

ZB# 05-16

Michael Miele

67-4-4.1

ZBA # **05-16** MICHAEL MELE (AREA)
46 RILEY RD. (67-4411)

ZONING BOARD OF APPEALS
TOWNSHIP OF NEW WINDSOR
50 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 5/23/05

**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: JULY 18, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 148.78 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-16

NAME & ADDRESS:

**Hudson Valley Engineering
& Land Surveying, PC
97 Maher Lane
Harriman, NY 10926**

THANK YOU,

MYRA

L.R.07-18-05



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



FILE #05-16 TYPE:AREA TELEPHONE: 567-1336

APPLICANT:
Michael Miele
40 Riley Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #0462 (HUD VAL ENG)
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #0461 (HUD VALLEY ENG.)



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

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:05-09-05 \$ 48.22

TOTAL: \$ 81.22 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 151.22

AMOUNT DUE: \$ _____

REFUND DUE: \$ 148.78

Cc:

L.R. 07-18-05

May 23, 2005

28

MICHAEL MIELE (05-16)

Mr. Michael Miele appeared before the board for this proposal.

MR. KANE: Request for 41,411 s.f. minimum lot area, 22 ft. and 8 ft. side yard setback and 75 ft. lot width, 30 ft. total side yard for proposed single family home at 46 Riley Road. Tell us what you want to do, sir

MR. MIELE: We're looking to obtain the four variances mentioned to construct a single family residence, it was an approved lot back I think less than five years ago before zoning changed and I live right next door as you're on Riley on the right and it's a single family dwelling for my father relocating up from Tuxedo, it met all the zoning then but since zoning changed it's an existing non-conforming lot now, my father and mother, I'm sorry.

MR. KANE: What size home are you thinking of putting up?

MR. MIELE: It's a 46 by 20, it's a modular.

MR. KANE: Square foot.

MR. MIELE: Probably even less, very standard so what's been there, I'm in a two family right next door and this is a single family.

MR. KANE: So similar in size and nature to other homes in the neighborhood?

MR. MIELE: Absolutely.

MR. KANE: Cutting down any trees?

MR. MIELE: Besides what's required to build the home that's it.

MR. KANE: Creating any water hazards or runoffs?

MR. MIELE: No.

MR. KANE: Going to be on town sewer and water?

MR. MIELE: Yes.

MR. KANE: And the home is not going to be over, can

May 23, 2005

29

you, Mike, what's the square in the middle of that?

MR. MIELE: It's, if you put on the side yards, it's a side setback as per the old zoning.

MR. KRIEGER: Building envelope.

MR. KANE: Thank you.

MR. KANE: At this point, I will ask you if you want to say anything? So let the record show there's nobody left in the audience but the applicant and we'll close the public portion of the hearing and ask Myra about the mailings.

MS. MASON: On May 9, I mailed out 51 envelopes and had no response.

MR. KANE: Nobody showed up either last time, new homes out that way people are very concerned with property but you're not on a well that usually brings them right out.

MR. MIELE: My house was on well and they have since extended the water down.

MR. KANE: I have no further questions. Anybody else on the board?

MS. GANN: No.

MS. LOCEY: No.

MR. REIS: Accept a motion?

MR. KANE: I will.

MR. REIS: Make a motion that we grant Mike Miele his requested variance for 44,411 square foot minimum lot area, 22 foot and 8 foot side yard setbacks and 75 foot lot width and 30-foot total side yard for a proposed single family home at 46 Riley Road.

MS. GANN: Second the motion

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE

May 23, 2005

30

MR. BROWN AYE
MR. KANE AYE

MR. MIELE: Thank you everyone.

MR. KANE: Have a good evening.

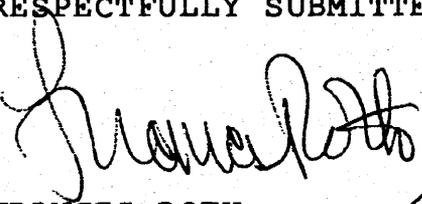
MR. REIS: Motion to adjourn.

MS. GANN: Second it.

ROLL CALL

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

RESPECTFULLY SUBMITTED BY:


FRANCES ROTH
STENOGRAPHER

5/23/05

MICHAEL MIELE (05-16)

MR. KANE: Request for 44,411 s. f. minimum lot area, 22 ft and 8 ft. side yard setback, 75 ft. lot width, 30 ft. total side yard for proposed single-family home at 46 Riley Road.

Mr. Michael Miele appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. MIELE: Yes, I'm Mike Miele with Hudson Valley Engineering, I happen to be the son of my father who owns the lot next to me. I live right next door at 40 Riley Road. It was a lot previously approved in 1999 and my dad's getting older and wants to be with his grandkids or at least closer to them so it's been four years since his only change so the previous non-conforming lot now requires variances, so he pretty much has the house he wants picked out, it's not too big, you know, it doesn't overpower the lot, fits in with everything else on Riley Road and that's why we're here.

MR. KANE: House is going to be similar in size to other homes that are in your neighborhood?

MR. MIELE: Yeah, I have a duplex that I own right next door, this is going to be a center hall colonial 44 x 26, not overwhelmingly big, I think next door on the other side is a bi-level probably of similar size that's actually talking to my wife over it we can end, we'll probably split the difference with how my house is facing the road and how the next house is set back to kind of keep them semi in line.

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

MR. MIELE: There's trees there so we're going to have to cut down trees to put the lot.

MR. KANE: Not a substantial amount?

MR. MIELE: I live next door and I have a big back yard that's open so we're going to keep as many trees as we can, minimal trees that won't be within too close a distance for falling down or anything on the house so nothing abnormal.

MR. KANE: Creating any water hazards or runoffs?

MR. MIELE: No.

MR. KANE: Going to be on a well?

MR. MIELE: Yes, new well, new, actually, new water, I have, I'm sorry, I have a well but both will be water and sewer, I'm sorry.

MR. KANE: Good, makes a big difference.

MR. MIELE: No, I'm on a well, that's the only reason I said that but since then they brought the water up Riley Road so anything new now will connect to water and sewer.

MR. KANE: Town tendency on undersized lots you'll see everyone within five miles coming in if you're going to drill a well.

MR. MIELE: It's definitely water and sewer, you caught me off guard.

MR. KANE: Is this particular property here sloped towards the road or back?

MR. MIELE: Relatively flat.

MR. KANE: You're not going to create any water runoff?

MR. MIELE: Everything will be graded to the back like it is with my house now everything in the back is flatter so everything will grade down that way and right up here it jumps up where the old railroad bed was and it all kind of sits back there, pretty much how every house is on Riley Road.

MR. KANE: This is just going to be a single-family

home for your dad?

MR. MIELE: For my father, yup, and my mother, I don't want to leave her out.

MR. KANE: For the public hearing, if you would, could you bring some pictures of the lot, give us a point from the street out and from the back looking out to the front?

MR. MIELE: Absolutely.

MR. KANE: I have no further questions at this point.

MR. REIS: Did you discuss easements and things like that?

MR. KANE: No, I didn't see any on the map and since they were going with the town water and sewer but do you know if there are any easements on that property?

MR. MIELE: No.

MR. KANE: Not seeing any.

MR. MIELE: I live next door so I don't know of any.

MS. GANN: Accept a motion, Mr. Chairman?

MR. KANE: How long has this lot been in your family, for a couple years?

MR. MIELE: Yeah, my grandfather passed away probably ten years ago where my father got the three lots, I took two of them, built my house but my grandfather owned it for the last probably 30 years so--

MR. KANE: It's been in the family that long all three lots as separate lots?

MR. MIELE: Originally my grandfather's until ten years ago he had a house and farm and then when he passed away, my father subdivided it and it just sat there and then I took two of the lots, built my house on it and this third lot has sat there.

MR. KANE: Subdivision was ten years ago?

MR. MIELE: '99.

MR. KANE: Under those circumstances back then with ten years ago, three years ago you would have fit right into the lot without having to worry about it.

MR. MIELE: If I could have done it within the three years I would have been okay.

MR. KANE: Basically it's changed.

MR. MIELE: But he wasn't ready to build yet so.

MR. KANE: You can't push dad.

MR. MIELE: I try but--

MR. KANE: Any other questions? I'll accept a motion.

MS. GANN: I'd like to offer a motion that we set up Michael Miele for a public hearing for proposed single family home at 46 Riley Road in the R-3 zone.

MR. REIS: Second it.

ROLL CALL

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



RESULTS OF Z.B.A. MEETING OF: May 2, 2005

PROJECT: Michael Miele ZBA # 05-16

P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

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

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
KANE _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) RS S) G VOTE: A 5 N 0.

GANN A
LOCEY A
BROWN A
~~MCDONALD~~ _____
REIS A
KANE A

CARRIED: Y N _____

Large empty rectangular box with horizontal lines, likely for minutes or additional notes.

**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. 05-16

Request of MICHAEL MIELE

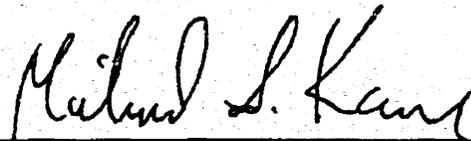
for a VARIANCE of the Zoning Local Law to Permit:

Request for: (R-3 Bulk Tables)

44,411 s.f. Minimum Lot Area;	75 ft. Lot Width;
22 ft. and 8 ft. Side Yard Setback;	30 ft. Total Side Yard

**For proposed single family home at 46 Riley Road in an R-3 Zone
(67-4-4.1)**

**PUBLIC HEARING will take place on MAY 23, 2005
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
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

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. 05-16
Request of MICHAEL MIELE
Request for a VARIANCE of the Zoning Local Law to Permit
Request for: (R-3 Bulk Tables)
44,411 s.f. Minimum Lot Area; 75 ft. Lot Width;
22 ft. and 8 ft. Side Yard Setback; 30 ft. Total Side Yard
For proposed single family home at 46 Riley Road in an R-3 Zone (67-4-4.1)

PUBLIC HEARING will take place on MAY 23, 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: 1755271 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOICING 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

RECEIVED
MAY 18 2005
TOWN OF NEW WINDSOR

ORDER:

Printed By: THRFODRIL Date: 05/03/2005 Assigned Sales: TOWNOFNEWWINDSOR ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: TH1 Paper: IN Class: 999X

Schedule: Start Date - 05/09/2005 End Date - 05/09/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 26.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

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

PRICING:

Price: 48.22 Payment Method: B1 Amount Paid: 0 Amount Owed: 48.22

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEI

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0



Town of New Windsor

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

ZONING BOARD OF APPEALS

April 28, 2005

Michael Miele
40 Riley Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-16

Dear Mr. Miele:

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:

46 Riley Road
New Windsor, NY

is scheduled for the May 23, 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



Town of New Windsor

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

Assessors Office

April 15, 2005

Michael Miele
40 Riley Road
New Windsor, NY 12553

Re: 67-4-4.1 ZBA#:05-16 (51)

Dear Mr. Miele:

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 \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

65-1-49.14
Robert McIntosh
Stacy Shaw
68 Riley Road
New Windsor, NY 12553

65-1-50.3
Allen & Kitty Dantas
958 Little Britain Road
New Windsor, NY 12553

67-1-2.21
Guillermo Deaclecio
7 Dean Hill Road
New Windsor, NY 12553

67-1-4
Debbie Roszkowski
45 Riley Road
New Windsor, NY 12553

67-1-7
Alice Mula
P.O. Box 282
Vails Gate, NY 12584

67-2-2.12
Berzelius & Beroz Pavri
107 Birch Drive
New Windsor, NY 12553

67-2-5
Janet Pilch
John Morin, III
10 Ash Street
New Windsor, NY 12553

67-4-1.22
Bryant & Ella Mae Harris
P.O. Box 525
Vails Gate, NY 12584

67-4-6
Martin Werzberger
1 Mezabish Rd - #311
Monroe, NY 10950

67-4-12.1
Joseph Castelo
P.O. Box M2108
Hoboken, NJ 07030

65-1-50.1
Byron & Sandra Menegazzo
14 Dean Hill Road
New Windsor, NY 12553

67-1-1
William & Margaret McDonnell
1131 Sharpshooters Road
North Fayston, VA 05660

67-1-2.22
Floyd & Tamra Johnson
P.O. Box 662
Newburgh, NY 12550

67-1-5
Wendy & Edward Kimball, Jr.
41 Riley Road
New Windsor, NY 12553

67-1-8
Karen & Modesto Sanchez
114 Birch Drive
New Windsor, NY 12553

67-2-3.11
William Garrison
29 Riley Road
New Windsor, NY 12553

67-4-1.1
Paul & Donna McCarthy
58 Riley Road
New Windsor, NY 12553

67-4-2
Ronald, Renee, Michael & Donna Handy
54 Riley Road
New Windsor, NY 12553

67-4-7.11
Pasquale, Anna & Virginia Mugnano
2 Cimorelli Drive
New Windsor, NY 12553

67-4-12.2
Erie Properties Corp.
401 S. Water Street
Newburgh, NY 12550

65-1-50.2
Ruby Reed
P.O. Box 185
Vails Gate, NY 12584

67-1-2.1
Peter & Elaine Escalera
61 Riley Road
New Windsor, NY 12553

67-1-3
Alton & Alice Peterson
53 Riley Road
New Windsor, NY 12553

67-1-6
David Barasky
316-A Jutland Drive
Monroe, NJ 08831

67-2-1
William Bywater
115 Birch Drive
New Windsor, NY 12553

67-2-4
Richard & Ann Bewick
27 Riley Road
New Windsor, NY 12553

67-4-1.21
Luklen & Susan Simpson
62 Riley Road
New Windsor, NY 12553

67-4-3
Nilda Natal
Roberto (UX) Alvarez
50 Riley Road
New Windsor, NY 12553

67-4-11
George & Edna Hopkins
P.O. Box 31
Vails Gate, NY 12584

67-4-13.1
Linda Jobson
P.O. Box 655
Vails Gate, NY 12584

67-4-15
Tina Fratto
P. O. Box 104
Vails Gate, NY 12584

67-4-16
Hudson Valley Drilling
2177 Route 94
Salisbury Mills, NY 12577

67-4-17 & 67-4-18.2
Sandy & Rhoda Ciancio
593 Lakeside Road
Newburgh, NY 12550

67-4-18.1
The Ciancio Corporation
593 Lakeside Road
Newburgh, NY 12550

67-4-19
Vernon & Brenda Peterson
P.O. Box 494
Vails Gate, NY 12584

67-4-20.1
Paresh Modh
1136 Route 94
New Windsor, NY 12553

67-4-21
Moshhil, Inc.
14 Fillmore Ct - #201
Monroe, NY 10950

67-5-2
Robert Sparado
1089 Route 94
New Windsor, NY 12553

67-5-4
Angela Collini
P.O. Box 116
Vails Gate, NY 12584

67-5-5
Robert Waltke
46 Sycamore Drive
Walkill, NY 12589

67-5-6
Edward Kanemoto
544 Lake Road
Monroe, NY 10950

67-5-7
Richard & Karen Mayer
1113 Route 94
New Windsor, NY 12553

67-5-8 & 67-5-10.1
Arthur Stockdale
1098 Egret Lake Way
Viera, FL 32940

67-5-9
Frank Maurice
14 Maurice Lane
P.O. Box 366
New Windsor, NY 12553

67-5-10.2
Robert & Victoria Mule
P.O. Box 565
Vails Gate, NY 12584

67-5-11
Refined Home Renovation Co.
c/o Charles O'Kelly
P.O. Box 2588
Newburgh, NY 12550

67-5-12 & 13
Frederick & Christine Naclerio
408 Carlton Circle
New Windsor, NY 12553

67-5-14
Kenneth & Patricia Bates
1137 Route 94
New Windsor, NY 12553

67-5-15
County of Orange
255-275 Main Street
Goshen, NY 10924

67-6-1
Santiago & Lidia Monroy
1145 Route 94
New Windsor, NY 12553

67-6-2
Leif & Lillian Syvertsen
1 Gerow Lane
New Windsor, NY 12553

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

RECEIPT
#283-2005

03/31/2005

Hudson Valley Engineering

Received \$ 50.00 for Zoning Board Fees, on 03/31/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA 05-16 application

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-30-05

FOR: ESCROW 05-16

FROM:

**Hudson Valley Engineering
& Land Surveying, PC
97 Maher Lane
Harriman, NY 10926**

CHECK NUMBER: 0461 (for Michael Miele)

TELEPHONE: 497-3110

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/31/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 03-30-05 PROJECT NUMBER: ZBA# 05-16 P.B. # _____

APPLICANT NAME: MICHAEL MIELE

PERSON TO NOTIFY TO PICK UP LIST:

MICHAEL MIELE
40 RILEY ROAD
NEW WINDSOR, NY

TELEPHONE: 567-1336

TAX MAP NUMBER:	SEC. <u>67</u>	BLOCK <u>4</u>	LOT <u>4.1</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 46 RILEY 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: 0463

TOTAL CHARGES: _____



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 30, 2005

Michael Miele
40 Riley Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-16

Dear Mr. Miele:

This letter is to inform you that you have been placed on the April 11th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

46 Riley 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



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



APPLICATION FOR VARIANCE

3-11-05
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Edward Miele Phone Number: (845) 351-2826
(Name) Fax Number: (845) 351-4725
14 Railroad Ave. Southfields Ny 10975
(Address)

II. Applicant:

Michael Miele Phone Number: (845) 567-1336
(Name) Fax Number: (845) 567-3474
40 Riley Road New Windsor Ny 12553
(Address)

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

Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number (845) 497-3110
Fax Number: (845) 497-7969
Hudson Valley Engineering & Surveying
(Name)
20 West Main st. Washingtonville 10992
(Address)

V. Property Information:

Zone: R3 Property Address in Question: 46 Riley Road
Lot Size: 35,589 sq Tax Map Number: Section 67 Block 4 Lot 4.1
a. What other zones lie within 500 feet? None
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? 720 years in family for 50
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.

COMPLETE THIS PAGE

80010 4/11



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



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 - 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	80,000	35,589	44,411 A
Min. Lot Width	175	100'	75'
Reqd. Front Yd.	45	78'	None
Reqd. Side Yd.	40	23'	17' XXY
Reqd. Rear Yd.	50'	246'	None
Reqd. St Front*	70'	100'	None
Max. Bldg. Hgt.	35'	30'	None
Min. Floor Area*	1200 A	1500	None
Dev. Coverage*	20%	11%	None
Floor Area Ration**			
Parking Area	2-offstreet	2 off street	None

*Residential Districts Only

**Non-Residential Districts Only

*XXY
Both side yard requirement
only 55' - need 25' Variance*

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

- 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 ZBA should grant the variance since
the lot is an existing non-conforming lot, approved less than
5-years ago. It conforms to the character of the neighborhood,
and has no negative impacts on adjacent properties.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF 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 \$ 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 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:

28 day of March 2005,



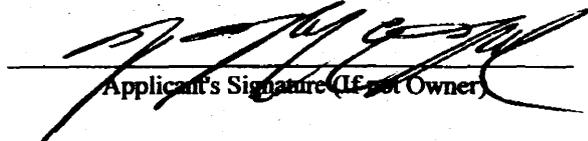
Owner's Signature (Notarized)

Edward Miele

Owner's Name (Please Print)



Signature and Stamp of Notary



Applicant's Signature (If not Owner)

PLEASE NOTE:

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

PAMELA G. COSSA
Notary Public, State Of New York
Qualified In Orange County
Registration No. 01CO6090148
Commission Expires April 7, 2007

COMPLETE THIS PAGE

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Edward Miele, deposes and says that he resides
(OWNER)

at 14 Railroad Ave. in the County of Orange
(OWNER'S ADDRESS)

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

(Sec. 67 Block 4 Lot 4.1)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

Michael E. Miele, PE - 40 Riley Road, New Windsor Ny
(Applicant Name & Address, if different from owner) 12553

Same
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 3-28-05

** Edward Miele
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
28th day of March 2005

PAMELA G. COSSA
Notary Public, State Of New York
Qualified in Orange County
Registration No. 01CO6090140
Commission Expires April 7, 2007

Pamela Cossa
Signature and Stamp of Notary

[Signature]
Applicant's Signature (if different than owner)
[Signature]
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

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

MAP REFERENCE:

BEING LOT #1 ON A MAP ENTITLED "SUBDIVISION PLAT FOR EDWARD MIELE" FILED IN THE ORANGE COUNTY CLERKS OFFICE ON FEBURARY 2, 1999. ALSO BEING SECTION 67 BLOCK 2 LOT XX ON THE TOWN OF NEW WINDSOR TAX MAPS.

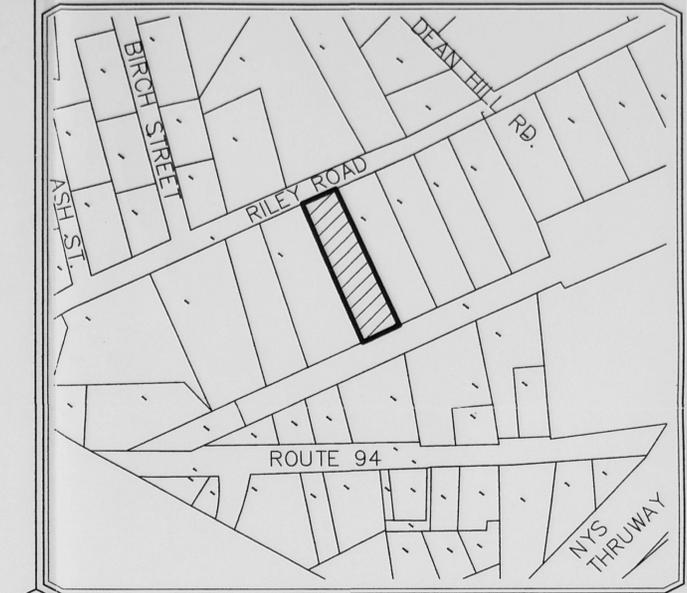
LEGEND:

- PROPOSED DWELLING
- PROPERTY LINE
- EXISTING CONTOURS
- PROPOSED CONTOURS
- HOUSE SEWER CONNCTION
- CLEAN OUT
- HOUSE WATER CONNCTION
- SILT FENCE LINE

BULK TABLE

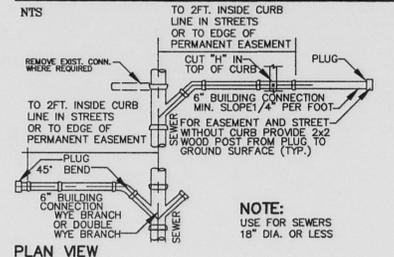
	MINIMUM REQUIREMENTS	PROPOSED LOT #1
LOT AREA	80,000 SQ.FT.	35,586 S.F. **
LOT WIDTH	175'	100' **
FRONT SETBACK	45'	78'
SIDE SETBACK	40'	23' **
BOTH SIDE SETBACK	80'	55' **
REAR SETBACK	50'	246'
STREET FRONTAGE	70'	100'
BLDG. HEIGHT	35'	32'
MIN. LIVABLE FLOOR AREA	1200 SQFT.	1500 SQFT.
DEVELOPMENT COVERAGE	20%	11%
ZONE	R3-RESIDENTIAL ZONE, SINGLE FAMILY RESIDENCE	

** SHALL REQUIRE A VARIANCE FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

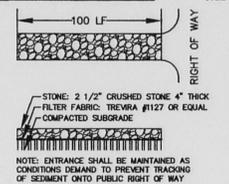


VICINITY MAP
SCALE: 1 in. = 400 ft.

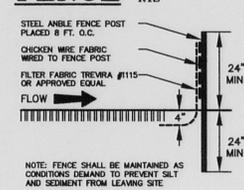
STANDARD SEWER BUILDING CONNECTION



CONSTRUCTION ENTRANCE



SILT FENCE



NOTES:

- THIS IS A PLOT PLAN OF PARCELS ON TAX MAP SECTION 67 ~ BLOCK 4 ~ LOT 4.1 ON TAX MAPS OF TOWN OF NEW WINDSOR
- AREA OF TRACT: 35,586 SQFT.
- ZONE: R3-SINGLE FAMILY RESIDENCE
- NUMBER OF TAX LOTS: 1, NUMBER OF BUILDING LOTS: 1
- RECORD OWNERS: MR. EDWARD MIELE
14 RAILROAD AVE., PO BOX 116
SOUTHFIELDS, NEW YORK 10975
- APPLICANT: MR. MICHAEL MIELE
40 RILEY ROAD
NEW WINDSOR, NEW YORK 12553
- SURVEY INFORMATION IS AS PER AN ACTUAL FIELD SURVEY PERFORMED BY EDWARD T. GANNON OF HVE&S, PC

EROSION CONTROL NOTES

- TEMPORARY SEDIMENTATION ENTRAPMENT AREAS SHALL BE PROVIDED AT KEY LOCATIONS TO INTERCEPT AND CLARIFY SILT LADEN RUNOFF FROM THE SITE. THESE MAY BE EXCAVATED OR MAY BE CREATED UTILIZING EARTHEN BERMS, RIP-RAP OR CRUSHED STONE DAMS, HAY BALES OR OTHER SUITABLE MATERIALS. DIVERSION SWALES, BERMS OR OTHER CHANNELIZATION SHALL BE CONSTRUCTED TO INSURE THAT ALL SILT LADEN WATERS ARE DIRECTED INTO THE ENTRAPMENT AREAS, WHICH SHALL NOT BE PERMITTED TO BE FILLED IN, BUT SHALL BE CLEANED PERIODICALLY DURING THE COURSE OF CONSTRUCTION. THE COLLECTED SILT SHALL BE DEPOSITED IN AREAS SAFE FROM FURTHER EROSION.
- ALL DISTURBED AREAS, EXCEPT ROADWAYS, WHICH WILL REMAIN UNFINISHED FOR MORE THAN THIRTY (30) DAYS, SHALL BE TEMPORARILY SEEDED WITH 1/2 LB. OF RYEGRASS OR MULCHED WITH 100 LBS. OF STRAW OR HAY PER 1000 SQUARE FEET. ROADWAYS SHALL BE STABILIZED AS RAPIDLY AS PRACTICABLE BY INSTALLATION OF THE BASE COURSE.
- SILT THAT LEAVES THE SITE IN SPITE OF THE REQUIRED PRECAUTIONS SHALL BE COLLECTED AND REMOVED AS DIRECTED BY APPROPRIATE MUNICIPAL AUTHORITIES.
- AT THE COMPLETION OF THE PROJECT, ALL TEMPORARY SILTATION DEVICES SHALL BE REMOVED AND THE AFFECTED AREAS REGRADED, REPLANTED OR TREATED IN ACCORDANCE WITH THE APPROVED SITE PLANS.
- THE SEED MIXTURE FOR PERMANENT SEEDLINGS SHALL BE: KENTUCKY BLUEGRASS - 40 LBS./AC. (.92 #/1000 SF) CREEPING RED FESCUE - 140 LBS./AC. (3.21 #/1000 SF) PERENNIAL RYEGRASS - 50 LBS./ACRE (1.15 #/1000 SF)
- THE FOLLOWING APPLICATION RATES ARE TO BE USED FOR PERMANENT SEEDLINGS: LIME IS TO BE APPLIED TO ATTAIN A pH OF AT LEAST 5.5 TO 6.0. OR AT A RATE OF 2 TONS/ACRES. FERTILIZER IS TO BE APPLIED AT A RATE OF 600 LBS. PER ACRE OR EITHER 5-10-10 OR 10-10-10.
- SOD CAN BE USED INSTEAD OF SEED. CONSTRUCTION SEQUENCE FOR EROSION CONTROL:
 - CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE.
 - INSTALL SEDIMENT BARRIERS AS PER NOTE #1 ABOVE.
 - CLEAR EXISTING TREES AND VEGETATION FROM AREAS TO BE EXCAVATED OR FILLED, STRIP AND STOCKPILE TOPSOIL FROM ALL AREAS TO BE DISTURBED. PERFORM NECESSARY EXCAVATION OR FILL OPERATIONS TO BRING SITE TO DESIRED
 - SUBGRADE. INSTALL STORM DRAINAGE SYSTEM.
 - INSTALL SEDIMENT BARRIERS AROUND ALL STORM DRAIN INLETS.
 - SEED ALL DISTURBED AREAS WHICH WILL REMAIN UNDISTURBED FOR A PERIOD OR 30 DAYS AS PER NOTE #2 ABOVE.
 - AFTER COMPLETION OF THE SITE CONSTRUCTION, FINE GRADE AND SPREAD TOPSOIL ON ALL LAWN AREAS AND SEED AS PER NOTES #5 AND #6 ABOVE.
 - REMOVE SEDIMENT BARRIERS AS PER NOTE #4 ABOVE.
 - MAINTAIN ALL SEEDED AND PLANTED AREAS TO INSURE A VABLE STABILIZED VEGETATIVE COVER.

PLOT PLAN
PREPARED FOR
**MIELE
RESIDENCE**
LOCATED IN
THE TOWN OF NEW WINDSOR
COUNTY OF ORANGE
STATE OF NEW YORK

HVE&LS
HUDSON VALLEY ENGINEERING
& LAND SURVEYING, P.C.

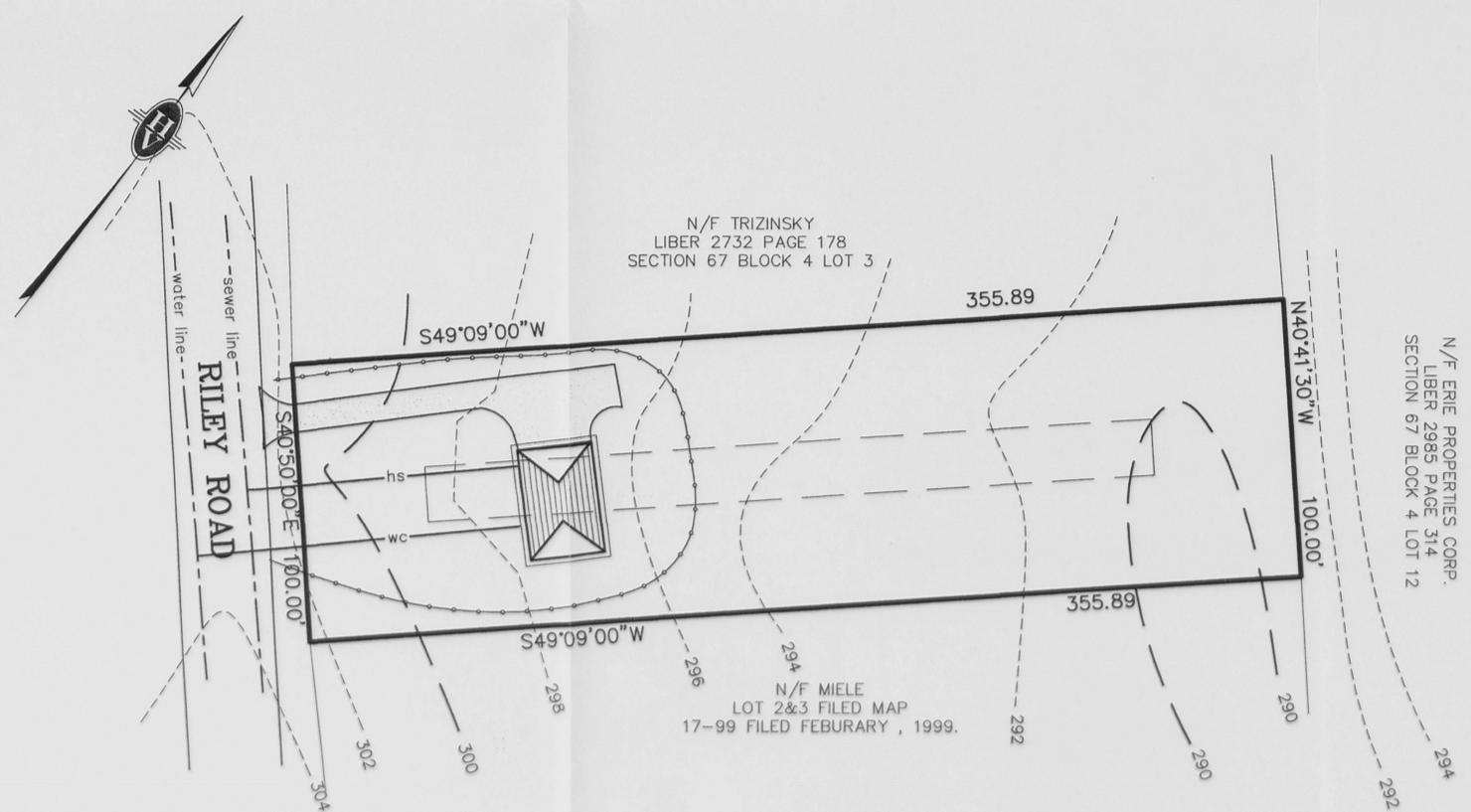
20 West Main Street Washingtonville New York 10992
TELEPHONE: (845) 497-3110 FAX: (845) 497-7969

DATE: MARCH 10, 2005 DESIGN BY: MEM SCALE: 1"=30'
DRAWN BY: LLG SHEET #: 1 OF 1
JOB #: 80010-05

UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT HAVING THE SEAL OF THE ENGINEER SHALL NOT BE VALID



MICHAEL E. MIELE, P.E. N.Y.S License No. 079676



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 67-4-4.1

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

EDWARD MIELE

AREA

CASE #05-16

WHEREAS, Michael Miele representing Edward Miele , owner(s) of 46 Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for: (R-3 Bulk Tables)

44,411 s.f. Minimum Lot Area; 75 ft. Lot Width;
22 ft. and 8 ft. Side Yard Setback; 30 ft. Total Side Yard

For proposed single family home at 46 Riley Road in an R-3 Zone (67-4-4.1)

WHEREAS, a public hearing was held on May 23, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Michael Miele appearing 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 property consists of a vacant lot on which the applicant seeks to construct a single-family home approximately 46 ft. X 20 ft.. There are single-family homes in the neighborhood.
- (c) The applicant lives immediately adjacent to the lot and seeks to erect the single-family home for the residence of his father.
- (d) The house, if erected, will be similar in nature to other houses in the neighborhood.
- (e) In erecting the house, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (f) The house will be serviced by municipal water and sewer.
- (g) No variances were necessary under the prior zoning law. Variances have been made necessary solely by the enactment of the new Town Zoning.

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

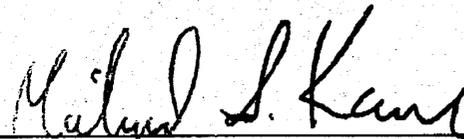
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 44,411 s.f. Minimum Lot Area; 75 ft. Lot Width;
22 ft. and 8 ft. Side Yard Setback; 30 ft. Total Side Yard

For proposed single family home at 46 Riley Road in an R-3 Zone (67-4-4.1) 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: May 23, 2005



Chairman



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

August 23, 2005

Michael Miele
40 Riley Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-16

Dear Mr. Miele:

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

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 2-22-05

**APPLICANT: EDWARD MIELE
P.O. BOX 116
SOUTHFIELDS, NY 10975**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2-16-05

FOR : PROPOSED ONE FAMILY HOUSE

LOCATED AT: 46 RILEY ROAD

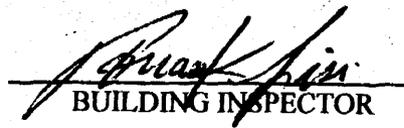
ZONE: Sec/Blk/ Lot: 67-4-4.1

DESCRIPTION OF EXISTING SITE: EXISTING VACANT LOT

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. PROPOSED ONE FAMILY HOUSE WILL NOT MEET MINIMUM LOT AREA, LOT
WIDTH, SIDE YARDS AND TOTAL SIDE YARD.**

COPY


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3 USE: Bulk Tables			
MIN LOT AREA:	80,000 SQ.FT.	35,589 SQ. FT.	44,411SQ.FT.
MIN LOT WIDTH:	175'	100'	75'
REQ'D SIDE YD:	40'	18' 32'	22' 8'
REQ'D TOTAL SIDE TD:	80'	50'	30'
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

HVE & S

HUDSON VALLEY ENGINEERING & SURVEYING, P.C.

The Town of New Windsor Building Dept.
The Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

RECEIVED

FEB 18 2005

BUILDING DEPARTMENT

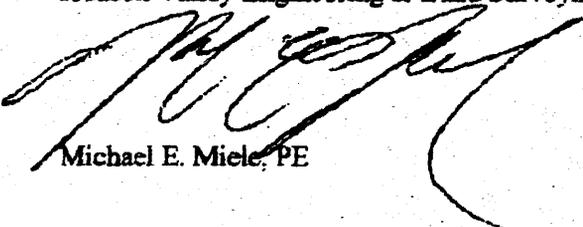
Re: Referral to Town Zoning Board for Non-Conforming Lot
46 Riley Rd. S.67, B. 4, L.4.1, Riley Road, New Windsor, New York

Dear Building Department:

This application is being presented to the Town of New Windsor for building permit on an existing non-conforming lot located on Riley Rd. The lot was part of a three lot subdivision which was approved by the Town of New Windsor Planning Board and filed in the Orange County Clerks Office on February 2, 1999. The lot is currently 35,589 Sqft. And does not meet current R3 zoning. The applicant is looking to be officially denied from the building department, so that we may officially apply to the Zoning Board for the purposes of construction a single family dwelling.

If there are any questions or if you require any further information, please contact me at any time. Thanks in advance.

Respectfully yours,
Hudson Valley Engineering & Land Surveying, PC



Michael E. Miele, PE

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU 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 reinspected after correction.

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 underslab 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 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 perc 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

FEB 16 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2005-100

**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 Edward Miele

Address PO Box 116, Southfields New York 10975 Phone # 845-351-2826

Mailing Address Sam R Fax #

Name of Architect Engineer/APPLICANT
Address Mike Miele, HVELS 20 West Main St. Washingtonville New York
Phone 845-497-3110 10992

Name of Contractor NA

Address _____ Phone _____

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

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 NE side of Riley Rd
(N,S,E or W)
and 1500ft feet from the intersection of Rt 94
2. Zone or use district in which premises are situated R3 Is property a flood zone? Y N
3. Tax Map Description: Section 67 Block 4 Lot 4.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy vacant land b. Intended use and occupancy single family
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 — Rear — Depth — Height — No. of stories —
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor —
Number of bedrooms 4 Baths — Toilets — Heating Plant: Gas — Oil —
Electric/Hot Air — Hot Water — If Garage, number of cars —
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use —

10. Estimated cost \$125,000 Fee —

ZONING BOARD

PAID
Ch# 2005-100

ASST. INSPECTORS FRANK LISI & LOUIS RYCHTER

New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

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.

(Signature of Applicant)



(Address of Applicant)

20 West Main St, Washingtonville

(Owner's Signature)



PLOT PLAN

(Owner's Address)

PO Box 116, Southfields

10992

NOTE:

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

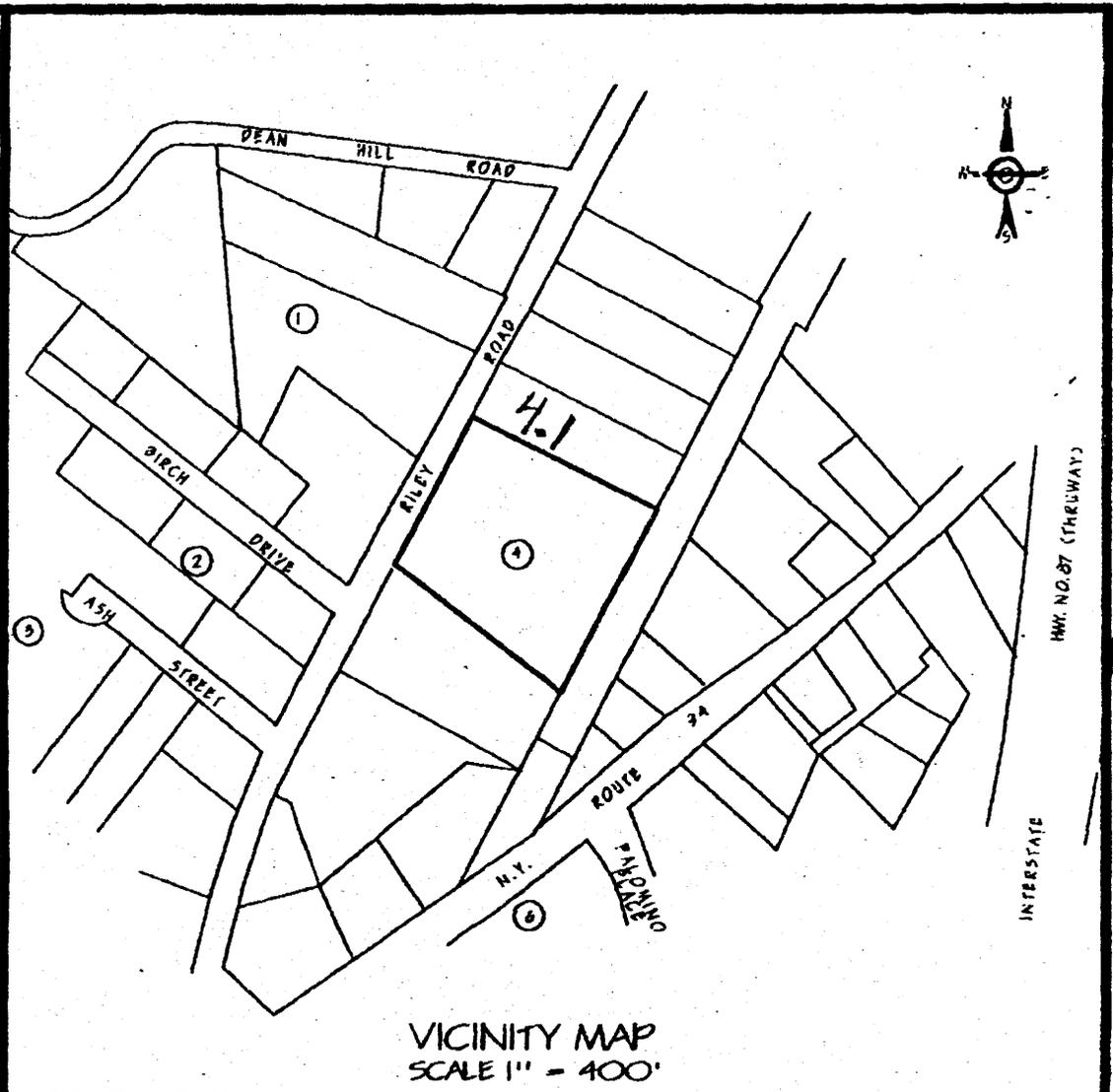
New York, 10975.

N

W

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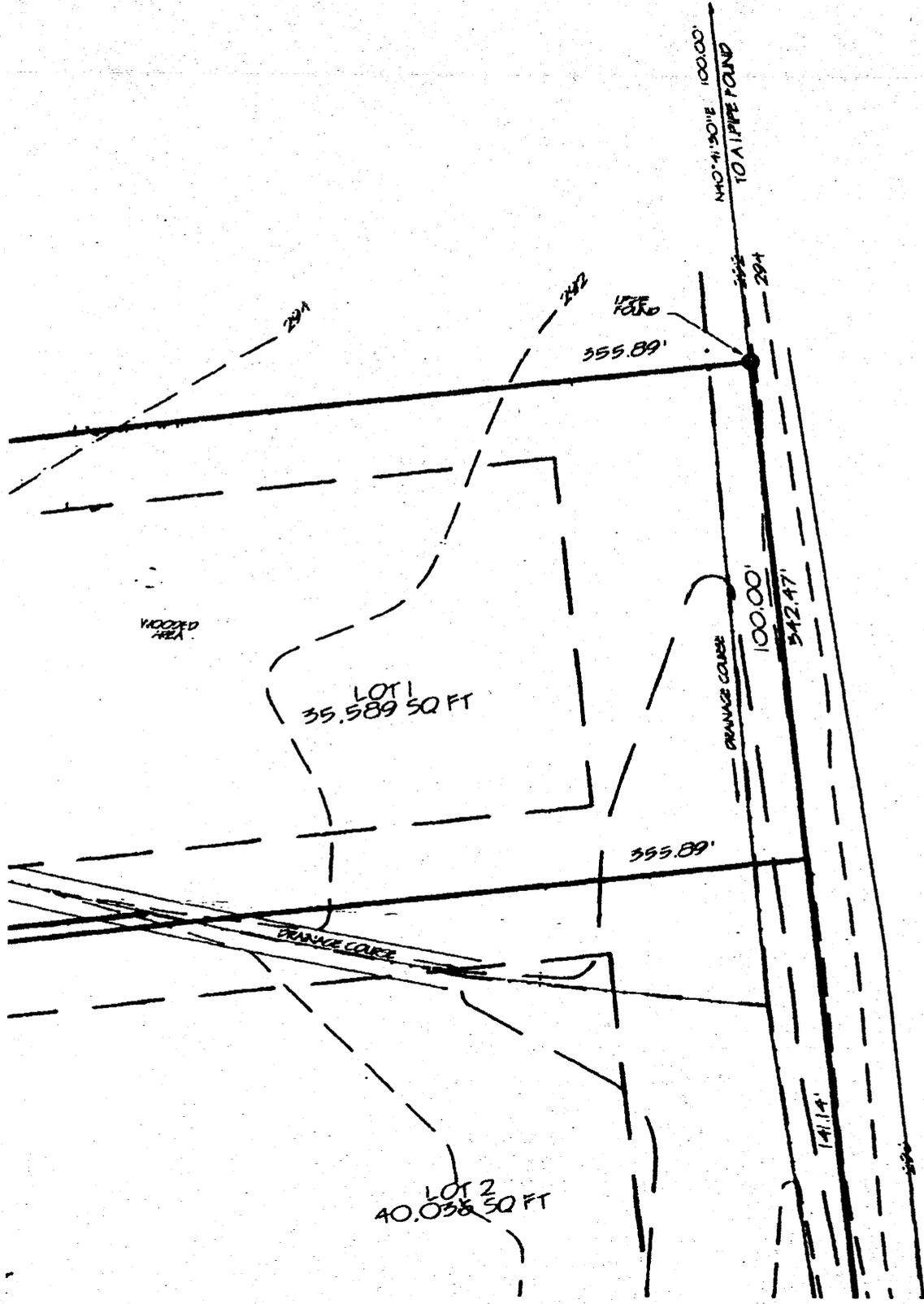
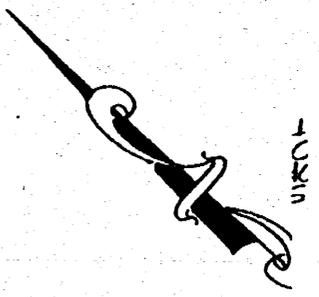


NOTES:

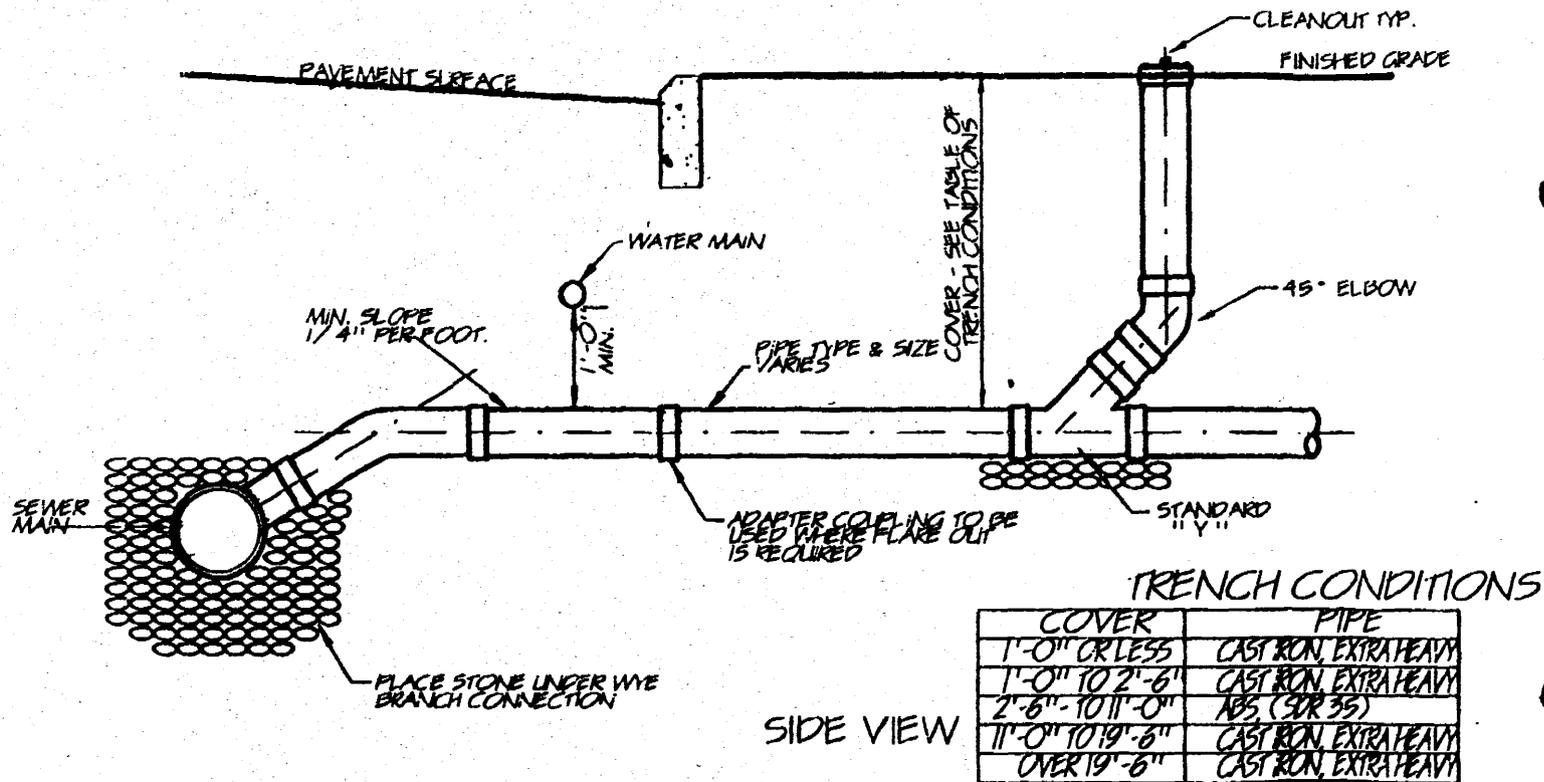
67-4-4.1

1. THIS IS A SUBDIVISION OF LOT 4, BLK 4, SEC. 67, AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.

FILED 1939
FEB 2 1 1939



ERIE PRICE
LIBER 20
SECTION 67 B



HOUSE SERVICE CONNECTION DETAIL

N.T.S.

WWT CONSTRUCTION DETAIL
NOT TO SCALE

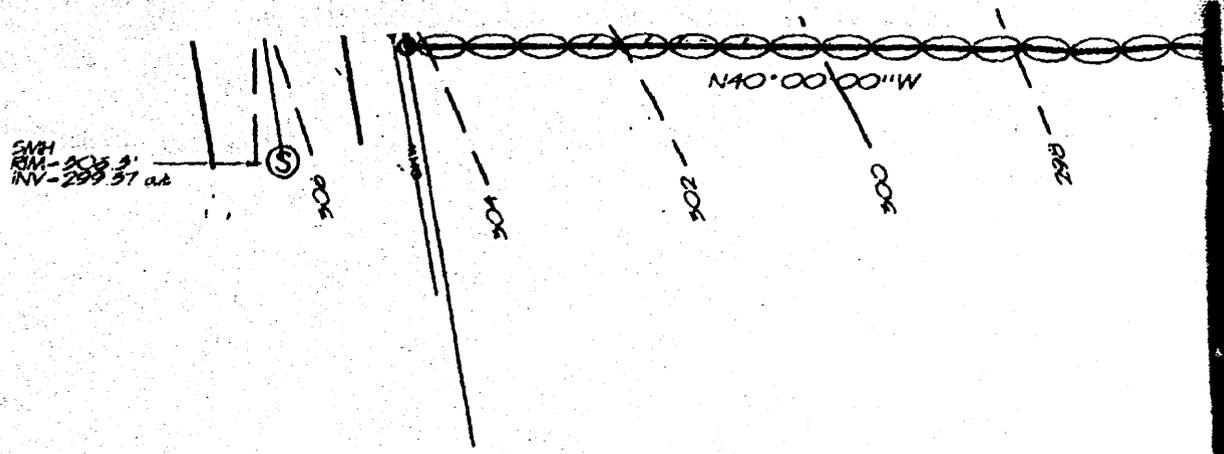


TABLE OF ZONING REQUIREMENTS: R-3 ONE FAMILY DETACHED DWELLING W/ CENTRAL SEWER	PROVIDED LOT 1	PROVIDED LOT 2	PROVIDED LOT 3
MIN. LOT AREA	32,670 SQ FT	35,586 SQ FT	40,036 SQ FT
MIN. LOT WIDTH	100 FT	* 89.35 FT	36,123 SQ FT
MIN. FRONT YARD	35 FT	35 FT	100 FT
MIN. SIDE YARD	15 FT	15 FT	35 FT
MIN. TOTAL SIDE YARDS	30 FT	30 FT	15 FT
MIN. REAR YARD	40 FT	40 FT	30 FT
MIN. STREET FRONTAGE	100 FT	85.01 FT	40 FT
MAX. HEIGHT	35 FT MAX.	35 FT MAX.	100 FT
MIN. LIVING AREA	1000 SQ FT MIN.	1000 SQ FT MIN.	35 FT MAX.
MAX. DEV. COVERAGE	15 % MAX.	15 % MAX.	1000 SQ FT MIN.
			15 % MAX.

* ZBA GRANTED A LOT WIDTH VARIANCE OF 10.65' FOR LOT 2 ON APRIL 13, 1998 AS # 98-6.

JNS

N/P
DUFFY
LIBER 1283 PAGE 84
SECTION 87 BLOCK 4 LOT 6

Map # 1799
filed February 2, 1999
by Patti Cookson
P.L.S. Recorder Cookson

CERTIFICATION:

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED BELOW THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON DECEMBER 30, 1996 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

* EDWARD L. MIELE

UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.



STEVEN P. DRABICK, LAND SURVEYOR
N.Y.S. LIC. # 49806

UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT HAVING THE EMBOSSED SEAL OF THE ENGINEER SHALL NOT BE VALID.

PATRICK F. BRADY, P.E.
N.Y.S. LIC. # 72750

REVISIONS

REV. 5/14/98 - ADDED NOTES 11 & 12, ADDED DETAILS, ADDED ZBA APPROVAL AND RELOCATED DRAIN, SWALE.

REV. 7/10/98 - ADDED DRIVEWAY DETAIL, REV. DRIVEWAYS.

REV. 8/10/98 - REVISED NOTE 12.

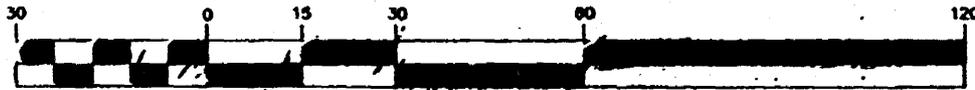
6-8-98
Edward L. Stutz

TOWN OF NEW WINDSOR
APPROVAL

SUBDIVISION PLAT FOR EDWARD MIELE

LOCATED IN
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.

15
OF
THE

BRADY ENGINEERING

CONSULTING ENGINEER

POST OFFICE BOX 482, WALDEN, N.Y. 12586

TEL./FAX (914) 778-4006

FILE NO.

500-96

DATE

SEP. 2, 1997

SCALE

1" = 30'

DRG. NO.

1 of 1

VICINITY MAP
SCALE 1" = 400'

NOTES:

1. THIS IS A SUBDIVISION OF LOT 4, BLK 4, SEC. 67, AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAP.
2. AREA OF TRACT: 2.57 ACRES
3. ZONING DISTRICT: R-3
4. NUMBER OF LOTS: 3
5. RECORD OWNER: EDWARD MIELE
STATION ST. P.O. BOX 116
SOUTHFIELDS, N.Y. 10975
6. APPLICANT: EDWARD MIELE
STATION ST. P.O. BOX 116
SOUTHFIELDS, N.Y. 10975
7. TOPOGRAPHY: DATUM - APPROX. U.S.G.S., BASED ON SPOT ELEVATION OF 301.0', LOCATED AT THE INTERSECTION OF DEAN HILL ROAD AND RILEY ROAD AS SHOWN ON CORNWALL QUADANGLE. CONTOUR INTERVAL - 2 FEET.
8. WATER SUPPLY: PRIVATE WELLS
9. SANITARY SEWAGE DISPOSAL: PUBLIC SEWER
10. THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICAL MAP AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239K OF THE GENERAL MUNICIPAL LAW.
11. EXISTING DWELLING ON LOT 2 SHALL BE REMOVED. THE EXIST. SEWER CONNECTION SHALL BE USED IF FOUND TO BE ADEQUATE AND THE EXIST. WELL SHALL BE USED IF IT MEETS THE MIN. DRINKING WATER STANDARDS AS PER THE NEW YORK STATE DEPT. OF HEALTH.
12. LOT 1 SHALL ALLOW THE TOWN TO CONTINUE TO DISCHARGE STORM WATER TO THE RELOCATED DRAINAGE SWALE. LOT 1 AND LOT 2 SHALL NOT BLOCK THE RELOCATED DRAINAGE SWALE AT ANY TIME.

8.
14.
F12.2

REVISIONS

REV. 5/14/98 - ADDED NOTES II & 12. ADDED DETAILS. ADDED ZBA APPROVAL AND RELOCATED DRAIN. SWALE.

REV. 7/10/98 - ADDED DRIVEWAY DETAIL, REV. DRIVEWAYS.

05-8153

