

**PB# 96-25**

**A & R CONCRETE  
(WITHDRAWN)**

**18-1-14.1**

96 -

AMOIA REALTY, LLC - SITE PLAN (A&R CONCRETE)

8 RUSCITTI ROAD (AMOIA)

96 -

25

10/2/98 Withdraw

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

# General Receipt

15936

Oct. 15 1996

Received from A+R Concrete Products \$ 100<sup>00</sup>

One Hundred <sup>00</sup>/<sub>100</sub> DOLLARS

For P.B. # 96-25 Application Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
CK # 4499		100 <sup>00</sup>

By Dorothy H. Hansen

Town Clerk  
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones • Carbonless • 51642-W/C1 Duplicate • 51644-W/C1 Tripartite

MADE IN U.S.A.  
© Wilson Jones, 1989

DATE October 12, 1996 RECEIPT NUMBER 96-25

RECEIVED FROM A+R Concrete

Address 8 Russett Rd. New Windsor, N.Y.

Seven Hundred Fifty <sup>00</sup>/<sub>100</sub> DOLLARS \$ 750.00

FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	<u>750 00</u>	CASH	
AMOUNT PAID	<u>750 00</u>	CHECK	<u>#4500</u>
BALANCE DUE	<u>- 0 -</u>	MONEY ORDER	

A. Zappalo  
BY Myra Mann, Secy to the P.B.

96-25 A+R

**A & R CONCRETE PRODUCTS  
SPECIALTIES, INC.**

4499

TOWN OF NEW WINDSOR	Invoice No	Date	Amount	Discount	Net Amount
555 UNION AVE. NEW WINDSOR, N.Y. 12553	10-11-96	10/11	100.00	0.00	100.00
					-----
			TOTAL=		\$100.00

DATE  
10/11/96

CHECK NUMBER  
00004499

**A & R CONCRETE PRODUCTS  
SPECIALTIES, INC.**

450

TOWN OF NEW WINDSOR	Invoice No	Date	Amount	Discount	Net Amc
555 UNION AVE. NEW WINDSOR, N.Y. 12553	10-11-96A	10/11	750.00	0.00	750.
					<u>750.</u>
				<b>TOTAL=</b>	<b>\$750.</b>

DATE  
10/11/96

CHECK NUMBER  
00004500

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/02/98

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

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

FOR PROJECT NUMBER: 96-25

NAME: AMOIA REALTY, LLC SITE PLAN

APPLICANT: AMOIA REALTY, LLC

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/02/98	RECEIVED LETTER	WITHDRAWN
10/23/96	P.B. APPEARANCE	REFER TO ZBA
10/16/96	WORK SESSION APPEARANCE	SUBMIT
09/25/96	P.B. APPEARANCE - DISCUSSION	MAKE APPLICATION

AMOIA REALTY, LLC  
RUSCITTI RD.  
NEW WINDSOR, NY 12553

8-31-98

TOWN OF NEW WINDSOR PLANNING BOARD  
55 UNION AVE.  
NEW WINDSOR, NY 12553

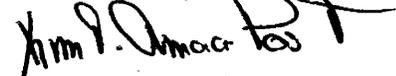
RE: AMOIA REALTY SITE PLAN

DEAR MYRA,

PLEASE WITHDRAW OUR REQUEST FOR THE SITE PLAN FOR THE ABOVE  
REFERENCED COMPANY.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT 562-0640.  
THANK YOU.

CORDIALLY,



KIM T.AMOIA-POST

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/02/98

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 96-25

NAME: AMOIA REALTY, LLC SITE PLAN

APPLICANT: AMOIA REALTY, LLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/11/96	REC. CK. #4500	PAID		750.00	
10/23/96	P.B. ATTY. FEE	CHG	35.00		
10/23/96	P.B. MINUTES	CHG	13.50		
10/02/98	P.B. ENGINEER FEE	CHG	110.50		
10/02/98	RET. TO APPLICANT (WITHDRAW	CHG	591.00		
		TOTAL:	750.00	750.00	0.00

Gave to L.R. 10/2/98 @



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

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

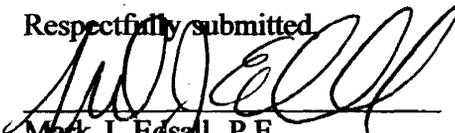
- Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

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

**REVIEW NAME:** AMOIA REALTY SITE PLAN  
**PROJECT LOCATION:** RUSCITTI ROAD  
SECTION 18-BLOCK 1-LOT 14.1  
**PROJECT NUMBER:** 96-25  
**DATE:** 23 OCTOBER 1996  
**DESCRIPTION:** THE PROJECT INVOLVES A PROPOSED TRUCK REPAIR FACILITY AT THE REFERENCED SITE. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. This property is located within the "PI" Zoning District of the Town. The proposed truck repair use is not a use by right or by special permit for this Zoning District; as such, a referral to the Zoning Board of Appeals for a use variance would appear necessary.
2. As the Board will note, this site plan depicts basic information and is not detailed in nature. The Board should discuss, with the Applicant, what information will be needed on the site plan, as well as what new items may be required (any new paving, landscaping, lighting, drainage, etc.) on the site plan returned to the Board, if the Applicant's are successful in obtaining the use variance.

Respectfully submitted



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

MJEmk

A:AMOIA.mk

RESULTS OF P.B. MEETING

DATE: 10-23-96

PROJECT NAME: Amelia S.P. PROJECT NUMBER 96-25

\*\*\*\*\*

LEAD AGENCY: \* NEGATIVE DEC:

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ \* M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_

CARRIED: YES \_\_\_ NO \_\_\_ \* CARRIED: YES: \_\_\_ NO \_\_\_

\*\*\*\*\*

PUBLIC HEARING: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_

WAIVED: YES \_\_\_ NO \_\_\_

SEND TO OR. CO. PLANNING: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ YES \_\_\_ NO \_\_\_

SEND TO DEPT. OF TRANSPORT: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ YES \_\_\_ NO \_\_\_

DISAPP: REFER TO Z.B.A.: M) D S) N VOTE: A 5 N 0 YES  NO \_\_\_

RETURN TO WORK SHOP: YES \_\_\_ NO \_\_\_

APPROVAL:

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ APPROVED: \_\_\_\_\_

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ APPR. CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_ NO \_\_\_

DISCUSSION/APPROVAL CONDITIONS: \_\_\_\_\_

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

AMOIA REALTY

MR. NUGENT: Referred by Planning Board for use variance for truck repair garage on east side of Ruscitti Road in a PI zone. Use not permitted.

Mr. Joseph Amoia appeared before the board for this proposal.

MR. NUGENT: You want to explain to the board what you're doing?

MR. AMOIA: Hi. We purchased a building that my uncle had built about eight years ago and he built it as a garage, it was Ruscitti Excavating and what we want to do now is rent this out to someone who repairs equipment, diesel repair, take it back into a garage. Previously it was Fakton Iron Works had the land and he was a manufacturer of--

MR. NUGENT: The building way in the front by the road?

MR. AMOIA: Yes, sir.

MR. NUGENT: Go ahead.

MR. AMOIA: It was manufacturer of wrought iron railings, he was there I don't know three to four years and he wanted to get out of the business. So what we did we purchase it back from him and we really wanted it for the land for our business and we're hoping to rent the building out to help offset the costs of the building and so we're here to get this zoned properly so we can do so.

MR. NUGENT: What is it, PI?

MR. BABCOCK: Yes.

MR. KRIEGER: Mr. Chairman, if I may, the original application was made before the planning board and at that time, it appeared based on the information that the applicant supplied that there's a question as to whether or not it is a pre-existing non-conforming use because of Fakton's continuing use to repair vehicles.

as I said, there's a question and which is also going to have to be decided by this board but it is a twofold.

MR. KANE: First thing we need to decide is if it's pre-existing.

MR. KRIEGER: Yes.

MR. TORLEY: If it fails that test, we can ask for a use variance.

MR. KRIEGER: Then you go to the use variance.

MR. TORLEY: I notice from the minutes of the planning board session on this Mr. Amoia you said your uncle built it in the early 80's, is that correct?

MR. AMOIA: Yes, sir.

MR. TORLEY: How does that qualify for grandfathering?

MR. NUGENT: What?

MR. TORLEY: Said the building was put up in the 80's, if it were the case.

MR. KRIEGER: If that were the case, then it wouldn't, cause it would pre-exist, would not pre-exist zoning.

MR. TORLEY: The building was put up in the 80's, was that put up on the same foundation of an older building?

MR. AMOIA: No, this was brand new.

MR. KRIEGER: Then that is out.

MR. TORLEY: Barring some other evidence.

MR. KRIEGER: Correct.

MR. AMOIA: I don't recall, there was no building there that I know of.

MR. NUGENT: What was there before Fakton?

MR. AMOIA: Joe Ruscitti.

MR. NUGENT: Did you work out of that building?

MR. AMOIA: Yes.

MR. NUGENT: I'm thinking of the other guy out back.

MR. AMOIA: Al Cherry, no.

MR. NUGENT: Original was built for Joe for his repairs of equipment?

MR. AMOIA: Correct.

MR. TORLEY: Repairing his own equipment in a building is perfectly legitimate in a PI zone, puts up a shed and repairs diesel trucks for his own business.

MR. NUGENT: Not really, PS is industrial.

MR. TORLEY: Can you have repair side of the factory? Mike, I need your help on that.

MR. BABCOCK: Well, I think if they have, I think it's a situation like if somebody wants to, if they have a commercial business and they want to change the oil in their truck, I don't think anybody has a problem with that. If you have a business where you have a sign up where the public, general public goes there, I think that is a different type of use. I don't think anybody is doubting even us we're not doubting that Joe Ruscitti did repairs there, we all know that and everybody that I have talked to has said that. It's what happened with Fakton Iron Works when they moved in, they had a manufacturing operation there and apparently sometime somebody from the town went there to do an inspection of some sort and they said we do not do any repairs here, all we do is manufacturing and they made notations of that in the assessor's office. So if it was non-conforming, what we're saying is it lost its non-conformity because they didn't continue the use of repair garage. Now I know that Joe

Ruscitti, this permit is dated August of '83 and it says existing use garage continued intended use office and equipment garage so that a garage that you store stuff or garage that you repair things in, we all know that Joe Ruscitti repaired his trucks there, he stored them, repaired them, he did whatever it took.

MR. TORLEY: That is part of your business.

MR. KANE: What you're saying is that the manufacturer let that lapse the pre-existing?

MR. BABCOCK: Yes, that is what our records indicate.

MR. TORLEY: It wouldn't have been pre-existing in any case if it was put up in the 80's.

MR. BABCOCK: Well, in '83 he got a building permit to do this, Joe Ruscitti got a building permit to do it so how he did that, I don't know but he did it, it was a PI zone in '83 so it had the same requirements.

MR. TORLEY: What use do you want to put the building to now?

MR. AMOIA: A repair shop.

MR. TORLEY: For regular public access repair garage?

MR. AMOIA: For heavy equipment trucks, it's not cars, stuff like that.

MR. TORLEY: Backhoes and things like that?

MR. AMOIA: Yes, diesel repair, what it was when he had it.

MR. KANE: See what happened was that when the manufacturer went in, he changed the use of it and they informed the town of that and it's in the assessor's office so once you stop that use, you lose the right of that pre-existing use. Do you follow what I am saying?

MR. BABCOCK: I think what happens on several occasions we see it quite often on different things with the

nursery on 207 last time, when they do an inspection, they inspect it for repair garage or they inspect it for manufacturing so when you go in there and you ask the guy if you are doing any repairs because the inspection is different so sometimes people will say we don't repair anything here, although they are repairing it just because they don't want that type of inspection, who knows why they said it, okay, but they said that they made a record of it.

MR. KRIEGER: Seems to me there's another question repair what.

MR. BABCOCK: That is the problem.

MR. KRIEGER: Talking about repairing equipment or repairing fences or what.

MR. TORLEY: Drill press or something like that.

MR. REIS: They are being specific in saying truck repair.

MR. KRIEGER: But the assessor's, I mean the building inspector's records don't say truck repairs, they just say repairs.

MR. TORLEY: Andy, even if it were the case that there was no break in this pattern of use, please correct me if I am wrong, if this structure was put up in the 80's, it wouldn't be qualified for a grandfather no matter what.

MR. KRIEGER: No. You're correct.

MR. NUGENT: Fakton never came in and got a change of use for that building, did he?

MR. BABCOCK: No.

MS. BARNHART: Not before this board he didn't.

MR. NUGENT: Nobody ever did so. Do we consider it the same as what it was?

MS. BARNHART: If it's an illegal operation, doesn't it revert back to what it was?

MR. BABCOCK: In 1983, he got a building permit to do this and there's no question it's here, he got a C.O. on the building to go into operation.

MR. KANE: For repairs.

MR. BABCOCK: Again, it says equipment garage so nowhere does it say repair.

MR. AMOIA: It's a gray area.

MR. BABCOCK: Right, it's a technical area. What I am saying is that repair was not allowed there in '83, it's a PI zone.

MR. KANE: Yet they granted him the C.O. and permit.

MR. BABCOCK: Right so what I am saying is he stored his equipment inside this garage and I think that is what everybody thought and knew he was doing, he also repaired it, nobody had a problem with that. He's got a garage, he fixes his backhoe at night, goes out in the morning and goes to work. So I don't think that they had any problem with that and if Fakton Iron Works worked on their cars and trucks and changed oil, I don't think anybody had a problem with that. But to have a full fledged truck repair, it's not permitted in a PI zone. So he should not have gotten a building permit for a truck repair and I think the difference was is that he's repairing his own equipment and he doesn't have the general public going there for repairs and I'm guessing all this cause I wasn't here when all this happened.

MR. TORLEY: Do you see what we're getting at, this is probably as clear as mud.

MR. AMOIA: Almost.

MR. KANE: What we have to decide is that if this was pre-existing and that all folds in, then you don't have to go for a use variance. If you have to go for a use

variance which it is very, very difficult to get, and the hardest hurdle that you have to get is you have to prove that you cannot financially even sell that property for an existing use, not even at a profit.

MR. AMOIA: Does everyone know where this building is?

MR. KANE: Yes.

MR. AMOIA: When you look at it, it's a garage, I mean we're not trying to change.

MR. TORLEY: No, the state legislature has written down exactly what we have to find in order to grant you a use variance, use variance means they are going to let you do something in the zone that you are not supposed to be doing.

MR. KANE: And if we allow you to do that, you have to prove with documentation and hard core evidence that it is financially feasible that you cannot sell it to be a home or whatever other use it is that you can't sell it for it to do that, that doesn't mean to sell it and make a profit, according to New York State law.

MR. KRIEGER: I think it might be easier, Mike, if I simply recited that legal requirement to which you're talking about. The applicant cannot realize a reasonable return, provided that lack of return is substantial as is demonstrated by competent financial evidence. That means that you can't get, you can't get any kind of a return for the building. It doesn't have to be a profit, any kind of return for the building with that property for anything that is allowed in the PI zone. And you have to prove that by dollars and cents evidence. The state has taken the criteria for use variance substantially out of the hands of the local board, it is not a question of whether the members of the board are sympathetic or not or whether they think it's fair, reasonable or just or even this, if they think to deny it is ridiculous, it doesn't matter, they have to follow the criteria set forth by the state, they have no choice. And these are statewide criteria that apply in all situations where people are seeking a use variance no matter how

seemingly inappropriate it may be, they have no choice, the town has no choice, these are criteria handed to them by the state and it is that to which Mr. Kane refers when he says that it's extremely difficult and it is, they have made it difficult, it's not impossible but they have made it difficult. It is something if you need a use variance and it's something that you are probably going to want to have legal counsel or competent help, somebody who's been through this before or knows what is required because it is such a difficult hurdle. It's completely different set of criteria than for instance the last person who you saw before the board who was seeking in essence an area variance for something that is an allowed use but simply needs some relief on the requirements as to where and how many feet to their property line. That is a far different situation than this is.

MR. KANE: If he was granted a C.O. and the building permit to use that as a garage and repair, can that, does that hold if they bring in records, let's say financial records, saying it was used for an outside thing, will that hold up since it is only 1983 and it doesn't go all the way back?

MR. TORLEY: That would have been an error then and we would have to correct that now.

MR. KRIEGER: A municipality is not bound by errors made by the building department. Everybody else is bound by their mistakes but not a municipality.

MR. TORLEY: That is why I was asking if the new building was put on the same foundation as the older building, it might pre-exist.

MR. AMOIA: No.

MR. TORLEY: The state has a difference in use and area variances. Previous applicant, her pool is a little too close to the back, like that is not going to affect the health and safety of the surrounding neighborhoods. But a use variance might be if she wants to build a gas station up there, that might have a substantial impact on everybody around.

MR. AMOIA: We can understand that.

MR. TORLEY: So they made the barrier for getting such a use variance very high, Mike, how close is this to a C Zone or anything like that?

MR. BABCOCK: No, it's all PI.

APPLICANT: Yonkers Construction has a big repair shop.

MR. KANE: But if they are pre-existing and have been there.

APPLICANT: You keep saying pre-existing but the building was a repair garage back when Ruscitti had it.

MR. KANE: 1967 that was built in 19--

APPLICANT: That other building was built in 1967.

MR. KANE: I don't know.

APPLICANT: What we're seeing is what's in the area, here's a building that is sitting vacant for three or four months, I mean.

MR. TORLEY: You have another alternative that bypasses this board completely, this is the good idea, if you want to try it, I think you can approach the town board and say look, this is the problem, this is the area of this town there, ask them to change the zone or change the requirements in the PI zone. Actually, we're required if the town board says it's legal to have diesel truck garage, repair garage in the PI zone, they change the definition you're in. That is not a simple job either, they have been working on the bulk table now for three or four years. That is your alternative. For us to be able to grant you a use variance you have to be able to prove that you can't get reasonable return for that structure with any permitted use in a PI zone.

APPLICANT: Bottom line is building is worth nothing except for manufacturing to go in there? The building

across the street is vacant and for sale. There's no manufacturing in the area.

MR. KANE: You need to have a specialist come in and show in dollars and cents numbers something that will hold up in court, something that is not just you saying well, they have been in business for 15 years, I mean no offense.

APPLICANT: I understand what you're saying, but the sad part is here's a building in business trying to come into this area to do something.

MR. TORLEY: You have to show us that.

MR. KRIEGER: That is why I emphasize to you it's not, the criteria is not a function of this board or a function of the town or function of somebody actually looking at the facts and circumstances, there are statewide criteria that are given to everybody in the state.

APPLICANT: What you're saying we have to get a lawyer involved now and spend more money to say okay, we have to show poverty basically to turn this building into a repair shop?

MR. KANE: You have to show unusual circumstances.

MR. TORLEY: Our attorney will give you, if you'd like to, we'll set you up for a public hearing, that is, that gives you a right to a public hearing, doesn't say you have to have it. Our attorney will give you all the facts and what you have to show to get the variance. Then talk to some other people, see what you want to do. Mr. Chairman, I'd be happy to make a motion to set this gentleman up for a public hearing. I move we set up Amoia Realty for a public hearing in regard to the requested use variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS

AYE

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

MR. KANE: What that does for you is that if you find that you want to proceed with this and you get the information and you find out it's financially feasible for you to go ahead and proceed with this, you don't have to come back here again and wait another month to get another public hearing and all that. You're all set, it doesn't mean you have to come and show up.

MR. KRIEGER: If I may, cause I think we're a little ahead of where they are, it's a process they are not familiar with. By law, the zoning board of appeals can do nothing without a public hearing. So the way it is done here, it's a two step process, you're now fulfilling step number one, that is to make a preliminary appearance to tell the board what you're doing and what you want to do and so that they have an idea of what's going on. It is still necessary if you want to receive relief to file an application, there are certain steps that are set forth in the application and make a formal presentation which would appear on the record and before which you would have to give notices as outlined in the operation. It is that that they have, the board, this board has given you permission to do, to have a public hearing. Get the application back to have a public hearing, it confers on you a right, not an obligation. If you can go back and you look and you say well, you decide it's not worth it to pursue, you're not under any obligation to do anything. If you decide yes, it is worth it, and we want to proceed, that means that you have to follow the steps in the application, do the publication and the next time you're back here, this board would decide you would now have the public hearing that the board would decide your application. You don't have to come back, it's up to you. They have just conferred on you the right to do it, if you want to do it.

MR. TORLEY: So far it's free if you come back then it starts costing you. We do this to let any applicant know whether or not they are so far out in left field there's no chance, saves them money.

MR. KANE: They can come back and they are prepared and know what they need to bring with them, you don't want to come up empty handed and then all of a sudden, you get knocked down and you have to wait six months to reapply. That is why we use the two steps to give you an idea of what you need to show us to get this thing done.

APPLICANT: Who should we talk to to get some guidance on the right way to go? This has been going on for about three months already, trying to rent this poor building out.

MR. NUGENT: Talk to an attorney. We are not permitted to recommend any particular attorney.

MR. KRIEGER: I think what you need to do is talk to an attorney who's competent in this area and familiar with the area unfortunately, nobody in this board is permitted by law to recommend.

APPLICANT: I'm saying the bottom line we need to get a lawyer.

MR. AMOIA: Get legal assistance.

MR. KRIEGER: At least starting out, whatever deal, whatever deal you make, you make, but in terms of getting the presentation together and fulfilling the criteria that are necessary,

MR. TORLEY: Do you have a realtor involved in this process?

MR. AMOIA: No.

MR. TORLEY: A realtor might be able to steer you to the right attorneys or give you some of the information.

MR. KANE: He will also help you with putting together a good value system for the building and the businesses in your area and that kind of thing, maybe that is somebody else you should talk to.

MR. AMOIA: Bottom line you're saying we have to get the zone changed which is very difficult.

MR. KRIEGER: No, you have to do one of two things, you're here not to change the zone but to get permission to use this particular property in a way that is not permitted in the zone. This has to do with this particular piece of property, we're not changing the zone, just changing the rules for your property and only for your property. The other way, the way that Mr. Torley suggested would be a change in the zone, it's either by definition or by boundaries or any one of a number of ways, but in any change in the zone, it's a change in the law and that is the Town Board's promise, not this board's promise, this board has to take the law as the town board gives it to them and as the state gives it to them.

MR. AMOIA: This is like a variance for us.

MR. NUGENT: Yes, we'd be actually varying, varying the law.

MS. BARNHART: Here's the paperwork.

MR. TORLEY: If this works, this will be a lot faster than changing the Town Law.

MR. KRIEGER: The criteria that I talked to you about state sets forth are set forth on that sheet.

MR. NUGENT: Okay, you're all set, the rest is up to you.

**ZONING BOARD OF APPEALS**  
**Reorganizational Meeting**  
**January 13, 1997**

**AGENDA:**

**7:30 P.M.-ROLL CALL**

**Motion to adopt minutes of 12/9/96 meeting as written.**

**PRELIMINARY MEETING;**

*SET UP FOR P.H.*

1. TARSIO, JANINE - Request for 22 ft. rear yard variance for existing pool deck at 216 Dairy Lane in CL zone. (78-11-2). ✓

*SET UP FOR P.H.*

2. AMOIA REALTY - Referred by Planning Board for use variance for truck repair garage on e/s of Ruscitti Road in a PI zone. Use not permitted. (18-1-14.1). ✓

*SET UP FOR P.H.*

3. L&M PROPERTIES, INC. - Referred by Planning Board for 0.5 ft. side yard and 16.2 ft. maximum building height to construct an addition to warehouse (Stewart Liner) located on Liner Road in a C zone. (4-1-5.1, 5.2). Present: Bill Hildreth, L.S.

**PUBLIC HEARING:**

*APPROVED*

4. ANDREWS, RICHARD & RUTH - Request for 15 ft. front yard variance for existing porch located at 17 Canterbury Lane in R-3 zone. (50-2-13). ✓

~~XXXXXXXXXX~~ *NO SHOW*

5. NUCIFORE, THOMAS - Request for 8 ft. rear yard variance for existing shed at 77 Creamery Drive in a CL-1 zone. (78-7-3). ✓

*APPROVED*

6. PRUDENTI, ELIZABETH/REED, BARBARA - Request for 1 ft. max. fence height variance and variation of Sec. 48-14C(1)(c)[1] of the Supp. Yard Regs. for existing fence at 76 Guernsey Drive in CL-1 zone. (80-1-28). ✓

**REORGANIZE: Election of Officers: Chairman, Vice Chairman, Attorney, Secretary.**

- FORMAL DECISIONS:**
- (1) Devitt/Royal Pools
  - (2) Ernenwein (Rosenbaum's)
  - (3) Cuttica
  - (4) Panella
  - (5) KWG Realty

*APPROVED*

**PAT - 563-4630 (o)**  
**562-7107 (h)**

#128A 1-13-97  
SET UP FOR P.H.

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 96-25

DATE: 4 DEC 96

APPLICANT: AMDIS REALTY

8 RUSCITTI ROAD

NEW WINDSOR NY. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT EAST SIDE OF RUSCITTI ROAD 600 +/- FT

NORTH OF WALNUT AVE. ZONE \_\_\_\_\_

DESCRIPTION OF EXISTING SITE: SEC: 18 BLOCK: 1 LOT: 14.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

USE VARIANCE REQUIRED PER PI ZONE

TRUCK REPAIR GARAGE - NOT PERMITTED USE



MARIL J. EDSELL, PE for  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

\*\*\*\*\*

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>PI</u> USE <u>USE VARIANCE REQUESTED</u>		
MIN. LOT AREA	<u>50,128 SF</u>	
MIN. LOT WIDTH	<u>220.5 FT</u>	
REQ'D FRONT YD	<u>59.9 FT</u>	
REQ'D SIDE YD.	<u>43.0 FT</u>	
REQ'D TOTAL SIDE YD.	<u>121.3 FT</u>	
REQ'D REAR YD.	<u>121.8 FT</u>	
REQ'D FRONTAGE	<u>247.24 FT</u>	
MAX. BLDG. HT.	<u>16 FT</u>	
FLOOR AREA RATIO	<u>.08</u>	
MIN. LIVABLE AREA	<u>N/A</u>	
DEV. COVERAGE	_____ %	_____ %
O/S PARKING SPACES	_____	_____

~~USE VARIANCE REQUESTED~~

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

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

AMOIA REALTY, LLC SITE PLAN (96-25) RUSCITTI ROAD

Mr. Joseph Amoia appeared before the board for this proposal.

MR. PETRO: They were here once before, just under a discussion item, I don't know if you were here.

MR. LANDER: I was here.

MR. PETRO: So what they had to do is go back, make a formal application, get them back in on a formal application so we can review it and send them on to the zoning board again to get the necessary variances. Why don't you just go over, Joe, real quick to the entire board what you want to do one more time, just for the minutes. This is the Fakton Iron Works building, we're all aware where it is.

MR. AMOIA: Simply, this was our uncle's building, he built it early 80's, Joe Ruscitti used it as a garage, repaired his equipment in there and held it there overnight, next morning he did his work and brought it back. We simply purchased it and we purchased it for the land really, not the building, we'd like to rent the building out as a garage, nothing more, there's a diesel mechanic company that wants to come in and use it and we repair equipment there. And that is basically what we're trying to do.

MR. PETRO: Once again, Mike, the reason they are not doing that is because it was used in a different use for more than a period of one year so it lost its grandfathered use and now in this zone we need a variance to go back to the use that we want to use it for?

MR. BABCOCK: That is partially correct. The grandfathered use in our records does not show, never shows that it was used as a garage. Joe says it was, I believe what he is saying, that was the problem with the use now then it went to Fakton Iron works and apparently, they had told the town of New Windsor that they did not do repairs there also they just did manufacturing so that is the problem so that is why

he's got to go to the zoning board.

MR. PETRO: Poll the board, if they should go to the zoning board and be successful in acquiring the variance, does anyone very any specific problems with the use of the property?

MR. LANDER: I have no problem.

MR. STENT: I have no problem.

MR. LUCAS: I have no problem, I did the office there, they built it, Joe built it for specifically taking care of the equipment, I know Fakton worked in there and they took care of the equipment, really never changed as far as other than he did do some manufacturing but trucks were always in there.

MR. AMOIA: Fakton was a manufacturer but he repaired his own equipment there, he didn't do other people's.

MR. PETRO: So then it would be safe to say that the New Windsor Planning Board can forward this to the zoning board with a positive recommendation. Does anybody object?

MR. DUBALDI: I move we approve the Amoia site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Amoia Realty LLC site plan on Ruscitti Road. Is there any further discussion from the board members? If not, roll call.

MR. STENT: Lighting, landscaping and drainage?

MR. PETRO: No, this is going to come back.

MR. PETRO: No further questions, roll call.

ROLL CALL

MR. DUBALDI                      NO

October 23, 1996

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MR. STENT	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: You have now been forwarded to the zoning board of appeals to acquire the necessary variances that you need. Once you have received those variances and they are applied to the plan, you'll be back to this board and we'll review it as site plan only at that time. Good luck.

MR. AMOIA: Now, how do we go about, who do I talk with about going about this?

MR. PETRO: Zoning board.

MS. MASON: We have to wait for the minutes then we refer it over and we'll send you a copy and give you a call.

MR. AMOIA: Thank you.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/23/96

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 96-25

NAME: AMOIA REALTY, LLC SITE PLAN  
APPLICANT: AMOIA REALTY, LLC

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG 10/11/96	MUNICIPAL HIGHWAY	10/15/96	APPROVED
ORIG 10/11/96	MUNICIPAL WATER . PROPERTY HAS TOWN WATER - CALL WATER DEPT. FOR FURTHER INFO	10/16/96	APPROVED
ORIG 10/11/96	MUNICIPAL SEWER	/ /	
ORIG 10/11/96	MUNICIPAL FIRE	10/23/96	APPROVED

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/23/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 96-25  
NAME: AMOIA REALTY, LLC SITE PLAN  
APPLICANT: AMOIA REALTY, LLC

---DATE---	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/16/96	WORK SESSION APPEARANCE	SUBMIT
09/25/96	P.B. APPEARANCE - DISCUSSION	MAKE APPLICATION

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/23/96

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 96-25

NAME: AMOIA REALTY, LLC SITE PLAN

APPLICANT: AMOIA REALTY, LLC

DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG 10/11/96	EAF SUBMITTED	10/11/96	WITH APPLICATION
ORIG 10/11/96	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG 10/11/96	LEAD AGENCY DECLARED	/ /	
ORIG 10/11/96	REQUEST FOR INFORMATION	/ /	
ORIG 10/11/96	DECLARATION (POS/NEG)	/ /	

Discussion

RESULTS OF P.B. MEETING

DATE: September 25, 1996

PROJECT NAME: A&R Concrete PROJECT NUMBER 96-25

\*\*\*\*\*

LEAD AGENCY: \_\_\_\_\_ \* NEGATIVE DEC: \_\_\_\_\_  
M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ \* M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_

CARRIED: YES \_\_\_\_\_ NO \_\_\_\_\_ \* CARRIED: YES: \_\_\_\_\_ NO \_\_\_\_\_

\*\*\*\*\*

PUBLIC HEARING: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_

WAIVED: YES \_\_\_\_\_ NO \_\_\_\_\_

SEND TO OR. CO. PLANNING: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ YES \_\_\_ NO \_\_\_

SEND TO DEPT. OF TRANSPORT: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ YES \_\_\_ NO \_\_\_

DISAPP: REFER TO Z.B.A.: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ YES \_\_\_ NO \_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVAL:

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ APPROVED: \_\_\_\_\_

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ APPR. CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

DISCUSSION/APPROVAL CONDITIONS: \_\_\_\_\_

Proposed body shop in P.I. zone  
Make Application w/ site Plan

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

A & R CONCRETE - RUSCITTI ROAD

Mr. Joseph Amoia appeared before the board for this proposal.

MR. PETRO: I have asked Joe to come in and I guess his sister to show us what they want to do. This is the old Fakton Iron Works, Mike, you are familiar with it, I know Mark, I think we talked briefly and Ron, you know where that is.

MR. LANDER: Yeah, they are looking to do a body shop, you have got somebody that wants to go in there as a body shop?

MR. AMOIA: Repair shop, not body shop, but a truck and repair shop, no painting.

MR. PETRO: Bottom line he's in a PI zone and it is not permitted use, you just want to give us a brief real quickly exactly what the problem is?

MR. BABCOCK: It's in a PI zone where vehicle repair or auto repair is not permitted.

MR. PETRO: So what I had told the applicants, I spoke with Joe and his sister here, instead of wasting time, make a formal application, poll the board again and see if we should send him to the zoning board. I know it's a zoning issue to get the variances but I don't want to, if we have no inkling on letting it go forward or not, it would be a good place to stop it now, but I think they have got some pictures, there's a body shop just down the road, he has his concrete plant right next to it, we have got Al Cherry behind it, we all know the place.

MR. LUCAS: They all take good care of the properties.

MR. PETRO: It's a place that a repair shop should be, wouldn't want it someplace else.

MR. LANDER: You have an asphalt, two asphalt plants up the road.

MR. PETRO: Does anybody have any problem with having them make a formal application before the board and we can send them to the zoning board?

MR. LANDER: No problem.

MR. STENT: No problem.

MR. LANDER: No problem.

MR. PETRO: We now need a full site plan, come up with a full site plan. Make a formal application, see Myra Monday or whenever you want and go from there. Once you do that, you're going to come back to this board again, we'll do it formally this time just like we did before we sent somebody to the zoning board, take a vote, be denied, go to the zoning, get a variances, come back here, we'll review it as a site plan. Might need landscaping and drainage. We'll look at that and go from there. Once you get through the zoning board, you'll be pretty well on your way.

MR. AMOIA: Come back up here Monday?

MR. PETRO: You can come here tomorrow, you want to make an application.

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DISCUSSION

A & R CONCRETE

Mr. Michael Amoia appeared before the board for this discussion matter.

MR. LUCAS: On his property down there, we're entertaining site plan approval.

MR. PETRO: What property?

MR. LUCAS: A & R Concrete, but it's Joe Ruscitti's. I did the offices there, I didn't remember this or bring it up but that building he wants to use it for truck repair, that is what that building was built for, Jim and Joe Ruscitti put that building up so they can work on their equipment and trucks in there.

MR. PETRO: Went to Facton Iron Works, it was manufacturing, now it's PI Zone.

MR. BABCOCK: Yeah.

MR. LUCAS: But that was what the original site plan was for Jim and Joe to work on their equipment.

MR. PETRO: Is it my--

MR. LUCAS: I didn't know if they came in for a change of use after that because they, Facton--

MR. PETRO: They would have lost the non-conforming use once they went to the conforming use.

MR. LUCAS: If they were repairing the trucks, what's the difference in there?

MR. PETRO: Who's repairing it?

MR. LUCAS: Facton.

MR. AMOIA: Facton had to repair their own equipment in this building also.

October 9, 1996

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MR. LUCAS: I asked him to come in.

MR. PETRO: Mike, how do you want to handle that?

MR. BABCOCK: The problem we have is our records don't show that, you know, the changes that they made throughout the years or the changes that they may have done or may have been truck repair, you know, that I know of our records don't indicate that. That is what I have to go by, you know, that is why I started with it, what I did is I pulled out the records and when it was assessed, the assessor was there, she made documents of what happened. I don't clearly remember exactly what it was. And the first time I talked to the gentleman he said what about R & D, well, according to our records, that is where Joe Ruscitti's repair shop was is where R & D is now, from that to the golf place.

MR. AMOIA: It went to the golf and when Joe built the building right down the street, that was his repair shop.

MR. BABCOCK: I don't disbelieve what you're saying. Problem we have is the records don't indicate that it was ever a vehicle repair.

MR. LUCAS: Because I worked on that building and I know that was the purpose of the building was, especially for Jim Ruscitti, who did all the mechanical work, that is what he used the building for. I didn't know if it was granted a variance after but I know that that was that.

MR. AMOIA: From that building it went to--

MR. LUCAS: Facton who worked on the trucks.

MR. AMOIA: From that building, he built the one down on River Road, after he moved out and sold it to Facton, that is where we are having the major problem. It was always a repair shop. Now Facton manufactured there but they still did work on their equipment.

MR. KRIEGER: They are going to the zoning board, is

that part of it?

MR. PETRO: We had recommended that he go to the zoning board, they are trying to circumvent that.

MR. AMOIA: We're in the process of that.

MR. KRIEGER: If that is part of the thing that they are supposed to do at the zoning board, my suggestion is have a preliminary in front of the zoning board and bring that up to them because that is going to be their responsibility. The planning board can't do anything by law about the zoning, whether it's prior non-conforming or whether it isn't, it's not within the purview of this board. It is within the purview of the zoning board. I would say bring it up at the preliminary because their normal method of operation if there's a way to avoid going through the whole process and they can do it there, they are usually very receptive to that so you should.

MR. PETRO: Good ammunition for the zoning board.

MR. KRIEGER: Bring it out at the preliminary.

MR. LUCAS: You can tell him you brought it up here.

MR. KRIEGER: Any statements that you can get along the way, I know that they were doing that, I know they were repairing trucks, that you can bring to the preliminary in front of the zoning board would be helpful.

MR. AMOIA: Grevas is working on the plans right now. He's drawing it all up for us and he just said he couldn't understand how we did it so fast and everything but part of this work we felt was already done when Joe had the building.

MR. STENT: When you go to the zoning board, if you can bring statements from Jim, Jim Ruscitti, you can get ahold of Jim, statements of what they used the building for, bring that to the zoning board.

MR. AMOIA: That is easy enough, I can make a phone call and do that one.

MR. KRIEGER: The more information you can give them to show a continuance, as I say, if there is a way legally that can avoid you having to go through the whole process, I know that they are normally very receptive to that approach. The place to do it is there and the time to do it is at the preliminary.

MR. AMOIA: Would it make sense for us to get something from Hal or Jeff over at Fakton stating they repaired equipment also?

MR. KRIEGER: Absolutely, yes, it would cause that establishes the continuing, what the problem is, you not only have to establish it, but you have to show that it was an unbroken chain in simple language. Because even if it was a truck repair at one point, if that was not, the town records don't show that it was doesn't mean it was or wasn't, just means that their records don't show it. You're going to have to be able to show that it continued from that day to this.

MR. AMOIA: That is easy enough.

MR. LUCAS: I hope I didn't overstep my bounds, I thought about this a week later but I didn't, I asked him to come, I told him I was going to--

MR. PETRO: Anything to help his cause, that is fine.

MR. BABCOCK: It's our problem, our records don't indicate it, they sent a perspective tenant in and they said to me is it legal for me to do this here. Well, you know, it's like the bank writes me a letter, I have to go by the records and I write that out. If they would have came in and saw me and told me all these things, then we went to the assessor's office and she wasn't here, then I wasn't here, then we don't know but we can, you never know what you can find. So I dug all the stuff out and it was never legally a repair shop so if they did repair there, they did it illegally, that is where the problem is because it's not allowed in that zone so when Fakton Iron Works went there--

MR. KRIEGER: If it was pre-existing, then as I

October 9, 1996

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indicated to him it is their burden to show that it continued unbroken. On the face of it, it's not allowed in that zone so--

MR. BABCOCK: When they were there, when Fakton Iron Works moved in or took over the building, Fakton Iron Works indicated to somebody in the town that there was no vehicle repair there, maybe they were repairing vehicles, they thought maybe they'd get in trouble so they said no, we don't do that.

# MEMO

To: Town Planning Board

From: Town Fire Inspector

Subject: Amoia Realty, LLC

Date: 23 October 1996

Planning Board Reference Number: PB-96-25

Dated: 11 October 1996

Fire Prevention Reference Number: FPS-96-051

A review of the above referenced subject site plan was conducted on 21 October 1996.

This site plan is acceptable.

Plans Dated: 10 October 1996.



Robert F. Rodgers, C.C.A.

RFR/dh



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

RECEIVED

OCT 15 1996

NEW WINDSOR PLANNING BOARD REVIEW FORM

N.W. HIGHWAY

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, ~~HIGHWAY~~

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 25

DATE PLAN RECEIVED: RECEIVED OCT 11 1996

The maps and plans for the Site Approval

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_

\_\_\_\_\_ has been

reviewed by me and is approved

disapproved

If disapproved, please list reason \_\_\_\_\_

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

*[Signature]* 10/15/96  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., ~~WATER~~ SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96-25

DATE PLAN RECEIVED: RECEIVED OCT 11 1996

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

Amoia Realty has been

reviewed by me and is approved

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There is town water servicing this  
Project. Call water dept. for further info.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT      DATE

Steve D. Do 10-16-91  
WATER SUPERINTENDENT      DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT      DATE



- Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 96 - 25  
 WORK SESSION DATE: 16 Oct 96 APPLICANT RESUB.  
 REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_ REQUIRED:  
 PROJECT NAME: Amoia Realty  
 PROJECT STATUS: NEW  OLD \_\_\_\_\_  
 REPRESENTATIVE PRESENT: Bill Hildreth  
 MUNIC REPS PRESENT: BLDG INSP. ?  
 FIRE INSP. act  
 ENGINEER X  
 PLANNER \_\_\_\_\_  
 P/B CHMN. \_\_\_\_\_  
 OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Old Fabton Iron works. PI
- want Truck (vehicle) repair.
- Not permitted use → need use variance
- Needs to decide what else they need

## TOWN OF NEW WINDSOR 96-25

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

"XX"

APPLICATION TO:  
TOWN OF NEW WINDSOR PLANNING BOARD

TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Chg. \_\_\_\_\_ Site Plan  Spec. Permit 

1. Name of Project AMOIA REALTY, LLC SITE PLAN
2. Name of Applicant AMOIA REALTY, LLC Phone 562-0640  
Address 8 RUSCITTI ROAD NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)
3. Owner of Record AMOIA REALTY, LLC Phone 562-0640  
Address 8 RUSCITTI ROAD NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)
4. Person Preparing Plan BREVAS & HILDRETH, L.S., P.C.  
Address 33 QUASSAICK AVENUE NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)
5. Attorney DRAKE, SOMMERS, LOEB, TARSHIS Phone 565-1100  
& CATANIA  
Address 1 CORWIN COURT NEWBURGH N.Y. 12550  
(Street No. & Name) (Post Office) (State) (zip)
6. Person to be notified to represent applicant at Planning Board Meeting TONY AMOIA Phone 562-0640  
(Name)
7. Project Location: On the EAST side of RUSCITTI ROAD  
(street)  
600 feet NORTH of WALNUT AVENUE  
(direction) (street)
8. Project Data: Acreage of Parcel 1.15 Zone P I,  
School Dist. NCSD
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? Y \_\_\_\_\_ N

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

10. Tax Map Designation: Section 18 Block 1 Lot 14.1

11. General Description of Project: CONVERSION OF EXISTING BUILDING TO TRUCK REPAIR GARAGE.\* OUTSIDE STORAGE OF CONCRETE PRODUCTS. \* (3 BAYS)

12. Has the Zoning Board of Appeals granted any variances for this property?        yes   X   no.

13. Has a Special Permit previously been granted for this property?        yes   X   no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

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

10<sup>th</sup> day of October 1996

Jim P. Amoroso Post  
Applicant's Signature

Anna J. Engenito  
Notary ANNA J. ENGENITO #4948215  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 6, 1997

\*\*\*\*\*

TOWN USE ONLY:

\_\_\_\_\_  
Date Application Received

\_\_\_\_\_  
Application Number

PROJECT I.D. NUMBER

617.21

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 <i>AMOIA REALTY, LLC</i>		2. PROJECT NAME <i>AMOIA REALTY, LLC SITE PLAN</i>	
3. PROJECT LOCATION: Municipality <i>TOWN OF NEW WINDSOR</i> County <i>ORANGE</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>EAST SIDE OF RUSCITTI ROAD, 600' NORTH OF WALNUT AVENUE TAX MAP SECTION 18 BLOCK 1 LOT 1A.1</i>			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>CONVERSION OF EXISTING BUILDING TO 3 BAY TRUCK REPAIR GARAGE. OUTSIDE STORAGE OF CONCRETE PRODUCTS.</i>			
7. AMOUNT OF LAND AFFECTED: Initially <i>1.15</i> acres Ultimately <i>1.15</i> 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 <i>USE VARIANCE REQUIRED FOR TRUCK REPAIR GARAGE. BULK (AREA) VARIANCES MAY BE REQUIRED AS WELL</i>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
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 <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS USE VARIANCE</i>			
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 type="checkbox"/> No <i>N/A</i>			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>AMOIA REALTY, LLC</i>		Date: <i>10 OCTOBER 1996</i>	
Signature: <i>Jim L. Amoia - Boy</i>			

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

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

**A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 817.12? If yes, coordinate the review process and use the FULL EAF.**

Yes  No

**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 817.8? If No, a negative declaration may be superseded by another involved agency.**

Yes  No

**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)**

**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:**

**C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:**

**C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:**

**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:**

**C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.**

**C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.**

**C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.**

**D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**

Yes  No If Yes, explain briefly

**ART 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.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
Date

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

1.  Site Plan Title
2.  Applicant's Name(s)
3.  Applicant's Address(es)
4.  Site Plan Preparer's Name
5.  Site Plan Preparer's Address
6.  Drawing Date
7.  Revision Dates
8.  Area Map Inset
9.  Site Designation
10.  Properties Within 500' of Site
11.  Property Owners (Item #10)
12.  Plot Plan
13.  Scale (1" = 50' or lesser)
14.  Metes and Bounds
15.  Zoning Designation
16.  North Arrow
17.  Abutting Property Owners
18.  Existing Building Locations
19.  Existing Paved Areas
20.  Existing Vegetation
21.  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 Prop.
53.  No. of Parking Spaces Req.

\* TO BE DETERMINED

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. N/A A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: William B. Stedwell, L.S.  
Licensed Professional

Date: 10 OCTOBER 1995

## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

*THIS PROPERTY IS NOT IN A FLOOD ZONE*

*William B. Hedred, C.S.*