AL  
Agent's Signature (if Applicable)

Professional Representative's Signature

**\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

**GLORIA J. BRENTNALL**  
Notary Public, State of New York  
No. 01BR000018  
Qualified in Orange County  
Commission Expires 04/10/2008

05-12

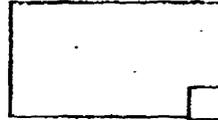
**TOWN OF NEW WINDSOR PLANNING BOARD**

**SITE PLAN CHECKLIST**

**ITEM**

1.   X   Site Plan Title
2. \_\_\_\_\_ Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. **(ON ALL PAGES OF SITE PLAN).**

**SAMPLE:**



3.   X   Applicant's Name(s)
4.   X   Applicant's Address
5.   X   Site Plan Preparer's Name
6.   X   Site Plan Preparer's Address
7.   X   Drawing Date
8. \_\_\_\_\_ Revision Dates
9.   X   Area Map Inset and Site Designation
10.   X   Properties within 500' of site
11. \_\_\_\_\_ Property Owners (Item #10)
12.   X   Plot Plan
13.   X   Scale (1" = 50' or lesser)
14. \_\_\_\_\_ Metes and Bounds
15.   X   Zoning Designation
16.   X   North Arrow
17.   X   Abutting Property Owners
18.   X   Existing Building Locations
19.   X   Existing Paved Areas
20. \_\_\_\_\_ Existing Vegetation
21.   X   Existing Access & Egress

**PROPOSED IMPROVEMENTS**

- 22. \_\_\_\_\_ Landscaping
- 23. \_\_\_\_\_ Exterior Lighting
- 24. \_\_\_\_\_ Screening
- 25. \_\_\_\_\_ Access & Egress
- 26.  \_\_\_\_\_ Parking Areas
- 27. \_\_\_\_\_ Loading Areas
- 28. \_\_\_\_\_ Paving Details (Items 25 - 27)
- 29.  \_\_\_\_\_ Curbing Locations
- 30. \_\_\_\_\_ Curbing through section
- 31. \_\_\_\_\_ Catch Basin Locations
- 32. \_\_\_\_\_ Catch Basin Through Section
- 33. \_\_\_\_\_ Storm Drainage
- 34. \_\_\_\_\_ Refuse Storage
- 35. \_\_\_\_\_ Other Outdoor Storage
- 36. \_\_\_\_\_ Water Supply
- 37. \_\_\_\_\_ Sanitary Disposal System
- 38. \_\_\_\_\_ Fire Hydrants
- 39.  \_\_\_\_\_ Building Locations
- 40. \_\_\_\_\_ Building Setbacks
- 41. \_\_\_\_\_ Front Building Elevations
- 42.  \_\_\_\_\_ Divisions of Occupancy
- 43. \_\_\_\_\_ Sign Details
- 44. \_\_\_\_\_ Bulk Table Inset
- 45.  \_\_\_\_\_ Property Area (Nearest 100 sq. ft.)
- 46.  \_\_\_\_\_ Building Coverage (sq. ft.)
- 47. \_\_\_\_\_ Building Coverage (% of total area)
- 48. \_\_\_\_\_ Pavement Coverage (sq. ft.)
- 49. \_\_\_\_\_ Pavement Coverage (% of total area)
- 50. \_\_\_\_\_ Open Space (sq. ft.)
- 51. \_\_\_\_\_ Open Space (% of total area)
- 52.  \_\_\_\_\_ No. of parking spaces proposed
- 53. \_\_\_\_\_ No. of parking spaces required



PROJECT I.D. NUMBER

617.20

SEQR

## Appendix C

State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>Edward and Ellen Jacopino</b>	2. PROJECT NAME <b>Farcella's Market</b>
3. PROJECT LOCATION: Municipality <b>Town of New Windsor</b> County <b>Orange</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>238 Walsh Avenue, New Windsor, New York 12550</b> <b>On the South side of Walsh Avenue and Merline Avenue</b>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>Existing Deli/Market to remain; Existing three dwelling units to remain, including one detached. Proposed two new apartments on the 2nd floor. The addition consists of 1125 sf (2nd floor unit) and 1300 sf (new 3rd floor.)</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>.207</b> acres Ultimately <b>.207</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <b>Use Variance required for new apartments.</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space Describe: <b>R-4 Zone - Mixed Residential and Commercial.</b>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes If yes, list agency(s) and permit/approvals <b>Zoning Variance from ZBA; and Building Permit from Town of New Windsor.</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>Anthony J. Coppola, R-A</b>	Date: <b>May 11, 2005</b>
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR. PART 617.4?    if yes, coordinate the review process and use the FULL EAF.  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR. PART 617.6?    If No, a negative declaration may be superseded by another involved agency.  <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly</p> <p style="text-align: center;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly</p> <p style="text-align: center;">No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.</p> <p style="text-align: center;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.</p> <p style="text-align: center;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.</p> <p style="text-align: center;">No</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.</p> <p style="text-align: center;">No</p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If Yes, explain briefly</p>

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____</p> <p style="font-size: small;">Name of Lead Agency</p>	
<p>_____</p> <p style="font-size: small;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="font-size: small;">Title of Responsible Officer</p>
<p>_____</p> <p style="font-size: small;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="font-size: small;">Signature of Preparer (if different from responsible officer)</p>
<p>_____</p> <p style="font-size: small;">Date</p>	



