

**ZB# 04-55**

**Mary Alva**

**54-1-43.21**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Approved 8-9-04*

ZBA #04-55 MARY ALVA (MONDOMED)  
MT. AIRY ROAD (54-1-43.21) (AREA)

Greg Shaw 561-3695

-----X  
In the Matter of the Application of  
**MARY ALVA (MONDOME, INC.)**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #04-55  
-----X

**WHEREAS, Gregory Shaw, P.E., representing John Alva , owner(s) of 380 Mt. Airy Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:**

10 ft. Side Yard Setback and;

Variance of Section 300-19 of Town Code which "Requires all structures of recreational facilities to be of a permanent nature." and;

Interpretation: As to whether an Area Variance for off-street parking is required, and if required, an Area Variance of 104 parking spaces.

For a proposed 21,830 s.f. Seasonal Dome for winter indoor soccer use at 380 Mt. Airy Road  
In an R-1 Zone (54-1-43.21)

**WHEREAS, a public hearing was held on August 9, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared on behalf of this Application; and**

**WHEREAS, there were four spectators appearing at the public hearing; and**

**WHEREAS, four people spoke in favor of and no one spoke in opposition to the Application; and**

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

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

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

2. The Evidence presented by the Applicant showed that:

- (a) The property is a large tract of recreational property located in a rural neighborhood.
- (b) The applicant seeks to erect a dome structure to be used seasonally from November through April of each year.
- (c) With respect to the parking, the nature of the facility as a golf course, even with the additional use of the seasonal dome proposed is not likely to require greater parking than is provided by the applicant. The applicant is providing many more spaces than are presently provided so that while there is a deficiency according to the New Windsor Zoning Code, the deficiency is less than it was previously.
- (d) With respect to the side yard setback variance, the structure cannot be reasonably located in an area that would not require a variance. While the tract of the property itself is large, it is entirely taken up now with its use as a Par-3 golf course.
- (e) In erecting the dome, no trees or substantial vegetation will be removed.
- (f) In erecting the dome, the applicant will not divert the flow of water drainage nor create the ponding or collection of water.
- (g) The dome will not interfere with any easements including, but not limited to, water, sewer and utility easements.
- (h) The applicant has agreed that the structure, if is permitted to be built, will be subject to periodic inspections by the Building Inspector and that if the Building Inspector feels that more parking is warranted than is being presently supplied, the applicant will install additional parking.

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

- 1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- 2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s), provided that as a condition of the granting of this variance, the applicant permit the Building Inspector to inspect the premises at least yearly to determine whether or not, in his opinion, more parking than is presently provided for is needed. In the event that the Building Inspector feels that more parking is necessary, the applicant will install additional parking.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

10 ft. Side Yard Setback and;

Variance of Section 300-19 of Town Code which "*Requires all structures of recreational facilities to be of a permanent nature.*" and;

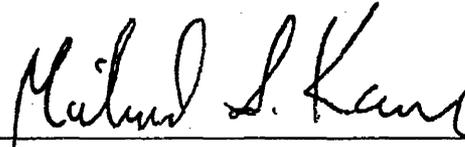
**Interpretation:** As to whether an Area Variance for off-street parking is required.  
For a proposed 21,830 s.f. Seasonal Dome for winter indoor soccer use at 380 Mt. Airy Road

In an R-1 Zone (54-1-43.21) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 9, 2004

A handwritten signature in cursive script, reading "Michael S. Kane". The signature is written in black ink and is positioned above a horizontal line.

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Chairman

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

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 04-10

DATE: 06-21-04

APPLICANT:

**MARY ALVA (MONDOME)**  
**280 MT. AIRY ROAD**  
**NEW WINDSOR, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 05-18-04

FOR: SITE PLAN

LOCATED AT: MT AIRY ROAD

ZONE: R-1

DESCRIPTION OF EXISTING SITE: SEC: 54 BLOCK: 1 LOT: 43.21

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Variance Required for Side Yard Setback, Off-street Parking and Temporary Building.**  
**Note that 28 additional gravel overflow parking spaces are provided in addition to the 39 paved spaces on the plan.**

TOWN OF NEW WINDSOR CODE: See 300-19 regarding temporary structures.

  
MICHAEL BABCOCK,  
BUILDING INSPECTOR 

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **04-10**

ZONE: **R-1**

USE: **A-4**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	5 Acres	33.23 Acres	-
MIN. LOT WIDTH	200 ft.	284 ft.	-
REQUIRED FRONT YARD	100 ft.	1125 ft	-
REQUIRED SIDE YARD	50 ft	40 ft	10 ft
REQUIRED TOTAL SIDE YARD	100 ft.	859 ft	-
REQUIRED REAR YARD	50 ft.	416 ft	-
REQUIRED FRONTAGE	50 ft	284 ft	-
MAX. BLDG. HT.	50 ft	< 50'	-
FLOOR AREA RATIO	n/a	0.02	-
MIN. LIVABLE AREA	n/a	n/a	-
DEVELOPMENTAL COVERAGE	10%	5.1%	-
O/S PARKING SPACES	143	39*(see comments above)	104*(see comments above)

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

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

MONDOME, INC. (04-10)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Application at this meeting is for review and referral to the Zoning Board of Appeals. The property is an R-1 zoning district of the Town, use expansion recreation facility subject to 300-19 which frankly means it's a permitted use in the zone. The variance is as follows, why don't you go over those, Greg?

MR. SHAW: Very simply, we need two variances from this board, one is for a--we need a referral to the Zoning Board of Appeals for two variances, one is for a side yard setback, we're required to provide 50 feet, we're providing 40 feet, so we need a 10 foot side yard setback. And the reason for that is that the property is uniquely situated between the golf hole on the easterly side, the driving range on the southerly side and the cart path to the first tee which is on the westerly side. For that reason, we would need a side yard setback of 10 feet. Additionally, I think this is where the board would be interested, the parking variance, your zoning ordinance requires us to provide one space for every 150 square foot of gross floor area which would be applicable to the retail golf shop that's 10 spaces and also 4 spaces per acre for a recreational facility at 33 acres, we're obligated to provide 133 spaces for the recreational facility for total of 143. What we're providing are a total of 67 spaces, there will be 39 spaces which will have a macadam surface and let's call that permanent parking and on the easterly side of the property, there will be overflow parking as suggested by your consulting engineer for a total of 28 spaces. The operation of the seasonal dome would be just the opposite of the golf course, the golf course would be in operation from let's say April 1 to the end of October, the soccer

season picks up probably in the middle part of November and runs through the winter and ends in about the month of February, so the parking would be used for both, both for golfers during the summer and when the dome is done and then the dome would be put back in the late fall and that parking would be used by people using the soccer facility. So we need a referral to the Zoning Board of Appeals and maybe this is the proper place to discuss whether this board feels this number of spaces is adequate for this facility which we believe it is because he wouldn't want to get a variance for a specific number and come back to this board and feel that you don't feel that the number is appropriate.

MR. ARGENIO: Greg, are you implying that the recreational facilities underneath the dome will not be in use in the summer months?

MR. SHAW: Correct, there will be no dome during the summer months.

MR. ARGENIO: I understand that part, the dome is covering recreational facilities, will they be in use during the summer months?

MR. SHAW: No, will not be.

MR. SCHLESINGER: What's the dome, picture a dome as a permanent structure?

MR. SHAW: It's an inflatable dome.

MR. ARGENIO: Like 9W tennis has.

MR. SCHLESINGER: Why would you want to take it down during the summer?

MR. ALVA: The humidity is so bad inside the dome.

MR. SCHLESINGER: Why wouldn't you want to use it

during the summertime?

MR. ALVA: Same reason why Sportsplex doesn't use it, the humidity inside the thing is so bad.

MR. SCHLESINGER: You're taking the dome down so now you have a field?

MR. EDSALL: To be honest with you, the size of the field that's under the dome is so small that teams don't use that in the winter, don't use it in the summer, in the winter they need a place to practice so there's a demand, in the summertime, you go out on normal fields.

MR. SCHLESINGER: My next question is if you were to put up an open-sided pole building with a fixed roof, that's considered a building, is that correct?

MR. EDSALL: Yeah.

MR. SCHLESINGER: Now is this under that same heading?

MR. BABCOCK: Sure, it's a structure.

MR. SCHLESINGER: It's not permanent though.

MR. BABCOCK: Doesn't matter.

MR. SCHLESINGER: Even though it can be taken down?

MR. EDSALL: I just want to jump in on one additional variance that I want them to ask for, they need it while they're at the ZBA, the Section 300-19, which is the recreational facility section requires that any building provided under that section of the code be permanent. Now I don't know what the definition of permanent is anything can be taken apart and put back together, including accessory buildings if you care to. So I need to you ask the question, say that this is not

an uncommon situation, in fact, there are other buildings in the Town that are similar and just let them make a decision if you do or do not need a variance. I don't want to have you make two trips for unnecessary reasons. The second issue that we should let the zoning board know about is that really the parking variance is one that they could decide that they do or don't believe you need because the acreage is there already, the recreational facilities are there already. It's not as if it's based on square footage of something new, it's based on the existing site. So you have effectively an existing condition with a shortage, in fact, it's a positive thing that they're adding more parking so they're working with us, and the acreage is not changing, therefore you may not need a variance.

MR. BABCOCK: What about the section of the code where you can share parking, he doesn't meet that here?

MR. EDSALL: Well, the bottom line is that he's effectively saying that because he's well below the required parking but he doesn't meet it in the winter or the summer but he has the same situation right now as we speak.

MR. PETRO: I think Greg has done a good job here breaking it down, he's got it done well as he usually does, let him get this variance if they're happy with it and if they get it and it works, good. I'll entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Mondome, Inc. site plan on Mt. Airy Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER      AYE  
MR. KARNAVEZOS      AYE  
MR. ARGENIO          AYE  
MR. PETRO            AYE

MR. PETRO: Just a couple small comments, Greg, before we send you away, per the new code requirements, a sign is required in front of the cross-hatched access lane of the handicapped parking space. Sign must read no parking any time and the outlet storm water piping should have a rip-rap apron to prevent erosion.

MR. SHAW: Absolutely.

MR. PETRO: And with the number of hours that Mr. Alva spends on the excavator he can probably get that done in no time at all.

MR. EDSALL: I think Mr. Shaw has asked if the board believes the number of spaces they're proposing to add to the site are reasonable and in the Planning Board's opinion I can tell that you, they have been cooperative and added the overflow parking based on the suggestions.

MR. PETRO: I thought it was reasonable, I thought the whole thing's set up nice.

MR. ARGENIO: Looking for an affirmative recommendation? There it is.

MR. SHAW: Thank you.

MR. PETRO: Motion for final approval.

MR. ARGENIO: Make the motion for final approval.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mondome, Inc. site plan on Mt. Airy Road. Any further comments from anybody? If not, roll call.

ROLL CALL

MR. SCHLESINGER	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for the necessary variances. If you receive those variances, place them on the plan and if you wish to reappear before this board again for further review, you may do so.

July 12, 2004

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the question at hand, Mike?

MR. BABCOCK: What they're basically asking is that if there's just one toilet bowl in the men's and one in the ladies' room is that sufficient for all this occupancy as far as new York State Code is concerned, New York State code is going to tell you square footage per whatever the square footage is for a person to have this unit and then whatever that is, that's how many people will be able to occupy.

MR. SHAW: I'll get you the occupancy on the zone itself. Thank you.

# **TOWN OF NEW WINDSOR STORMWATER MANAGEMENT AND STORMWATER POLLUTION PREVENTION LOCAL LAW**

## **I. PURPOSE**

The New York State Department of Environmental Conservation has promulgated regulations requiring municipal separate storm sewer systems (MS4) to obtain coverage under NYSDEC General Permit 02-02. The Town of New Windsor has implemented a stormwater management plan, which requires enactment of a local law requiring stormwater management for various activities within the Town. It is the purpose of this local law to adopt minimal acceptable standards which must be met for subdivisions, site plans, and construction projects, which impact more than one acre of property within the municipal boundaries. The Town has noted that changes in watershed hydrology can occur due to land development, site grading, roadway construction and other construction activities. The Town wishes to protect the general public from impacts associated with increase runoff from developed properties as well as protecting the water quality of receiving stream waters within the Town. The purpose of this local law is to set forth standards for development of property within the Town in order to obtain compliance with regulatory stormwater management requirements and sound engineering practices.

## **II. OBJECTIVES**

The Town has in the past experienced problems regarding stormwater management in that uncontrolled runoff can increase the amount of flooding and sediment pollution which in turn adversely effect water quality that can impact human life, water quality, receiving stream biodiversity, and the general heath and safety of the public. Therefore, the Town of New Windsor determines the following:

1. Set forth standards which comply with the requirements of the NYSDEC General Permit for Stormwater Discharges;

2. Protect the public and prevent damage from flooding;
3. Implement a program to detect, enforce, and eliminate illicit discharges to the Town stormwater collection system.
4. Encourage the protection of natural drainage systems such as stream, lakes, State and Federal wetlands in order to preserve the beneficial functions and values of those resources.
5. Require the implementation of sound stormwater management and soil erosion and sediment control practices to be implemented on subdivisions, site plans, and construction sites.
6. Provide for the retrofitting of current engineering practices on redeveloped sites.

### ***III. DEFINITIONS***

**“Adverse Impacts”** – any modifications, alterations, or effects on a feature or characteristic of public waters, wetlands, or adjacent lands, including their quality, quantity, hydrology, surface area, species composition, living resources, aesthetics, or usefulness for human or natural uses which are potentially harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability, or which unreasonably interfere with the enjoyment of life or property including outdoor recreation.

**“Detention Structure”** – a permanent structure for the temporary storage of runoff, designed so as not to create a permanent pool of water, which gradually releases water over 24 hours at a rate not exceeding the pre-development rate of runoff. This structure is used to control the peak discharge rates of stormwater and provide gravity settling of pollutants.

**“Developer”** – means any person or corporation who engages in development either as the Owner or the Agent of the Owner of property.

**“Development” or “Development Activity” means:**

- a) construction, installation, alternation, demolition, or removal of a structure, impervious surface, or drainage facility; or
- b) clearing, scraping, grubbing or otherwise removing or killing the vegetation of a site; or
- c) adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soil, mud, sand or rock of a site.

**“Drainage Facility”** – any component of the drainage system.

**“Drainage System”** – the system through which the water flows from the land. It including stormwater, watercourses, waterbodies, groundwater and wetlands.

**“Erosion”** – the wearing away or washing away of soil by the action of wind or water.

**“Extreme Flood Control Criteria” (Qf)** – requires storage to attenuate the post development 100 year 24 hour peak discharge to predevelopment rates, 7.8 inches of rainfall in 24 hours.

**“First Flush”** – the first one-half inch of runoff or the runoff generated from a one (1) year storm event, whichever is greater, from all land areas that have been made more impervious than predevelopment conditions through land clearing, grading, construction or development activities

**“Flood”** – the temporary rise in the level of any waterbody, watercourse, or wetland which results in the inundation of areas not ordinarily covered by water.

**“Illicit Discharges”** – any discharge to the storm system other than naturally occurring surface water runoff or runoff which is exempted by NYSDEC MS4 regulations. Illicit discharges can also include stormwater with any admixtures including regulation chemicals and substances. Illicit discharges shall include discharges from sanitary sewer systems and floor drains, with the exception of uncontaminated condensate water.

**“Impervious Surface”** – a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious areas such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks and parking lots.

**“Infiltration Basin”** – a permanent structure designed to recharge stormwater runoff to groundwater.

**“MS4 - Municipal Separate Storm Sewer Systems”** as defined by NYSDEC construction activity – any process or technique which involves the regrading or altering of existing topography, installation of pipes, bridges, structures, water systems, sewer systems.

**“Natural Systems”** - systems which predominantly consist of or use those communities of plants, animals, bacterial and other flora and fauna which occur indigenously on the land, in the soil, or in the water.

**One Year Design Storm** – Three inches of rainfall in 24 hours.

**“Overbank Flood Control Criteria”** – requires storage to attenuate the post development 10 year 24 hour peak discharge rate to predevelopment flow rates. Ten year design storm 5 inches for 24 hours.

**“Owner”** – the person in whom is vested the fee ownership, dominion, or title of property, i.e., the proprietor. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

**“Receiving Bodies of Water”** – any waterbodies, watercourses, or wetlands into which surface waters flow either naturally in man-made ditches or in closed conduit systems.

**“Retention Structure”** – a permanent structure which provides for the storage of runoff by means of a permanent pool of water without release except by means of evaporation, infiltration, or attenuated release when runoff volume exceeds the permanent storage capacity.

**“Sediment”** – fine particulate material, whether mineral or organic, that is in suspension or has settled in a waterbody.

**“Sediment Facility”** – any structure or area which is designed to hold runoff water until suspended particles have settled.

**“Site”** – any lot or parcel of land or combination of lots or parcels of land of combination of lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.

**“Stormwater Hot Spots”** – a land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants that are found in typical stormwater runoff. NYSDEC has published a list of activities that are considered stormwater hotspots.

**“Stormwater Management Plan”** – the detailed analysis of stormwater and drainage as described in and required by these regulations.

**“Stream Channel Protection Criteria” (CPv)** – the volume of water calculated in a one year 24 hour storm event.

**“Structure”** – that which is built or constructed, an edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner not including fences or signs.

**“Two Year Design Storm”** – 3.75 inches, 24 hour rainfall.

**“Type Three Storm Distribution”** -

**“Vegetation”** – all plant growth, including trees, shrubs, herbs, vines, ferns, mosses, and grasses.

**“Waters” or “Public Waters”** – any water on or beneath the surface of the ground including the water in any watercourse, waterbody, or drainage system. Also includes diffused surface water and water standing, percolating, or flowing beneath the surface of the ground.

**“Water Quality Volumes (WQv)”** – is the volume of water equating to the 90% of the average annual stormwater runoff volume. WQv is established as 1.2 inches of runoff breaker.

**“Watercourse”** – any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks.

**“Waterbody”** – any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

**“Watershed”** - a drainage area or basin contributing to the flow of water in a receiving body of water.

**“Wetlands”** – any area meeting the requirements of the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands’ (latest edition), and/or any area identified by the NYSDEC as being a state protected wetland.

#### ***IV. APPLICABILITY***

An individual Stormwater Management Plan and Stormwater Pollution Prevention Plan developed in compliance with the New York State Stormwater Management Design Manual dated latest revision must be submitted for review and acceptability to the Town official agency jurisdiction over approval of a project including:

- a) subdivision of land;
- b) approval of a site plan;
- c) issuance of a building permit where greater than one acre of property will be impacted;
- d) construction or extension of an existing Town or private roadway;
- e) alteration of an existing drainage system or watercourse ;

- f) redevelopment of existing sites.

## **VII EXEMPTION**

The following development activities are exempt from the Stormwater Management and Stormwater Pollution Prevention Plan Requirements.

- a) developments which disturb less than one acre of land;
- b) agricultural land management activities;
- c) alteration, maintenance of an existing structure which will not have an impact on the quantity or quality of surface water discharge from the site.

## **VIII CONTENTS OF THE STORMWATER MANAGEMENT AND STORMWATER POLLUTION PREVENTION PLAN**

The Stormwater Management and Stormwater Pollution Prevention Plan shall fully document compliance with the requirements of the NYSDEC Construction SPDES Permit and New York State Stormwater Management Design Manual. All sites requiring a Stormwater Management Plan and Stormwater Pollution Prevention Plan to be implemented must document a no increase in peak discharge from the predevelopment versus post development conditions.

**IX. COMPONENTS OF A STORMWATER MANAGEMENT PLAN  
AND STORMWATER POLLUTION PREVENTION PLAN**

Stormwater Management Plans and Stormwater Pollution Prevention Plans shall be prepared by professionals licensed by the State of New York to prepare such documents. Plans shall consist of an analysis of the predevelopment runoff rates, versus post development runoff rates with engineering controls implemented to assure that predevelopment peak discharge at property lines, streams or water courses are not exceeded in the post development conditions for each design storm event and return frequency. Stormwater Management and Stormwater Pollution Prevention Plans shall take into account existing soils, vegetation and cover types, and topography in the analysis. Plans shall identify engineering computations and variables utilized in all calculations. Any assumptions utilized in the calculations shall be clearly identified. Stormwater Management and Stormwater Pollution Prevention Plans shall comply with the requirements of the New York State Stormwater Management Design Manual, (year of latest revision), and appropriate regulatory guidelines and standards. Additional information shall be provided if requested by the Town Engineer. Stormwater Management and Stormwater Pollution Prevention Plans will address both water quantity control as well as water quality control including storage requirements for water quality volume, stream protection, ten-year peak runoff control and a 100 year flood control, in addition, detention ponds shall also be analyzed for a 25 year storm event for a pre and post development runoff analysis. This local law by reference will utilize the New York State Stormwater Management Design Manual as a basis for stormwater management and design guidelines for stormwater management practices.

**X. DESIGN STANDARDS**

Stormwater Management and Stormwater Pollution Prevention facilities shall be provided with the appropriate easements encompassing the stormwater management facilities and a reasonable area surrounding them for operation and maintenance of the stormwater management devices.

Stormwater management appurtenances shall not be located within State of Federally designated wetlands. Owners shall execute necessary agreements, deed restrictions, covenants or easements; and such documents shall be submitted in acceptable form prior to final approval by the Town Planning Board.

## ***XI. MAINTENANCE***

Stormwater Management and Stormwater Pollution Prevention Plans shall address maintenance of all stormwater related improvements on subdivisions and site plans. Maintenance activity shall be the responsibility of the owner of the site. Erosion control plans, in compliance with NYSDEC standards and as approved by the Planning Board, shall be implemented prior to construction activities commencing on a site. Soil erosion control methods and techniques shown on the approved plans and any additional controls required by the Building Inspector and Town Engineer shall be implemented and maintained throughout the project construction phase. Erosion and sediment control devices shall remain properly maintained on the site until the site has been stabilized. Maintenance of stormwater management appurtenances on site plans shall continue to be the responsibility of the site owner. Periodic maintenance of stormwater management control is required to assure their functions. Maintenance shall be performed in accordance with the Stormwater Management and the Stormwater Pollution Prevention Plan and sound environmental practices. Maintenance activities shall include, but not limited to, mowing of vegetation, removal of debris, removal of sediment, cleaning of catch basins and pipes, repair and replacement of defective structures, equipment, or devices.

Post development maintenance of stormwater management facilities designed and constructed on a residential subdivision shall be performed by a Homeowners Association or a drainage district established by the Town Board in order to provide for required maintenance activities. Appropriate easements shall be provided for access and maintenance to all stormwater management facilities. Costs for maintenance shall be

borne either by a Homeowners Association or a drainage district. Cost associated with maintenance within a district shall be assessed to each individual property annually on an ad valorem basis.

## **XII. MAINTENANCE BONDS**

The Planning Board may require a maintenance bond be posted to meet the maintenance obligations for Stormwater Management and Pollution Prevention facilities. Maintenance bonds shall cover the estimated cost of maintaining the system for five years after substantial completion of construction.

## **XIII. PROHIBITED DISCHARGES (ILLICIT DISCHARGE)**

No person, owner, contractor, site operator shall cause to be discharged to any stormwater collection or conveyance system, natural water course or water body within the Town of New Windsor, any substance other than naturally occurring surface water discharges, melted snow, uncontaminated groundwater discharges from foundation footing drains, air condition condensate, irrigation waters, springs, water from crawl space and basement sump pumps, lawn watering, individual residential car washing, declorinated swimming pool discharges, street wash water, and fire fighting water.

The above discharges must be free from any hazardous or toxic chemicals or substances, petroleum products, sanitary sewage, pesticides, herbicides or other noxious chemicals.

With the exception of the discharges identified above, no discharge piping from any floor drain, sanitary drains, process piping shall be connected to any Town maintained stormwater collection and conveyance system.

It shall be the duty of the Code Enforcement Officer to assure compliance of this chapter.

#### **XIV. POST CONSTRUCTION STORMWATER MANAGEMENT**

It is the intent to require the continued operation and maintenance of stormwater management facilities on construction sites, site plans, and subdivisions. The Town of New Windsor has determined to reduce impacts associated with construction activities including reducing impacts to receiving water quality as well as flood control from developed sites. All temporary soil erosion and sediment control devices and appurtenances required during the construction phase shall be maintained until sites become stabilized either through impervious surfaces or the establishment of vigorous vegetative growth. All areas disturbed during construction shall be revegetated sufficiently to control erosion from all disturbed areas.

Prior to issuance of a Certificate of Occupancy for a site plan for the first residential structure in a subdivision, the applicant's engineer shall certify to the Town of New Windsor Building Department that all stormwater management facilities have been constructed in conformance with the site's Stormwater Management and Pollution Prevention Plan. Elements of the shall become part of any approved site plan or subdivision and shall be enforceable by the Code Enforcement Officer.

All site plans and subdivisions which are subject to Local Law shall contain appropriate notes requiring ongoing maintenance of all Stormwater Management and Pollution Prevention facilities and devices during construction and thereafter.

**XV. ENFORCEMENT**

a. It shall be the duty of the Code Enforcement Officer to assure compliance with this chapter.

b. Any person, firm or corporation who or which violates any of the provisions of this article shall be guilty of a violation, punishable by a fine of not less than \$100.00 nor more than \$250.00 or imprisonment for a period not to exceed 15 days, or both. Each day that the violation exists shall be a separate offense.

**XVI. SEVERABILITY**

a. Should any section or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.



# Town of New Windsor

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

## OFFICE OF THE ZONING BOARD OF APPEALS

October 26, 2004

Mary Alva (Mondome)  
380 Mt. Airy Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-55

Dear Mrs. Alva:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**Applicant: Mary Alva**  
380 Mt. Airy Road

The subject property is a 33.2 acre parcel located on the west side of Mt. Airy Road and within the Rural Residential (R-1) Zoning District. Being within an agricultural area of the Town, site is adjacent to relatively large parcels of undeveloped land. For the past 30 years the site has been used as a recreational facility known as the Bellwood Par 3 Golf Course, and recently a golf driving range has been added to the facility.

The Applicant proposes to construct a 21,830 SF seasonal dome for winter indoor soccer use. Associated site improvement will include 39 permanent parking spaces with an additional 28 spaces available for overflow parking. These parking areas would also be used during the non-winter months by the golf course and the golf driving range. Access to the new seasonal dome would be same as for the golf course, that being along the existing 1,100-foot long drive from Mt. Airy Road.

The Applicant is requesting the following Area Variances and/or Interpretations:

- |                                   |   |
|-----------------------------------|---|
| Variance No. 1                    | An Area Variance of 10 feet for a Side Yard Setback where 40 feet is provided and 50 feet is required.  |
| Variance No. 2                    | An Area Variance to Section 300-19 of the Town Code that requires all structures of recreational facilities to be of a permanent nature.  |
| Interpretation/<br>Variance No. 3 | An interpretation as to whether an Area Variance for off-street parking is required, and if required, an Area Variance of 104 parking spaces as 143 spaces are required and 39 spaces are provided. |

Regarding the above Variances, the request for a Side Yard Setback (Variance No. 1) is self-explanatory. The request of a Variance for a seasonal structure for a recreational facility (Variance No. 2) is not unusual in the Town of New Windsor as there are other recreational facilities such as Sportsplex that also have a seasonal dome structure.

Prior to determining the merits of the off-street parking request (Variance No. 3), an Interpretation must be made as to whether this Variance is actually required. As presented above, the subject property has been used for over 30 years as a recreational facility, primarily a Par 3 Golf Course. The parking spaces that supported this facility has been, and continues to be, minimal when compared to the number of spaces required by the Town of New Windsor Zoning Ordinance. The required number of parking spaces for this existing facility is 143 spaces, and it is based on 133 spaces (4 spaces for each of the 33.2 acres) for the recreational land, and 10 spaces for the existing pro shop (1 space for each 150 SF of floor area). Presently parking is available for approximately 30 spaces in an unimproved area adjacent to the seasonal

dome and this results in a current deficiency of 113 spaces for the existing site. The construction of the seasonal dome along the 39 permanent parking and 28 overflow parking spaces will actually decrease this non-conformity and not add to the deficiency.

If the Zoning Board Of Appeals determines that the present lack of parking is a pre-existing non-conforming condition, than a Variance is not required. If it is not a pre-existing non-conforming condition and a Variance is required, the Variance should be granted due to the creation of 39 permanent parking spaces resulting from the construction of the seasonal dome. As the dome will be used during only the winter months, this new parking will not be simultaneously shared by the golf course. Actually, the golf course will benefit from the construction of the seasonal dome as the new parking spaces will be available for its use during the non-winter months when the dome is not pressurized.

As presented above, the subject property is located in the rural part of the Town having large lots of agricultural use. The property itself is also large being 33 acres. The location of the seasonal dome and its parking areas are substantial distances from Mt. Airy Road (1,100 feet), the southerly boundary line of the parcel (740 ft.) and the westerly boundary line (416 feet). While the seasonal dome is 40 feet from the northerly boundary line (50 feet is required) the adjacent parcel is a large agricultural parcel. For these reasons the granting of the three Variances will not produce an undesirable change in the character of the neighborhood nor be a detriment to nearby properties. Also, the granting of the Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The benefit sought by the Applicant cannot be achieved by some other method feasible because the seasonal dome will be situated between the existing hole of the golf course, the golf driving range, and a steep embankment thus requiring a 10-foot Side Yard Variance (Variance No. 1). Also, to construct a permanent structure and a 39 space parking area just for a soccer field (Variance No. 2) are not economically practical.

The requested Variances are not substantial as only a 10-foot Side Yard Variance is being request while still providing a distance of 40 feet (Variance No. 1). To allow a seasonal structure would be consistent with other recreational facilities in the Town (Variance No. 2), and the granting of the Variance for parking would create a new permanent parking area totaling 39 spaces, substantially more than is presently available.

Finally, the alleged difficulty was not self-created as the physical constraints of the seasonal dome site dictate the placement of the structure and thus the need for Variance for the Side Yard Setback (Variance No. 1). Also, the deficiency of the required number of parking spaces presently exists (Variance No. 3) and will only be improved by the granting of the Variance.

TOWN OF NEW WINDSOR ZONING BOARD  
PUBLIC HEARING FOR:

Mondome

DATE: 8-9-04

SIGN-IN SHEET

NAME	ADDRESS
1. TONY MARTELLI	39 ONA LANE, New Windsor, NY 12553
2. David ZAGEN	1002 VERDE VISTA New Windsor, NY 12553
3. Bob Czumat	41 Clove Rd Salisbury Mills, NY 12577
4. Jennifer Camardello	41 Clove Rd Salisbury Mills, NY 12577
5. Kevin McDonald	42 Wayland Way Rock Tavern, NY 12575
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**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: OCTOBER 18, 2004**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 270.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-55**

**NAME & ADDRESS:**

**Mary Alva (Mondome)  
380 Mt. Airy Road  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.10-18-04**



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



FILE #04-55      TYPE: AREA

**APPLICANT Name & Address:**

**Mary Alva (Mondome)  
380 Mt. Airy Road  
New Windsor, NY 12553**

TELEPHONE:    567-6767

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>181 &amp; 10910</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            COMMERCIAL \$500.00                            CHECK # 179



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>	
PRELIMINARY:	<u>10</u>	PAGES	<u>\$ 55.00</u>	<u>\$ 35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>19</u>	PAGES	<u>\$104.50</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

TOTAL:                            \$159.50                            \$ 70.00



ESCROW POSTED:                            \$ 500.00 (Mondome Inc.)  
LESS: DISBURSEMENTS:                    \$ 229.50

AMOUNT DUE:                                \$ \_\_\_\_\_

REFUND DUE:                                 \$ 270.50

Cc:

MARY ALVA (MONDOME, INC.) (04-55)

Mr. Gregory Shaw of Shaw Engineering and Mr. John Alva appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback and variance of Section 300-19 of Town Code which requires all structures of recreational facilities to be of a permanent nature and interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces for a proposed 21,830 s.f. seasonal dome for winter indoor soccer use at 380 Mt. Airy Road in an R-1 zone. We need to get a sheet out for some names. There will be a sheet.

MR. SHAW: Thank you. What I'd like to do tonight is to read a narrative that I attached to the application in order to get into the record the points which are necessary for this various request. If you just bear with me, I will be as quick as I can.

The subject property is a 33.2 acre parcel located on the west side of Mt. Airy Road and within the Rural Residential (R-1) Zoning District. Being within an agricultural area of the Town, site is adjacent to relatively large parcels of undeveloped land. For the past 30 years the site has been used as a recreational facility known as the Bellwood Par 3 Golf Course and recently a golf driving range has been added to the facility. The applicant proposes to construct a 21,830 s. f. seasonal dome for winter indoor soccer use. Associated site improvement will include 39 permanent parking spaces with an additional 28 spaces available for overflow parking. These parking areas would also be used during the non-winter months by the golf course and the golf driving range. Access to the new seasonal dome would be same as for the golf course, that being along the existing 1,100 foot long drive from Mt. Airy Road. The applicant is requesting the following area variances and/or

interpretations: Variance No. 1: An area variance of 10 feet for a side yard setback where 40 feet is provided and 50 feet is required. Variance No. 2: an area variance to Section 300-19 of the Town code that requires all structures of recreational facilities to be of a permanent nature. Interpretation/Variance No. 3: an interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces as 143 spaces are required and 39 spaces are provided. Regarding the above variances, the request for a side yard setback (Variance No. 1) is self-explanatory. The request of a variance for a seasonal structure for a recreational facility (Variance No. 2) is not unusual in the Town of New Windsor as there are other recreational facilities such as Sportsplex that also have a seasonal dome structure. Prior to determining the merits of the off-street parking request (Variance No. 3), an interpretation must be made as to whether this variance is actually required. As presented above, the subject property has been used for over 30 years as a recreational facility, primarily a Par 3 Gold Course. The parking spaces that supported this facility has been and continues to be minimal when compared to the number of spaces required by the Town of New Windsor Zoning Ordinance. The required number of parking spaces for this existing facility is 143 spaces and it is based on 133 spaces (4 spaces for each of the 33.2 acres) for the recreational land, and 10 spaces for the existing pro shop (1 space for each 150 s.f. of floor area). Presently parking is available for approximately 30 spaces in an unimproved area adjacent to the seasonal dome and this results in a current deficiency of 113 spaces for the existing site. The construction of the seasonal dome along the 39 permanent parking and 28 overflow parking spaces will actually decrease this non-conformity and not add to the deficiency. If the Zoning Board of Appeals determines that the present lack of parking is a pre-existing non-conforming condition, then a variance

is not required. If it is not a pre-existing non-conforming condition and a variance is required, the variance should be granted due to the creation of 39 permanent parking spaces resulting from the construction of the seasonal dome. As the dome will be used during only the winter months, this new parking will not be simultaneously shared by the golf course. Actually, the golf course will benefit from the construction of the seasonal dome as the new parking spaces will be available for its use during the non-winter months when the dome is not pressurized. As presented above, the subject property is located in the rural part of the Town having large lots of agricultural use. The property itself is also large being 33 acres. The location of the seasonal dome and its parking areas are substantial distances from Mt. Airy Road (1,100 feet), the southerly boundary line of the parcel (740 ft.) and the westerly boundary line (416 feet). While the seasonal dome is 40 feet from the northerly boundary line (50 feet is required) the adjacent parcel is a large agricultural parcel. For these reasons the granting of the three variances will not produce an undesirable change in the character of the neighborhood nor be a detriment to nearby properties. Also, the granting of the variances will not have an adverse effect of impact on the physical or environmental conditions in the neighborhood. The benefit sought by the applicant cannot be achieved by some other method feasible because the seasonal dome will be situated between the existing hole of the golf course, the golf driving range, and a steep embankment thus requiring a 10 foot side yard variance (Variance No.1 ). Also, to construct a permanent structure and a 39 space parking area just for a soccer field (Variance No. 2) are not economically practical. The requested variances are not substantial as only a 10 foot side yard variance is being requested while still providing a distance of 40 feet (Variance No. 1). To allow a seasonal structure would be consistent with other recreational facilities in the Town (Variance No. 2)

and the granting of the variance for parking would create a new permanent parking area totaling 39 spaces, substantially more than is presently available. Finally, the alleged difficulty was not self-created as the physical constraints of the seasonal dome site dictate the placement of the structure and thus the need for the variance for the side yard setback (Variance No. 1). Also, the deficiency of the required number of parking spaces presently exists (Variance No. 3) and will only be improved by the granting of the variance.

I think I touched on all the important parts of our case and I'd be, and Mr. John Alva would be happy to answer any questions you and the public might have.

MR. KANE: I think what I'd like to do is just take one issue at time and let's go through it, vote on that issue and take it from there. Sound good? Let's get the basic questions out of the way. Cut down any trees or substantial vegetation in the building of the seasonal dome or the parking spaces?

MR. SHAW: The site of the dome and the parking spaces are presently disturbed, they were disturbed before we made application to the board so there has not been any new disturbance recently.

MR. KANE: Creating any water hazards or runoffs?

MR. SHAW: No.

MR. KANE: Any easements in the area?

MR. SHAW: No.

MR. KANE: And as you stated in your notes before the ten foot side yard setback is needed because of the placing of the seasonal dome, there's no other place to put it on that property?

MR. SHAW: Correct. What we have is a golf hole immediately downhill, turn 90 degrees and you have an existing golf driving range area and turn another 90 degrees uphill of us we have an embankment which really limits that area which we can construct anything.

MR. KANE: What questions you guys have for now?

MR. REIS: Turn it to the public and see.

MR. KANE: Okay.

MR. KRIEGER: The dome will be erected how?

MR. SHAW: It will be erected by the owner.

MR. KRIEGER: But I mean under what methods, what holds it up?

MR. KANE: What kind of structure is it?

MR. ALVA: It's a dome, it's a, air holds it up.

MR. KANE: Cement pad?

MR. ALVA: Full foundation that--

MR. KANE: Full foundation block coming up X amount of feet or not?

MR. ALVA: is it coming up out of the ground?

MR. BABCOCK: No, it's going to be a full foundation in the ground, block coming up, poured slab and this gets anchored to the slab.

MR. KANE: Pressurized, it goes up?

MR. BABCOCK: Yes.

MR. KANE: And off season you just take the pressure away and it collapses down?

MR. ALVA: I can fold it up and put it in a box.

MR. KANE: How many entrances and exits?

MR. ALVA: We have that with us. It has one rotating, you know, a turnstile door, it has one handicapped entrance air lock door and a wheelchair can come in, you close the back doors and you open the next doors and they come in to keep the pressurization and has two other emergency exits on different sides of the dome.

MR. KANE: Those will be lit as emergency exits?

MR. ALVA: Yes.

MR. KANE: For emergency usage only?

MR. ALVA: The handicapped and the other one with the turnstile are for any time.

MR. MINUTA: Continue with the structure at this point, when you say it's pressurized and inflated, is that a billowed system where there's a layer, two layers of let's say a polypropylene substance and that's pressurized with cables or the interior of the dome itself is pressurized if a door opens pressure will leak out?

MR. ALVA: If a door opens, pressure will leak out, okay, I don't know of anything being pressurized from the inside but it has the two layers as well and it has the cables as well, this one that I'm putting up, Permier Structures has the highest wind resistance and it will handle 8 feet of snow where most of them are a foot of snow, it's a full double cable system. The one at Sportsplex I don't think has a cable system, this has more speeds and different fans, if a door happened

to open, the other fans automatically kick in, if the electric goes out, I have propane generators that automatically kick in, it has three different safeties, it has the safest on the market. Can it go down? Anything could. But this is the safest in the industry.

MR. MINUTA: You have basically just hit upon the questions that I was going to ask. The safety mechanisms should a catastrophe happen and it come down what then happens to the occupants?

MR. ALVA: They should leave.

MR. MINUTA: Is it possible for them to be trapped inside?

MR. ALVA: If it comes down, give me a for instance, if I turned everything off including the emergency two backups?

MR. MINUTA: Yes.

MR. ALVA: Everything fails and it comes down, it will slowly come down. If the doors were open, it would still as they tell me it should take an hour, hour and a half to come down, just starts going like this (indicating).

MR. MINUTA: This is a substantial rate of descent that would allow the occupants to exit?

MR. ALVA: Yes.

MR. KANE: Maximum amount of the people allowed in there?

MR. SHAW: Let me speak to that cause it's a two part question from last time. As far as maximum number of people before I answer from a practical point of view

the facility will have on the average 20 people, maybe 40. One time a year, let's say twice a year they'll have a major tournament with Washingtonville, the maximum top number to the point where we'd even have Mike put that on the sticker on the wall 120 people, that's absolute maximum number of people that would be expected. That's only once, maybe twice during the course of the year. From a practical point of view, average of 20, if it gets high, maybe goes up to 40 and those are the numbers.

MR. REIS: Any bathroom facilities?

MR. SHAW: Yes, that's Part B of the question. There will not be any new bathroom facilities in the dome. What will be utilized are the bathrooms, the existing bathrooms which are just on the other side of the parking lot which presently support the golf course. In each bathroom presently, let me back up, in the men's bathroom there are two urinals, a water closet and a sink. In the ladies' bathroom there are two water closets and a sink, those are the numbers that presently exist and not being familiar with the building code, I contacted an architect who's a friend of mine today and he faxed me over the information from the plumbing code and I believe based upon again the maximum of 120 people in that dome, those fixtures are adequate enough to support that number of people for that facility.

MR. REIS: Handicapped accessibility has been--

MR. SHAW: That does not presently exist. That may have to be an issue that Mr. Alva's going to have to address when it comes time for a building permit. One of the options I spoke with the architect possibly putting in a unisex bathroom as opposed to having handicapped accessible for both men and women but that I believe is a building permit issue but that's something he may have to deal with when it comes time

for an actual permit from the building department.

MR. KANE: At this point, I will open it up to the public and ask if there's anybody that wishes to speak on this subject tonight?

MR. MARTELLI: Tony Martelli, 39 Ona Lane. I talk about a soccer part of it, I'm a soccer guy and I think when John want to open up and do something like this it's important because we don't have anything like this in Orange County and all the teams go to as far as Albany and Teneck, New Jersey and Connecticut. So the soccer family would love to have something like that where they can stay and play here so I think it will benefit a lot to the economy because if John runs a tournament, we have people coming into Orange County and them using, you know, restaurants and hotels and so on and so forth. So on that part, I mean, I'm only talking about the soccer part of it, I think, I hope you consider it because it's soccer people like to have something like this, we don't have anything like this in the winter.

MR. KANE: So you're for it?

MR. MARTELLI: Yes.

MR. KANE: Anybody else?

MR. CZUMAK: Bob Czumak, I was this past year running a facility up in Albany that has four fields the size of the one that we're putting in, four different fields that's going to be like in New Windsor and I can only tell you that teams from down here would travel the two hours to play and to practice in Albany. And I have been coaching in this area for over ten years. I am moving back down, I was up there for a year, coming back down, the need here in the community is substantial. I just, like I said, they would travel two hours to come up to play and to practice, there's

nothing like this here and there's just a need for it. There's no reason why the players, the kids in this area should be traveling to Jersey, parts of Albany to practice. The burden on the families is incredible. So my point is I believe one field is perfect for the area, I think there's a big need for it.

MR. KANE: Thank you.

MR. ZAGEN: My name is David Zagen, I live in New Windsor, I live in the area about say a mile, mile and a half or so from the facility. I do know John, John contacted me, he told me actually I thought I was going to be speaking because I thought there was some concern or issue with regard to the number of bathrooms or the bathroom facilities that we're going to be, that we're proposed for the complex.

MR. KANE: You can feel free to address this too.

MR. ZAGEN: I don't know that really what I have is a concern, seems to be more of a general concern about just the complex overall, I would like to tell the board that I do support John's proposal, I do think that the complex will add to the Town. I think that it is going to be beneficial, I've seen what he's done to the golf course, he has made substantial improvements in my opinion with regard to it and again, I just support the proposal in general.

MR. KANE: Thank you.

MR. MC DONALD: My name is Kevin McDonald. I live on Wayland Way, Rock Tavern. I'm a member of the Washingtonville Soccer Club, on the Board of Directors and we're, just to prove John's point about the tournaments, our clubs travel as far down as Virginia, New Jersey, Pennsylvania, all over and it attracts lots of people in the community, hotels, the restaurants, it just adds to the community which John's trying to do.

It's more for the kids cause the facilities here, there aren't any, all we have are the schools and everybody knows what's going on with the schools, they're cutting down on everything. So time we have to play in the schools now is cut down to almost nothing, especially now in Washingtonville with the collapse of the one school. So the more facilities we get like John is trying to do the better off we'll be.

MS. CAMARDELLO: Hi, my name is Jennifer Camardello, I also live in Salisbury Mills, so I just want to let you know that first I worked in an indoor soccer facility in Albany for ten years and I have had a chance to do things with home school kids, recreational kids as well as the tournaments and the leagues and it's just been a great thing for our community. And I just wanted to say that I support it and there's not only the kids that are travel league, there's options for other kids as well for after-school programs and home school programs and things like that.

MR. KANE: Thank you. Let me ask you a quick question. With your experience in Albany, I know it was a four dome facility but do you feel that the parking that we're looking at for this particular lot is adequate in that if 20 to 40 people show up, what do you think, 10 or 15 vehicles?

MR. CZUMAK: That was the steel frame four fields, not a dome, it was a steel frame and without a doubt, I just know from renting the facility out there that 40 on one field there really was never 160 people running in there on like a normal basis when they had tournaments, of course with four fields there's ways to negotiate by having an hour break between when one tournament ends, so there's no overlap of people coming in and that problem--

MR. KANE: So you feel the 39 spaces is adequate for a normal day's work there?

MR. CZUMAK: More than adequate. But this is a different type of a, one field facility in a situation like this for the community you're talking about just teams coming for training and like Jen was saying after school and home school there's a tremendous need for it and normally for the one field you're looking at 20 to 30 people maximum.

MR. KANE: Thank you. Anybody else? No, okay, we'll close the public portion of the meeting and bring it back to Myra? How many mailings did we have?

MS. MASON: On July 26, I mailed out 16 envelopes and had no response.

MR. REIS: With the overwhelmingly response, positive response, John, is it possible that your season, again not, I'm just playing devil's advocate, the feel that the board is all for it and tremendous support from the audience, is it possible that your season might be longer than you're anticipating at sometime where it might overlap with the existing golf?

MR. ALVA: Well, the problem with my golf course is I really don't pick up until I'm going to say Memorial Day and after Labor Day it dies down, being a par 3 nobody takes a day off to play par 3. If you have driven by during the day, you say how does he stay in business? Well, the truth is I have another job, that's the truth. I'm a national sales manager for a company. The golf course my wife calls it a hobby because it loses money and it does lose money, I could build houses and make lots of money, that's not the point. This is here and my kids are going to grow up on this. Can it overlap, I would hope that maybe one day that it would but in that, whenever that would be hopefully five or ten years from now, I would be more than happy to add parking. But the way it is now with the golf course and an executive, it's a driving range,

it just doesn't get busy until the kids gets out of school and when they go back to school all the other sports start again and it kills me and it's just what I make in those 12 weeks is 90 percent of the money that is brought in that golf course for the 26 weeks that it's open, it's the difference in numbers are staggering before Memorial Day and after, although Father's Day that Sunday we do well, I don't know why, just boom, they all come out and it's an awesome thing.

MR. REIS: If it don't rain.

MR. ALVA: Even if it rained they would come on Father's Day.

MR. SHAW: When we explained it we kind of touched on something similar is that the dome goes up end of November, first part of December, down in March and the reason is before that, before November and after March they want to be outside, the weather is fine to play, maybe a little cool, maybe a little rainy but that doesn't stop them really during the really cold months that the dome would be up. So as far as having the dome extend outside the four or five months we'll see but probably won't be warranted but there is outside fields that are available.

MR. ALVA: I will tell you that I am not only entertaining but looking for Cornwall and Washingtonville to come to me on their rain days, there's nothing going on on the golf course, I don't have covered tees on the driving range and it's just nothing is happening so I am courting them and I do want them to come on rainy days and all I need is a phone call, is it raining, yes, for the spring and fall. So I want you to know that yes in early spring late fall if we have rain I will be courting those things and it's not an overlap but it's during the same period of time I will be going after that.

MR. REIS: Great.

MR. BABCOCK: One thing that for the board's knowledge is that we're going to require him to get a building permit each time he puts this dome up so that we have the opportunity to inspect it before anybody goes in it and if it comes a time where we don't think that he has enough parking we're going to talk to him about that. We have asked him to put the signs along the road, they said they're going to do that, they don't want anybody parking there because they don't want any cars getting hit with golf balls or whatever so if it becomes a problem where we don't feel he has enough parking, I'm sure we're going to get complaints and we're going to go see him, tell him he's got to build more parking.

MR. KANE: If the board voted to approve the variance on the parking spaces, would you have any problems with that provision in there that the building inspector felt that we needed more parking down the line?

MR. SHAW: Do we have a choice?

MR. KANE: Not much but go ahead.

MR. SHAW: That's our answer then.

MR. KANE: I think that's something that you will notice and see the need itself and hopefully since you seem to be going in a direction of building something that seems to be really good for the community and the kids out there that you might look in that direction.

MR. SHAW: Just touching on that for one second, I explained last time I was before this board about a month ago we went to the planning board for our rejection to allow us to come here, one of the most important points that Mark Edsall wanted to get on the record was that the planning board felt that the parking was adequate, it made to sense to come here and

get a variance for so many spaces then go back to the planning board and planning board said we don't agree, it's not enough, forget your variance, the board went on record saying that the parking we're proposing permanent spaces for 39 plus additional 28 overflow parking was adequate so when we return back to them hopefully with the variances that issue will be behind us.

MR. KANE: Other questions?

MS. LOCEY: I have a question, the existing bathrooms are in the pro shop?

MR. ALVA: Yes.

MS. LOCEY: How close in proximity?

MR. BABCOCK: It's on the map, it's the little area here.

MS. LOCEY: Is there a canopy?

MR. ALVA: No, although there's a seasonal dome over it to play indoors, the place where the golf shop over here that you can see that's the place that these kids will be meeting and having the meetings before the games, run over, have their games and come back and have their little meetings and stuff so that will be where they'll be if they're going to go to the bathroom anyway.

MR. SHAW: If that's not permitted by the New York State Building Code, Mike won't be able to issue a building permit.

MR. BABCOCK: We have no objection even if the dome wasn't put up it could be an open field you wouldn't have bathrooms there.

MR. SHAW: Maybe some day there will be a permanent addition built on with bathrooms but right now, it's just a major expense to build a permanent structure just for the bathrooms but if it's successful I'm sure in fact Mr. Alva's spoke to me about possibly putting an addition just for the bathrooms.

MR. ALVA: It's our goal, it's a financial thing, we have the existing stuff, that's why I'm using it, but my goal is to make it a little better every year.

MR. MINUTA: I'm pleased to see the overwhelmingly support on this, I do not believe that you're going to have the parking problem and I think any overflow issues could be addressed at a later point if your seasons start to cross, if you see yourself getting more business for the dome and you also have the golf course being activate at that point obviously more parking is going to be required. I think Mr. Babcock's suggestion of having the building permit every time it goes up giving them an opportunity to evaluate both the structure and parking is valid. The only other thing I might add to that is should there be an overflow or crossing of seasons that that be evaluated at that time whether the parking is sufficient, other than that, I have no further questions.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant Mary and John Alva their requested variance for a 10 foot side yard setback.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY

AYE

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

MR. REIS: I make a motion that the variance of Section 300-19 of the Town Code which requires all structures of recreational facilities to be of a permanent nature, we have a seasonal facility, I personally don't, I don't believe that a variance is required and I would pass that as such. I make a motion that--

MR. KRIEGER: Make a motion that the board vary Section 300-19 of the Town Code so that this structure can be erected and utilized as proposed.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. REIS: Interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces, I'd like to make a motion that the area variance for off-street parking is required and make a motion that it be granted.

MR. MINUTA: Second it.

MS. LOCEY: Clarification?

MR. KANE: Mike is making a motion that we find the interpretation to say that yes, he does need a variance for off-street parking and that we grant the variance

for off-street parking for 104 parking spaces. Do you understand?

MS. LOCEY: Well, I have a question before I vote, if the planning board indicated they did not need a variance.

MR. KANE: Planning board has nothing to do with us.

MR. KRIEGER: The planning board did not indicate they did not need a variance, what they indicated was in their opinion the parking as proposed is adequate for the site. The question whether or not it should be a variance is up to this board, not up to the planning board, they simply indicated their approval of the number of parking spaces.

MR. KANE: We have a couple of new members. Basically, what it comes down to with the zoning board we tell them if they can do it, the planning board tells them how they can do it.

MR. REIS: The code requires them to have more than what they're providing.

MS. LOCEY: Well and I understand that there was an interpretation to be made this evening if that was so.

MR. KANE: And Mike's thing was that he feels that they do need it, that we interpret that they do need a variance and that we grant that variance, correct.

MS. LOCEY: Then I will vote yes.

ROLL CALL

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

MR. MINUTA: Mr. Kane, one more clarification with this, with the motion should we also be including the building inspector is going to inspect at each point and for the parking?

MR. KANE: As needed. Is that satisfactory?

MR. BABCOCK: That's fine. I'm sure Mr. Alva would love to have the whole parking lot full so that he could need to build more parking.

MR. ALVA: I can't wait for you to tell me to add more parking.

MR. KANE: We'll add that the building department will inspect as needed for the parking situation down there and rectify and that the property owner will rectify it per the building department's recommendations.

MR. KRIEGER: In the future if necessary.

MR. BABCOCK: Right.

ROLL CALL

MS. LOCEY	AYE
MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. SHAW: Thank you.





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

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 04-55**

**Request of MARY ALVA (MONDOME, INC.)**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for:**

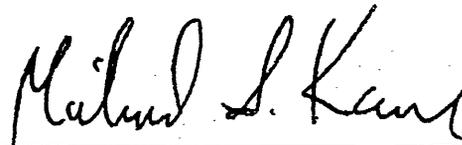
**10 ft. Side Yard Setback and;**

**Variance of Section 300-19 of Town Code which "Requires all structures of recreational facilities to be of a permanent nature." and;**

**Interpretation: As to whether an Area Variance for off-street parking is required, and if required, an Area Variance of 104 parking spaces.**

**For a proposed 21,830 s.f. Seasonal Dome for winter indoor soccer use at 380 Mt. Airy Road in an R-1 Zone (54-1-43.21)**

**PUBLIC HEARING will take place on AUGUST 9, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

July 7, 2004

Greg Shaw  
P.O. Box 2569  
Newburgh, NY 12550

Re: 54-1-43.21      ZBA#: 04-55

Dear Mr. Shaw:

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

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

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

Sincerely,

A handwritten signature in cursive that reads "J. Todd Wiley" followed by a large, stylized initial "P" in a circle.

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

54-1-22.1  
Henry & Luann Kroll  
335 Mt. Airy Road  
New Windsor, NY 12553

54-1-22.2  
Harold Baxter, Jr.  
354 Mt. Airy Road  
New Windsor, NY 12553

54-1-23.1  
Joseph Lasaponara, III  
399 Mt. Airy Road  
New Windsor, NY 12553

54-1-24  
Chrystal & Harold Baxter, Jr.  
359 Mt. Airy Road  
New Windsor, NY 12553

54-1-25  
Victor Lucas  
367 Mt. Airy Road  
New Windsor, NY 12553

54-1-25.22  
Karen & James Bothwell, Jr.  
365 Mt. Airy Road  
New Windsor, NY 12553

54-1-26  
Michael & Kathleen McCormick  
373 Mt. Airy Road  
New Windsor, NY 12553

54-1-27  
James & Karen Bothwell  
385 Mt. Airy Road  
New Windsor, NY 12553

54-1-28  
Bruce Bryan  
393 Mt. Airy Road  
New Windsor, NY 12553

54-1-32  
Irmgard Koppenhoefer  
250 Bethlehem Road  
New Windsor, NY 12553

54-1-40.1  
Andrew P Wenke  
Leslie Lieber  
229 Bethlehem Road  
New Windsor, NY 12553

54-1-40.2  
Andrew & Jody Wenke  
241 Bethlehem Road  
New Windsor, NY 12553

54-1-41  
Dwight McCardle  
247 Bethlehem Road  
New Windsor, NY 12553

54-1-42  
Michael & Carmela Ammirati  
255 Bethlehem Road  
New Windsor, NY 12553

54-1-43.1  
Anita Tejada  
394 Mt. Airy Road  
New Windsor, NY 12553

54-1-44.2  
Susan, John & Phyllis Waugh  
637 Jackson Avenue  
New Windsor, NY 12553



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

July 27, 2004

Mary Alva (Mondome)  
380 Mt. Airy Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-55

Dear Ms. Alva:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

380 Mt. Airy Road  
New Windsor, NY

is scheduled for the AUGUST 9<sup>TH</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

Cc: Shaw Engineering, P.C.

MARY ALVA (MONDOME, INC.) (04-55)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback and variance of Section 300-19 of Town Code which "requires all structures of recreational facilities to be of a permanent nature" and interpretation as to whether an area variance for off-street parking is required and if required an area variance of 104 parking spaces for a proposed 21,830 s.f. seasonal dome for winter indoor soccer use at 380 Mt. Airy Road in an R-1 zone. Tell us what you want to to.

MR. SHAW: Very quickly, Mary Alva owns a 33 acre parcel of land on Mt. Airy Road known as, formally known at The Bellwood Par 3 Golf Course, it's been around for lot of years, at least 30 years that I know of, it's a recreation facility, as I said, it's 33 acres in size and what she's proposing is to construct a new seasonal dome with a little under 22,000 square feet. In order to do that, she needs 2, maybe 3 variances and you touched on them briefly. One, is that the zone requires a side yard setback of 50 feet, we're providing 40 feet, okay, and the reason for that is the constraints of the site that being integrating it into the other aspects of the golf course and the driving range, et cetera. The second variance is for a seasonal structure, your zoning ordinance requires it to be of a permanent nature for a recreational facility, this is not but it is not the first one in New Windsor either, Sportsplex has a bubble which they put up and take down during the winter months for their swimming pool. And finally, we come to parking, according to your zoning ordinance, we need to provide 143 parking spaces, that's based upon 10 spaces for the office area and 133 spaces which is a result of four spaces per acre for recreational use. As I said, this has been around for quite some time. Presently, what

we have on the site is an unimproved area where they park for the golf course about 30 spaces, what we're looking to do is to create a new parking area of 39 permanent spaces that would be on the south side of the dome and also an overflow parking area of 28 spaces and that would be on the easterly side of the dome, substantially more than what we're providing or what's there. And I'd like to point out when this went before the planning board for a referral to this board, they went on the record as stating that they felt if this number of spaces was added to support this facility, it would make no sense to get a variance, go back to the planning board and then disagree that the parking is deficient. They're in concurrence that the parking is correct. It's somewhat unique, we're about 1,100 from Mt. Airy Road so the impact on the adjacent neighbors is going to be minimal. The parcel to the north that we're abutting with respect to the variance for the 10 foot setback is a large agricultural parcel with no structures in that immediate area. So, again, for side yard variance, a variance to allow a seasonal structure but not of a permanent nature and third point first an interpretation as to whether or not we need a parking variance cause with this application we're only improving the number of spaces, the deficiency probably existed 30 years ago when this was created and the parking spaces were determined and then the zoning over time was improved by the Town of New Windsor requiring more and more spaces and now the shortcoming. And if the board determines that we do need a variance then we would ask for the variance of 143 spaces minus 39 spaces that are being provided.

MR. KANE: Greg, how many people do you expect to use this at one shot?

MR. SHAW: John, this is John Alva, Mary Alva's husband, who is going to be the manager of this facility.

MR. KANE: Normal course of business, how many people are there at one time?

MR. ALVA: Normally, there's seven people on a team and if I put let's say two teams within, two other teams will come in, that will be four teams plus their family so 28 would be maximum on people plus their parents, it's for kids so but they'd only use one spot.

MR. KANE: What about employees?

MR. ALVA: Myself or one of the guys and a ref.

MR. KANE: Figure maybe about 30 people?

MR. ALVA: Yeah, give or take 30, 32 maybe.

MR. SHAW: One important point that I wanted to touch on and I didn't is that the use of this dome would not overlap with the golf course, the golf course would run probably from April 1 to October, the soccer season would pick up in November, run through the winter and end in about February so there wouldn't be a dual need for the parking. On the plus side with the creation of this facility there will now be a lot more parking spaces available for people who use the golf course to bring that non-conformancy up.

MR. KANE: Also only 30 people obviously also there's nothing to be 30 cars so I think the parking is fine. The main question I have right now is how does that dome go up and down and how is it built?

MR. SHAW: John can answer that.

MR. ALVA: Similar to the one at Sportsplex, it goes up by air, air holds it up and the foundation actually holds it down instead of a foundation holding it up.

MR. KANE: Cement?

MR. ALVA: I'm building a foundation that would hold a steel structure.

MR. KANE: So the pad will be up to standards to hold basically any building that you want to put there?

MR. ALVA: Yes, not a pad, it's an actual formed foundation, the pad on the inside would be turf, wouldn't be a pad, it would be turf, artificial turf and then it has a propane backup to the electric so if the electric ever goes down, the propane motor automatically kicks in when the pressure goes below a certain, it's pretty modern compared to the way they used to build them, if the electric goes out, the propane kicks in, backup comes on, so that's what holds it up.

MR. KANE: Cutting down any trees or substantial vegetation in the building of this?

MR. SHAW: This site was worked on last year by Mr. Alva before we made application to this board and there has been some site disturbance in the area but again, we're 1,100 feet from Mt. Airy Road, it's 400 and some feet from the rear yard setback.

MR. KANE: Create any water hazards or runoffs?

MR. SHAW: No.

MR. KANE: Within the site prep?

MR. SHAW: No.

MR. KANE: Any easements in that area, although there's nothing showing?

MR. SHAW: No.

MR. REIS: According to the plan shows that 20 parking spaces that's going to be blacktopped?

MR. SHAW: We're going to have 39 permanent spaces, all right, which is going to be situated between the driving range and the dome is that will be macadam surface permanent then on the easterly side there's going to be an overflow parking of a shale surface with an additional 28 spaces.

MR. MINUTA: Will there be any assembling within this building, spectators, et cetera?

MR. SHAW: Just parents watching the soccer matches.

MR. KANE: No stands or anything like that?

MR. ALVA: I may put a bench in, long sports benches, it would be something portable because in case I do something different one day with littler kids, I can move it out of the way.

MR. KANE: So basically, the way this thing gets built so you have your foundation going all the way around it gets tied down and the air pushes it up and that's it.

MR. ALVA: Yeah.

MR. KANE: Gentlemen, do you have any questions for the time being?

MR. MINUTA: Just a clarification, the dome being seasonal that's going to be seasonal use or it would actually be taken down?

MR. SHAW: Taken down.

MR. KANE: During the summertime it's basically going to come down, go back up in the fall?

MR. SHAW: Yeah.

MR. KANE: What will the hours of operation be?

MR. ALVA: It will be mostly afternoons, although, I mean, I'd love to find something in the morning but--

MR. KANE: You don't have any extended evening type of operation going on?

MR. ALVA: Yeah, that would be the afternoon, I said evening, when people get home from work, same as the golf course, it's 5 o'clock.

MR. KANE: What would you think the closing time would be on that?

MR. ALVA: Ten, hopefully 11 but probably 10, but I'd like to see 11.

MR. KANE: Lighting in the parking lot?

MR. SHAW: Yes.

MR. KANE: And that again to reiterate what you said since the lands around it are mostly farm land that lighting has no affect on any neighbors whatsoever?

MR. SHAW: No.

MR. REIS: Got a question, I'll direct it to the building inspector, Michael, this is going to be a super success, John, and it may become necessary to perhaps make this a more permanent structure rather than seasonal, is there anything that the applicant can do now or would be necessary to avoid coming back?

MR. BABCOCK: I don't think he would have to come back here, if he came to me and said that he wanted to build a building of this size, we'd probably at this point

tell him he'd have to increase the parking and that would be it, he'd have to do that.

MR. KANE: What's the total height of the dome when it's full?

MR. SHAW: The drawings indicate it as 40 feet.

MR. KANE: Is that okay?

MR. BABCOCK: Yes.

MR. SHAW: Fifty feet is allowed.

MR. BABCOCK: Now, if he couldn't meet the parking all the that time and again, he's not really deficient in the park for the dome, it's because of the overall acreage of the property, then he wouldn't have to come back here. I don't know that he's asking, I think that what he's saying today or tonight is that right now he's putting up the dome but he's putting a foundation in to put up a building at some time in the future so whether it's a permanent building or not, I think he's asking for the same relief.

MR. REIS: We're covered?

MR. BABCOCK: Yes.

MR. REIS: That's my concern.

MR. BABCOCK: Is that what you're saying?

MR. SHAW: Yes, thank you.

MR. BABCOCK: The other issue about the parking here is that this is not a situation where you have neighboring properties that somebody would park on. If he has a problem with parking, he's going to have to create it because they're going to park on his road, on his golf

course, on his property, if he was out towards Mt. Airy Road, people may park in other people's driveways or in somebody else's parking lot so he gets to a point where he's got more activities going on here and hopefully I'm sure he hopes that happens, he's going to have to increase the parking.

MR. KANE: You have 39 parking places as provided and that's the blacktopped area, you're not counting the overflow?

MR. SHAW: No, I can't because it does not have any permanent surface to it.

MR. BABCOCK: That's right, that's what we'd ask him to do.

MR. KANE: See on the side they did add an extra 28 parking spaces that we're really not bringing into this at this point.

MR. REIS: Right.

MR. KANE: When you're dealing with kids usually you're talking vans and a couple kids in car and I think the parking probably is ample with that overflow.

MR. REIS: I'm going to recommend that in my opinion as long as we're going through the public hearing situation here that we include to interpret this that he needs this off-street parking as part of his request for a variance.

MR. KANE: Well, we have to decide that at the public hearing, so any other questions for now or anything that you need him to clarify for the public hearing or bring to the public hearing?

MR. MINUTA: No.

MR. REIS: I've got a question. Mike, I don't know if you asked it, are there services, water, sewer in this facility?

MR. SHAW: This building will not have water or sewer services to it.

MR. REIS: Just electric?

MR. SHAW: Just electric, no water hookup to a well, no connection to a sewage disposal system, those facilities are provided in the existing pro shop.

MR. KANE: Okay, so they're provided for in the area?

MR. SHAW: Yes.

MR. REIS: Nothing is required or I guess public--

MR. BABCOCK: No, you're allowed to have the public bathrooms in another facility as long as it's a certain distance within 200 feet which it not a problem.

MR. MINUTA: Current bathrooms meet the occupancy?

MR. BABCOCK: Don't know that.

MR. KANE: We'll check into for the public hearing to make sure. Anything else?

MR. RIVERA: What's the maximum occupancy in these?

MR. SHAW: As far as the number of people that would be in the dome at one time?

MR. KANE: We kind of covered that, we figured about maybe 30 at one shot.

MR. RIVERA: That would be a minimum though.

MR. BABCOCK: No, there's a calculation that tells you how many people can be in that dome, I think that's what, maybe we can get that information from him at the public hearing.

MR. SHAW: Okay.

MR. KANE: Anything else?

MR. MINUTA: That's a great idea.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up Mary and John Alva for a public hearing for their requested 10 foot side yard setback for a variance that requires all structures of recreational facilities be of a permanent nature, that we make the interpretation for an area variance for off-street parking for proposed 21,830 square feet seasonal dome at 308 Mt. Airy Road.

MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. BABCOCK: Are we asking the applicant to provide us that information as far as the bathroom and the maximum occupancy?

MR. KANE: Yes.

MR. SHAW: Okay, with respect to the bathrooms, what's

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 07-06-04

FOR: ESCROW (04-55)

FROM: MONDOME, INC.

380 MT. AIRY ROAD

NEW WINDSOR, NY 12553

CHECK NUMBER: 179

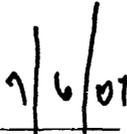
TELEPHONE: 567-6767

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

**RECEIPT**  
**#699-2004**

07/07/2004

Shaw Engineering *ZBA 04-55 (Partial)*  
744 Broadway  
Newburgh, NY 12550

Received \$ 25.00 for Zoning Board Fees, on 07/07/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

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

**RECEIPT**  
**#698-2004**

07/07/2004

Mondome Inc, *ZBA 04-55*

Received \$ 125.00 for Zoning Board Fees, on 07/07/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



**National Granite Title Insurance Agency, Inc.**

155 North Main Street  
New City, New York 10956  
(914) 639-1415 (Telephone)  
(914) 639-1239 (Facsimile)

350 Fifth Avenue  
Suite 3304  
New York, New York 10118  
(212) 665-0644 (Telephone).

PLEASE REPLY TO:  
OUR NEW CITY OFFICE

**Notice of Availability of Market Value Policy Rider**

**Title Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Premises:** \_\_\_\_\_

Under New York Law, the purchaser of a one to four family dwelling, a residential condominium unit, or a residential cooperative leasehold interest, is entitled to increased title insurance coverage through a Market Value Policy Rider. This rider provides for title insurance coverage in the amount of the value of the insured premises at the time a loss is suffered with certain modifications. The additional cost of this rider is ten percent (10%) of the regular premium charged for fee or leasehold title insurance.

The Market Value Policy Rider will be produced with your title policy.

- I/We do request a Market Value Rider Policy
- I/We do not request a Market Value Rider Policy

**Buyer:** \_\_\_\_\_

**Buyer:** \_\_\_\_\_

**AFFIRMATION**

Premises: \_\_\_\_\_  
\_\_\_\_\_

State of New York            )  
  ) ss.:  
County of                        )

I am an attorney duly admitted to practice in the State of New York and, under penalty of perjury, affirm the truth of the following:

1. That I am the attorney for \_\_\_\_\_,  
with offices at \_\_\_\_\_;

2. The instrument being presented for recording contains a correction made by using "white out" for the following reason:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

In consideration of the sum of \$1.00 and other valuable considerations, the receipt whereof from Central Hudson Gas and Electric Corporation, a domestic corporation having its principal office (residence) at 224 South Ave., Poughkeepsie, New York, AND New York Telephone Company, a domestic corporation having its principal office (residence) at 140 West Street, New York, New York is hereby acknowledged, the undersigned hereby grant(s) and convey(s) unto said corporations, and each of them, their respective successors and assigns, an easement and right of way 30 feet in width throughout its extent, in, upon, over, under and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situated in the Town of New Windsor, County of Orange, State of New York.

Said easement and line shall extend from the property line of Mt. Alry Road on the east in a westerly direction to the property line of Wahl on the west and shall also extend to other portions of the property of the undersigned on which a line may be extended subsequently to supply service to additional points.

The exact location of said easement and right of way is to be as determined by said corporations having regard to the origin, general direction and destination of the lines and the requirements of said corporations.

Together with the right at all times to enter thereon and to have access therein and to construct, relocate, operate and maintain thereon and to repair, replace, protect and remove, lines of poles, cables, crossarms, wires, guys, braces, underground conduits, and all other appurtenances and fixtures adapted to the present and future needs, uses and purposes of said corporations, their respective successors, assigns and lessees. Together with the right also to trim, cut and remove at any time such trees and other objects thereon and on adjacent property of the undersigned, as in the judgment of said corporations, their respective successors, assigns and lessees, may interfere with, obstruct or endanger the construction, operation or maintenance of said rights, lines and fixtures or any thereof.

Reserving unto the undersigned the right to cultivate the ground within the limits of the right of way, provided that such use of said ground shall not interfere with, obstruct or endanger any of the rights granted as aforesaid and provided that no house or other structure shall be erected within the limits of the right of way without the written consent of said corporations; and provided that damage to the property owned by the undersigned caused solely by said corporations, their respective successors, assigns or lessees, in maintaining or repairing said lines shall be adjusted at the expense of said corporations, their respective successors, assigns or lessees.

The provisions hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and said corporations respectively.

Signed, sealed and delivered, on May 29, 1961, by James R. Petro (L.S.)  
 Mrs. Margaret V. Petro (L.S.)  
 Residing at: Home Mt. Alry Road  
 New Windsor, Orange, New York  
 Town, County, State

\* If no street number and "none"

INDIVIDUAL ACKNOWLEDGMENT.  
 STATE OF NEW YORK

County of Orange ss:  
 On this 29th day of May, 1961, before me, the subscriber, personally appeared James R. Petro and Margaret V. Petro, to me personally known and known to me to be the individual(s) described in and who executed the foregoing instrument, and they (severally) duly acknowledged to me that they executed the same.

Charles F. Winchell  
 Notary Public.

CORPORATION ACKNOWLEDGMENT.  
 STATE OF NEW YORK

County of Orange ss:  
 On this day of in the year 19 before me personally appeared

CHARLES F. WINCHELL  
 Notary Public, State of New York  
 Residing in Orange County, N. Y.  
 My commission expires March 30th 1962

to me known, who being by me duly sworn, did depose and say: that he resides at that he is the President of the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; and that he signed his name thereto by this order.

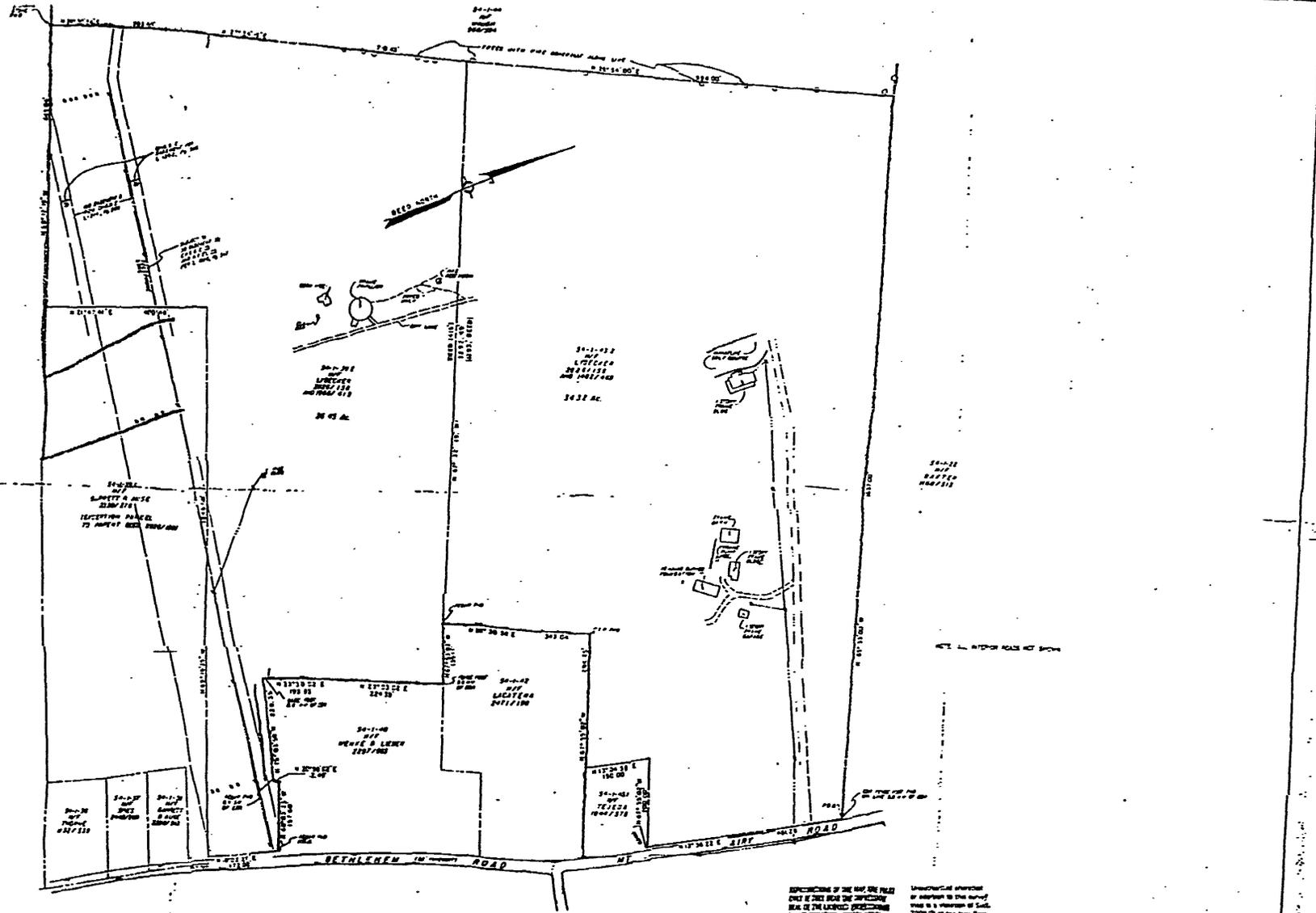
Notary Public.

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS.  
 STATE OF NEW YORK

County of ss:  
 On this day of 19 before me personally came (subscribing witness) with whom I am personally acquainted, to me known and known to me to be the subscribing witness to the foregoing instrument, who, being by me duly sworn, did depose and say that he resides in that he is personally acquainted with and knows said person(s) to be the person(s) described in and who executed the foregoing instrument; that he, the said subscribing witness, was present and saw the said person(s) execute the same and that he (severally) duly acknowledged to him, the said subscribing witness, that he executed the same and that he thereupon subscribed his name as witness thereto.

Notary Public.

RIGHT OF WAY  
 Town of  
 Village  
 City  
 No. 823  
 TO  
 James F. ...  
 Dated MAY 29 1961  
 Map  
 W. O. No.  
 Line  
 Orange County Clerk's Office  
 Received on the 7th day of July 1961  
 at 9 H. M. A. M. Recorded in  
 Book No. 159191 Deeds  
 on page 523 and examined.  
 A. E. ...  
 Leave this space for Recording Office  
 No. 1596 pg 543  
 Fee  
 Clk.  
 RECORD AND RETURN TO  
 CENTRAL HUDSON GAS & ELEC. CORP.  
 224 South Avenue, Poughkeepsie, N. Y.



REPRESENTATION OF THE MAP AND PLANS  
 ONLY IS MADE BY THE SURVEYOR  
 AND IS NOT A GUARANTEE OF THE  
 ACCURACY OF THE SURVEY  
 MADE PURSUANT TO THE  
 PROVISIONS OF THE  
 EMBLEM ACT OF 1908

**WE** WEHRAN ENGINEERING  
 CONSULTING ENGINEERS

Drawn by	Scale
Checked by	1" = 100'
Surveyed by	
Approved by	

THOMAS A. WARD, L.L.C.  
*Thomas A. Ward*  
 N.Y.S. No. 49633 DWS

LANDS OF  
**GERRIT V. LYDECKER**  
 TOWN OF NEW WINDSOR - ORANGE COUNTY, NEW YORK

**SURVEY**

Sheet	of
1	1
Page No.	
00522	

**ABSTRACTERS' INFORMATION SERVICE, INC.**

138-72 QUEENS BOULEVARD BRIARWOOD, N.Y. 11435  
(718) 291-5900 (516) 742-2290 (914) 761-4451 FAX (718) 291-6681

**ORANGE COUNTY TAX SEARCH**

DATE: 12/01/99

PREMISES: 380 MOUNT AIRY ROAD, NEW WINDSOR

TOWN: NEW WINDSOR

VILLAGE: NONE

ASSESSED OWNER: LYDECKER, GERRIT

ASSESSED VALUE: TOWN 60000/82500

TAX CLASSIFICATION: 552

SD: CORNWALL

SEC: 54

BLK: 1

LOT: 43.2

**RETURNS**

SEC: 54

BLK: 1

LOT: 43.2

1999 TOWN/COUNTY TAX PERIOD 1/1-12/31  
FULL TAX \$2,824.45 PAID DUE 1/1

1999/2000 SCHOOL TAX PERIOD 7/1-6/30  
FULL TAX \$5,907.40 PAID DUE 9/1

*omit*

WATER - MUNICIPAL

NOTE: UP-TO-DATE BILL OR RECEIPT MUST BE PRODUCED AT CLOSING.  
SUBJECT TO PRIOR WATER CHARGES NOT ENTERED AND SUBSEQUENT  
WATER CHARGES SINCE DATE OF LAST READING.

SUBJECT TO CONTINUATION PRIOR TO CLOSING.

AFFIDAVIT SHOULD BE TAKEN AT CLOSING THAT OWNER HAS NOT RECEIVED NOTICE OF SPECIAL  
ASSESSMENTS (I.E., SIDEWALK REPAIRS, LOT CLEARANCE, OR EMERGENCY REPAIRS).  
TAX SEARCH DOES NOT GUARANTEE AGAINST EXISTENCE OF SUCH NOTICES.

SEARCH DOES NOT GUARANTEE AGAINST ITEMS NOT A LIEN UP TO THE DATE SHOWN. SOME OF THE ITEMS RETURNED MAY HAVE BEEN PAID BUT NOT  
OFFICIALLY POSTED. RECEIPTS FOR SUCH ITEMS SHOULD BE PRODUCED AT CLOSING. SEARCH DOES NOT GUARANTEE AGAINST CLAIMS RESULTING  
FROM LEVIES OF RESTORED TAXES. SEARCH DOES NOT GUARANTEE FOR ARREARS FILED AGAINST ANY NAME OTHER THAN THE ASSESSED OWNER AS  
SHOWN ABOVE. THIS SEARCH IS PREPARED EXCLUSIVELY FOR GRANITE TITLE INSURANCE AGENCY INC. on 12/01/99. 0089-994985B

**ABSTRACTERS' INFORMATION SERVICE, INC.**

138-72 QUEENS BOULEVARD BRIARWOOD, N.Y. 11435  
 (718) 291-5900 (516) 742-2290 (914) 761-4451 FAX (718) 291-6681

**ORANGE COUNTY TAX SEARCH**

DATE: 12/01/99

PREMISES: BETHLEHAM ROAD, NEW WINDSOR

TOWN: NEW WINDSOR

VILLAGE: NONE

ASSESSED OWNER: LYDECKER, GERRIT

ASSESSED VALUE: TOWN 31800/34800

TAX CLASSIFICATION: 552

SD: CORNWALL

SEC: 54

BLK: 1

LOT: 39.2

**RETURNS**

SEC: 54

BLK: 1

LOT: 39.2

1999 TOWN/COUNTY TAX PERIOD 1/1-12/31  
 FULL TAX \$1,191.41 PAID DUE 1/1

1999/2000 SCHOOL TAX PERIOD 7/1-6/30  
 FULL TAX \$2,491.84 PAID DUE 9/1

WATER - MUNICIPAL

NOTE: UP-TO-DATE BILL OR RECEIPT MUST BE PRODUCED AT CLOSING.  
 SUBJECT TO PRIOR WATER CHARGES NOT ENTERED AND SUBSEQUENT  
 WATER CHARGES SINCE DATE OF LAST READING.

SUBJECT TO CONTINUATION PRIOR TO CLOSING.

AFFIDAVIT SHOULD BE TAKEN AT CLOSING THAT OWNER HAS NOT RECEIVED NOTICE OF SPECIAL  
 ASSESSMENTS (I.E., SIDEWALK REPAIRS, LOT CLEARANCE, OR EMERGENCY REPAIRS).  
 TAX SEARCH DOES NOT GUARANTEE AGAINST EXISTENCE OF SUCH NOTICES.

SEARCH DOES NOT GUARANTEE AGAINST ITEMS NOT A LIEN UP TO THE DATE SHOWN. SOME OF THE ITEMS RETURNED MAY HAVE BEEN PAID BUT NOT  
 OFFICIALLY POSTED. RECEIPTS FOR SUCH ITEMS SHOULD BE PRODUCED AT CLOSING. SEARCH DOES NOT GUARANTEE AGAINST CLAIMS RESULTING  
 FROM LEVIES OF RESTORED TAXES. SEARCH DOES NOT GUARANTEE FOR ARREARS FILED AGAINST ANY NAME OTHER THAN THE ASSESSED OWNER AS  
 SHOWN ABOVE. THIS SEARCH IS PREPARED EXCLUSIVELY FOR GRANITE TITLE INSURANCE AGENCY INC. on 12/01/99. 0089-994985A

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

Title No.: GR99-4985

**MORTGAGE INFORMATION PAGE**

**NO MORTGAGE FOUND OF RECORD**

*omit*

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

Title No.: GR99-4985

**SCHEDULE B**

The following matters will appear in our policy as exceptions from coverage on delivery of the policy. Any closing requirements set forth on the following pages are also a part of the certificate and must be complied with:

- 1. *except* Rights of tenants or persons in possession.
- 2. *slip* The lien of unpaid real property taxes, tax liens, tax sales, water rates, sewer rates and assessments (see Tax Search herein).
- 3. No mortgage as reported herein to be considered and/or disposed of.
- 4. All checks made by sellers in excess of \$500.00 must be a bank or certified check.
- 5. *met* **FOR INFORMATION ONLY:** The name of Mary Alva (proposed purchaser) has been run for judgments and liens. Nothing found.
- 6. The name of Gerrit V. Lydecker (record owner) has been run for judgments and liens. Nothing found.
- 7. All documents to be recorded must be executed in **BLACK INK ONLY**.
- 8. Survey made by Thomas R. Milo L.S. dated 5/2/88 and revised 5/24/88 shows:

**Parcel I**

*except* shows frame pavilion; cook-house; clam bar; masonry restroom; masonry building; dirt lane shows 150' easement and crossing southerly line and southeasterly line; trees with wire generally along part of westerly line; stone wall along part of westerly, southerly and easterly lines.

Company excepts possible rights of others in, over and upon said dirt lane as shown.

**Parcel II**

shows one (1) story frame building; miniature golf course surrounded by stone; frame barn; frame pump house; two (2) story frame buildings; remains of a burned foundation; lane shows trees with wire generally along westerly line; stone wall along northerly line and part of southerly and easterly.

Company excepts possible rights of others in, over and upon said dirt lane as shown.

*except* 9. Lease made by Gerrit V. Lydecker to Gerard T. Impellittiere in Liber 4196 Page 60.

10. Grant of Right of Way to Central Hudson Gas & Electric Corporation and New York Telephone Company in Liber 1596 Page 543 - *copy herewith.*

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

Title No.: GR99-4985

**SCHEDULE A  
CONTINUED**

13. South 68° 03' 33" East, 157.60 feet along the same to the point or place of beginning.

Containing 26.45 acres of land, more or less

**LOT 2:**

All that piece, parcel or tract of land lying in the Town of New Windsor, Orange County, New York being more particularly described as follows:

BEGINNING at a point on the westerly side of Mount Airy Road, said point also being the southeasterly corner of lands now or formerly of Baxter as described in Liber 1168 at Page 513, and running; thence,

1. South 13° 36' 22" West, 461.28 feet along said road to a point and the northeasterly corner of lands now or formerly of Tejada as described in Liber 1844 at page 578; thence,
2. North 67° 35' 02" West, 200.00 feet along said Tejada's lands to a point; thence,
3. South 13° 04' 58" West, 150.00 feet along the same to a point on a stone wall in the northerly line of lands now or formerly of Lacatena's as described in Liber 2471 at page 198; thence,
4. North 67° 35' 02" West, 294.75 feet along said Lacatena's lands and said stone wall to an iron pin found at a wall corner; thence,
5. South 26° 30' 58" West, 343.04 feet along the same to a rebar found at a stone wall intersection; thence,
6. North 67° 32' 19" West, through the lands of Lydecker as per Liber 1482 at page 469, 1292.49 feet to a point in the lands now or formerly of Waugh; thence,
7. North 25° 54' 00" East, 996.00 feet along said Waugh's lands to a point in a stone wall in the southerly line of lands now or formerly of Baxter as described in Liber 1168 at page 513; thence,
8. South 65° 53' 00" East, 1657.00 feet along said Baxter's land and a stone wall to the point or place of Beginning.

*deed recital except schedule "B"  
from said lots and 2.  
JMB*

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

**Title No.: GR99-4985**

**SCHEDULE A**

**Lot 1:**

ALL that piece, parcel or tract of land lying in the Town of New Windsor, Orange County, New York, being more particularly described as follows:

BEGINNING at a rebar found on the westerly side of Bethlehem Road, at the southeasterly corner of the lands now or formerly of Wenke and Lieber and running; thence,

1. South  $18^{\circ} 02' 27''$  West, 172.02 feet along the westerly side of said road to a point in the northerly line of lands now or formerly of Garret and Auge as described in Liber 2330 at page 276; thence,
2. North  $69^{\circ} 18' 25''$  West, 1246.50 feet along said Garrett and Auge's lands to a point; thence,
3. South  $21^{\circ} 47' 41''$  West, 400.48 feet to a point on the northerly line of lands now or formerly of Knoll as described in Liber 2486 at page 320; thence,
4. North  $68^{\circ} 12' 19''$  West, 645.04 feet along said Knoll's lands and generally following a stone wall to a standing stone found at a wall intersection and the southeasterly corner of Waugh as described in Liber 966 at page 594; thence,
5. ~~North~~  $24^{\circ} 30' 24''$  East, 283.60 feet along a stone wall part way and generally following remains of an old wire fence and tree line to a point; thence,
6. North  $27^{\circ} 24' 15''$  East, 710.43 feet along same to a point; thence,
7. South  $67^{\circ} 32' 19''$  East, 1292.49 feet through the lands of Lydecker as per Liber 1966 at page 419 to a rebar found in a stone wall at the corner of lands of Lacatena; thence,
8. South  $67^{\circ} 53' 02''$  East, 139.17 feet along a stone wall to a wall corner and the northwesterly corner of lands now or formerly of Wenke and Lieber as described in Liber 2287 at page 663; thence,
9. South  $25^{\circ} 03' 02''$  West, 224.39 feet along said Wenke and Lieber's lands and a stone wall to a point; thence,
10. South  $23^{\circ} 30' 02''$  West, 193.83 feet along the same to a stone wall corner; thence
11. South  $75^{\circ} 03' 58''$  East, 228.35 feet along the same to a point in a stone wall corner, said point being 0.4 feet northeast of a rebar found; thence,
12. North  $20^{\circ} 58' 02''$  East, 12.49 feet along the same to a stone wall corner; thence,

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

**TITLE CERTIFICATION PAGE**

**Title No.: GR99-4985**

**THIS COMPANY CERTIFIES** that as of the effective date set forth herein as redated, a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in Schedule B and elsewhere in this report can be conveyed or mortgaged

**BY:** Gerrit V. Lydecker

**SOURCE OF TITLE:** Deed made by James R. Petro and Margaret V. Petro and Arthur O. Maharay dated 11/2/87, recorded 11/4/87 in Liber 2826 Page 158  
Correction deed dated 7/28/88, recorded 9/14/88 in Liber 3008 Page 146.

*Will certify to Mary Alva  
by deed dated 12/20/99*

**NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.**

**TITLE INFORMATION PAGE**

Title No.: GR99-4985

**EFFECTIVE DATE:** December 1, 1999

**REDATED:**

**PROPOSED INSURED:**

Purchaser/Borrower: Mary Alva

Mortgagee: N/A

**AMOUNT OF INSURANCE:**

Fee: \$ 370,000.00

Mortgage: N/A

**PROPERTY DESCRIPTION:**

Street Address: Mount Airy Rd., New Windsor

Section: 54 Block: 1 Lot: 39.2 & 43.2

County: Orange

Town: Orangetown

**ASSISTANCE AND QUESTIONS:**

This report issued by NATIONAL GRANITE TITLE INSURANCE AGENCY, INC.:

155 North Main Street  
New City, New York 10956  
Telephone: (914) 639-1415  
Facsimile: (914) 639-1239

350 Fifth Avenue  
Suite 3304  
New York, New York 10118  
Telephone: (212) 665-0644  
Facsimile: (212) 587-0322

*Updated  
12/20/99  
Name  
By me*

Questions concerning this report should be addressed to DeAnna Isker at the New City Office.

IF THE INSURED CONTEMPLATES MAKING IMPROVEMENTS TO THE PROPERTY COSTING MORE THAN TWENTY PER CENTUM OF THE AMOUNT OF INSURANCE TO BE ISSUED HEREUNDER, WE SUGGEST THAT THE AMOUNT OF INSURANCE BE INCREASED TO COVER THE COST THEREOF; OTHERWISE, IN CERTAIN CASES THE INSURED WILL BECOME A CO-INSURER.

The following matters are expressly excluded from the coverage of our standard form of policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental policy power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to the Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest (or interest of the mortgagee) insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditor's rights laws that is based on; (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer, or (ii) the transaction creating the estate or interest (or interest of the mortgagee) insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure;
  - (a) to timely record the instrument of transfer; or
  - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.(For mortgage policies add) (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination, or (iii) (see (4)(ii)(a) and (b), above)
5. (applicable to mortgage policies only) Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law. Our policy will except from coverage any state of facts which an accurate survey might show, unless survey coverage is ordered. When such coverage is ordered, this certificate will set forth the specific survey exceptions which we will include in our policy. Whenever the word "trim" is used in any survey exceptions from coverage, it shall be deemed to include roof cornices, show window cornices, lintels, sills, window trim, entrance trim, bay window cornices, moldings, belt courses, water tables, keystones, pilasters, porticos, balconies all of which project beyond the street line. In certain areas, our policy will except from coverage any state of facts which a personal inspection might disclose unless survey coverage is ordered. In these cases a specific exception will appear in this certificate. Our examination of the title includes a search for any unexpired financing statements which affect fixtures and which have been properly filed and indexed pursuant to the Uniform Commercial Code in the office of the recording officer of the county in which the real property lies. No search has been made for other financing statements because we do not insure title to personal property. We will on request, in connection with the issuance of a title insurance policy, prepare such search for an additional charge. Our liability in connection with such search is limited to \$1,000.00.

# Fidelity National Title Insurance Company of New York

**Certifies to: R. SPENCER LAUTERBACH, ESQ.**

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of insurance policy in the amount of \$ 370,000.00 insuring a fee and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objection, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If the title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

THIS CERTIFICATE IS INTENDED FOR LAWYERS ONLY. SUCH EXCEPTIONS AS MAY BE SET FORTH HEREIN MAY AFFECT MARKETABILITY OF TITLE. YOUR LAWYER SHOULD BE CONSULTED BEFORE TAKING ANY ACTION BASED UPON THE CONTENTS HEREOF. THE COMPANY'S REPRESENTATIVE AT THE CLOSING HEREUNDER MAY NOT ACT AS LEGAL ADVISOR TO ANY OF THE PARTIES OR DRAW LEGAL INSTRUMENTS FOR THEM. SUCH REPRESENTATIVE IS PERMITTED TO BE OF ASSISTANCE ONLY TO AN ATTORNEY. IT IS ADVISABLE TO HAVE YOUR ATTORNEY PRESENT AT THE CLOSING.

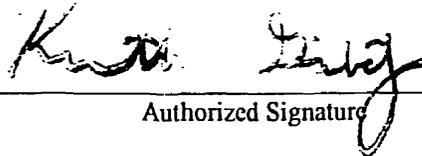
IF ANY OF THE CLOSING INSTRUMENTS WILL BE OTHER THAN COMMONLY USED FORMS OR CONTAIN UNUSUAL PROVISIONS, THE CLOSING CAN BE SIMPLIFIED AND EXPEDITED BY FURNISHING THE COMPANY WITH COPIES OF THE PROPOSED DOCUMENTS IN ADVANCE OF CLOSING.

Dated: 9 a.m. December 1, 1999  
Redated 9 a.m.

Premises in Section 54, Block 1, Lot 39.2 & 43.2  
On the land/tax map of the County of Orange

National Granite Title Insurance Agency  
155 North Main Street  
New City, New York 10956  
(914) 639-1415

**Fidelity National Title Insurance Company  
of New York**

  
Authorized Signature

Will be pleased to confer on any  
questions concerning this certificate.

**National Granite Title Insurance Agency, Inc.**

155 North Main Street  
New City, New York 10956  
(914) 639-1415 (Telephone)  
(914) 639-1239 (Facsimile)

350 Fifth Avenue  
Suite 3304  
New York, New York 10118  
(212) 665-0644 (Telephone)

PLEASE REPLY TO:  
OUR NEW CITY OFFICE

December 15, 1999

R. Spencer Lauterbach  
P.O. Box 298  
151 North Main Street  
New City, NY 10956

Re: Title No.: GR99-4985  
Parties: Lydecker to Alva  
Premises: Mount Airy Road, New Windsor, NY

Gentlemen:

Enclosed herewith is the title report on the above-captioned matter.

Please be advised that we have forwarded reports to the following:

Seller's Attorney:

Philip A. Crotty, Esq.  
563 Temple Hill Road  
New Windsor, NY 12553

Thank you.

Very truly yours,

  
Kenneth Gribetz  
President

KG:vm  
Enclosures



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

COPY

THIS INDENTURE, made on December 20, 1999

BETWEEN

GERRIT V. LYDECKER, residing at 33 Sweet Briar Road,  
Stamford, CT 06905

party of the first part, and

MARY ALVA, residing at 775 West Nyack Road,  
West Nyack, NY 10994,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN-----  
----- (\$10.00) ----- dollars,

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 heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being ~~XXXXX~~ more particularly described on the attached SCHEDULE "A".

EXCEPTING AND  
RESERVING TO THE GRANTOR A PARCEL OF APPROXIMATELY ONE ACRE TO BE SUBDIVIDED  
BY THE TOWN OF NEW WINDSOR PLANNING BOARD & FILED ON A MAP IN THE ORANGE COUNTY  
CLERK'S OFFICE; SAID ONE ACRE PARCEL TO BE APPROXIMATELY AS SET FORTH IN  
SCHEDULE "B" ATTACHED HERETO AND MADE A PART HEREOF; AND THE DEED TO SAID  
PARCEL SHALL BE CONVEYED FROM THE GRANTOR HEREIN TO THE GRANTOR HEREIN WITHOUT  
FURTHER ACTION BY THE GRANTEE, AND THERE SHALL BE NO CONSIDERATION FROM EITHER  
PARTY.

BEING a portion of the premises described in that certain deed dated  
November 2, 1987 from JAMES R. PETRO AND MARGARET V. PETRO and ARTHUR O.  
MAHARAY to GERRIT V. LYDECKER, which deed was recorded on November 4, 1987  
in Liber 2826 at page 158, and corrected by Deed Dated July 28, 1988,  
recorded September 14, 1988 in Liber 3008 at page 146.

DESCRIPTION  
for  
Gerrit V. Lydecker

All that certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, shown as Lot No. 1 on a map entitled "Gerrit V. Lydecker Minor Subdivision", said map to be filed in the Orange County Clerk's Office upon approval by the Town of New Windsor Planning Board, being more particularly described as follows:

BEGINNING at a point in the westerly line of Mt. Airy Road, where said line is intersected by the northerly line of lands now or formerly Tejada, running thence, the following courses:

1. Along lands now or formerly Tejada, and continuing along the division line between Lot No. 1 and Lot No. 2 as shown on the above referenced map, N 67°35'02" W 250.00' to a point;
2. Still along said division line, N 13°36'22" E 177.09' to a point;
3. Still along said division line, S 67°35'02" E 250.00' to a point in the westerly line of Mt. Airy Road;
4. Along said line, S 13°36'22" W 177.09' to the point or place of BEGINNING.

Containing 43,750 square feet or 1.004 acres of land more or less.

SCHEDULE "B" - ATTACHMENT TO DEED DATED 12-20-1999

PARCEL 2

All that piece, parcel or tract of land lying in the Town of New Windsor, Orange County, New York being more particularly described as follows:

BEGINNING at a point on the westerly side of Mount Airy Road, said point also being the southeasterly corner of lands now or formerly of Baxter as described in Liber 1168 at Page 513, and running; thence,

1. South 13° 36' 22" West, 461.28 feet along said road to a point and the northeasterly corner of lands now or formerly of Tejada as described in Liber 1844 at page 578; thence,
2. North 67° 35' 02" West, 200.00 feet along said Tejada's lands to a point; thence,
3. South 13° 04' 58" West, 150.00 feet along the same to a point on a stone wall in the northerly line of lands now or formerly of Lacatena's as described in Liber 2471 at page 198; thence,
4. North 67° 35' 02" West, 294.75 feet along said Lacatena's lands and said stone wall to an iron pin found at a wall corner; thence,
5. South 26° 30' 58" West, 343.04 feet along the same to a rebar found at a stone wall intersection; thence,
6. North 67° 32' 19" West, through the lands of Lydecker as per Liber 1482 at page 469, 1292.49 feet to a point in the lands now or formerly of Waugh; thence,
7. North 25° 54' 00" East, 996.00 feet along said Waugh's lands to a point in a stone wall in the southerly line of lands now or formerly of Baxter as described in Liber 1168 at page 513; thence,
8. South 65° 53' 00" East, 1657.00 feet along said Baxter's land and a stone wall to the point or place of Beginning.

Containing 34.32 acres of land more or less.

EXCEPTING AND RESERVING TO THE GRANTOR A PARCEL OF APPROXIMATELY ONE ACRE TO BE SUBDIVIDED BY THE TOWN OF NEW WINDSOR PLANNING BOARD FILED ON A MAP IN THE ORANGE COUNTY CLERK'S OFFICE; SAID ONE ACRE PARCEL TO BE APPROXIMATELY AS SET FORTH IN SCHEDULE "B" ATTACHED HERETO AND MADE A PART HEREOF; AND THE DEED TO SAID PARCEL SHALL BE CONVEYED FROM THE GRANTOR HEREIN TO THE GRANTOR HEREIN WITHOUT FURTHER ACTION BY THE GRANTEE.

## SCHEDULE A

### PARCEL 1

ALL that piece, parcel or tract of land lying in the Town of New Windsor, Orange County, New York, being more particularly described as follows:

BEGINNING at a rebar found on the westerly side of Bethlehem Road, at the southeasterly corner of the lands now or formerly of Wenke and Lieber and running; thence,

1. South 18° 02' 27" West, 172.02 feet along the westerly side of said road to a point in the northerly line of lands now or formerly of Garret and Auge as described in Liber 2330 at page 276; thence,
2. North 69° 18' 25" West, 1246.50 feet along said Garrett and Auge's lands to a point; thence,
3. South 21° 47' 41" West, 400.48 feet to a point on the northerly line of lands now or formerly of Knoll as described in Liber 2486 at page 320; thence,
4. North 68° 12' 19" West, 645.04 feet along said Knoll's lands and generally following a stone wall to a standing stone found at a wall intersection and the southeasterly corner of Waugh as described in Liber 966 at page 594; thence,
5. North 24° 30' 24" East, 283.60 feet along a stone wall part way and generally following remains of an old wire fence and tree line to a point; thence,
6. North 27° 24' 15" East, 710.43 feet along same to a point; thence,
7. South 67° 32' 19" East, 1292.49 feet through the lands of Lydecker as per Liber 1966 at page 419 to a rebar found in a stone wall at the corner of lands of Lacatena; thence,
8. South 67° 53' 02" East, 139.17 feet along a stone wall to a wall corner and the northwesterly corner of lands now or formerly of Wenke and Lieber as described in Liber 2287 at page 663; thence,
9. South 25° 03' 02" West, 224.39 feet along said Wenke and Lieber's lands and a stone wall to a point; thence,
10. South 23° 30' 02" West, 193.83 feet along the same to a stone wall corner; thence
11. South 75° 03' 58" East, 228.35 feet along the same to a point in a stone wall corner, said point being 0.4 feet northeast of a rebar found; thence,
12. North 20° 58' 02" East, 12.49 feet along the same to a stone wall corner; thence,
13. South 68° 03' 33" East, 157.60 feet along the same to the point or place of beginning.

Containing 26.45 acres of land, more or less

ACKNOWLEDGMENT IN NEW YORK STATE (PL 309-a)

State of New York, County of ORANTE ss.:

On December 20, 1999 before me, the undersigned, personally appeared

GERRIT V. LYDECKER

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

PHILIP J. ...  
 Notary Public, State of New York  
 Qualified in Orange County  
 Reg No 4520419  
 Comm. exp. Expires March 30, 2002

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of \_\_\_\_\_ County of \_\_\_\_\_ ss.:

On \_\_\_\_\_ before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place acknowledgment taken)

\_\_\_\_\_  
 (signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of \_\_\_\_\_ } ss.:  
 County of \_\_\_\_\_ }

On \_\_\_\_\_ before me, the undersigned, personally appeared

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(  if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in

\_\_\_\_\_  
 \_\_\_\_\_ )

\_\_\_\_\_  
 (signature and office of individual taking acknowledgment)

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. \_\_\_\_\_

GARRIT V. LYDECKER

SECTION \_\_\_\_\_  
 BLOCK \_\_\_\_\_  
 LOT \_\_\_\_\_  
 COUNTY OR TOWN \_\_\_\_\_

MARY ALVA

RETURN BY MAIL TO:

R. SPENCER LAUTERBACH, ESQ.  
151 NORTH MAIN STREET-4TH FLOOR  
P.O. BOX 298  
NEW CITY, NY 10956      Zip No.

Reserve this space for use of Recording Office.

STATE OF NEW YORK     )  
                                  ) s.s.:  
COUNTY OF ORANGE     )

On the 20th day of December, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared MARY ALVA personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signatures on the instrument, the individuals, or the persona upon behalf of which the individuals acted, executed the instrument.

  
\_\_\_\_\_

Marie Byrne  
Notary Public, State of New York  
No. 01BY6000279  
Qualified of Orange County  
Commission Expires Dec. 15, 2001

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

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

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

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

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

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

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

IN PRESENCE OF:

  
GERRIT V. LYDECKER, GRANTOR

  
MARY ALVA, GRANTEE

CHECKED BY MYRA: OK 7/6/04

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 07-06-04 PROJECT NUMBER: ZBA# 04-55 P.B. # \_\_\_\_\_

APPLICANT NAME: MARY ALVA (MONDOME)

PERSON TO NOTIFY TO PICK UP LIST:

GREG SHAW  
P.O. BOX 2569  
NEWBURGH, NY

TELEPHONE: 561-3695

TAX MAP NUMBER: SEC. 54 BLOCK 1 LOT 43.21  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 380 MT. AIRY ROAD  
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

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

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1120

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

# 04-55



# Town of New Windsor

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

## ZONING BOARD OF APPEALS

July 6, 2004

Mary Alva (Mondome)  
380 Mt. Airy Road  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-55

Dear Ms. Alva:

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

Mondome, Inc.  
380 Mt. Airy Road  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

Cc: Shaw Engineering  
P.O. Box 2569  
Newburgh, NY 12550



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# June 14, 2004 Application Type: Use Variance  Area Variance   
Date Sign Variance  Interpretation

I. Owner Information: Phone Number: (845) 567-6767  
Mary Alva Fax Number: ( )  
(Name)  
380 Mt. Airy Road, New Windsor, NY 12553  
(Address)

II. Purchaser or Lessee: Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

III. Attorney: Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number (845) 561-3695  
Fax Number: (845) 561-3027  
Gregory J. Shaw, P.E.  
(Name)  
744 Broadway, Newburgh, NY 12550  
(Address)

V. Property Information:  
Zone: R-1 Property Address in Question: 380 Mt. Airy Road  
Lot Size: 33.2 Tax Map Number: Section 54 Block 1 Lot 43.21  
a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? No  
c. When was property purchased by present owner? 1999  
d. Has property been subdivided previously? Yes If so, When: 1999  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No  
f. Is there any outside storage at the property now or is any proposed? No

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

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE:**

Area Variance requested from New Windsor Zoning Local Law,

Section 300-1.0 Table of Use/Bulk Reg. Regs., Col. F & O

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	5 Acres	33.23 Acres	
Min. Lot Width	200 Ft.	284 Ft.	
Reqd. Front Yd.	100 Ft.	1,125 Ft.	
Reqd. Side Yd.	50 Ft.	40 Ft.	10 Ft.
Reqd. Rear Yd.	50 Ft.	416 Ft.	
Reqd. St Front*	50 Ft.	284 Ft.	
Max. Bldg. Hgt.	50 Ft.	40 Ft.	
Min. Floor Area*	N/A	N/A	
Dev. Coverage*	10 %	1.6 %	
Floor Area Ration**	N/A	N/A	
Parking Area	143 Spaces	39 Spaces	104 Spaces

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

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

**04-55**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

\_\_\_\_\_

\_\_\_\_\_

Refer To Attached Narrative

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

04-55

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**X. SIGN VARIANCE:**

- (a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

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

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

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

**XI. INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section 300-10 Use/Bulk Regs. Col. 0

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

\_\_\_\_\_  
\_\_\_\_\_ Refer To Attached Narrative \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE NOTE:**

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

**04-55**

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Refer To Attached Narrative

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XIII. ATTACHMENTS REQUIRED:

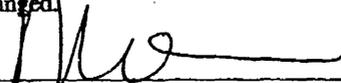
- Copy of referral from Building/Zoning Inspector or Planning Board. *have this*
- Copy of tax map showing adjacent properties. *have this*
- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ~~Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.~~
- Copies of signs with dimensions and location. *have this*
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - One in the amount of \$ 500 , (escrow)
  - One in the amount of \$ 150 , (application fee)
  - One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- Photographs of existing premises from several angles.

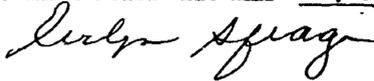
XIV. AFFIDAVIT.

Date:

STATE OF NEW YORK)  
 ) SS.:  
 COUNTY OF ORANGE )

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

  
 (Applicant Signature)

Sworn to before me this 15 day of June, 2004  


EVELYN SFRAGA  
 Notary Public, State of New York  
 Qualified in Orange County  
 Registration No. 01SF5081547  
 Commission Expires July 7, 2007

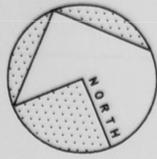
Mary Alva  
 (Please Print Name)

**PLEASE NOTE:**

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

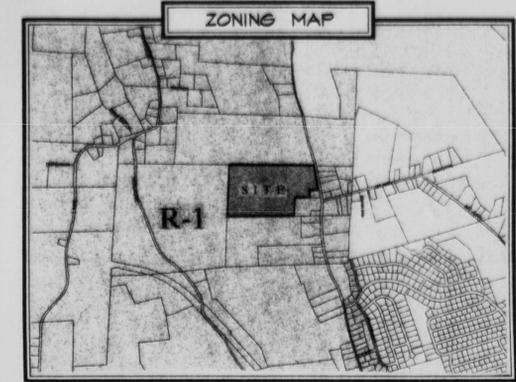
04-55





LEGEND	
EXISTING	NEW
412	2' CONTOUR
410	10' CONTOUR
—	BOUNDARY
---	ADJ. PROPERTY LINE
⊕	UTILITY POLE
⊙	HYDRANT
—X—X—	CHAIN LINK FENCE
⊖	STONEHALL
~~~~~	WOODED LINE
---	RETAINING WALL
▨	HACADAM PAVEMENT
▩	SHALE PAVEMENT

NOTES	
1. ZONING DISTRICT:	R-1, RESIDENTIAL
2. RECORD OWNER & APPLICANT:	MARY ALVA 380 MT. AIRY ROAD NEW WINDSOR, NEW YORK 12555
3. TOTAL PARCEL AREA:	33.231 ACRES
4. TAX MAP DESIGNATION:	SECTION 54, BLOCK 1, LOT 43.21
5. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.	
6. UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION (U.F.P.O.) SECTION 19B OF THE PUBLIC SERVICE LAW, ARTICLE 36 OF THE GENERAL BUSINESS LAW AND INDUSTRIAL CODE RULE 53 REQUIRES (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING OR BLASTING. UNDERGROUND UTILITIES CALL CENTER TEL. NO. 1-800-462-1462. CONTRACTOR SHALL PROTECT AND PRESERVE UTILITY MARKINGS.	
7. BOUNDARY, PLANIMETRIC, AND TOPOGRAPHIC SURVEY INFORMATION OBTAINED BY WILLIAM HILDRETH, P.C., LAND SURVEYOR. ADDITIONAL TOPOGRAPHIC SURVEY INFORMATION WAS OBTAINED BY WILLIAM HILDRETH, P.C., LAND SURVEYOR ON MARCH 26, 2004.	



ZONING SCHEDULE		
ZONE: R-1, RESIDENTIAL		
USES: A-4, RECREATIONAL FACILITY		
<b>BULK REGULATIONS, R-1 ZONE</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
MIN. LOT AREA	5 ACRES	33.23 ACRES
MIN. LOT WIDTH	200 FT.	284 FT.
MIN. FRONT YARD DEPTH	100 FT.	1125 FT.
MIN. SIDE YARD - ONE	50 FT.	40 FT. *
MIN. SIDE YARD - BOTH	100 FT.	854 FT.
MIN. REAR YARD DEPTH	50 FT.	416 FT.
MIN. STREET FRONTAGE	50 FT.	284 FT.
BUILDING HEIGHT	50 FT.	40 FT.
MAX. FLOOR AREA RATIO	N/A	0.016
DEVELOPMENT COVERAGE	10 %	5.1 %
<b>OFF-STREET PARKING RECREATION AREAS</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
(4 SPACES PER ACRE)		
33.23 ACRES @ 4 SPACES PER ACRE	133 SPACES	
<b>RETAIL GOLF SHOP</b>		
(1 SPACE PER 150 S.F. OF TOTAL FLOOR AREA)		
1,400 S.F. / 150 S.F. PER SPACE	10 SPACES	34 SPACES *
<b>COVERAGES</b>		
BUILDING COVERAGE % OF TOTAL AREA		23,250 S.F. 1.6 %
PAVEMENT COVERAGE % OF TOTAL AREA		50,244 S.F. 3.5 %
OPEN SPACE COVERAGE % OF TOTAL AREA		13,732 S.F. 41.9 %

\* DENOTES A VARIANCE MUST BE OBTAINED FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS.

**Shaw Engineering**  
Consulting Engineers  
744 Broadway  
Newburgh, N.Y. 12550

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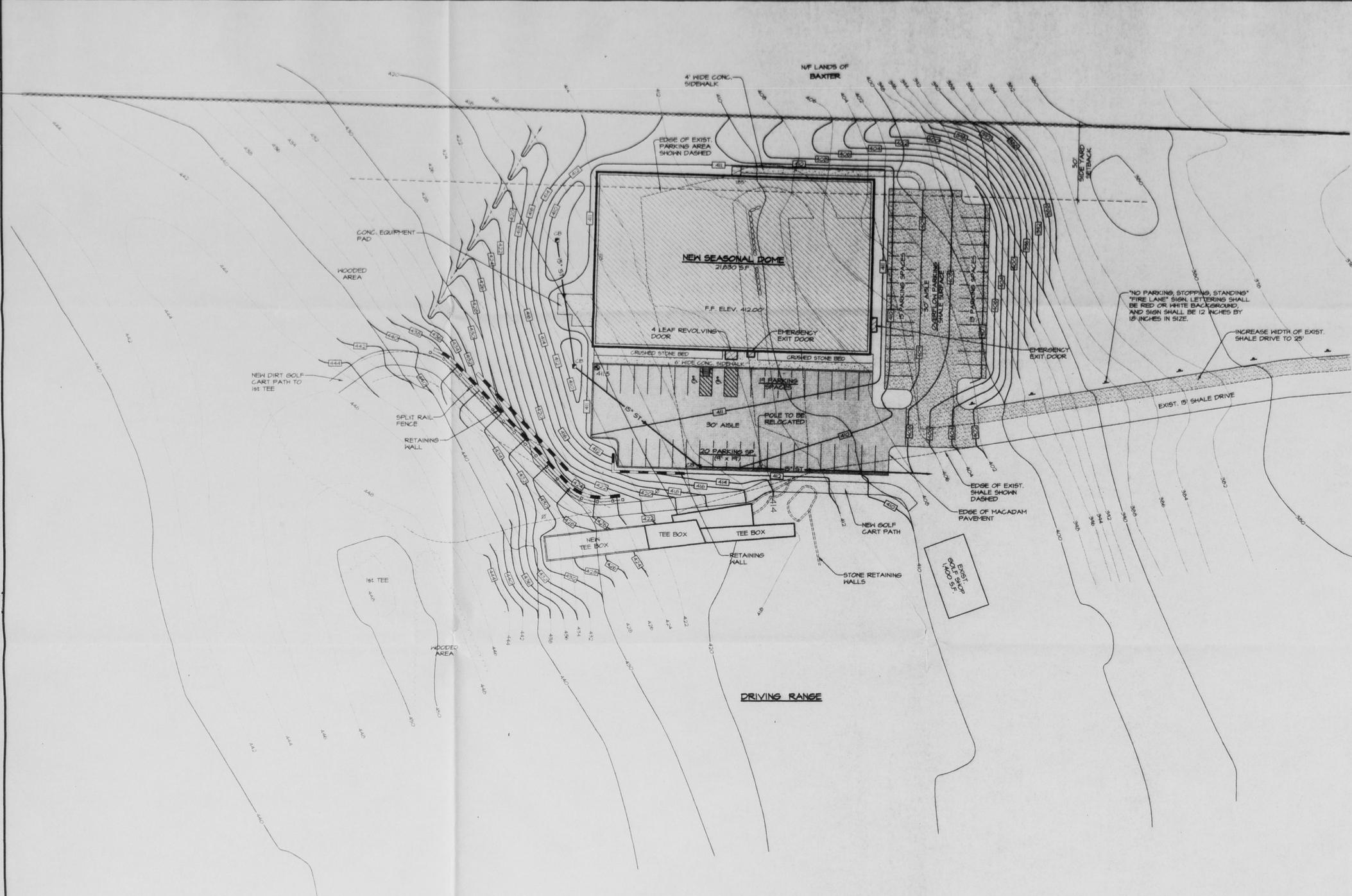
COPYRIGHT 2004 SHAW ENGINEERING

NO.	REVISION	DATE
1	ZONING SCHEDULE	6-14-2004
ISSUE		

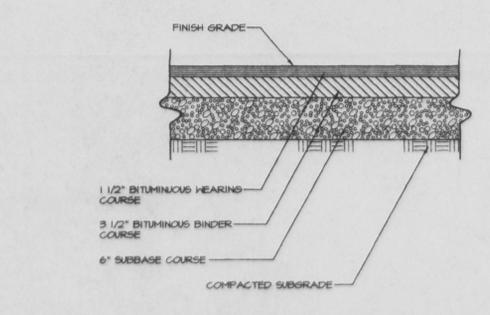
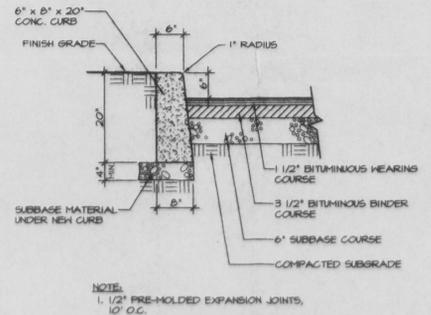
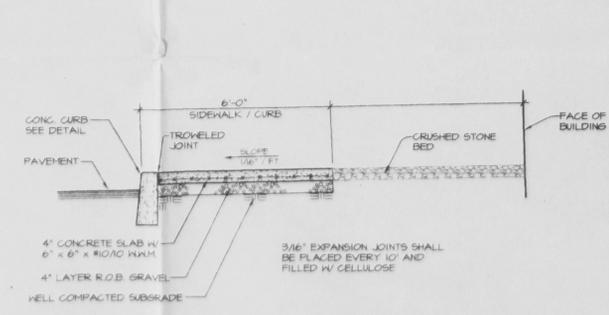
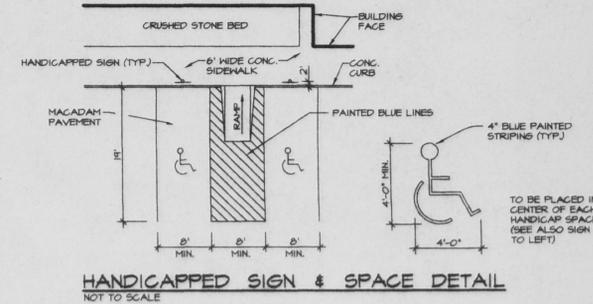
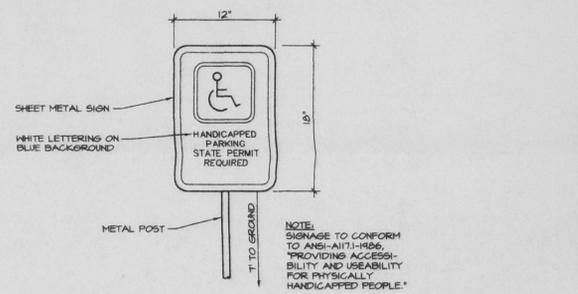
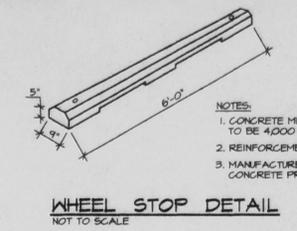
Drawn By: J.R.J.  
Checked By: G.S.S.  
Scale: 1"=50'  
Date: 5-12-2004

Project: **PRELIMINARY SITE PLAN**  
NEW SEASONAL DOME FOR **MONDOME INC.**  
380 MT. AIRY ROAD TOWN OF NEW WINDSOR, N.Y.

1 OF 2  
Project No. 0315



LEGEND			
EXISTING	NEW		
410	2' CONTOUR	---	FINISHED GRADE
410	10' CONTOUR	---	CATCH BASIN No. 7
---	BOUNDARY	---	WALL-PAK LIGHTING
---	ADJ. PROPERTY LINE	253.5	SPOT ELEVATION 253.5
U	UTILITY POLE	---	RETAINING WALL
○	HYDRANT	---	MACADAM PAVEMENT
○○○○○○	STONEWALL	---	SHALE PAVEMENT
~~~~~	WOODED LINE		



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ISSUE	REVISION	DATE

Drawn By: J.B.J.  
Checked By: G.J.S.  
Scale: 1" = 30'  
Date: 5-12-2004

Drawing:  
**PRELIMINARY PARTIAL SITE PLAN**  
Project:  
NEW SEASONAL DOME  
FOR  
**MONDOME INC.**  
960 MT. AIRY ROAD  
TOWN OF NEW WINDSOR, N.Y.

2 OF 2  
Project No. 0315