

ZB# 05-45

Frank Mandato

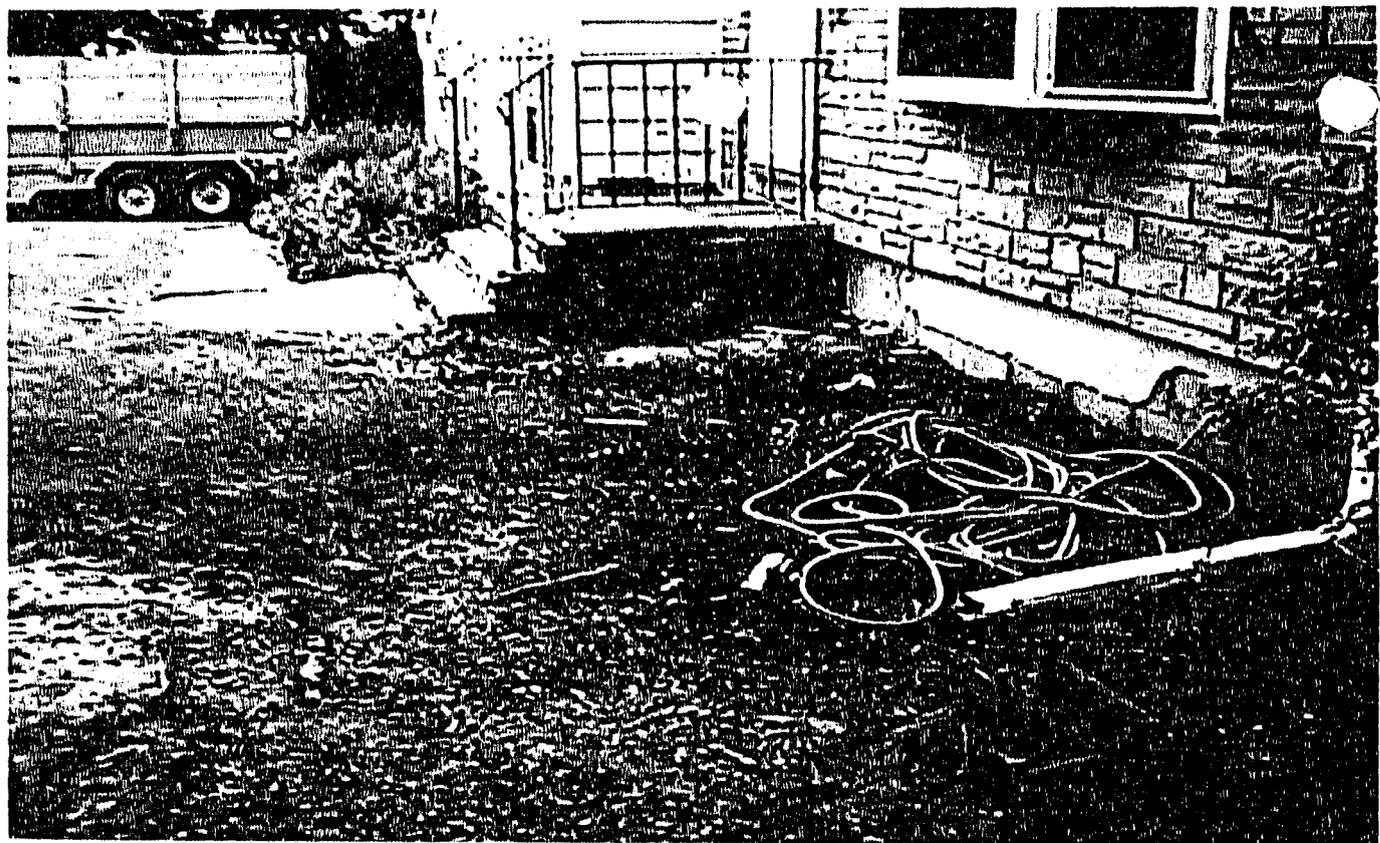
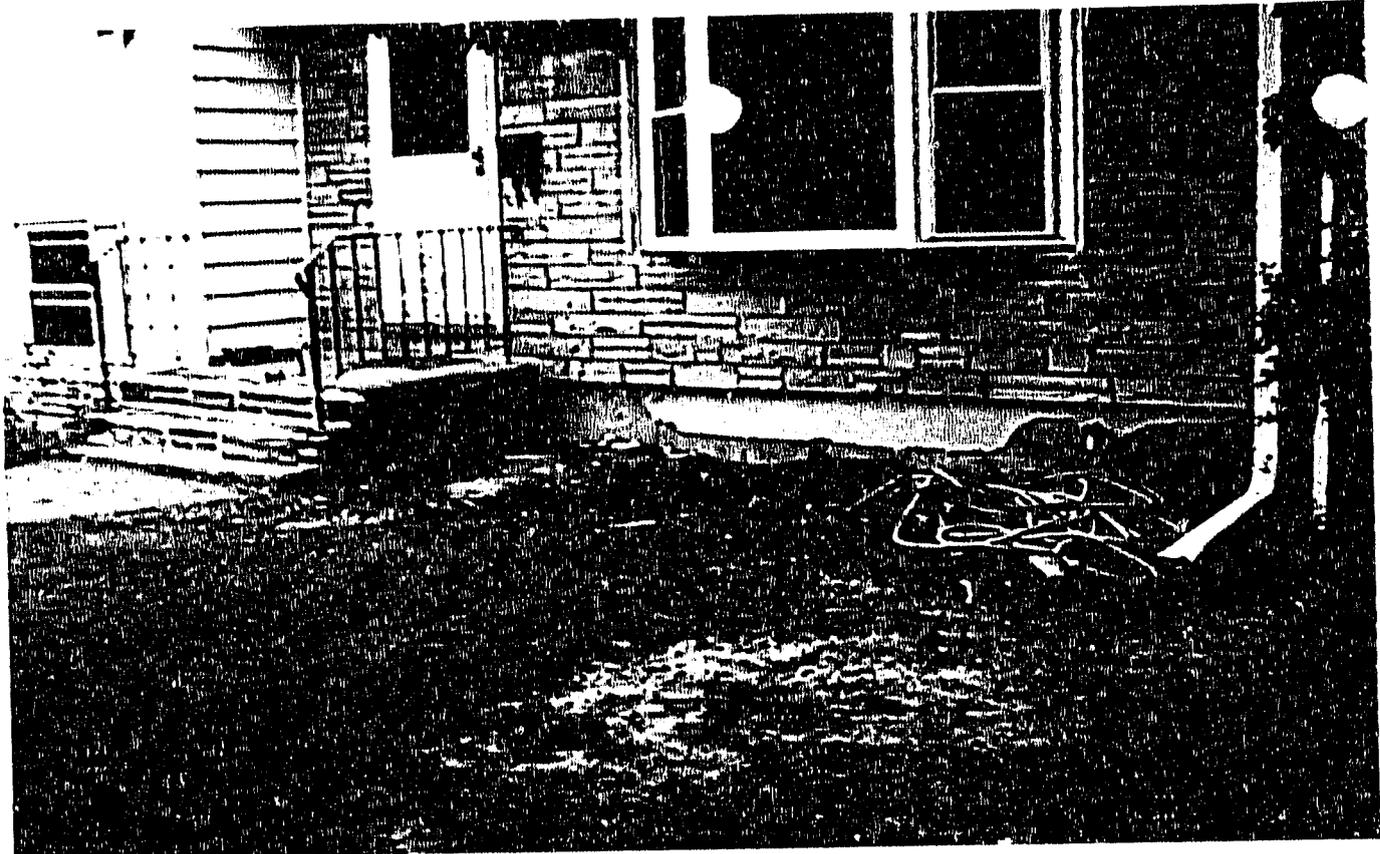
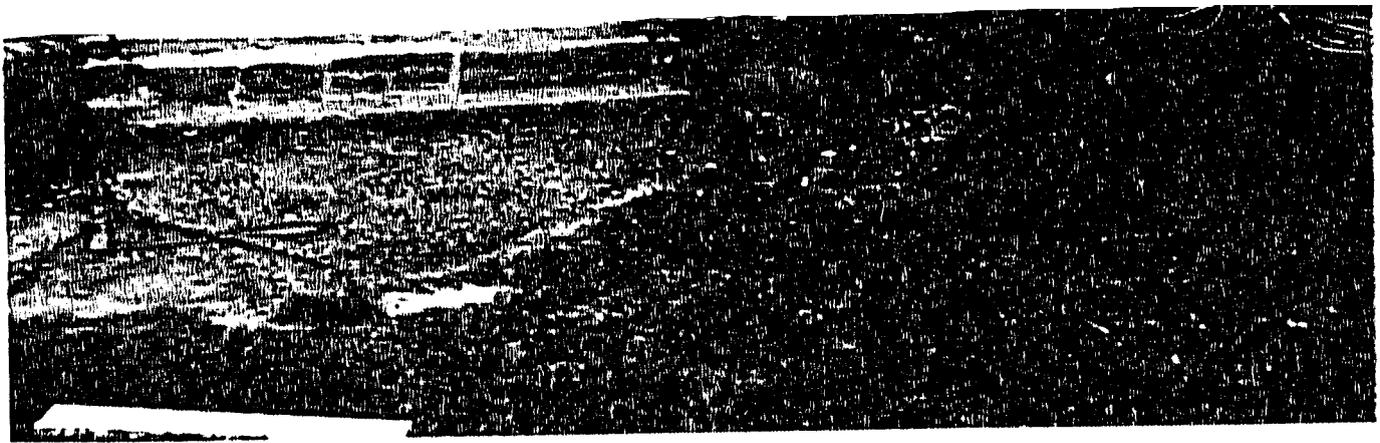
6-3-12

5-45

LANK MANDATO - 7 MITCHELL LANE
(AREA) (6-3-12)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 9-26-05











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

January 17, 2006

April Badillo
1285 Union Avenue
Newburgh, NY 12550

SUBJECT: REQUEST FOR VARIANCE #05-45

Dear Ms. Badillo:

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

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

FRANK MANDATO

AREA

CASE #05-45
-----X

WHEREAS, Frank Mandato, owner(s) of 7 Mitchell Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 20.1 ft. Front Yard Setback for proposed deck at 7 Mitchell Lane in an R-4 Zone (6-3-12)

WHEREAS, a public hearing was held on September 26, 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 applicant seeks to replace the existing steps from the front exit of the dwelling to the ground. Without the deck in place, a person exiting the premises would fall and likely sustain serious physical injury and the presence of a deck in that location is required for safety purposes.

- (c) The existing steps are constructed of concrete which has been affected by the weather and the weather has rendered such steps unsafe.
- (d) The proposed porch will be located in a portion of the house which is indented and, therefore, will not cause the house to appear closer to the road than does its neighbors.
- (e) In constructing the porch the applicant will not remove any trees or substantial vegetation.
- (f) In constructing the porch, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (g) The porch is not on top of now will it interfere with any easements including, but not limited to, water, sewer or electrical easements.

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).

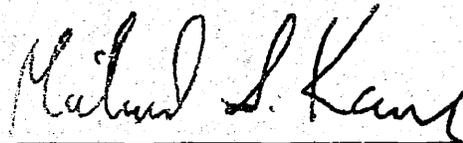
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 20.1 ft. Front Yard Setback for proposed deck at 7 Mitchell Lane in an R-4 Zone (6-3-12) 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: September 26, 2005



Chairman

**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: 10/24/05
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 150.25 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-45

NAME & ADDRESS:

**April Badillo
1285 Union Avenue
Newburgh, NY 12550**

THANK YOU,

MYRA

L.R. _____



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



FILE #05-45 TYPE: AREA TELEPHONE: 656-7713

APPLICANT:
April Badillo
1285 Union Avenue
Newburgh, NY 12550

RESIDENTIAL:	\$ 50.00	CHECK # <u>259</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 260



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

PRELIMINARY:	<u>4</u>	PAGES	<u>\$22.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	<u>\$11.00</u>	<u>\$35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 9/10/05 \$46.75

TOTAL: \$79.75 \$70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$149.75

AMOUNT DUE: \$ _____

REFUND DUE: \$150.25

Cc:

L.R. 10/24/05

FRANK_MANDATO_(05-45)

Mr. Frank Mandato appeared before the board for this proposal.

MR. KANE: Request for 20.1 ft. front yard setback for proposed deck at 7 Mitchell Lane. Tell us what you want to do.

MR. MANDATO: Just wanted to put a front porch on the house, before it was just concrete steps coming out, I need the variance cause of the depth, it's supposedly has to be 45 feet from the property line and the house is only 36 feet so I need the variance to build anything bigger than what was there.

MR. KANE: And obviously you're replacing the deck and the steps to your front door because the other ones are starting to fall apart a little bit and therefore we're looking at a safety issue?

MR. MANDATO: Yes, the concrete and the walkway heaved up to each step instead of being 7 1/4, the first one's 2 inches and 7 1/4 from there.

MR. KANE: How big is the proposed deck that you're putting on the front?

MR. MANDATO: Twenty feet wide by 9 feet deep.

MR. KANE: Going to go across the front of the house that's indented by the bay window?

MR. MANDATO: Yes.

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

MR. MANDATO: No.

MR. KANE: Creating any water hazards or runoffs?

MR. MANDATO: No.

MR. KANE: Any easements in the area that you're going to be building the deck?

MR. MANDATO: No.

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

MS. MASON: On the 13th of September, I mailed out 78 envelopes and had no response.

MR. KANE: Nobody cares. Ask the board if they have any further questions?

MR. MC DONALD: Accept a motion?

MR. KANE: I will.

MR. MC DONALD: Make a motion we grant Mr. Frank Mandato his request for 20.1 foot front yard setback for his proposed deck at 7 Mitchell Lane in an R-4 zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

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FRANK_MANDATO_(05-45) _____

MR. KANE: Request for 20.1 ft. front yard setback for proposed deck at 7 Mitchell Lane.

Mr. Frank Mandato appeared before the board for this proposal.

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

MR. MANDATO: I just want to tear off the old one and replace it with a safer one, more space.

MR. KANE: So the purpose is to tear down the old front steps coming, leading up to your door, put up a more safety orientated deck?

MR. MANDATO: Yes.

MR. KANE: Right by the front?

MR. MANDATO: Yes, with a little more space.

MR. KANE: How big?

MR. MANDATO: It was, it's going to go from the corner of the house to where the existing one is, so it's going to go from there from this.

MR. KANE: From the cut-out all the way to the corner of the house?

MR. MANDATO: Yes and come out 9 feet from the front and it's to the bottom of the sill of the door.

MR. KANE: Okay, what kind of width dimensions would that give you?

MR. MANDATO: This is 9 feet out, 21 feet wide and it's going to be I believe it was 40 inches high.

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MR. KANE: So 9 feet from the door out?

MR. MANDATO: Yes, 9 feet out.

MR. KANE: So you don't see that as being substantially big?

MR. MANDATO: No, the other houses in the neighborhood I think I'm the only one left without one, everybody else has a porch in the front already.

MR. KANE: So similar with the new deck it will be similar in nature to other decks in the front of people's houses in your neighborhood?

MR. MANDATO: Yes.

MR. KANE: Not cutting down any substantial trees or vegetation?

MR. MANDATO: No.

MR. KANE: Creating any water hazards or runoffs?

MR. MANDATO: No.

MR. REIS: Is this a wood deck?

MR. MANDATO: Yes.

MR. KANE: You guys have pictures?

MR. MANDATO: Yes.

MR. KANE: Other questions by the board?

MS. LOCEY: I have a question. If the deck will be 40 inches high, I assume there will be stairs?

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MR. MANDATO: Yes.

MS. LOCEY: Are those stairs figured into the size variance you need or should they be, I don't know?

MR. MANDATO: The stairs are going to come from the side so they're going to be, they're not going to come out any further than the 9 feet that's there.

MR. KANE: So the stairs are going to come off on the side?

MR. MANDATO: Come out the door and come down this way for the walkway.

MS. LOCEY: So it is included in those dimensions?

MR. MANDATO: Yeah, won't go any further than the 9 feet out.

MR. BABCOCK: When she was saying we don't count the stairs, we count just the edge of the deck.

MR. KANE: Is it going to make the deck that you're going to put on, is it going to project any closer to the road than other homes on your side of the street?

MR. MANDATO: It's going to be the same, all the houses I guess are supposed to be a 45 foot setback for anything from the property line, the house isn't even 45 feet, I think I have 30 feet to the house and that whole one side of Mitchell Lane all the houses are in the same location.

MR. KANE: So you won't be any closer to the street?

MR. MANDATO: No.

MR. KANE: Okay, any other questions? Accept a motion.

August 8, 2005

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MS. LOCEY: I will move that we schedule a public hearing on the application of Frank Mandato for his request for a 20.1 foot front yard setback for proposed deck at 7 Mitchell Lane in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

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

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: May 3, 2005

**APPLICANT: Frank Mandato
78 Riley Road
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 2, 2005

FOR : Proposed 20x9 front deck

LOCATED AT: 7 Mitchell Lane

ZONE: R-4 Sec/Blk/ Lot: 6-3-12

DESCRIPTION OF EXISTING SITE: Existing One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed front deck will not meet minimum front yard setback of 45'.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4

USE: Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

E-6

45'

24.9'

20.1'

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

COPY

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

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 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 Department 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 pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAY 02 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

**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

Frank Mandato

Address

7 Mitchell Lane

Phone #

845 656 7713

Mailing Address

78 Riley RD

Fax #

Name of Architect

Address

Phone

Name of Contractor

Frank Mandato

Address _____ Phone _____

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

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the ~~200~~ west side of Mitchell Lane
(N, S, E or W)
and _____ feet from the intersection of Mitchell & Clark vein

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

3. Tax Map Description: Section _____ Block _____ Lot _____

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____

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

6. Is this a corner lot? No 20' x 9' Deck

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms 3 Baths 1 1/2 Toilets 2 Heating Plant: Gas X Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars 1 car

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

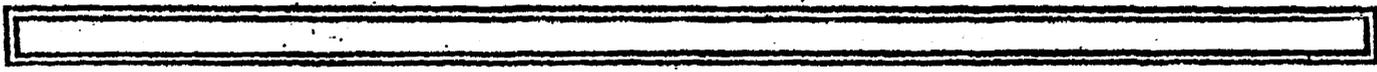
10. Estimated cost \$ 1000.00 Fee no fee
OK PL ZONING BOARD \$ 50 Cash **PAID**

4 128 105
date

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

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Liel & Louie Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 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.

Frank A Mandat

(Signature of Applicant)

78 Ritey RD New Windsor NY

(Address of Applicant)

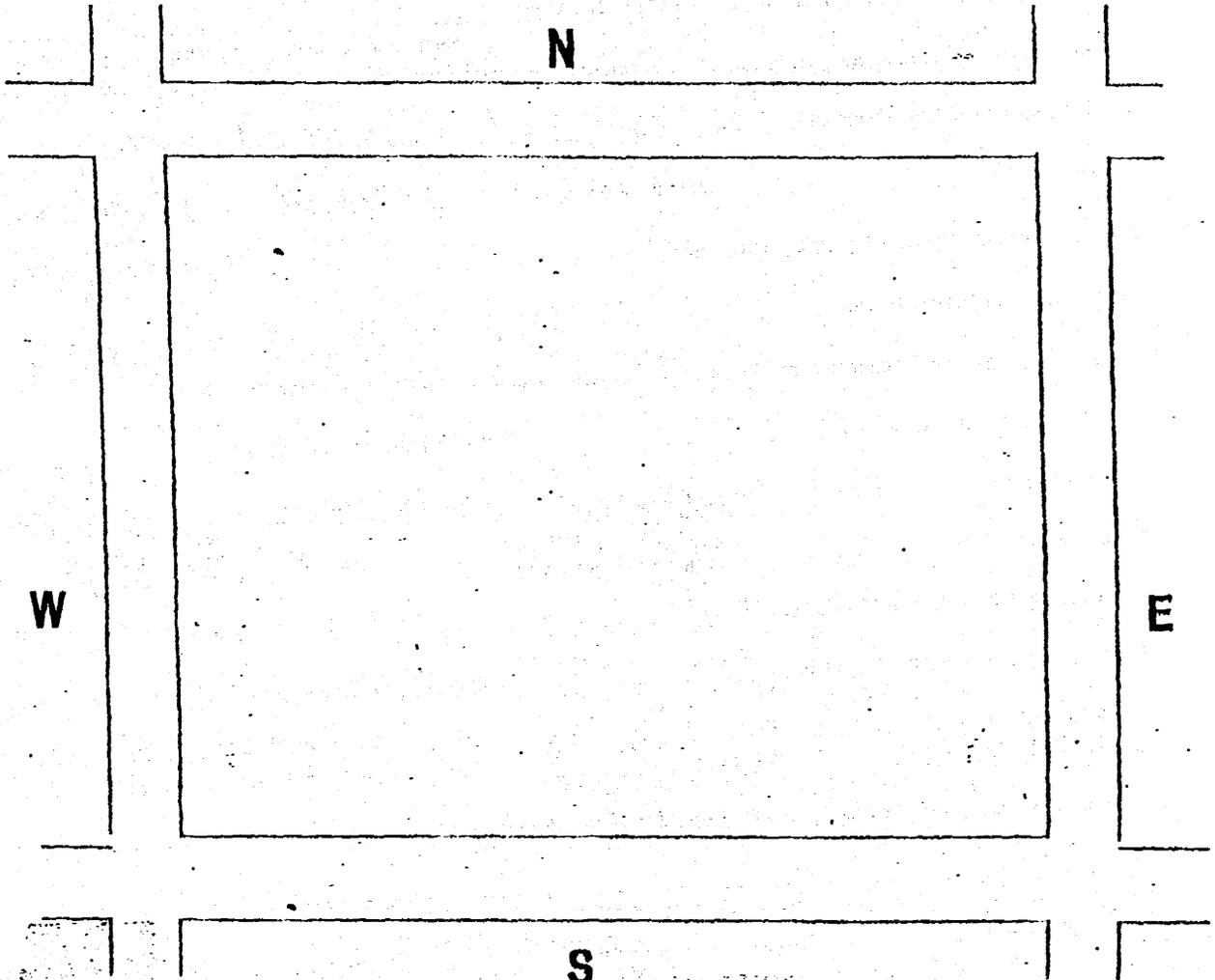
Frank A Mandat

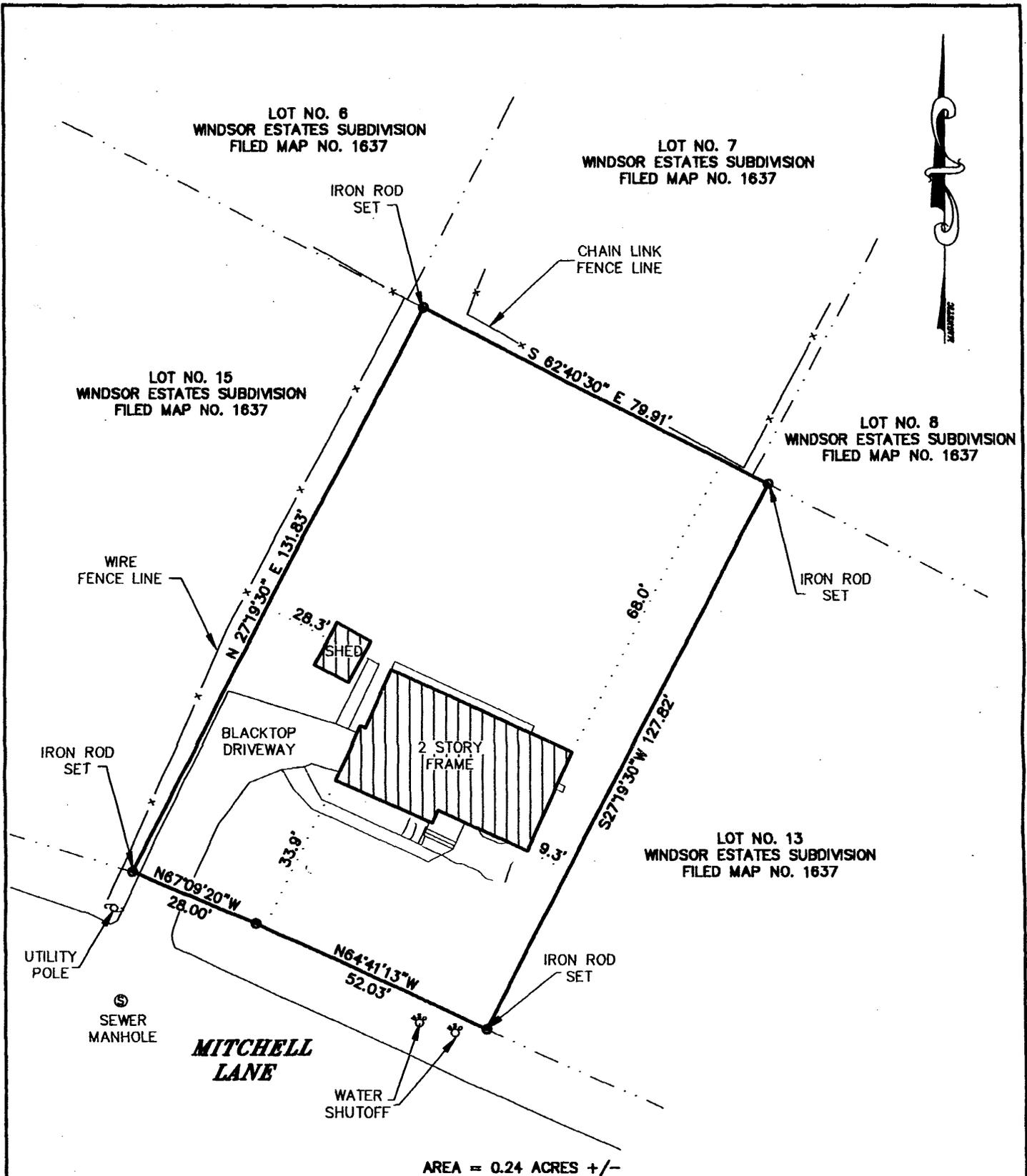
(Owner's Signature)

78 Ritey RD New Windsor NY

ID no's A

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





CERTIFIED TO:
 1. APRIL M. BADILLO AND FRANK A. MANDATO, JR.
 2. BNY MORTGAGE COMPANY, LLC, ISADA ATIMA
 3. CHICAGO TITLE INSURANCE COMPANY
 4. PRIMARY LAND SERVICES, LLC

- NOTES:**
1. BEING THE SAME PARCEL AS DESCRIBED IN THE LIBER OF DEEDS, AT PAGE _____ AND SUBJECT TO RESTRICTIONS AND CONDITIONS THEREIN.
 2. TOGETHER WITH ANY RIGHT, TITLE OR INTEREST IN AND TO THE CENTER OF THE PUBLIC ROADS SHOWN HEREON.
 3. BEING LOT NO. 14 AS SHOWN ON FILED MAP NO. 1637
 4. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
 5. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
 6. CERTIFICATIONS INDICATED HEREON SHOW THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 7. THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.
 8. SUBSURFACE STRUCTURES AND UTILITIES WHICH WERE NOT VISIBLE AT THE TIME OF THE SURVEY HAVE NOT BEEN SHOWN.
 9. ALL RIGHTS RESERVED. COPYING OR REPRODUCTION OF THIS PLAN OR ANY PORTION THEREOF PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER / SURVEYOR.

**MAP OF SURVEY
 FOR
 LOT No. 14
 WINDSOR ESTATES SUBDIVISION**

TOWN OF NEW WINDSOR ORANGE CO., N.Y.
 SCALE: 1" = 20' MARCH 25, 2005

OSWALD & GILLESPIE
 CONSULTING ENGINEERS, & SURVEYORS

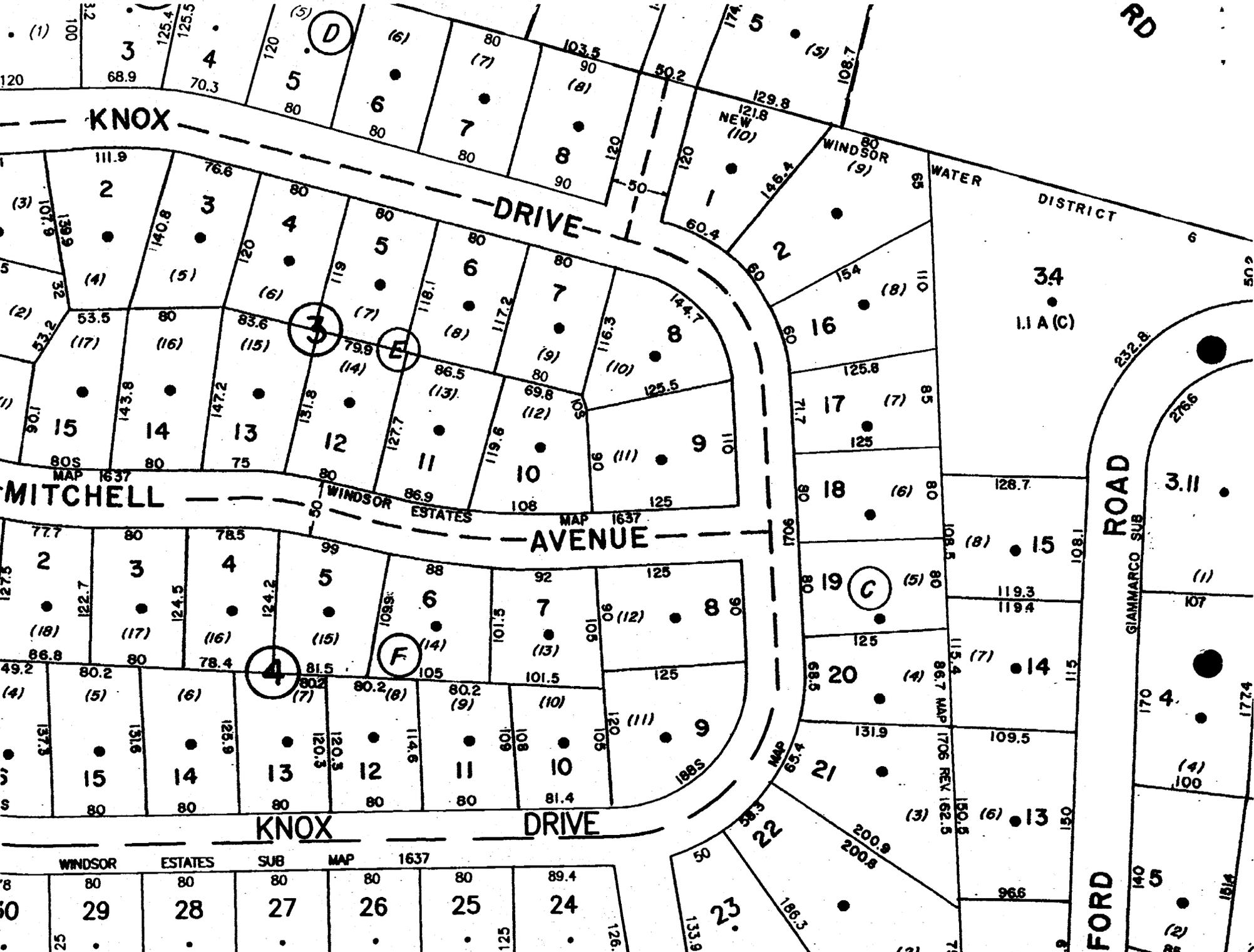
1589 ROUTE 82, HOPENELL JUNCTION, NEW YORK 12533
 (518) 221-8227



FILE NO. 2005-087

177FRASE MEL 58031

RD





1763

Town of New Windsor

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

Assessors Office

August 24, 2005

Frank Mandato, Jr.
7 Mitchell Lane
New Windsor, NY 12553

Re: 6-3-12 ZBA#: 05-45 (78)

Dear Mr. Mandato:

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 \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

4-1-30.1

Lujan Homes Builders, Inc.
c/o Anthony Conte
533 LaFitte Rd
Little Torch Key, FL 33042

6-1-1.3

Regina Csubak
8 Clarkview Road
New Windsor, NY 12553

6-1-5

Gina Shibah
14 Clarkview Road
New Windsor, NY 12553

6-1-8

Willard & Mary Jaime
20 Clarkview Road
New Windsor, NY 12553

6-2-2

Paul & Marianne Haarmann
11 Clarkview Road
New Windsor, NY 12553

6-2-5

Craig & Danielle Pelsue
5 Knox Drive
New Windsor, NY 12553

6-2-8

Carlos Hidalgo
Briselda Lara
11 Knox Drive
New Windsor, NY 12553

6-3-3

Richard & Suzanne Campora
4 Knox Drive
New Windsor, NY 12553

6-3-6

William & Evelyn Rothenbusch
10 Knox Drive
New Windsor, NY 12553

6-3-9

Donald & Bessie Harris
20 Knox Drive
New Windsor, NY 12553

4-1-30.2

Muriel MacNary
535 MacNary Road
New Windsor, NY 12553

6-1-3

Hector & Karen Delgado
10 Clarkview Road
New Windsor, NY 12553

6-1-6

Kenneth & Elizabeth Strongreen
16 Clarkview Road
New Windsor, NY 12553

6-1-9

James & Frances Lego
22 Clarkview Road
New Windsor, NY 12553

6-2-3

Richard & Lori Passaro
1 Knox Drive
New Windsor, NY 12553

6-2-6

Feguens & Darline Germain
7 Knox Drive
New Windsor, NY 12553

6-3-1

Thomas & Kristen Koziak
13 Clarkview Drive
New Windsor, NY 12553

6-3-4

Daniel Missonellie
6 Knox Drive
New Windsor, NY 12553

6-3-7

Rosa Vasquez
12 Knox Drive
New Windsor, NY 12553

6-3-10

William & Dorothea Brown
11 Mitchell Lane
New Windsor, NY 12553

3-2-2

Loretta Trizinsky
Margaret Deyo
309 Windsor Highway
New Windsor, NY 12553

6-1-4

Mark Trevorah
Kelli Restivo
12 Clarkview Road
New Windsor, NY 12553

6-1-7

Albert & Margaret Lusardi
18 Clarkview Road
New Windsor, NY 12553

6-2-1

Debra Russio
9 Clarkview Road
New Windsor, NY 12553

6-2-4

Todd Doupona
3 Knox Drive
New Windsor, NY 12553

6-2-7

Allan & Carol Saltzberg
9 Knox Drive
New Windsor, NY 12553

6-3-2

Arnold & Beverly Messer
2 Knox Drive
New Windsor, NY 12553

6-3-5

Sean Cross
Amanda Gotz
8 Knox Drive
New Windsor, NY 12553

6-3-8

Regina Roundtree
14 Knox Drive
New Windsor, NY 12553

6-3-11

Lazaro Saurez Villamil
9 Mitchell Lane
New Windsor, NY 12553

6-3-13
Anthony Dirago, Jr.
5 Mitchell Lane
New Windsor, NY 12553

6-3-16
Robett Schulze
17 Clarkview Road
New Windsor, NY 12553

6-4-2
Anthony & Angela Oddo
2 Mitchell Lane
New Windsor, NY 12553

6-4-5
Steven & Jane Albano
8 Mitchell Lane
New Windsor, NY 12553

6-4-8
Ingrid Guerrero
24 Knox Drive
New Windsor, NY 12553

6-4-11
Donna Verdiglione
34 Knox Drive
New Windsor, NY 12553

6-4-14
James & Frances O'Neil
40 Knox Drive
New Windsor, NY 12553

6-4-17 & 6-5-27
Jeremiah & Patricia Quill
23 Clarkview Road
New Windsor, NY 12553

6-5-2
Richard & Maureen Kelly
506 MacNary Road
New Windsor, NY 12553

6-5-16
Doloris & Edna Gutcheus
17 Knox Drive
New Windsor, NY 12553

6-3-14
Peter Reilly, et al
c/o Alice Reilly
3 Mitchell Lane
New Windsor, NY 12553

6-3-17
Kathleen & Dirk DeMar
15 Clarkview Road
New Windsor, NY 12553

6-4-3
Timothy & Debra Gilchrist
4 Mitchell Lane
New Windsor, NY 12553

6-4-6
John & Kathleen Hannon
10 Mitchell Lane
New Windsor, NY 12553

6-4-9
Robert Wilson
28 Knox Drive
New Windsor, NY 12553

6-4-12
Doreen & Michael Casey
36 Knox Drive
New Windsor, NY 12553

6-4-15
Matthew & Corinne Lynch
42 Knox Drive
New Windsor, NY 12553

6-4-18
Nea Sum Chin
21 Clarkview Road
New Windsor, NY 12553

6-5-3.4
Fred & Jill Cook
19 Oxford Road
New Windsor, NY 12553

6-5-17
Victoria Sustmann
19 Knox Drive
New Windsor, NY 12553

6-3-15
Joseph Armisto
Nina Cargain
1 Mitchell Lane
New Windsor, NY 12553

6-4-1
Ismail & Cemaliye Nouri
19 Clarkview Road
New Windsor, NY 12553

6-4-4
Jerold & Dorothy Barao
6 Mitchell Lane
New Windsor, NY 12553

6-4-7
John Fischer
Luz Camilo-Fischer
12 Mitchell Lane
New Windsor, NY 12553

6-4-10
Richard & Anna Kenna
32 Knox Drive
New Windsor, NY 12553

6-4-13
Christopher & Allison Jacopino
38 Knox Drive
New Windsor, NY 12553

6-4-16
Robin Piekarz
Curtis Worden
44 Knox Drive
New Windsor, NY 12553

6-5-1
Janet (Gorglione) Berryann
David Berryann
13 Knox Drive
New Windsor, NY 12553

6-5-15
Jeffrey Orts
Judy Serviss-Orts
15 Oxford Road
New Windsor, NY 12553

6-5-18
Clifford & Marianne Paige
21 Knox Drive
New Windsor, NY 12553

6-5-19
Allen & Joanne Hoag
23 Knox Drive
New Windsor, NY 12553

6-5-22
Michael Prisco
29 Knox Drive
New Windsor, NY 12553

6-5-25
Paul T Nergelovic
35 Knox Drive
New Windsor, NY 12553

6-5-29
Harold & Adelaide Willis
43 Knox Drive
New Windsor, NY 12553

6-5-32
Nancy Sharp
25 Clarkview Drive
New Windsor, NY 12553

6-7-4 & 6
Nathan Spells
340 E. 64th Street
NY, NY 10021

6-5-20
William Missionellie, Jr.
25 Knox Drive
New Windsor, NY 12553

6-5-23
James & Mary Irving
31 Knox Drive
New Windsor, NY 12553

6-5-26
Christine Smith
37 Knox Drive
New Windsor, NY 12553

6-5-30
Cheryl Grainger
45 Knox Drive
New Windsor, NY 12553

6-5-50
John & Maryann Kochan
P.O. Box 4627
New Windsor, NY 12553

73-8-1
Kathleen Wingfield
517 MacNary Road
New Windsor, NY 12553

6-5-21
Edward & Georgeanne Vornlocher
27 Knox Drive
New Windsor, NY 12553

6-5-24
Shirley Hassdenteufel
33 Knox Drive
New Windsor, NY 12553

6-5-28
Richard & Donna Dotson
41 Knox Drive
New Windsor, NY 12553

6-5-31
Thomas & Nancy Bailey
Michele Lawrenson
47 Knox Drive
New Windsor, NY 12553

6-7-3 & 5
Arland Co.
2 Landfall Lane
Princeton, NJ 08540

73-8-2
Richard & Mary Camarda
515 MacNary Road
New Windsor, NY 12553

**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. 05-45
Request of: FRANK MANDATO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 20.1 ft. Front Yard Setback for proposed deck at 7 Mitchell Lane in an R-4 Zone (6-3-12)

PUBLIC HEARING will take place on September 26, 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: 1795669 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: THRFODDRIL Date: 09/06/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: TH Class: 999X: LEGAL BILLING

Schedule: Start Date - 09/10/2005 End Date - 09/10/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 25.00 ProdType: ENTERPRISE Color No: 0 Colors:

Tear sheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 46.75 Payment Method: B1 Amount Paid: 0 Amount Owed: 46.75

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

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

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:

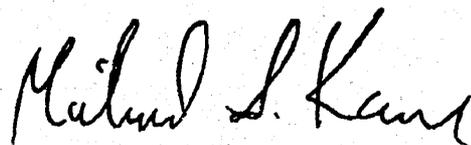
Appeal No. 05-45

Request of FRANK MANDATO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 20.1 ft. Front Yard Setback for proposed deck at 7 Mitchell Lane in an R-4 Zone (6-3-12)

PUBLIC HEARING will take place on SEPTEMBER 26, 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

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

ZONING BOARD OF APPEALS

September 13, 2005

April Badillo
1285 Union Avenue
Newburgh, NY 12550

SUBJECT: REQUEST FOR VARIANCE #05-45

Dear Ms Badillo:

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:

7 Mitchell Lane
New Windsor, NY

is scheduled for the SEPTEMBER 26, 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, NY 12553
(845) 563-4611

RECEIPT
#728-2005

08/08/2005

Badillo, April
1285 Union Avenue
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 08/08/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 06-46

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 08-08-05

FOR: ESCROW 05-45

FROM:

April Badillo
1285 Union Avenue
Newburgh, NY 12550

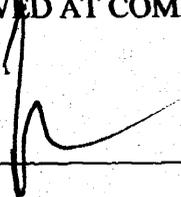
CHECK NUMBER: 260

TELEPHONE: 656-7713

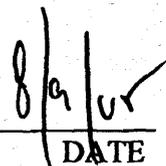
AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME



DATE



PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 08-08-05 PROJECT NUMBER: ZBA# 05-45 P.B. # _____

APPLICANT NAME: FRANK MANDATO, JR.

PERSON TO NOTIFY TO PICK UP LIST:

FRANK MANDATO, JR.
7 MITCHELL LANE
NEW WINDSOR, NY

TELEPHONE: 656-7713

TAX MAP NUMBER: SEC. 6 BLOCK 3 LOT 12
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 7 MITCHELL LANE
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: 261

TOTAL CHARGES: _____



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

7/25/05
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. **Owner Information:** Phone Number: (845)656-7713
Frank Mandato, Jr. & April Bedillo Fax Number: ()
(Name)
7 Mitchell Lane New Windsor, NY 12553
(Address)

II. **Applicant:** Phone Number: (845)656-7713
Frank Mandato, Jr. Fax Number: ()
(Name)
7 Mitchell Lane 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 ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**
Zone: R-4 Property Address in Question: 7 Mitchell Lane
Lot Size: .24 Acre Tax Map Number: Section 6 Block 3 Lot 12
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? April 15, 2005
d. Has property been subdivided previously? NO If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? YES

****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			
Reqd. Front Yd.	45'	24.9'	20.1'
Reqd. Side Yd.			
Reqd. Rear Yd.			
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:

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:

to improve the appearance of the home's main entry.

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.)

a larger, safer landing for entering and exiting the main entrance.

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 (5 or 6) from several angles. 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:

25th day of July 2005

April Badillo
Owner's Signature (Notarized)

April Badillo
Owner's Name (Please Print)

Jennifer Mead
Signature and Stamp of Notary

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Applicant's Signature (If not Owner)

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



TOWN OF NEW WINDSOR

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

8/8
05-45

ZONING BOARD PROCEDURES

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

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

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

*

ESCROW
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, 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 PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST 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.