

ZB# 05-08

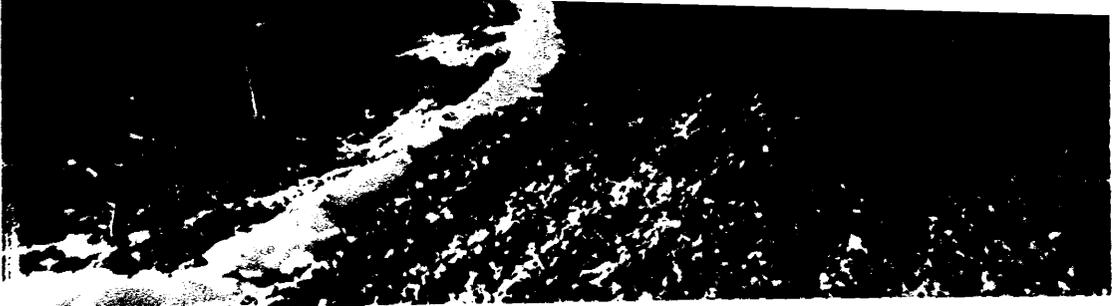
Fred Fayo III

56-1-9

ZBA #05-08 FRED FAYO III (AREA)
252 BULL RD (56-1-9)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Approved 4-11-05









Town of New Windsor

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

OFFICE OF THE ZONING BOARD OF APPEALS

July 1, 2005

Frederick Fayo III
9 Virginia Avenue
Cornwall, NY 12518

SUBJECT: REQUEST FOR VARIANCE #05-08

Dear Mr. Fayo:

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

FRED FAYO, III (for Classic Home Bldrs)

AREA

CASE #05-08

WHEREAS, Anthony Fayo (Representing Classic Home Bldrs , owner(s) of 252 Bull Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for variance of (Bulk Tables R-1; 5-D & 5-F:

73 ft. Minimum Lot Width	14 ft. Side Yard Setback
17 ft. Side Yard Setback	31 ft. Total Side Yard

For proposed single family house at 252 Bull Road in an R-1 Zone (56-1-9)

WHEREAS, a public hearing was held on April 11, 2005 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 Times Herald Record, 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) The residence will be serviced by septic and well but, there is sufficient room on the property to locate these items.
 - (c) In constructing the home, no trees or substantial vegetation will be removed.

- (d) The home will not divert the flow of water drainage or create the ponding or collection of water.
- (e) The home will not interfere with any easements.
- (f) The lot is similar in size and appearance to other lots in the neighborhood.

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 Request for variance of (Bulk Tables R-1; 5-D & 5-F:

73 ft. Minimum Lot Width 14 ft. Side Yard Setback

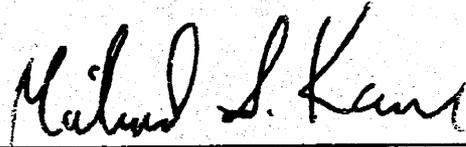
17 ft. Side Yard Setback 31 ft. Total Side Yard

For proposed single family house at 252 Bull Road in an R-1 Zone (56-1-9) 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: April 11, 2005

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

Chairman

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

Revised

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 10, 2005

**APPLICANT: Aron Taub
143 Clinton Lane
Spring Valley, NY 10977**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/3/05

FOR : Proposed one family house

LOCATED AT: 252 Bull Road

ZONE: R-1 Sec/Blk/ Lot: 56-1-9

DESCRIPTION OF EXISTING SITE: vacant lot

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed one family house will not meet minimum lot width, required side yard or required total side yard.**

Prant Lini
BUILDING INSPECTOR

		PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-1	USE: Bulk Tables			
MIN LOT AREA:				
MIN LOT WIDTH:	5D	175'	102'	73'
REQ'D FRONT YD:				
REQ'D SIDE YD:	5F	40'	23' 26'	17' 14'
REQ'D TOTAL SIDE TD:	5F	80'	49'	31'
REQ'D REAR YD:				
REQ'D FRONTAGE:				
MAX BLDG HT:				
FLOOR AREA RATIO:				
MIN LIVABLE AREA:				
DEV COVERAGE:				

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

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

COPY

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DESCRIPTION OF EXISTING SITE: vacant lot

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- 1. Proposed one family house will not meet minimum lot width, required side yard or required total side yard.**


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-1 USE: Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH: 50' 175' 102' 73'

REQ'D FRONT YD:

**REQ'D SIDE YD: 5' 40' 23' 17'
26' 14'**

REQ'D TOTAL SIDE TD: 5' 80' 49' 31'

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

COPY

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 after correction.

RECEIVED

JAN 03 2005

BUILDING DEPARTMENT

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 para test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2005-

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 AAA DEVELOPERS AND MANAGEMENT CORP.

Address 143 CLINTON LN SUITE 2

Phone # 845 364-9501

Mailing Address SPRING VALLEY NY 10977

Fax # 845 364 0690

Name of Architect JAMES TENNER

Address 117 SPOOK ROCK ROAD

Phone 845-357-4644

Name of Contractor ALAN TAMB/AAA DEVELOPERS

357-4815-FAX

Address 143 CLINTON SUITE 2 SPRING VALLEY NY 10977

845 364-9501

Call -

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

If applicant is a corporation, signature of duly authorized officer [Signature]
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 56 Block 1 Lot 9 (252 BULL ROAD)

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy VACANT b. Intended use and occupancy SINGLE FAMILY RES.

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

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 48' Rear 48' Depth 30' Height 25' No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor _____

Number of bedrooms 4 Baths 2 Toilets 1.5 Heating Plant: Gas _____ Oil
Electric/Hot Air _____ Hot Water If Garage, number of cars 2

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

10. Estimated cost \$150,000 Fee \$50.00

PAID

CH# 11131

APPLICATION FOR BUILDING PERMITS
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

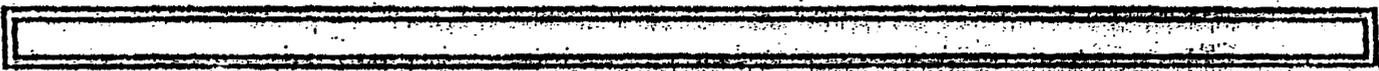
Date 7/1

date

APPLICATION FOR BUILDING PERMITS
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 Liel & Louis Kryohiser
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4095 FAX

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



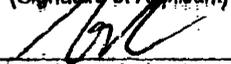
INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

 - PAB
(Signature of Applicant)

143 CEDRON CV.
(Address of Applicant)

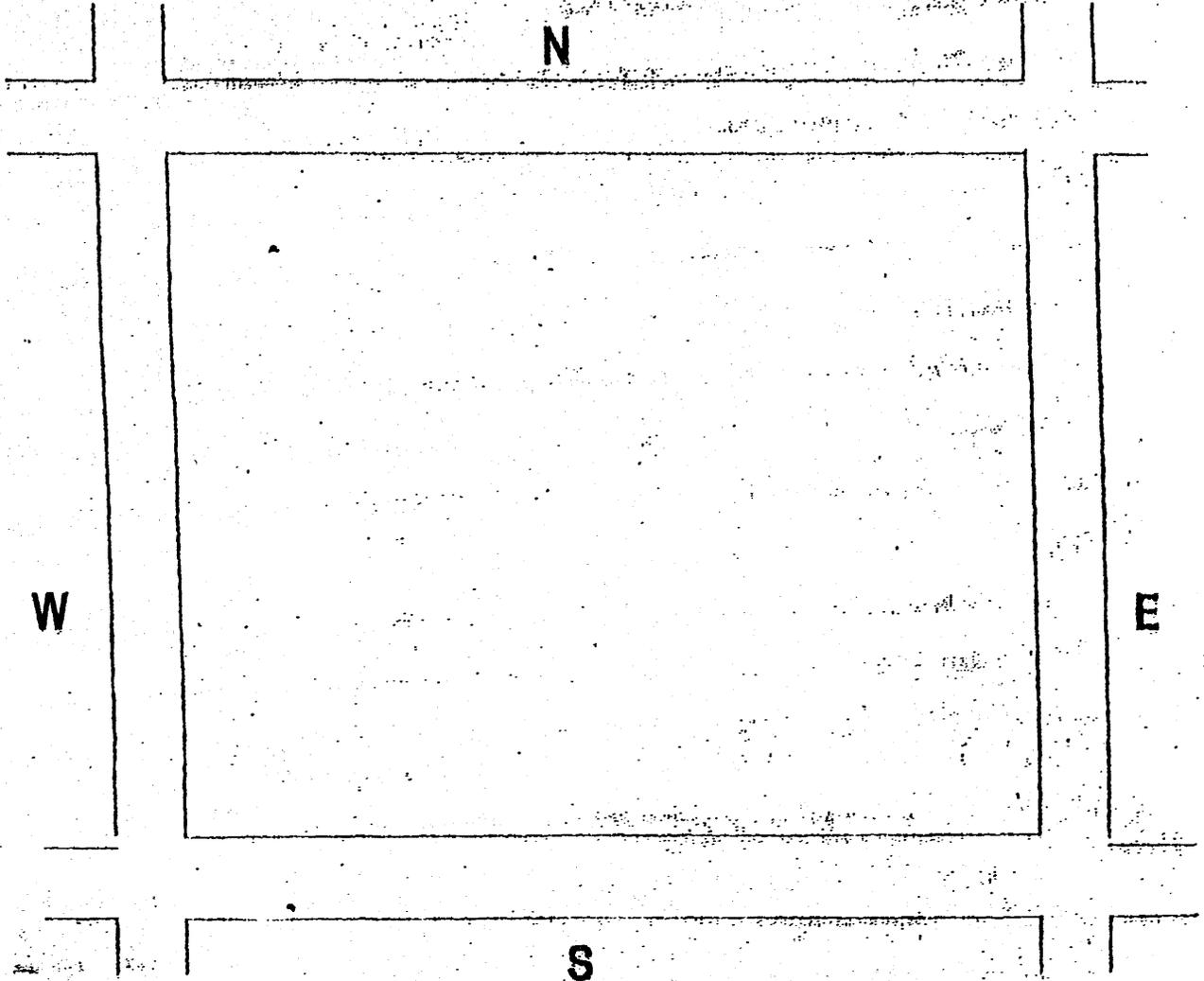
 - PAB
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



COPY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED PERMITS OF CONSTRUCTION

**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: JUNE 7, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 149.31 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-08

NAME & ADDRESS:

**Frederick Fayo III
9 Virginia Avenue
Cornwall, NY 12518**

THANK YOU,

MYRA

L.R.06-07-05



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



FILE #05-08 TYPE:AREA TELEPHONE: 534-4499

APPLICANT:
Frederick Fayó III
9 Virginia Avenue
Cornwall, NY 12518

RESIDENTIAL:	\$ 50.00	CHECK #1464
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #1463



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:3-28-05 \$ 47.69

TOTAL: \$ 80.69 \$ 70.00



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>150.69</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>149.31</u>

Cc:

L.R. 06-07-05

FREDERICK FAYO, III (05-08)

MR. KANE: Request for variance of 73 ft. minimum lot width, 17 ft. side yard setback, 14 ft. side yard setback and 31 ft. total side yard for proposed single-family house at 252 Bull Road.

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

MR. FAYO: Fred can't make it, I'm standing in for Fred, we both own the lot. We had a variance once for the road frontage, I filed for a permit, wasn't a proper time to build a house, now is a better time and I also not only do I need the road frontage but I guess I need the side lot because that has changed also.

MR. KRIEGER: You also need a lot area, is that correct because it's not on the agenda?

MR. BABCOCK: Not lot area.

MR. KANE: Lot width which he had a previous variance for but basically that's gone.

MR. KREIGER: Just want to make sure that the agenda included everything.

MR. FAYO: This is high property, this is where the house is going right here.

MR. KANE: Right next to his.

MR. FAYO: Yes, this is a common driveway, this is, this would be my driveway.

MR. KANE: So you're going to have a common drive coming down and kicking over here?

MR. FAYO: Correct.

MR. KANE: Septic and well?

MR. FAYO: Septic and well, yes, all been engineered.

MR. KANE: Cutting down a lot of trees and substantial vegetation in the building of the house?

MR. FAYO: No, nothing except for normal stuff.

MR. KANE: Creating any water hazards or runoffs?

MR. FAYO: No.

MR. REIS: Mr. Chairman, I feel I should recuse myself from this hearing, I'm involved with the sale of his property.

MR. KANE: Any easements running through the property?

MR. FAYO: Not to my knowledge, just the railroad in the back but that's--

MR. KANE: Can you bring me a couple pictures?

MR. FAYO: I brought some pictures for you, there's the road and there's from the, this is the driveway installed to the actual house off the neighbor's driveway.

MR. KANE: At this point then I'll open it up to the public and ask if there's anybody here for this particular hearing. Seeing as there's nobody here, I'll close it immediately and ask Myra how many mailings we had.

MS. MASON: On March 28th, I mailed out 14 envelopes and had no response.

MR. BABCOCK: I just want to say one thing, the lot area of this lot just for clarification is 4.8 acres.

MR. KANE: It's a lot bigger.

MR. BABCOCK: It's only 102 feet wide, that's the problem.

MR. KANE: I just once want to get in a room with a guy that designed these lots.

MR. FAYO: They're all like that.

MR. KANE: I know, it's crazy. Okay, to the members anything else? Any other questions?

MS. GANN: No.

MS. LOCEY: I assume Erinthal (phonetic) is the applicant?

MR. FAYO: He's the current, he's the buyer of the lot in question.

MS. LOCEY: Because on the agenda it's in the name of Fred Fayo, I just wanted to make sure I understood that correctly.

MR. KANE: Anything else?

MS. LOCEY: No.

MR. KREIGER: He's the contract vendee but it's still in their name.

MR. BABCOCK: Until he gets this variance.

MS. LOCEY: I'll offer a motion to grant the variances to Frederick Fayo for 73 ft. minimum lot width, 17 ft. side yard setback, 14 ft. side yard setback and 31 ft. total side yard for proposed single-family house at 252 Bull Road in an R-1 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. REIS	ABSTAIN
MR. KANE	AYE

MR. FAYO: Thank you very much.

MR. KANE: Motion to adjourn?

**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. 05-08
Request of FRED FAYO III
Request for a VARIANCE of
the Zoning Local Law to Permit:

Request for variance of (Bulk Tables) R-1; S-D & S-F:
73 ft. Minimum Lot Width 14 ft. Side Yard Setback
17 ft. Side Yard Setback 31 ft. Total Side Yard

For proposed single family house at 252 Bull Road in an R-1 Zone (S6-1-9)

PUBLIC HEARING will take place on APRIL 11, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1742714 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFDDRN Date: 03/25/2005 Assigned Sales: PUBLICHEARINGNOTICE ZONINGBOARDOFAPPEAL AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: IN Class: 999X

Schedule: Start Date - 03/28/2005 End Date - 03/28/2005

Sort: PUBLIC HEARING NOTICE ZONING BOARD OF APP

PRODUCTION:

Text Size: 2 x 27.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 47.69 Payment Method: BI Amount Paid: 0 Amount Owed: 47.69

Price Method: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Tell Forbid: 0 Mult. Content: 0

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TOWN OF NEW WINDSOR

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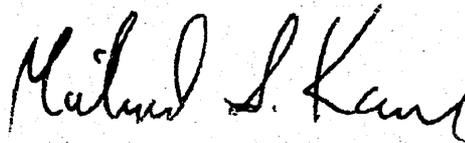
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at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



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

February 17, 2005

Frederick Fayó, III
9 Virginia Avenue
Cornwall, NY 12518

Re: 56-1-9 ZBA#: 05-08 (14)

Dear Mr. Fayó:

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 black ink that reads 'J. Todd Wiley' followed by a circled monogram 'IA'.

J. Todd Wiley, IA
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

55-1-54 & 56-1-11
Josephine Ferrari
255 Bull Road
Washingtonville, NY 10992

55-1-56
Paul Ferrari
255 Bull Road
Washingtonville, NY 10992

55-1-57
William & Faith Pasquale
245 Bull Road
Washingtonville, NY 10992

55-1-58
Wendall Harrington
235 Bull Road
Washingtonville, NY 10992

56-1-3
Augustus Thompson
710 Grove Avenue
Holly Hill, FL 32117

56-1-4.1,5&7
Michael & Tatiana Kouloumbis
P.O. Box 414
Washingtonville, NY 10992

56-1-6
James Weygant
c/o Carrie Weygant
P.O. Box 457
Vails Gate, NY 12584

56-1-8
Willie & Hope Brown
248 Bull Road
Washingtonville, NY 10992

56-1-10
Peter & Flora Saltini
c/o Noreen Ligotti
357 Pin Oak Lane
Westbury, NY 11590

56-1-28
Pauline Allen
76 E. Main Street
Washingtonville, NY 10992

56-1-29
Paul & Diane Meore
143 Toleman Road
Washingtonville, NY 10992

56-1-30.2
Antonio & Pura Goncalves
135 Toleman Road
Washingtonville, NY 10992

56-1-37
Legacy Properties, LLC
c/o Joseph Berardo
250 Moonachie Road
Moonachie, NJ 07074

56-1-40
Robert & Sylvia Mangold
155 Bull Road
Washingtonville, NY 10992

88-1-1-11
LaBarbera, Teresa
NK/A Maldonado, Teresa
Maldonado, Luis M. Jr.
418 Arbor Lane
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

March 31, 2005

Frederick Fayo III
9 Virginia Avenue
Cornwall, NY 12518

SUBJECT: REQUEST FOR VARIANCE #05-08

Dear Mr. Fayo:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

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

252 Bull Road
New Windsor

is scheduled for the April 11, 2005 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

PRELIMINARY MEETINGS:

FREDERICK FAYO, III (05-08)

Mr. Fred Fayó appeared before the board for this proposal.

MR. KANE: Request for variance of 73 ft. minimum lot width, 17 ft. side yard setback, 14 ft. side yard setback, 31 ft. total side yard for proposed single family house at 252 Bull Road. Tell us what you want to do.

MR. FAYO: I want to build a single family home. You did give us a variance on this, we got stalled on the project and that had expired so we're reapplying, it's strictly a single family home.

MR. KANE: How long ago did the variance expire?

MR. FAYO: About two years ago we got the variance so would have been a year ago it expired.

MR. KANE: So basically we're also, did you get, that we're reinstating a variance that was already approved.

MR. BABCOCK: I can add a little bit to that. Since the day they got the variance, the zoning has changed so the new denial reflects the new zoning so there are changes only bring it up to the current code.

MR. REIS: I'd like to recuse myself from this, I'm involved with the sale of the property.

MR. KANE: Okay, not a problem, Mike, thank you. So the changes that are on here are the changes from the old variance?

MR. FAYO: Yes.

March 14, 2005

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MR. BABCOCK: That's correct.

MR. KANE: And all changes were a result of a change in the zoning in that area. Cutting down any trees, substantial vegetation in the building of the home?

MR. FAYO: No.

MR. KANE: Any easements?

MR. FAYO: No.

MR. KANE: Will you be creating any water hazards or runoff?

MR. FAYO: No.

MR. KANE: Home's similar in size and nature to other homes in the area?

MR. FAYO: Yes, about 2,400 square feet, I believe.

MR. KANE: Are you going to have a well?

MR. FAYO: Yes.

MR. KANE: Sewer?

MR. FAYO: Septic.

MR. KANE: Anybody else have any other questions?

MS. GANN: No.

MR. RIVERA: No questions.

MR. KANE: I'll accept a motion to set him up for a public hearing.

MS. GANN: I'd like to offer a motion, Mr. Chairman, to

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set up Mr. Fayo for a public hearing on the requested variance.

MR. RIVERA: Second it.

ROLL CALL

MS. GANN	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: We'll see you at the public hearing. If you can just bring a couple pictures of the site so we can see it to refresh our memories.

MR. FAYO: Thank you.

ZBA - # 05-08 application fee

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

RECEIPT
#167-2005

02/14/2005

Inc., Fayo Construction
427 Mt. Airy Rd.
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 02/14/2005. 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: 02-08-05

FOR: ESCROW 05-08

FROM:

FAYO CONSTRUCTION INC.
427 MT. AIRY ROAD
NEW WINDSOR, NY 12553

for: Frederick Fayo III
9 Virginia Avenue
Cornwall, NY 12518

CHECK NUMBER: 1463

TELEPHONE: 497-3529

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

2/15/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: ¹⁴02-08-05 PROJECT NUMBER: ZBA# 05-08 P.B. # _____

APPLICANT NAME: FREDERICK FAYO III

PERSON TO NOTIFY TO PICK UP LIST:

FREDERICK FAYO III
9 VIRGINIA AVE.
CORNWALL, NY 12518

TELEPHONE: 534-4499

TAX MAP NUMBER: SEC. 56 BLOCK 1 LOT 9
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 252 BULL 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: 1465

TOTAL CHARGES: _____



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

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT FOR PUBLIC HEARING LIST:

\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

**DEPOSIT 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, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

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

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.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



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



APPLICATION FOR VARIANCE

2/1/05
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Name: CLASSIC HOME BUILDERS LLC Phone Number: (845) 497-3529
 Fax Number: (845) 497-3529
(C) 845-629-8334
 Address: 308 BULL RD NEW WINDSOR NY.

II. Applicant:

Name: FREDERICK FAYO III Phone Number: (845) 534-4499
 Fax Number: (845) 534-4499
 Address: 9 VIRGINIA AVENUE CORNWALL NY 12518

III. Forwarding Address, if any, for return of escrow:

Name: FREDERICK FAYO III Phone Number: (845) 534-4499
 Fax Number: (845) 534-4499
 Address: 9 VIRGINIA AVENUE CORNWALL NY 12518

IV. Contractor/Engineer/Architect/Surveyor/:

Name: CLASSIC HOME BUILDERS LLC Phone Number: (845) 497-3529
 Fax Number: (845) 497-3529
 Address: 308 BULL RD. NEW WINDSOR NY.

V. Property Information:

Zone: R-1 Property Address in Question: 252 BULL RD
 Lot Size: 102.2' X 2079.70' Tax Map Number: Section 56 Block 1 Lot 9
 a. What other zones lie within 500 feet? _____
 b. Is pending sale or lease subject to ZBA approval of this Application? YES
 c. When was property purchased by present owner? 2003
 d. Has property been subdivided previously? _____ 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.

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

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

Describe proposal:

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

**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: (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	50/175'	102'	73'
Reqd. Front Yd.			
Reqd. Side Yd.	5F/40'	23'/26'	14'
Reqd. Rear Yd.	5F/80'	49'	31'
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.**

**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:

TO BUILD A SINGLE FAMILY RESIDENCE

**PLEASE NOTE:
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SUBMITTAL.**

**OWN 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 freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

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

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SUBMITTAL.**

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 \$ 500.00 or 500.00 (escrow)
 - One in the amount of \$ 150.00 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 FOUR (4) 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:

1st day of February 2005.

[Signature]
Owner's Signature (Notarized)

FREDERICK R. PAGO III
Owner's Name (Please Print)

[Signature]
Signature and Stamp of Notary

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4264066
Commission Expires July 15, 2007

Applicant's Signature (If not Owner)

PLEASE NOTE:
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