

ZB# 07-16

Antonio Tommasi

77-2-9

07-16

Antonio Tommasi (AREA)
2809 Cherry Tree Way (77-2)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 6-11-07

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ANTONIO TOMMASI

AREA

CASE #07-16

WHEREAS, Maria Tommasi, owner(s) of 2809 Cherry Tree Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for-5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed 54' Above Ground Pool at 2809 Cherry Tree Way (The Reserve) in an R-3 Zone (77-2-9)

WHEREAS, a public hearing was held on June 11, 2007 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 Official Town Newspaper, 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 in an R-3 zone.
 - (b) The applicant seeks to put an above-ground pool on the rear side yard of the property.
 - (c) In constructing the pool, the applicant will not remove any trees or substantial vegetation.

- (d) In constructing the pool, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (e) In constructing the pool, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (f) The pool will be similar in size and nature, and is actually smaller than, other pools in the neighborhood.
- (g) The applicant understands that if the application is granted, they will still have to meet all of the State, County and Local Building requirements.

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).

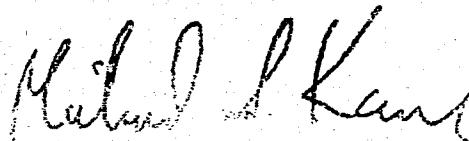
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback for proposed 54' Above Ground Pool at 2809 Cherry Tree Way (The Reserve) in an R-3 Zone (77-2-9) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: June 11, 2007



Chairman

June 11, 2007

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ANTONIO TOMMASI (07-16)

MR. KANE: Request for 5 foot side yard setback and 5 foot rear yard setback for proposed 54" above-ground pool at 2809 Cherry Tree Way in an R-4 zone.

Ms. Maria Tommasi appeared before the board for this proposal.

MS. TOMMASI: Hi, Maria Tommasi, we're just looking to put in an above-ground pool on the rear side yard.

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

MS. TOMMASI: No.

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

MS. TOMMASI: No.

MR. KANE: Is the pool, what size pool is it?

MS. TOMMASI: It's 15 x 30.

MR. KANE: Oval pool similar in size and nature to other pools in your neighborhood?

MS. TOMMASI: Smaller actually.

MR. KANE: Is there any easements in the area where you're proposing to put the pool up?

MS. TOMMASI: That's why we need the variance five feet on each side, we'll come back five feet on the back fence and the side and we need 10 so we need the five feet.

MR. KANE: That's not an easement.

MS. TOMMASI: Sorry.

MR. KANE: I'll help you out here in a minute. Let the record show I don't see any easements on the tax map or anything like that. An easement's a right-of-way through your property, basically telephone, water, electric where technically you shouldn't build anything on it if you do they can plow right through and not even ask your permission.

MS. TOMMASI: Not as far as I know.

MR. KANE: And five foot off the property line is your property fenced?

MS. TOMMASI: Yes, it's already fenced.

MR. KANE: Thirty-five foot off the property line is enough to meet the requirements for New York State code on pools?

MR. BABCOCK: Yes.

MR. KANE: So the pool wall acts like a fence?

MR. BABCOCK: That's correct.

MR. KANE: Do you understand that if it's approved you still have to meet all of the requirements from the building department?

MS. TOMMASI: Correct, we have a list of electricians I believe you provided us and we have pool alarm.

MR. KANE: New law in New York State this year is pool alarms. At this point, I'll open it up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as not, we'll close the public portion of the meeting and ask Myra how many

June 11, 2007

40

mailings we had.

MS. MASON: On May 30, I mailed out 57 envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that we approve the application of Antonio Tommasi request for five foot side yard setback and five foot rear yard setback for proposed 54 inch above-ground pool at 2809 Cherry Tree Way in The Reserve in an R-4, R-3 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

**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: March 20, 2007

APPLICANT: Antonio Tommasi

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR: Proposed 54' Above Ground Pool

LOCATED AT: 2809 Cherry Tree Way

ZONE: Sec/Blk/ Lot: 77-2-9

DESCRIPTION OF EXISTING SITE: One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 54' Above Ground Pool will not meet minimum 10' side and 10' rear yard set-back.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3

USE: 300-24-A

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

10'

5'

5'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

10'

5'

5'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

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

COPY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
DO NOT 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 is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAR 19 2007

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2007-164

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 Maria & Antonino Tommasi

Address 2809 Cherry Tree Way Phone # 567-1619

Mailing Address _____ Fax # _____

Name of Architect Orange County Pools, Inc

Address 215 Windsor Highway Phone 565-5777

Name of Contractor Vincent

Address _____ Phone _____

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

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 N side of Cherry Tree Way
(N, S, E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 77 Block 52 Lot 9

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

a. Existing use and occupancy home b. Intended use and occupancy pool

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

6. Is this a corner lot? no

54"
Above
Ground
Pool

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 _____ 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 _____ Fee \$50.00

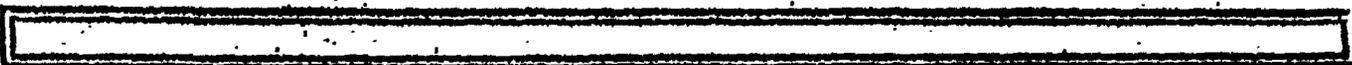
PAID
ZONING BOARD
CASH \$50.00
3/19/07

____/____/____
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 Lal & Loula Krycheer
New Windsor Town Hall
855 Union Avenue
New Windsor, New York 12553
(845) 863-4818
(845) 863-4888 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 codes that he is the owner or agent of all that certain lot, place 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.

X *Antonio Tamuzi*

(Signature of Applicant)

(Address of Applicant)

X *Antonio Tamuzi*

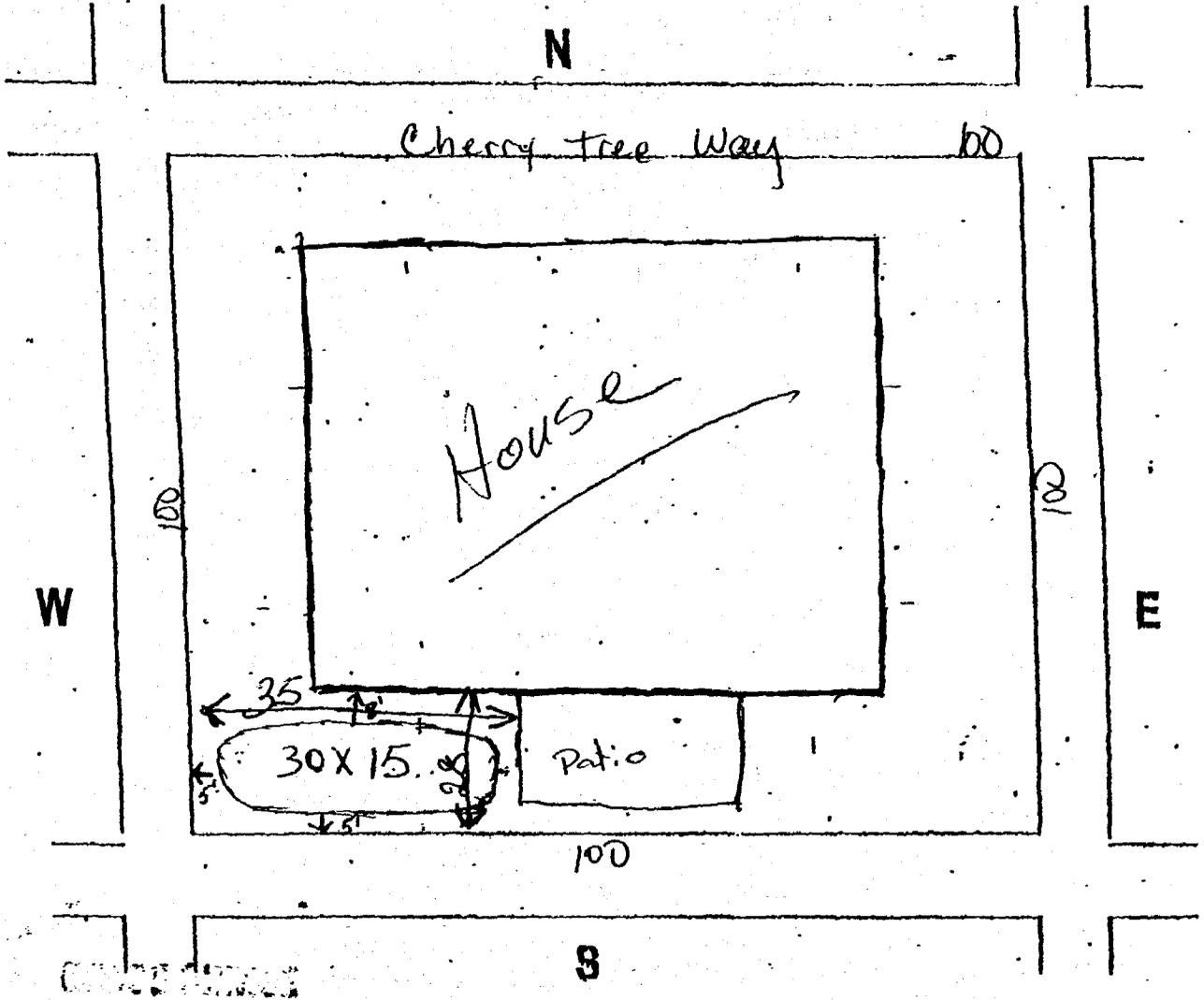
(Owner's Signature)

(Owner's Address)

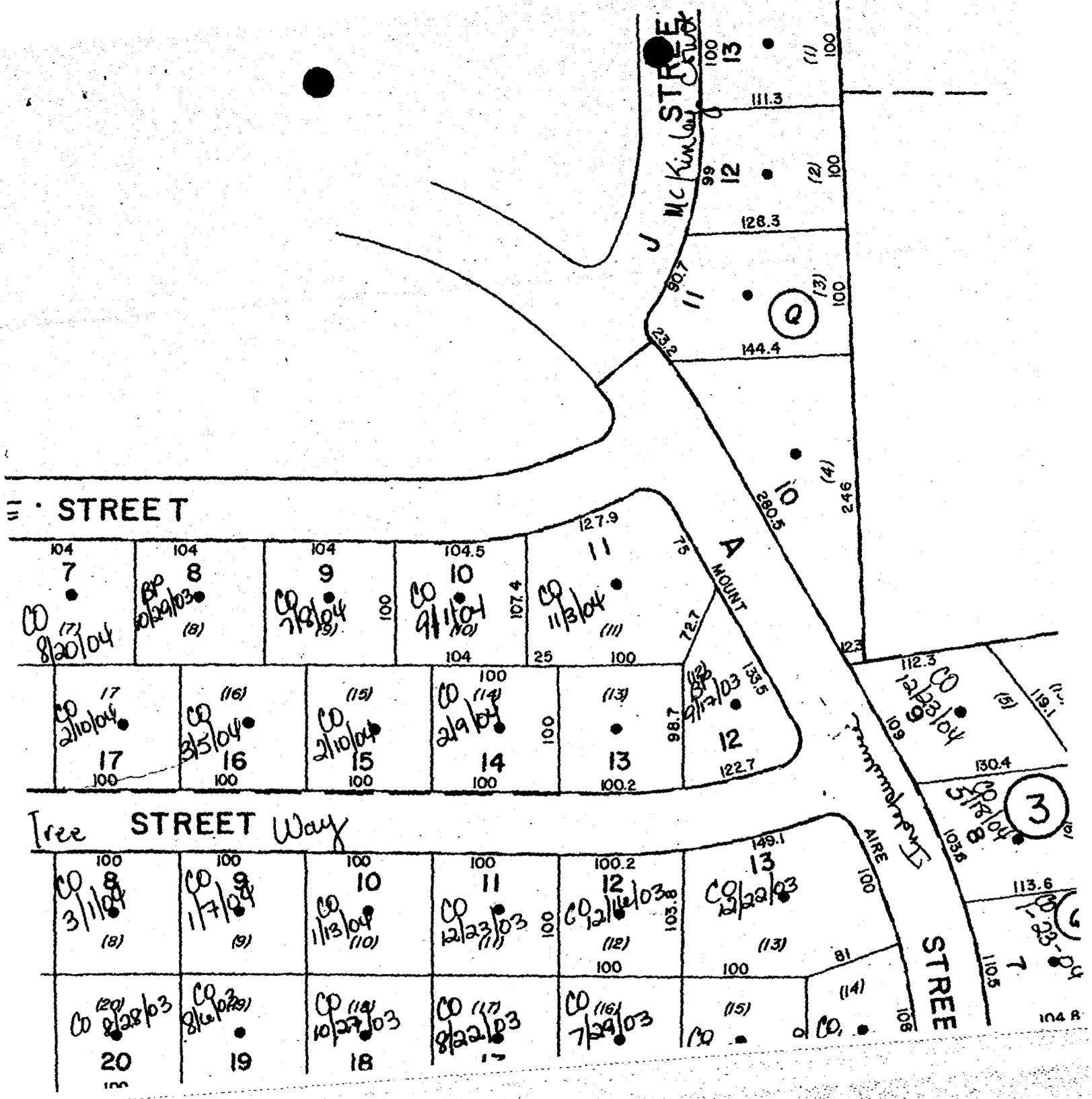
PLOT PLAN

NOTE:

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



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT



STREET

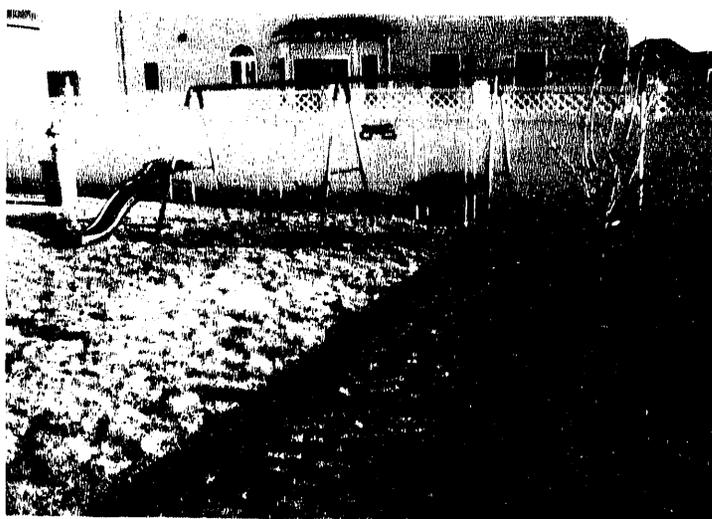
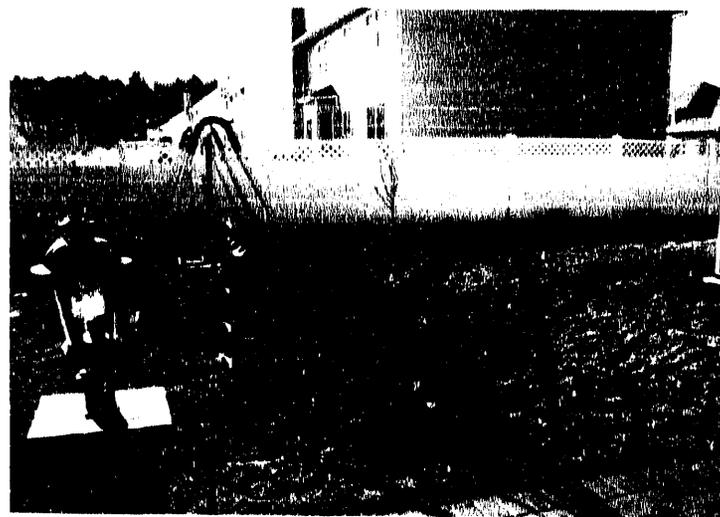
McKunley STREET

A MOUNT STREET

Tree STREET Way

STREET

104 7 CO 8/20/04 (17)	104 8 CO 8/22/03 (8)	104 9 CO 7/13/04 (9)	104.5 10 CO 9/11/04 (10)	107.4 11 CO 11/13/04 (11)	127.9 10 CO 11/13/04 (11)	100 11 CO 11/13/04 (11)	100 12 CO 11/13/04 (11)	100 13 CO 11/13/04 (11)	100 14 CO 11/13/04 (11)	100 15 CO 11/13/04 (11)	100 16 CO 11/13/04 (11)	100 17 CO 11/13/04 (11)	100 18 CO 11/13/04 (11)	100 19 CO 11/13/04 (11)	100 20 CO 11/13/04 (11)
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**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 11/08/07
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 164.36 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-16

NAME & ADDRESS:

**Maria & Antonino Tommasi
2809 Cherry Tree Way
New Windsor, Ny 12553**

THANK YOU,

MYRA

J.F.11/08/07



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



FILE #07-16 TYPE:AREA TELEPHONE: 567-1619

APPLICANT:
Maria & Antonino Tommasi
2809 Cherry Tree Way
New Windsor, Ny 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>4</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 2

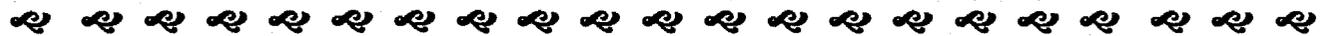


<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:05-25-07 \$ 16.64

TOTAL: \$ 65.64 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 135.64

AMOUNT DUE: \$ _____

REFUND DUE: \$ 164.36

Cc:

J.F. 11/08/07

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

RECEIPT
#283-2007

04/23/2007

Tommasi, Antonino

Received \$ 50.00 for Zoning Board Fees, on 04/23/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA 07-17 application

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-24-07

FOR: 07-16 ESCROW

FROM:
Maria & Antonino Tommasi
2809 Cherry Tree Way
New Windsor, Ny 12553

CHECK FROM:
SAME

CHECK NUMBER: 2

TELEPHONE: 567-1619

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE



7/23/07

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

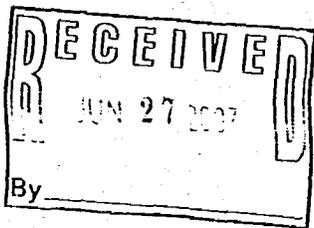
Please return with payment

Invoice

Date	Invoice #
6/18/2007	442

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
49467		

Issue Date	Description	Rate	Amount
5/25/2007	LEGAL ADS: PUBLIC HEARING NOTICE ANTONIO TOMMASI 1 AFFIDAVIT	12.64	12.64
		4.00	4.00
			
Total			\$16.64

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. (07-19)

Request of ANTONIO TOMMASI for a VARIANCE of the Zoning Local Law to Permit

Request for 5 ft. Side Yard Setback and 5 ft. Rear Yard Setback for proposed 54' Above Ground Pool at 2809 Cherry Tree Lane (The Reserve) in an R-3 Zone (7-1-07)

PUBLIC HEARING will take place on JUNE 11, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.

Michael Kane,
 Chairman

State of New York
 County of Orange, ss:
 Kathleen O'Brien being duly sworn disposes and says that she is the Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1 time (s) commencing on the 25th day of May A.D., 2007 and ending on the 25th day of May A.D. 2007

Kathleen O'Brien
 Subscribed and shown to before me this 22nd day of June, 2007.

Deborah Green
 Notary Public of the State of New York
 County of Orange.

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 #4984065
 Commission Expires July 15, 2011

My commission expires _____.

ANTONIO TOMMASI (07-16)

MR. KANE: Request for 5 foot side yard setback and 5 foot rear yard setback for proposed 54" above-ground pool at 2809 Cherry Tree Way in an R-4 zone.

Ms. Maria Tommasi appeared before the board for this proposal.

MS. TOMMASI: Hi, Maria Tommasi, we're just looking to put in an above-ground pool on the rear side yard.

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

MS. TOMMASI: No.

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

MS. TOMMASI: No.

MR. KANE: Is the pool, what size pool is it?

MS. TOMMASI: It's 15 x 30.

MR. KANE: Oval pool similar in size and nature to other pools in your neighborhood?

MS. TOMMASI: Smaller actually.

MR. KANE: Is there any easements in the area where you're proposing to put the pool up?

MS. TOMMASI: That's why we need the variance five feet on each side, we'll come back five feet on the back fence and the side and we need 10 so we need the five feet.

MR. KANE: That's not an easement.

MS. TOMMASI: Sorry.

MR. KANE: I'll help you out here in a minute. Let the record show I don't see any easements on the tax map or anything like that. An easement's a right-of-way through your property, basically telephone, water, electric where technically you shouldn't build anything on it if you do they can plow right through and not even ask your permission.

MS. TOMMASI: Not as far as I know.

MR. KANE: And five foot off the property line is your property fenced?

MS. TOMMASI: Yes, it's already fenced.

MR. KANE: Thirty-five foot off the property line is enough to meet the requirements for New York State code on pools?

MR. BABCOCK: Yes.

MR. KANE: So the pool wall acts like a fence?

MR. BABCOCK: That's correct.

MR. KANE: Do you understand that if it's approved you still have to meet all of the requirements from the building department?

MS. TOMMASI: Correct, we have a list of electricians I believe you provided us and we have pool alarm.

MR. KANE: New law in New York State this year is pool alarms. At this point, I'll open it up to the public and ask if there's anybody in the audience for this particular hearing? Seeing as not, we'll close the public portion of the meeting and ask Myra how many

June 11, 2007

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mailings we had.

MS. MASON: On May 30, I mailed out 57 envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that we approve the application of Antonio Tommasi request for five foot side yard setback and five foot rear yard setback for proposed 54 inch above-ground pool at 2809 Cherry Tree Way in The Reserve in an R-4, R-3 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

April 23, 2007

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ANTONIO TOMMASI (07-16)

MR. KANE: Request for 5 foot side yard setback and 5 foot rear yard setback for proposed 15 x 30 x 54" above-ground pool at 2809 Cherry Tree Way, The Reserve, in an R-3 zone.

MRS. TOMMASI: I'm Maria Tomassi, the wife. Just looking to put an above-ground pool in our side rear yard.

MR. KANE: What size?

MRS. TOMMASI: 56 inch.

MR. KANE: That's your height.

MRS. TOMMASI: 15 x 30.

MR. KANE: Is Orange County Pools selling you your pool?

MRS. TOMMASI: That's correct.

MR. KANE: Let it be known that the portion of Orange County Pools that I work for is not connected with the guys you purchased from in New Windsor. I'm letting you know because that's what I do. So I'll let you know that we have a similar name but it's not the same company, so that's something I need to put out there. So you have a 54 inch high pool, what's the dimensions of the pool?

MRS. TOMMASI: Narrow oval 15 x 30.

MR. KANE: Is it a what they call slim style or buttresses pool, do you have the anchors coming out?

MRS. TOMMASI: No, it's a narrow oval.

April 23, 2007

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MR. KANE: Some of the questions may seem a little crazy cause we know the area but I have to ask. Cutting down any trees or removing substantial vegetation?

MRS. TOMMASI: No, they're all gone.

MR. KANE: Will you be creating any water hazards or runoffs in the building of it? Is there a big excavation going to go on?

MRS. TOMMASI: No, we have been in that area now 3 1/2 years.

MR. KANE: The 15 x 30 pool, is that similar in size and nature to other pools that might be in your neighborhood?

MRS. TOMMASI: Smaller, most people have done inground.

MR. LUNDSTROM: One question, Mr. Chairman, if I may. Will there be a deck around the pool?

MRS. TOMMASI: We're thinking perhaps eventually but not any time soon, we have a fence already up.

MR. KANE: Your yard is fenced in but the pool you'll need to, I'm sure that the building inspector will go through this, but what's the clearance, 12 feet for the side and the back yard setbacks? She's asking for a five foot so it's ten foot is what's needed so you're going to have five feet from your property line on each one from your fence?

MR. BABCOCK: That's correct.

MR. KANE: That will suffice for the 4 foot area New York State requires?

MR. BABCOCK: Yes.

MR. KANE: You understand if you go to the public hearing that if it's passed that you're still required to meet all of the restrictions from the building department?

MRS. TOMMASI: Yes.

MR. KANE: Mike, is New Windsor up on the new pool alarm laws?

MR. BABCOCK: Yes.

MRS. TOMMASI: Yes, we have that, yes.

MR. LUNDSTROM: The other thing do we get clarification on the fact that if the deck that eventually goes around the pool touches any part of the house or any, an existing deck what that means?

MR. BABCOCK: Any deck that she puts up she's going to need a variance from this board no matter what because the deck is required to be ten foot off the property line also she only has five foot left if it's attached to the house.

MR. KANE: The rear offset changes.

MR. BABCOCK: The number's just going to get bigger for her but it would be the same.

MR. KANE: Any further questions?

MR. LUNDSTROM: None here.

MS. LOCEY: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public

April 23, 2007

24

hearing on the application of Antonio Tommasi and their request for five foot side yard setback and five foot rear yard setback for proposed 54 inch above-ground pool at 2809 Cherry Tree Way.

MR. KANE: Can we amend that to make it a 15 x 30 x 54 inch high pool? Let's get all the dimensions.

MR. BABCOCK: Yes.

MR. KANE: Is that acceptable?

MS. LOCEY: As amended.

MR. LUNDSTROM: I'll second that amended motion, Mr. Chairman.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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

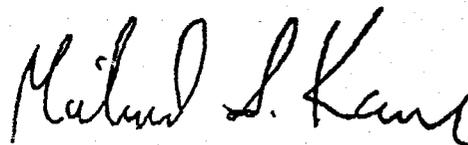
Appeal No. (07-16)

Request of ANTONIO TOMMASI

for a VARIANCE of the Zoning Local Law to Permit:

**Request for 5 ft. Side Yard Setback and; 5 ft. Rear Yard Setback
for proposed 54' Above Ground Pool at 2809 Cherry Tree Way (The Reserve) in an
R-3 Zone (77-2-9)**

**PUBLIC HEARING will take place on JUNE 11, 2007
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

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

Assessors Office

May 4, 2007

Antonino Tommasi
2809 Cherry Tree Way
New Windsor, NY 12553

Re: 77-2-9 ZBA#: 07-16 (57)

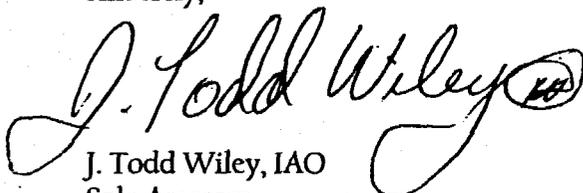
Dear Mr. Tommasi:

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/rah
Attachments

CC: Myra Mason, Zoning Board



32-2-53
NEWBURGH WATER SUPPLY
CITY COMPTROLLER
CITY HALL
NEWBURGH, NY 12550

77-1-12
JEROME &
ANGELICA HERNANDO
2029 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

77-2-3
DONALD &
PAULETTE EASTERLIN
2821 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-3
EDWARD, II &
NADIA VENEZIA
2642 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-13
LUIS DIAZ &
CHRISTINE LOHRFINK DIAZ
2804 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-4
BENEDETTO &
KELLY ALLEGRA
2819 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-4
JODI BOFFA &
BRIAN BREHENY
2644 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-14
ERIC & LINDA SPISANY
2806 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-5
JOHN & EVA LEE
2817 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-5
ANNETTE &
GIOVANNI FLORES
2646 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-15
BRIAN & MARIA LEWIS
2808 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-6
NOLAN &
MADELINE PADILLA
2815 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-6
YURY MATUSKA
2648 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-16
JUNIOR GONSALVES
2810 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-7
CARMELO & LYDIA TAVERNA
2813 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-7
SHAWN &
EBONY CARTER
2650 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-17
RICHARD &
JOSEPHINE ROMANO
2812 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-8
DANIEL & LYDIA BONILLA
2811 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-8
DEREK BARBIER &
MARITZA DEJESUS BARBIER
2652 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-18
DONALD &
KARLENE MITCHELL
2814 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-10
SALVATORE &
ANGELA ALLEGRA
2807 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-9
ANTHONY & KERRI BIANCHI
2654 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-19
DONALD &
KATHLEEN DEMATTEO
2816 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-11
ANTONIO & LAURA NASTRO
2805 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-10
JOSE & MAYE TERRAZOLA
2656 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-20
EDUARDO &
ELIZABETH GUERRERO
2818 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-12
RAMON JR. &
RAMON SR. CARDONA
2803 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-1-11
PIERRE PERCY &
STEPHANIE WRIGHT PERCY
2658 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-1-21
DENIS & JACQUELINE ALLEN
2820 CHERRY TREE WAY
NEW WINDSOR, NY 12553

77-2-13
LARRY FRAZIER
2801 CHERRY TREE WAY
NEW WINDSOR, NY 12553



77-2-14
JOHN & GLORIA BROWN
2702 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-24
CRAIG & VALERIE BARNES
2722 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-8
MICHAEL &
MICHELLE THOMAS
2713 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-15
ARETHA & NORA ANTWI-ADJEI
2704 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-25
WELLS FARGO BANK NA
3476 STATEVIEW BLVD
FORT MILL, SC 29715

77-6-9
JAMES PORTER &
LEO MATHELIER CARMELLE
2711 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-16
MARIA STEWART
2706 COLONIAL DR.
NEW WINDSOR, NY 12553

77-3-8
THOMAS & SILVANA SPISANY
2024 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

77-6-10
NEAL & THERESA IAQUINTA
2709 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-17
CHRISTOPHER &
JENNIFER BAUTISTA
2708 COLONIAL DR.
NEW WINDSOR, NY 12553

77-3-9
TODD & MONIQUE NEAVIN
2026 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

77-6-11
AMIR & FARIDA ISLAM
46 LOCUST ST.
GREENVALE, NY 11548

77-2-18
LAVERNE BEY
2710 COLONIAL DR.
NEW WINDSOR, NY 12553

77-3-10
CAROLYN &
JAMES BERKOWITZ
2028 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

77-6-12
DORCAS PERALTA
2705 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-19
MARK &
PATRICIA MAYBERRY
2712 COLONIAL DR.
NEW WINDSOR, NY 12553

77-3-11
STEVEN LUI
2902 MCKINLEY CT.
NEW WINDSOR, NY 12553

77-6-13
JEAN & NICOLE MICHEL
58 CREAMERY DR.
NEW WINDSOR, NY 12553

77-2-20
JOHN & NICOLE WHITE
2714 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-4
JOSEPH & JODI ANTONACCI
2721 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-14
JEFFREY &
GIUSEPPINA SARACINO
2701 COLONIAL DR.
NEW WINDSOR, NY 12553

77-2-21
VIVEK & VAIDEHI PHADNIS
2716 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-5
BARRY &
JOANNE WASHINGTON
2719 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-15, 16, 17,
MT AIRY ESTATES INC
C/O SARNA ENTERPRISES
15 ENGLE ST. STE. 100
ENGLEWOOD, NJ 07631

77-2-22
BRIAN & CAROLE MCCUE
2718 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-6
BRIAN & DIANNA MCLEAN
2717 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-18
TERRY LEE ARMSTRONG SR. &
S. MANZANO ARMSTRONG
2608 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-2-23
EMANUEL & ANELYN SUAZO
2720 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-7
HARVEY MATHIS &
LYDIA ALVAREZ
2715 COLONIAL DR.
NEW WINDSOR, NY 12553

77-6-19
YELENA LAKHMAN
2610 LIBERTY RIDGE
NEW WINDSOR, NY 12553



77-6-20
DAVID & ELLEN OLSEN
2612 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-7-7
JOHN &
MARILYN KRESEVIC
2613 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-25
RICHARD & ROSE WALKER
2655 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-5-21
FRANCISCO SOTO JR. &
CYNTHIA DIAZ
2614 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-7-8
RICHARD & ROSE MARIE ROSE
2611 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-26
ROLLEY & SUSANA TINA
2653 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-6-22
JERI & CHERYL KOCIK
2616 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-7-9
DANIEL & DIANA MORALES
2609 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-27
AGUSTIN &
MILAGROS DOREGO
2651 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-6-23
EDWARD & REGINA DAVIS
2618 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-12-1, 64-2-23
MT AIRY ESTATES INC
C/O SARNA ENTERPRISES
15 ENGLE ST. STE 100
ENGLEWOOD, NJ 07631

64-2-28
MARIO & THERESA BULLICER
2649 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-6-24
IRINA SIMKNOVICH
2620 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-18
MELBA FAWCETT SANDS
2045 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

64-2-29
CARL & MARGO BELL
2647 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-6-25
JOSEPH &
VICTORIA PECORARO
2622 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-19
DONALD CAMBRIDGE &
S. WALKER-CAMBRIDGE
2043 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

64-2-30
TIMMY VAZQUEZ &
CARLA DIAZ VAZQUEZ
2645 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-7-3
NANCY WEBER
2621 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-20
STANLEY & BEENA GEORGE
2041 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

64-2-31
NORMAN &
DOREEN EDWARDS
2643 LIBERTY RIDGE
NEW WINDSOR, NY 12553

77-7-4
TODD & KELLY BELANGER
2619 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-21
JOHN & EILEEN WEBER
2039 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

77-7-5
MARC VALENTINO &
COLLEEN GARVEY
2617 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-22
GEORGE & ANNMARIE WEIR
2037 INDEPENDENCE DR.
NEW WINDSOR, NY 12553

77-7-6
KENNETH &
ANNETTE MCTIGUE
2615 LIBERTY RIDGE
NEW WINDSOR, NY 12553

64-2-24
JOHN & DANA MILLER
2657 LIBERTY RIDGE
NEW WINDSOR, NY 12553



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



APPLICATION FOR VARIANCE

3/22/07
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Maria + Antonino Tommasi

Phone Number: (845) 567-1619
Fax Number: ()

2809 Cherry Tree Way, N.W 12553
(Address)

II. Applicant:

Same
(Name)

Phone Number: ()
Fax Number: ()

(Address)

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

Same
(Name)

Phone Number: ()
Fax Number: ()

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Orange County Pools, Inc
(Name)
275 Windsor Highway - N.W - NY 12553
(Address)

Phone Number (845) 565-5777
Fax Number: (845) 565-5747

V. Property Information:

Zone: R-3 Property Address in Question: 2809 Cherry tree way
Lot Size: 1/4 Acre Tax Map Number: Section 77 Block 2 Lot 9

- a. What other zones lie within 500 feet? _____
- b. Is pending sale or lease subject to ZBA approval of this Application? _____
- c. When was property purchased by present owner? yes
- d. Has property been subdivided previously? _____ If so, When: _____
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? _____
- f. Is there any outside storage at the property now or is any proposed? _____

****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 Disapproval form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10'	5'	5'
Reqd. Rear Yd.	10'	5'	5'
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:

*We are seeking the installation of
an above ground swimming pool for our family
to enjoy during the summer months in
our side/rear yard.*

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 area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) 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:

26 day of March 2007

Antonino Tommasi 263-631-174
Owner's Signature (Notarized)

ANTONINO TOMMASI
Owner's Name (Please Print)

Mary Ann Hotaling
Signature and Stamp of Notary

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County

Applicant's Signature (If not Owner)

PLEASE NOTE:

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

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Maria Tommasi</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality 2800 Orange County <i>New Windsor</i> County <i>Orange County, NY</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>2804 Cherry Tree Way New Windsor, NY 12553 / The Reserve</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Above ground swimming pool</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Maria Tommasi</i>	Date: <i>3/22/07</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

