

ZB# 80-15

Reziro Vitolo
(Napoli Picca Pizza)

49-1-27

80-15-

Public Hearing:

July 14, 1980
8:15 p.m.

Sec. 49 BIK. 1 Lot 27

6/30/80 - Sent to The Sentinel
for pub.

Send to OCPD.

By Donk. - 7/1/80.

Fee paid

File w/ Clerk

80-15 - Vitolo, Regiero (Picca Pizza - Napoli)

Address: Route 32

11C" zone

Reziero Vitolo

Lynn Williams 962-2789
Dore Liebowitz

GENERAL RECEIPT			4422
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550			
RECEIVED OF	<u>Vitolo (Reziero)</u>	<u>Sept 10</u> 19 <u>80</u>	
	<u>Fifty and 00/100</u>	\$ <u>50.00</u>	DOLLARS
FOR	<u>Zoning App. Fee 80-15</u>		
DISTRIBUTION:			
FUND	CODE	AMOUNT	
<u>50.00</u>			
<u>ck</u>			
BY <u>Pauline H. Townsend cm</u>			
<u>Town Clerk</u>			TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

Legal Notice:
ZBA Hearing
PUBLIC NOTICE OF HEARING
BEFORE 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 pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 11
 Request of Reziero Vitolo d/b/a NAPOLI PIZZA for a VARIANCE of the regulations of the Zoning Ordinance, to permit insufficient sideyard being a VARIANCE of Section 48-12 Table Bulk Regulations Col. 7 for property situated as follows: Route 32, Windsor Highway, New Windsor, New York, known and designated as Section 49 Block 1-Lot 27.

SAID HEARING will take place on the 14th day of July, 1980, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:15 o'clock P.M.

VINCENT BIVONA
 Chairman
 By Patricia Delio
 Secretary

State of New York
 County of Orange, ss:

EVERETT SMITH, being duly sworn disposes as says that he is PRESIDENT.....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, and that the notice of which the annexed is a true copy was published..... in said newspaper, commencing on theday of July...A.D., 1980 and ending on theday of July... A.D., 1980

Everett Smith
 Subscribed and sworn to before me this 27th day of Aug. 1980.....

Patricia Delio
 Notary Public of the State of New York,
 County of Orange.

MY COMMISSION EXPIRES MARCH 30, 1982

PATRICIA DELIO
 Notary Public, State of New York
 Appointed in Orange County
 My Commission expires Mar. 30, 1982

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

REZIERO VITOLO, d/b/a NAPOLI PICCA PIZZA

DECISION GRANTING
AREA VARIANCES

Application #80-15.
-----x

WHEREAS, REZIERO VITOLO, d/b/a NAPOLI PICCA PIZZA, located at Route 32, Windsor Highway, Town of New Windsor, New York, in a "C" - Designed Shopping Center zone, has made application before the Zoning Board of Appeals for area and height variances for the purposes of construction of a restaurant to the rear of the existing businesses at the above premises; and

WHEREAS, a public hearing was held on the 14th day of July, 1980 before the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, the applicant was represented by Lynn Williams who is the designer and contractor for the construction of the building; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The evidence shows that the variance sought will not alter the general character of the neighborhood.
3. The evidence shows that denial of the variance will result in significant economic injury to the applicant.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That applicant will encounter practical difficulty if the area variances requested are denied.

2. The proposed variances requested will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a 10 ft. sideyard variance and a 10 ft. height variance to the applicant as applied for herein.

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 applicant.

Dated: July 14, 1980.


Chairman



COUNTY OF ORANGE

LOUIS HEIMBACH, County Executive

Department of Planning

124 MAIN STREET (1887 Building)
GOSHEN, NEW YORK 10924
TEL. (914) 294-5151

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

RECEIVED
ATTORNEY'S OFFICE / ZBA
TOWN OF NEW WINDSOR

JUL 16 1980

BY: Patricia Delio July 10, 1980

Mr. Vincent Bivona, Chairman
Town of New Windsor Zoning Board of Appeals
Town Hall
Union Avenue
New Windsor, New York 12550

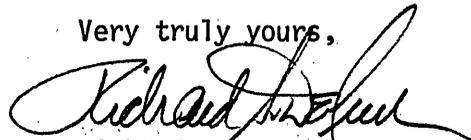
Re: Variance - Napoli Pizza
Route 32
File No: NWT-9-80M

Dear Mr. Bivona:

We have reviewed the above application in accordance with the provisions of Section 239, L and M, Article 12-B of the General Municipal Law of the State of New York.

We have no objection to the request and hereby return the matter for final local determination.

Very truly yours,


Richard S. DeTurk
Deputy Commissioner


Reviewed by: Joel Shaw
Senior Planner

RSD/mh

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-15
(Number)

July 1, 1980
(Date)

I. Applicant information:

- REZIERO VITOLO, Route 32, Windsor Highway, New Windsor
- ✓(a) (914) 565-~~4870~~ 4870
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

✓ III. Property information:

- (a) C (same as above) 49 1 27 21,579 +
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____

80-15
(Number)

July 1, 1980
(Date)

I. Applicant information:

- REZIERO VITOLO, Route 32, Windsor Highway, New Windsor
- ✓(a) (914) 565-~~4870~~ 4870
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

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- (a) C (same as above) 49 1 27 21,579 +
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No. If so, when -
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. No

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Blk. Regs Column 7

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
✓ Reqd. Side Yards <u>30 / 70</u>	<u>20 / 40</u>	<u>10 ft.</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	<u>10 ft.</u>
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only
** Non-residential districts only

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Blk. Regs. Column 7

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Reqd. Front Yard		
✓ Reqd. Side Yards 30 / 70	20 / 40	10 ft.
Reqd. Rear Yard		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		10 ft.
Min. Floor Area*		
Development Coverage* %	%	%
Floor Area Ratio**		

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

The existing structure is old and becoming dilapidated and it is economically unfeasible to repair the building. The new structure will be located to the rear of the property with parking in front and will be constructed during the operation of the existing business.

It would be an economic hardship for the owner of the property to raze the existing building and then construct the new building to the rear.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

the existing structure is old and becoming dilapidated and it is economically unfeasible to repair the building. The new structure will be located to the rear of the property with parking in front and will be constructed during the operation of the existing business.

It would be an economic hardship for the owner of the property to raze the existing building and then construct the new building to the rear.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. 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, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The proposed new building will be an asset to the area and will enhance the character of the neighborhood.

IX. Attachments required:

- Copy of letter of referral from Building and Zoning Inspector.
- Copy of contract of sale, lease or franchise agreement.
- Copy of tax map showing adjacent properties
- x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- Check in amount of \$50.00 payable to Town of New Windsor.

(b) Describe in detail the use and structures proposed for the special permit.

VIII. 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, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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 - Copy(ies) of sign(s) with dimensions.
 - Check in amount of \$50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- Other

X. AFFIDAVIT

Date July 1, 1980.

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 knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

S/ _____
(Applicant)

Sworn to before me this
1st day of July, 1980.

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1982.

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

July 1, 1980

Mr. Lynn Williams
1792 Summit Street
Yorktown Heights, N.Y.
10598

RE: 49-1-27

Dear Mr. Williams:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$35.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

PAULA KING
ASSESSOR
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

- ✓ City School District of Newburgh,
Vails Gate Elementary School
98 Grand Street
Newburgh, N.Y. 12550
- ✓ Deyo Jesse D & Margaret
340 Windsor Highway
New Windsor, N.Y.
- ✓ Kaduk Daniel & Eleanor K
c/o Northern Homes Equip.
MD 15 Rte 17K
Newburgh, N.Y.
- ✓ Stivala George J & Viola
50 Continental Drive
New Windsor, N.Y.
- ✓ Deery Edward J & Eileen G
48 Continental Drive
New Windsor, N.Y.
- ✓ Stroble Charles R & Joanne E
1 Regimental Place
New Windsor, N.Y.
- ✓ Kucyk John & Frances T
41 Continental Drive
New Windsor, N.Y.
- ✓ Jacobson Howard & Hilda
Box 436
Vails Gate, N.Y. 12584
- ✓ Realm Rest Inc
Box 385
Vails Gate, N.Y. 12584
- ✓ Prendergast Patricia
52 Continental Drive
New Windsor, N.Y.
- ✓ Di Gregorio Peter & Sondra
54 Continental Drive
New Windsor, N.Y.
- ✓ Hilton Frank & Daisy Lee
PO Box 193
Vails Gate, N.Y. 12584
- ✓ Stafford William F & Elizabeth A
50 Continental Drive
New Windsor, N.Y.
- ✓ Barone Mario
656 Edison Avenue
Bronx, N.Y. 10465
- ✓ Woodruff Lawrence & Joan M
62 Continental Drive
New Windsor, N.Y.
- ✓ Crook Richard J & Jeanine M
64 Continental Drive
New Windsor, N.Y.
- ✓ Marotta William J & Genevieve E
66 Continental Drive
New Windsor, N.Y.
- ✓ Bakker Berend & Margaret G
68 Continental Drive
New Windsor, N.Y.
- ✓ Mistrille Antoinetta
70 Continental Drive
New Windsor, N.Y.
- ✓ Coloni Richard V & Angelina F
43 Continental Drive
New Windsor, N.Y.
- ✓ Schnepel Edward D
2 Regimental Place
New Windsor, N.Y.
- ✓ Peroni Otella J & Carmella V
4 Regimental Place
New Windsor, N.Y.
- ✓ Maiorana Vito J & Louise
6 Regimental Place
New Windsor, N.Y.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

- ✓ Stradar George F Jr. & Kathleen F
8 Regimental Place
New Windsor, N.Y.
- ✓ Vaczi Joseph J. & Maudean
10 Regimental Place
New Windsor, N.Y.
- ✓ Boyd William C & Irene F
12 Regimental Place
New Windsor, N.Y.
- ✓ Gilbert James M & Anita B
53 Continental Drive
New Windsor, N.Y.
- ✓ Zapantis Costas & Anna
51 Continental Drive
New Windsor, N.Y.
- ✓ Kemp David W & Marie
49 Continental Drive
New Windsor, N.Y.
- ✓ Kraiza Joseph M & Auroram
45 Continental Drive
New Windsor, N.Y.
- ✓ Balmville Estates Inc
PO Box 4053
New Windsor, N.Y.
- ✓ Bromberg Arthur & William
Old Forge Hill Road
New Windsor, N.Y.
- ✓ Hecht Eugene F & Bakker Leonard G
13 Ona Lane
New Windsor, N.Y.
- ✓ Laborers Local 17
Realty Trust
PO Box 356
Vails Gate, N.Y. 12584
- ✓ Cicchetti O Edward
8 Baltas Road
Newburgh, N.Y.
- ✓ Bankers Trust Hudson Valley N
301 Wall Street
Kingston, N.Y. 12401
- ✓ Panella Emilio
182 Grand Street
Newburgh, N.Y.
- ✓ Sun Oil Co
6-7744-02
Tax Dept.
1608 Walnut Street
Philadelphia Pa. 19103
- ✓ The Windsor Building Supplies
Co Inc
PO Box 8
Vails Gate, N.Y. 12584

Memo FROM:

555 UNION AVENUE

TOWN OF NEW WINDSOR

NEW WINDSOR, NEW YORK 12553

TO:

HOWARD COLLETT
Building/Zoning Inspector
Town of New Windsor

DATE: July 15, 1980

SUBJECT:

APPLICATION FOR AREA VARIANCE - REZIERO VITOLO
#80-15

— FOLD HERE —

Please be advised that the above application for an area variance and height variance was granted at the July 14, 1980 meeting of the Zoning Board of Appeals.

cc: Town Planning Board

by

Patricia Helms

Secretary - ZBA

7/14/80 - 8:15 p.m. - Public Hearing - Reziro Ditto - Napoli Picca Pizzia

Name:

Field Cima

Spectator Address:

8 BANTAS RD NEWBURGH NY
(no objections)

PUBLIC NOTICE OF HEARING BEFORE
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
pursuant to Section 48-33A of the Zoning Ordinance on the
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Appeal No. 11

Request of REZIERO VITOLO, d/b/a NAPOLI PICCA PIZZA
for a VARIANCE ~~SPECIAL USE PERMIT~~ of
the regulations of the Zoning Ordinance, to permit
insufficient sideyard

being a VARIANCE ~~SPECIAL USE PERMIT~~ of
Section 48-12 - Table of Bulk Regulations - Col. 7
for property situated as follows:

Route 32, Windsor Highway, New Windsor, New York,
known and designated as Section 49-Block 1- Lot 27.

SAID HEARING will take place on the 14th day of July, 1980,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:15 o'clock P. M.

VINCENT BIVONA
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - July 14, 1980
DATE: June 30, 1980

Please be advised that there are two (2) public hearings scheduled to be heard before the ZBA on Monday evening, July 14, 1980:

8 p.m. - Application for use variance of
HUSSAIN/JANOFSKY

8:15 p.m. - Application for side yard variance
of REZIERO VITOLO, d/b/a NAPOLI'S ✓
PICCA PIZZA

I have attached hereto copies of the pertinent applications together with the public hearing notices which will be published in The Sentinel this week.

Pat

/pd

Attachments

cc: Howard Collett - Bldg./Zoning Inspector

7

INFORMATION FROM HOWARD COLLETT:

#80-15.

Mr. Vitola (Napoli Picca Pizza) plans to construct a new building to the rear of his existing operation on Route 32. When the new building is erected, the old A frame building presently in operation will be torn down. 40 ft. side yard variance only needed.

Pat

Vitola (Napoli Picca Pizza)

N/F EDWARD CICHETTI

ZONING RESTRICTIONS

1.	SQ FT.	40,000	ACTUAL	21,579.00'
2.	FRONTAGE	200	ACTUAL	100'
3.	FRONT YARD	60'	ACTUAL	75'
4.	SIDE YARD	30/70	ACTUAL	20/40
5.	REAR YARD	30	ACTUAL	82
6.	PARKING: 1 SPACE FOR 3 SEATS 88 SEATS, 29 PARKING SPACES.			

20/40 60
 30/70 100
 20 40
 40'
 needs:

10' diff.