

ZB# 04-57

Richard Gorglione

63-4-6

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Approved 8-9-04

ZBA # **04-57** RICHARD GORGLIONE
(AREA) 331 SYCAMORE DR (63-4-6)

Richard Gorgione 496-9577



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

Richard Gorglione
331 Sycamore Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-57

Dear Mr. Gorglione:

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

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

RICHARD & GAIL GORGLIONE

AREA

CASE #04-57

WHEREAS, Richard Gorglione, owner(s) of 331 Sycamore Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an :

18 ft. Rear Yard Setback for proposed 16 ft. X 20 ft. rear deck (G-8) and;

Existing 16 ft. X 12 ft. shed which projects closer to the street than the principal building (300-11-A(3))

At 331 Sycamore Drive in an R-4 Zone (63-3-1)

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 no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or 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 residential property located in a neighborhood of residential properties.

- (b) In constructing the deck and shed, no trees or substantial vegetation were removed.
- (c) Neither the deck or the shed create the ponding or collection of water or divert the flow of water drainage.
- (d) Neither the shed or the deck are on top of or interfere with any easements including, but not limited to, water, sewer and utility easements.
- (e) The deck and shed are similar in size and appearance to other decks and sheds in the neighborhood.
- (f) The shed has been in existence for approximately ten years during which time there have been no complaints, either formal or informal.

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).

NOW, THEREFORE, BE IT

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

18 ft. Rear Yard Setback for proposed 16 ft. X 20 ft. rear deck (G-8) and;

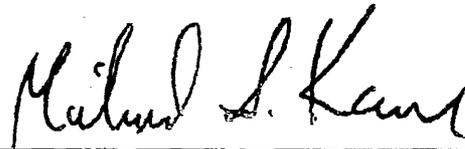
Existing 16 ft. X 12 ft. shed which projects closer to the street than the principal building (300-11-A(3))

At 331 Sycamore Drive in an R-4 Zone (63-3-1) 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



Chairman

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: June 3, 2004

APPLICANT: **Richard & Gail Gorglione**
331 Sycamore Dr.
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: **June 2, 2004**

FOR: **Proposed attached 16' x 20' rear deck**

LOCATED AT: **331 Sycamore Dr.**

ZONE: **R-4 Sec/Blk/Lot: 63-3-1**

DESCRIPTION OF EXISTING SITE: **Existing One Family House**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **Proposed 16' x 20' rear deck will not meet minimum 40' rear yard set back.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: **R-4** USE: **Bulk Tables G-8**

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: **40'** **22'** **18'**

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

04-57

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be re-inspected and approved.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 02 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2004-0784

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

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

Owner of Premises RICHARD GORGLIONE

Address 331 SYCAMORE DRIVE Phone # 845-496-9577

Mailing Address SAME - Fax # _____

Name of Architect N/A

Address 11 Phone _____

Name of Contractor SELF

Address _____

Phone _____

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

OWNER

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of SYCAMORE
and Approx 100 feet from the intersection of CHESTNUT & SYCAMORE
(N, S, E or W)

2. Zone or use district in which premises are situated _____ is property a flood zone? Y N X

3. Tax Map Description: Section BEAVER DAM LAKE SECTION #1 Block 13 Lots 1 TO 4

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

a. Existing use and occupancy RESIDENCE b. Intended use and occupancy DECK BUILD

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other 16 x 20 Deck

6. Is this a corner lot? YES

7. Dimensions of entire new construction. Front 20' Rear 20' Depth 16' Height 5' No. of stories N/A

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A

Number of bedrooms N/A Baths N/A Toilets N/A Heating Plant Gas Oil
Electric/Hot Air N/A Hot Water N/A If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____ **ZONING BOARD**

10. Estimated cost _____

Fee \$50 CR # 1574
dtc 6/11 04

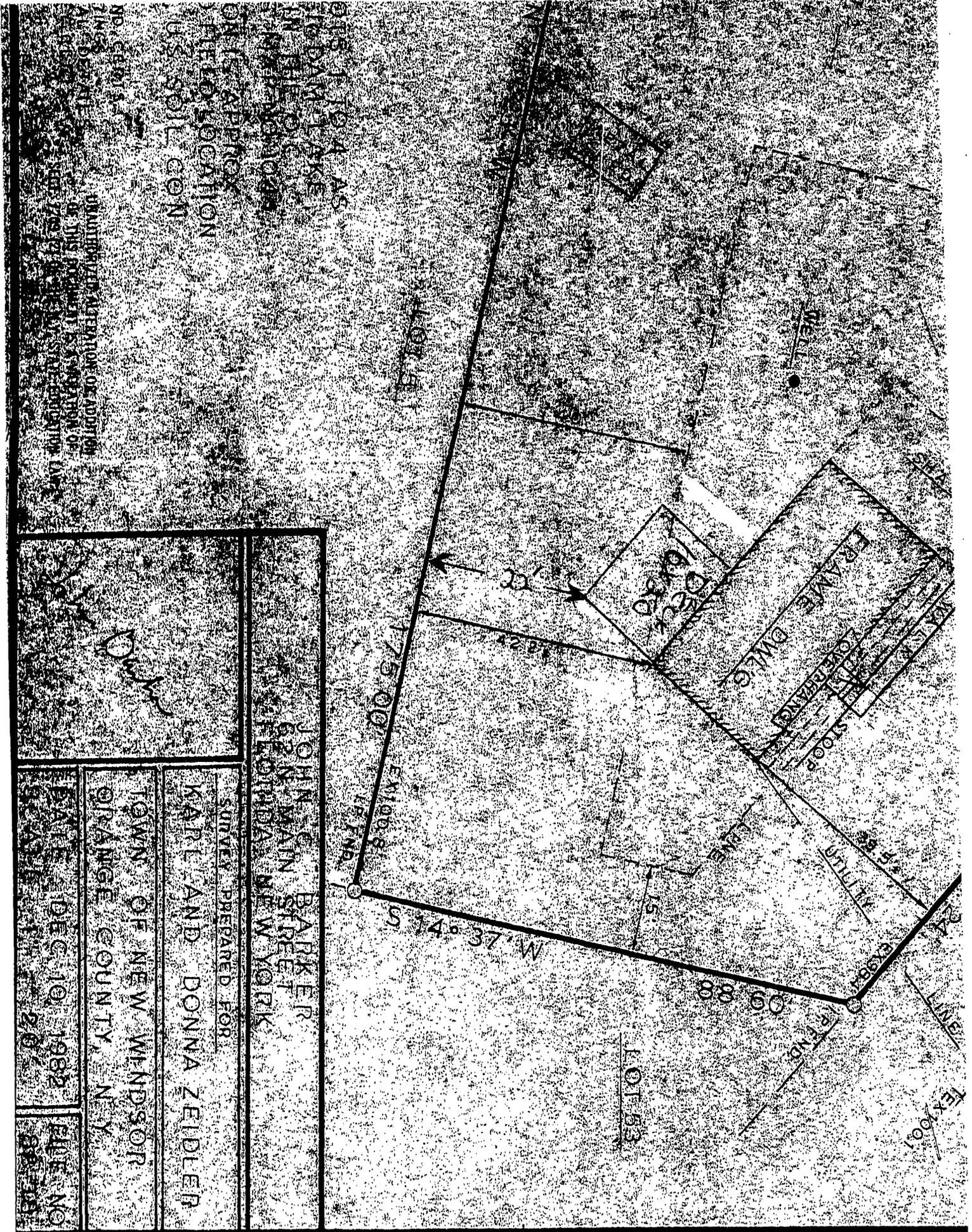
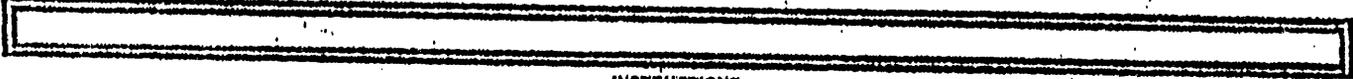
PAID

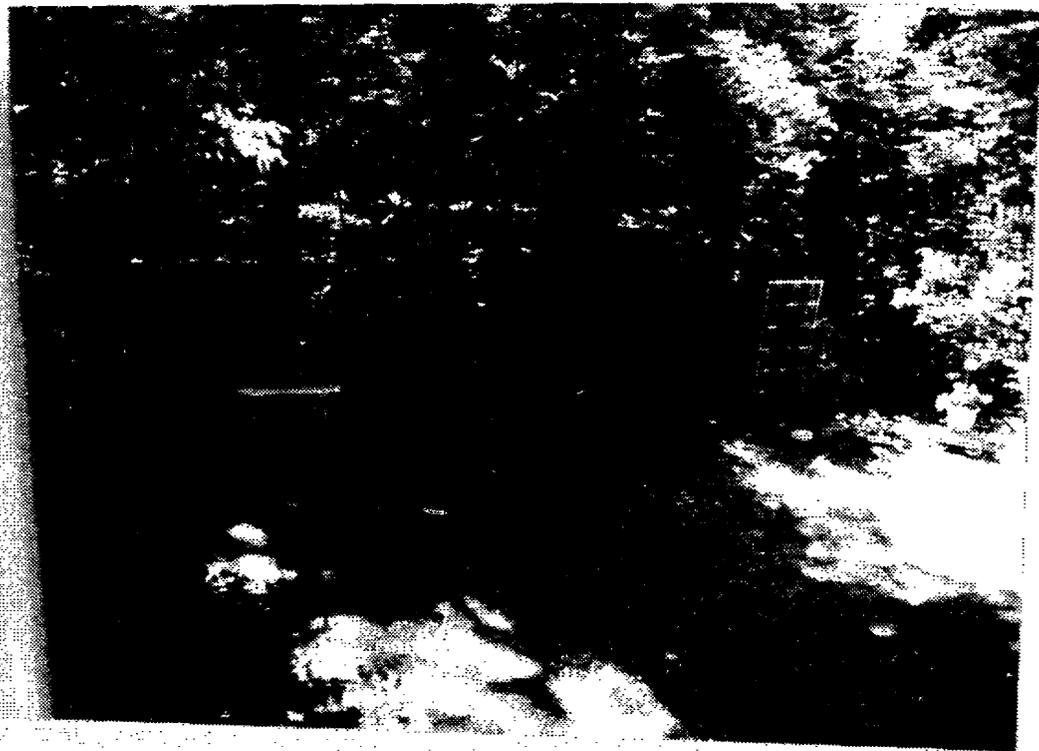
MAY 28 12004
date

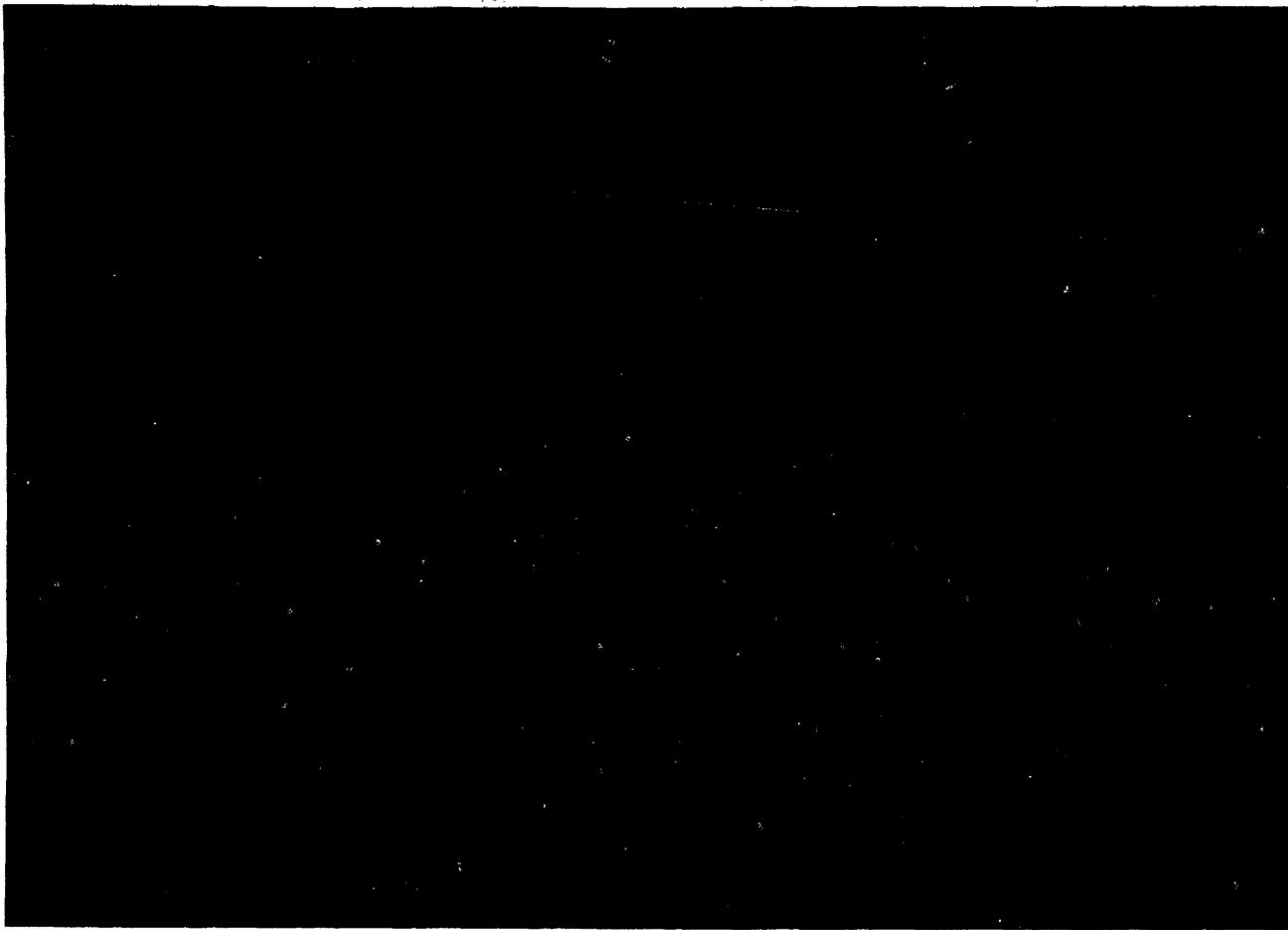
APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 583-4888 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____







SHEO 16w x 12L -



44' FROM REAR OF SHED TO ROAD —
28' TO PROPERTY LINE —



**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 \$ 175.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-57

NAME & ADDRESS:

**Richard Gorglione
331 Sycamore Drive
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 #04-56 TYPE: AREA

APPLICANT Name & Address:

**Richard Gorglione
331 Sycamore Drive
New Windsor, NY 12553**

TELEPHONE: 496-9577

RESIDENTIAL:	\$ 50.00	CHECK #1535
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #1536



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>6</u>	PAGES	<u>\$ 33.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$ _____</u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 22.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>
TOTAL:			<u>\$ 55.00</u>
			<u>\$ 70.00</u>



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 125.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 175.00

Cc:

RICHARD GORGLIONE (04-57)

Mr. Richard Gorglione appeared before the board for this proposal.

MR. KANE: Request for 18 ft. rear yard setback for proposed 16 ft. x 20 ft. rear deck and existing 16 ft. x 12 ft. shed which projects closer to the street than the principle building all at 331 Sycamore Drive in an R-4 zone.

MR. GORGLIONE: Variance might be off, it's only 14 feet I'm looking for and the rear setback I'm only going, I have 42 feet now I'm only going out 16 feet, just, I'm not looking for the entire 18, it's 42 feet now, correct? That's what I pointed out the last time, wondering why it's there again.

MR. BABCOCK: Well, the house, you're correct, the house is 42 feet off the property line but the required setback for the deck at the very edge of it would be 40 feet, you have 22 feet, that's where the 18 feet comes in.

MR. KANE: Which you have the deck attached to the house, it becomes part of the house, your rear yard setback stays the same at 40.

MR. GORGLIONE: Okay.

MR. KANE: So we're still working with the number of 18.

MR. GORGLIONE: Right.

MR. KRIEGER: If the deck were permitted to be constructed, he'd still have 22 feet?

MR. BABCOCK: That's correct.

MR. KANE: Cutting down any trees or substantial vegetation with the building of the deck?

MR. GORGLIONE: No.

MR. KANE: Create any water hazards on runoffs?

MR. GORGLIONE: No.

MR. KANE: Deck itself seem to be similar in size and nature to other decks in your neighborhood?

MR. GORGLIONE: Correct.

MR. KANE: Any easements in that area?

MR. GORGLIONE: No.

MR. MINUTA: Will the buffer between the shed and the roadway be maintained?

MR. GORGLIONE: Yes.

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

MR. GORGLIONE: Close to ten years.

MR. KANE: Any complaints formally or informally?

MR. GORGLIONE: No, sir.

MR. KANE: Create any water hazards or runoffs with the building of the shed?

MR. GORGLIONE: No.

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

MR. GORGLIONE: No.

MR. KANE: Shed is similar in size to other sheds in your neighborhood?

MR. GORGLIONE: Pretty much.

MR. KANE: At this point, I will open it up to the public and see if there's anybody here for this particular meeting. At this point, we'll close the public portion of the hearing and ask Myra how many mailings.

MS. MASON: On July 27, I mailed out 36 envelopes and had no response.

MR. GORGLIONE: After preliminary hearing, they called us about the shed, I don't know what that was all about.

MS. MASON: No, they said you needed to apply for a permit for the shed.

MR. GORGLIONE: We did that after I did the application, they said the permit was ready to be picked up, I haven't had a chance.

MR. BABCOCK: That's a good thing, you shouldn't get it until tomorrow.

MR. GORGLIONE: That's what I figured. I said somebody made a mistake.

MR. KANE: But technically you're supposed to apply for a permit and then get turned down for the permit to see us, otherwise you don't get in here.

MR. BABCOCK: He applied for the permit for the deck, we turned him down and sent him here, just for a deck. During that process, we noticed the shed so then we said okay, fine.

MR. KANE: Now it makes sense. Other questions?

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: I'll make a motion that we grant Mr. Richard Gorglione an 18 foot rear yard setback for the proposed 16 x 20 foot rear deck and existing 16 foot by 12 foot shed which projects closer to the street than the existing principle building. We don't have any setbacks on the shed?

MR. KANE: No.

MR. MINUTA: Okay, done.

MR. REIS: Second it.

ROLL CALL

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

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. 04-57

Request of RICHARD & GAIL GORGLIONE

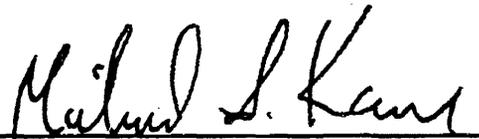
for a VARIANCE of the Zoning Local Law to Permit:

Request for 18 ft. Rear Yard Setback for proposed 16 ft. X 20 ft. rear deck (G-8)
and;

Existing 16 ft. X 12 ft. shed which projects closer to the street than the principal building (300-11-A(3))

At 331 Sycamore Drive in an R-4 Zone (63-3-1)

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 13, 2004

Richard Gorglione
331 Sycamore Drive
New Windsor, NY 12553

Re: 63-3-1 ZBA#: 04-57

Dear Mr. Gorglione:

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 \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive that reads "J. Todd Wiley" followed by a circled "IAO".

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

57-1-39.17
Eugene & Dorothy Kasello
344 Chestnut Avenue
New Windsor, NY 12553

57-1-39.18
James & Debra Quartuccio
340 Chestnut Avenue
New Windsor, NY 12553

57-1-111.3
Robert, Kimberly & Joseph Mauro
30 Rick Drive
New Windsor, NY 12553

57-1-111.4
Albert & Athena Nasta
22 Rick Drive
New Windsor, NY 12553

63-1-1.11
John & Denise Ryan
333 Hickory Avenue
New Windsor, NY 12553

63-1-1.12
Stephen & Donna Leaden
337 Hickory Avenue
New Windsor, NY 12553

63-1-1.2
Gilbert Scarazzini
14 Willow Avenue
New Windsor, NY 12553

63-1-15.1
Thomas & Joan Dunnigan
323 Hickory Avenue
New Windsor, NY 12553

63-2-1.11
Ernest & Diane Saporito
332 Hickory Avenue
New Windsor, NY 12553

63-2-1.122
Ruth Hedenkamp
333 Chestnut Avenue
New Windsor, NY 12553

63-2-1.2
Jim & Theresa Eggers
317 Chestnut Avenue
New Windsor, NY 12553

63-2-1.3
Gerald & Mary Louise Corbett
329 Chestnut Avenue
New Windsor, NY 12553

63-2-1.4
Margaret DeSimone
325 Chestnut Avenue
New Windsor, NY 12553

63-2-1.5
Raymond & Nancy Makofske
328 Hickory Avenue
New Windsor, NY 12553

63-2-1.6
John & Maureen Albarino
326 Hickory Avenue
New Windsor, NY 12553

63-2-1.7
James Loniak
Luanne Paton
314 Hickory Avenue
New Windsor, NY 12553

63-2-1.8
Leroy & Genevieve Loughlin
324 Hickory Avenue
New Windsor, NY 12553

63-2-2
Pasquale & Frances Carbone
313 Chestnut Avenue
New Windsor, NY 12553

63-2-3
Michael & Dorene McCann
321 Chestnut Avenue
New Windsor, NY 12553

63-2-4
Keith & Sandra Gise
338 Hickory Avenue
New Windsor, NY 12553

63-3-2.1 & 63-3-2.3
Catherine Anderson
323 Sycamore Drive
New Windsor, NY 12553

63-3-2.2
Vladimir, Aleksander & Oleg Zhukovskiy
317 sycamore Drive
New Windsor, NY 12553

63-3-3.1
Vincent & Hope Stanzione
311 Sycamore Drive
New Windsor, NY 12553

63-3-3.2
Christopher & Joanne Carter
315 Sycamore Drive
New Windsor, NY 12553

63-3-8
Eugene & Emily Cocozza
314 Chestnut Avenue
New Windsor, NY 12553

63-3-15.2
William & Alison Brand
324 Chestnut Avenue
New Windsor, NY 12553

63-4-4 & 63-4-6
Audie & Milagros Soto
350 Sycamore Drive
New Windsor, NY 12553

63-4-9.2
John & Lena Taldone
2069 Springridge Drive
Las Vegas, NV 89134

63-4-16
Tamara Dreyer
336 Sycamore Drive
New Windsor, NY 12553

63-4-18
Robert & Joanne Natale
332 Sycamore Drive
New Windsor, NY 12553

63-4-21

Michael & Stacylyn Guida
328 Sycamore Drive
New Windsor, NY 12553

63-4-22.1

Salvatore & Joann Catania
324 Sycamore Drive
New Windsor, NY 12553

63-4-22.21

Jennifer Brosnan
Donna Beyer
318 Sycamore Drive
New Windsor, NY 12553

63-6-1.2

Antoinette Kotite
400 E. 52nd Street
NY, NY 10022

63-6-3

Rose Lobianco
Antoinette Kotite
400 E. 52nd Street
NY, NY 10022

63-7-2 -

Michael & Christina Gabriele
307 Chestnut 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

Richard Gorglione
331 Sycamore Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-57

Dear Mr. Gorglione:

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:

331 Sycamore Drive
New Windsor, NY

is scheduled for the AUGUST 9TH, 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



RESULTS OF Z.B.A. MEETING OF:

July 12, 2004

PROJECT: Richard Garglione

ZBA # 04-57
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) MN S) R VOTE: A 5 N 0

RIVERA A
MCDONALD A
REIS A
MINUTA A
KANE A

CARRIED: Y N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) MN S) _____ VOTE: A _____ N _____

RIVERA _____
MC DONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y _____ N _____

Rear
Add shed to Paperwork - ~~side~~ yard + front yard

Need pictures of shed

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

RECEIPT
#696-2004

07/07/2004

Gorglione, Richard *ZBA# 04-57*

Received \$ 50.00 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
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 07-06-04

FOR: ESCROW (04-57)

FROM: RICHARD GORGLIONE
331 SYCAMORE DRIVE
NEW WINDSOR, NY 12553

CHECK NUMBER: 1536

TELEPHONE: 496-9577

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

7/6/04

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

July 12, 2004

8

RICHARD GORGLIONE (04-57)

Mr. Richard Gorglione appeared before the board for this proposal.

MR. KANE: Request for 18 ft. rear yard setback for proposed 16 ft. x 20 ft. rear deck at 331 Sycamore Drive in an R-4 zone. Tell us what you want to do.

MR. GORGLIONE: Put a deck on the back of the house, the rear of the building line is 40 feet, 42 feet from the property line, New Windsor requires 40 feet, the deck would extend out to 18 feet above the required.

MR. KANE: This is your lot right here on the corner?

MR. GORGLIONE: Correct.

MR. KANE: Show me where the deck is going to be.

MR. BABCOCK: I can help you Mr. Chairman, it's right here.

MR. KANE: So it has nothing to do with the streets?

MR. BABCOCK: No.

MR. KANE: Will you be cutting down any trees or substantial vegetation in the building of this deck?

MR. GORGLIONE: No.

MR. KANE: Create any water hazards or runoffs?

MR. GORGLIONE: No.

MR. KANE: The deck, the size of the deck itself is similar to other deck sizes in your neighborhood?

MR. GORGLIONE: Yes.

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MR. KANE: You don't feel the 16 x 20 deck is overly big?

MR. GORGLIONE: No.

MR. KANE: Any easements in the area where you're locating the deck?

MR. GORGLIONE: None whatsoever.

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

MR. GORGLIONE: No.

MR. KANE: How high off the ground is the deck going to be?

MR. GORGLIONE: Door is about a little over five foot, the window line, the floor line is about five foot.

MR. KANE: Is there an existing door there now?

MR. GORGLIONE: Yes.

MR. KANE: If you walk out the door, you need something there?

MR. GORGLIONE: No, not right now.

MR. KANE: But if you open the door you would need something there?

MR. GORGLIONE: Correct.

MR. KANE: So it would be a safety feature too?

MR. GORGLIONE: Yes.

MR. KANE: Questions? Mike, Steve, you okay?

MR. BABCOCK: Mr. Chairman, I wanted to show you one more thing while he's here, I don't know if this is still here, maybe we should ask.

MR. KANE: You still have the metal shed?

MR. GORGLIONE: It's a sheet, it's not metal, it's been refurbished.

MR. KANE: As long as you're here and it's not going to cost you anymore money. Do you want to take the measurements on this because it looks like it's a little tight?

MR. BABCOCK: Plus it's in the front yard.

MR. KANE: Technically, it's in the front yard because you've got two streets, so as long as you're here we can clear it up in one shot, if you went to go sell or refinance, you're going to be back here.

MR. GORGLIONE: I didn't want to open a can of worms.

MR. KANE: No offense but you opened a can of worms when you walked in the door.

MR. BABCOCK: What you need is to give me this measurement from the property line and then there's also a section that says can't project closer than the principle building.

MR. KANE: With your permission we'll we add that to the paperwork.

MR. GORGLIONE: Yes.

MR. KANE: There's a deck back there, we're going to add that to the denial.

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MR. KRIEGER: That by the way is an example of what the chairman was taking about about preliminary hearings, you see the convenience of having it.

MR. KANE: We want to get you all cleared up.

MR. GORGLIONE: One won't impact the other?

MR. KANE: Same impact for both, not going to cause you any extra money and it's all clean this way also no problems and you don't have to spend some more money.

MR. GORGLIONE: Okay.

MR. REIS: It's a front yard?

MR. KANE: Yes.

MR. BABCOCK: Possible rear yard, we're calling that the rear yard, Mr. Chairman.

MR. KANE: For the sake of this possible rear yard variance.

MR. BABCOCK: And a front yard.

MR. KANE: And a variance to have a shed projecting closer to the street than the principle building.

MR. GORGLIONE: I appreciate that, thanks, makes sense.

MR. KANE: Accept a motion? Let's cover the shed first, sorry, how long has the shed been existing?

MR. GORGLIONE: Ten years.

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

MR. GORBLIONE: None whatsoever.

MR. KANE: Create water hazards and runoffs in the building of this?

MR. GORGLIONE: No.

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

MR. GORGLIONE: No.

MR. KANE: Any easements in the area where the shed is?

MR. GORGLIONE: No.

MR. KANE: It doesn't block any traffic view whatsoever?

MR. GORGLIONE: No, it's set back.

MR. KANE: If you can for the public portion can you just bring a picture of that area so we have that for the record?

MR. GORGLIONE: Sure.

MR. KANE: Anything else?

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I make a motion that we forward Mr. Richard Gorglione for the requested 18 foot rear yard setback for the proposed 16 foot by 20 foot rear deck as well as the existing metal shed for a--

MR. KANE: Existing shed.

MR. MINUTA: --existing shed for a possible rear yard and front yard projection variance referring to a public hearing.

MR. REIS: Second it.

ROLL CALL

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

MR. BABCOCK: It's just that he has to bring those measurements to my office to Frank so that we can do the paperwork and send it to this board.

MR. KANE: So you do that before the public hearing, the measurements, call the building department with those measurements.

MR. GORGLIONE: About a month?

MR. KANE: Depends on how fast you give all the information.

MR. GORGLIONE: I'll have it by Friday.

MR. BABCOCK: Just so you get them in we'll get the paperwork going.

MR. GORGLIONE: Thank you.



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



APPLICATION FOR VARIANCE

JUNE 18, 2004
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845) 496-9577
RICHARD GORELIONE Fax Number: ()
 (Name)
331 SYCAMORE DRIVE NEW WINDSOR, N.Y. - 12553
 (Address)

II. **Applicant:** SAME AS OWNER Phone Number: ()
 (Name) Fax Number: ()
 (Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
 (Name) N/A Fax Number: ()
 (Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
 Fax Number: ()
 (Name)
 (Address)

V. **Property Information:**
 Zone: R4 Property Address in Question: _____
 Lot Size: _____ Tax Map Number: Section 63 Block 3 Lot 1
 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? YES
 d. Has property been subdivided previously? NO If so, When: _____
 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.

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COMPLETE THIS PAGE

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

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40'	22'	18'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

**PLEASE NOTE:
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SUBMITTAL.**

04-57

COMPLETE THIS PAGE

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

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

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

THE CONSTRUCTION OF THE REAR
DECK WILL NOT ^{HAVE} ANY UNDESIRABLE CHANGES TO THE
PROPERTY, NO DETRIMENTAL HEALTH OR SAFETY FACTORS
WILL BE PRODUCED BY ITS CONSTRUCTION.
AS SHOWN ON ZONING MAP THE CONSTRUCTION
~~STILL~~ ^{WILL} NOT INVADE ANY NEIGHBORING PROPERTY
OR HAVE ANY NEGATIVE EFFECT ON SURROUNDING
LOTS.

PLEASE NOTE:

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XII. ADDITIONAL COMMENTS:

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

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
- One in the amount of \$ 300.00 or 500.00 (escrow)
- One in the amount of \$ 50.00 or 150.00 (application fee)
- One in the amount of \$ 25.00 (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

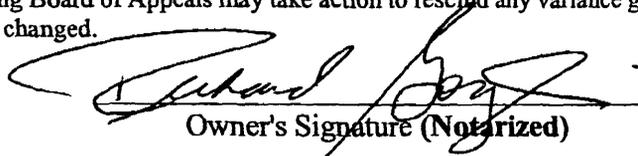
) SS.:

COUNTY OF ORANGE)

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

Sworn to before me this:

25th day of June 2004

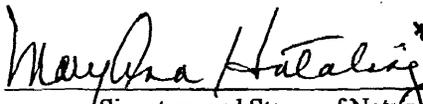


Owner's Signature (Notarized)

367-255-312

Commission Expires July 8, 2006
Qualified in Orange County
No. 01HO5062877

Owner's Name (Please Print)



MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877

Applicant's Signature (If not Owner)

(Signature and Stamp of Notary)

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877

PLEASE NOTE:

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

COMPLETE THIS PAGE

04-57



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

* **ESCROW**
 IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

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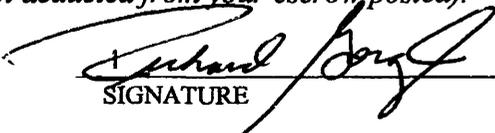
FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (*self-sealing envelopes are much appreciated*) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. ***YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.***

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

<p>I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).</p> <p> SIGNATURE</p> <p>JUNE 18, 2004 DATE</p>

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)