

ZB# 80-24

Anthony Spiliotis

35-1-91

Public hearing:

Sept. 22nd -
2 fam. home: R4A
lot area variance
no water
Riley Road

Sent notice to Sentinel, 9/9/80. pd.

owner: Philip Infante.

Atty: Peter Patealos, Esq.

Secretary:

Shannon

Granted - 9/22/80.

GENERAL RECEIPT

4423

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF Antonio's Spic Hotel Sept 10 19 80 \$ 25.00

Twenty-five and 00/100 DOLLARS

FOR Warmer Fee - 24

DISTRIBUTION:

FUND	CODE	AMOUNT
25.00		
ck-		

BY Pauline J. Townsend cm
Town Clerk

TITLE

PETER C. PATSALOS

COUNSELOR AT LAW

TELEPHONE 565-4480
AREA CODE 914

346 BROADWAY
(P. O. BOX 2177)
NEWBURGH, NEW YORK 12550

August 6, 1980

Patricia Delio, Secretary
New Windsor Zoning Board of Appeals
555 Union Avenue - Town Hall
New Windsor, NY 12550

RE: Application of Antonios Spiliotis for variance
Property on Riley Road

Dear Pat:

Pursuant to your instructions, I have enclosed the following documents in order to obtain a variance:

1. application of Antonios Spiliotis in triplicate together with public notice for signature of Chairman and date
2. my client's check in the sum of \$25.00 payable to the Town of New Windsor
3. a list of the property owners to be notified once you have notified me as to what date the appeal is to be heard
4. notice of disapproval of building permit application signed by Howard Collett

It is my understanding that you will notify me by return mail as to the date this appeal is to be heard and also that you will indicate to me the cost of publishing this in the Sentinel, the expense of which I will have my client forward to you prior to publication.

Should there be any questions, please feel free to contact me by phone or letter.

Very truly yours,

Peter C. Patsalos
PETER C. PATSALOS

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

AUG 11 1980

BY: *Patricia Delio*

PCP/skl
encl.

MATTERS TO BE PLACED ON
ZONING BOARD OF APPEALS AGENDA:

PRELIMINARY MEETING:

NAME OF APPLICANT: ~~Anthony Spiliotis~~ Spiliotis
ADDRESS: 437 Third Street, Newb. Tel. # 565-5488
OWNER: Phil Infante PROSPECTIVE PURCHASER: (above)
TYPE OF APPLICATION: Const. of 2 fam. house; Have: 20,000 sq. ft. - 5,000 lot
Area Variance - need - 25,000 ft
ZONE DESIGNATION: R-4-A also need water Area Variance
LOCATION OF PROPERTY: Riley Road - Lot 4.

PLEASE BE PRESENT AT ZONING BOARD MEETING OF _____
at 7:30 p.m. AT NEW WINDSOR TOWN HALL - 555 Union Avenue - New Windsor,
New York.

BRING WITH YOU: site plan of Two-fam. house

ATTORNEY: Peter Palsalos - Tel. # 5-4480

REFERRED BY: _____

ORDER TO REMEDY VIOLATION ISSUED: _____

PUBLIC HEARING NOTICE SENT TO NEWSPAPER: _____

PUBLIC HEARING NEEDED: _____ IF SO, WHEN: _____

APPLICATIONS PROVIDED ON: # _____ (Date)

PATRICIA DELIO, SECRETARY
NEW WINDSOR ZONING BOARD OF APPEALS
555 Union Avenue
New Windsor, N.Y. 12550
(914) 565-8550

Example

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of
FRANK WORTMANN.

DECISION APPROVING
AREA VARIANCE

Application #79-16.

-----x

WHEREAS, FRANK WORTMANN, of 32 Weather Oak Hill, Town of New Windsor, New York, has made application before the Zoning Board of Appeals for an area variance for the purposes of constructing a two-family residence in an R-4A zone without central water; and

WHEREAS, a public hearing was held on the 10th day of September, 1979 before the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, N.Y.; and

WHEREAS, the applicant represented himself; and

WHEREAS, the application was opposed by a number of area residents who submitted a petition for the record in opposition thereto; 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 Evening News, also required by law.

2. The application was required because the total area size of the lot in question was approximately 3,500 square feet below the size required where central water and sewer service to the property is not available. If both central water and sewer facilities were available to the property, the total lot size would be in conformance with the code. It appears that the lots are served with central sewer but not

central water.

3. The evidence shows that the variance sought will not alter the general character of the neighborhood in that the two family use sought by the applicant is a permitted use under the zoning law.

4. The evidence given by the applicant of expense incurred for an approved subdivision by the Town Planning Board together with the high taxes presently on the property shows that the denial of this variance will result in a significant economic injury to the applicant.

5. The evidence shows that the variance if granted will result in no appreciable additional population or strain on existing governmental facilities as the construction of two-family homes is a permitted use.

6. The evidence shows that there is no feasible way for the applicant to use the lot in question without obtaining this variance so that the proposed home may be constructed thereon.

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

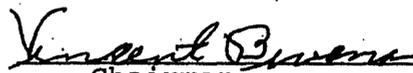
1. The applicant will encounter practical difficulty if the area variance is not granted.

2. The proposed area variance 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 an area variance for central water to the applicant as stated above.

BE IT FURTHER, RESOLVED that the Secretary of the Zoning Board of Appeals transmit a copy of this decision to the Town Planning Board, Town Clerk and applicant.

Dated: September 24, 1979.


Chairman

9/22/80 Public Hearing - Spiliotis/Infante

Name:

William E. Miller
Sara Miller
Elsa Armstrong
Dorothy Armstrong
Kerby J. Williams
Phil Infante

Address:

RD 2 Riley Road New Windsor
R.O. 2 Riley Rd. New Windsor, NY
RD #2 Riley Rd New Windsor, NY
RD 2 Riley Rd New Windsor, NY
R.D. #2 RILEY RD New Windsor, N.Y.
RD #2 RILEY RD



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

10 names
10 net. receipts

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

July 28, 1980

Mr. Peter Patsalos
346 Broadway
Newburgh, N.Y.

RE: 35-1-91 Philip Infante

Dear Mr. Patsalos:

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 \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Paula King

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

July 28, 1980

- ✓ Williams Kirk & Rosemary
Domino Gasper S & Ethel L
RD 2 Riley Road
New Windsor, N.Y. 12550
- ✓ Fayo James & Jennie
RD 2 Riley Road
New Windsor, N.Y.
- ✓ Romanowski Craig A & Arden A
Shaw Road
Rock Tavern, N.Y. 12575
- ✓ Donohue Peter R & Mary J
✓ RD2, Kings Drive
New Windsor, N.Y.
- ✓ 7 Acres Sportsmen Club Inc.
c/o Philip Infante
RD2, Riley Road
New Windsor, N.Y.
- ✓ Armstrong Samuel J & Elsa A
RD2, Riley Road
New Windsor, N.Y.
- ✓ Armstrong Samuel J
c/o William & Gloria Muller
RD 2, Riley Road
New Windsor, N.Y.
- ✓ Infante Philip J & Winifred
✓ RD2, Riley Road
New Windsor, N.Y.
- ✓ Infante Anthony S &
Byron T Philip J
RD2, Riley Road
New Windsor, N.Y.
- ✓ New York City Water
Division Engineer
Real Estate, EIV Room 2417
Dept. of Water Supply
Gas & Electric
Municipal Building
New York, N.Y. 10007

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. 31

Request of Antonios Spiliotis

for a VARIANCE SPECIAL USE PERMIT of

the regulations of the Zoning Ordinance, to permit
erection of two family house on a lot which
has 20,000 ft. of land and no town water supply

being a VARIANCE SPECIAL USE PERMIT of

Section _____

for property situated as follows:

Riley Road Lot (Sec. #35; Block #1, Lot #4,

of Map #4571, P. Infante) filed in Orange County
Clerk's Office 7/13/78 and Lot line change
approved by Zoning Board 6/25/80.

SAID HEARING will take place on the _____ day of September, 19 80,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 7:30 o'clock P. M.

Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-24
(Number)

7/28/80
(Date)

I. Applicant information:

- (a) Antonios Spiliotis, 437 Third Street, Newburgh, New York
(Name, address and phone of Applicant)
PHILIP INFANTE, Riley Road, New Windsor, N. Y.
565-5488
- (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: Sec. #35, Blk. #1

- (a) R-4A Riley Rd. Lot #4 x 130 x 150
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? yes When? 1978
- (f) Has property been subject of variance or special permit _____

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-24
(Number)

7/28/80
(Date)

I. Applicant information:

- (a) Antonios Spiliotis, 437 Third Street, Newburgh, New York
(Name, address and phone of Applicant)
PHILIP INFANTE, Riley Road, New Windsor, N. Y.
(b) 565-5488
(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
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✓ III. Property information: Sec. #35, Blk. #1

(a) R-4A Riley Rd. Lot #4 x 130 x 150
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? none

(c) Is a pending sale or lease subject to ZBA approval of this application? yes

(d) When was property purchased by present owner? _____

(e) Has property been subdivided previously? yes When? 1978

(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 _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>	
✓ Min. Lot Area 25,000	20,000	5,000	***
Min. Lot Width 125	150		
Reqd. Front Yard 30	30		
Reqd. Side Yards 15 / 15	15 / 15		
Reqd. Rear Yard 40	40		
Reqd. Street Frontage* 60	130		
Max. Bldg. Hgt. _____	_____	_____	_____
Min. Floor Area* 1,500	1,500 floor		
Development Coverage* _____ %	_____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____	_____

(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 _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
✓ Min. Lot Area <u>25,000</u>	<u>20,000</u>	<u>5,000</u> ***
Min. Lot Width <u>125</u>	<u>150</u>	
Reqd. Front Yard <u>30</u>	<u>30</u>	
Reqd. Side Yards <u>15 / 15</u>	<u>15 / 15</u>	<u>/</u>
Reqd. Rear Yard <u>40</u>	<u>40</u>	
Reqd. Street Frontage* <u>60</u>	<u>130</u>	
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* <u>1,500</u>	<u>1,500</u> on each floor	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

*** Need area variance for water, also.

- ✓ (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.

Lot size is not enough to build a two family residence
under existing ordinance because the Town of New Windsor
does not supply water to this area; without the variance
in area, the 2 family house cannot be built

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?

Lot size is not enough to build a two-family residence
under existing ordinance because the Town of New Windsor
does not supply water to this area; without the variance
in area, the 2 family house cannot be built

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.)

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
- 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.
- N/A Copy(ies) of sign(s) with dimensions.
- Check in amount of \$ 25.00 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 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.
 - N/A Copy(ies) of sign(s) with dimensions.
 - Check in amount of \$25.00 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

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.

Antonio Spiliotis
(Applicant) Antonio Spiliotis

Sworn to before me this
29 day of July, 1980.

Peter C. Patsalos

PETER C. PATSALOS
Notary Public, State of New York
Residing in Orange County
My Commission Expires Mar. 30, 1981

XI. ZBA Action:

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

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date JULY 25, 1980

To ANTONIOS SPILLOTIS
3rd St
NEWBURGH, N.Y.

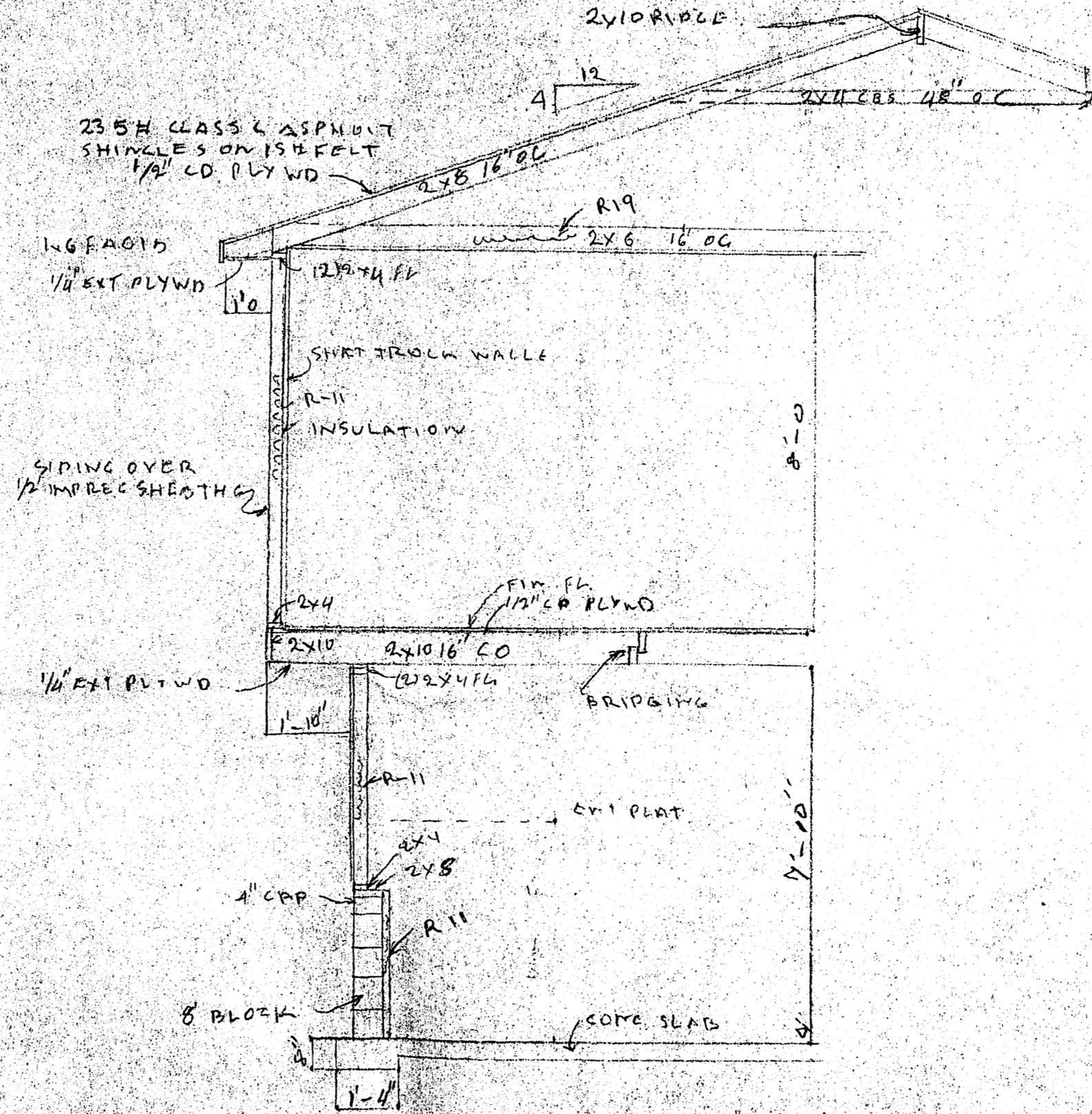
PLEASE TAKE NOTICE that your application dated JULY 25, 1980
for permit to ERECT A TWO DWELLING HOME
at the premises located at RILEY ROAD (INFANTS/D)

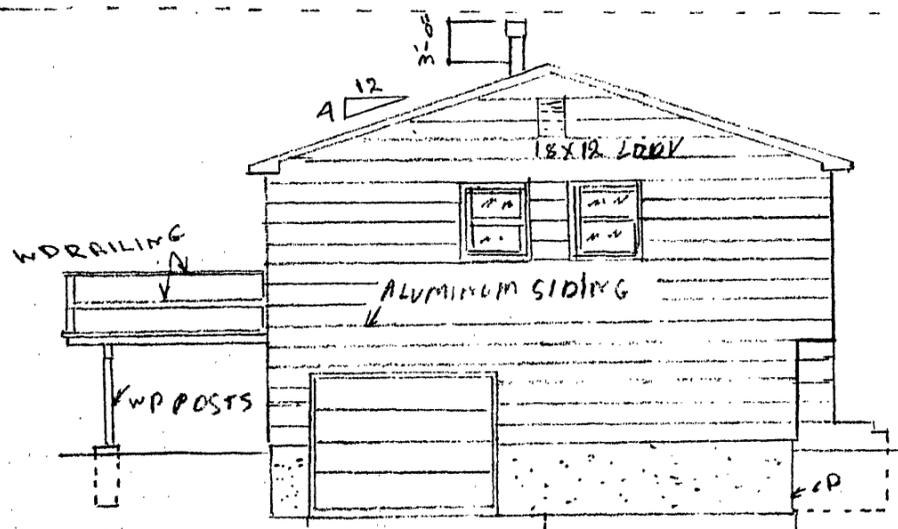
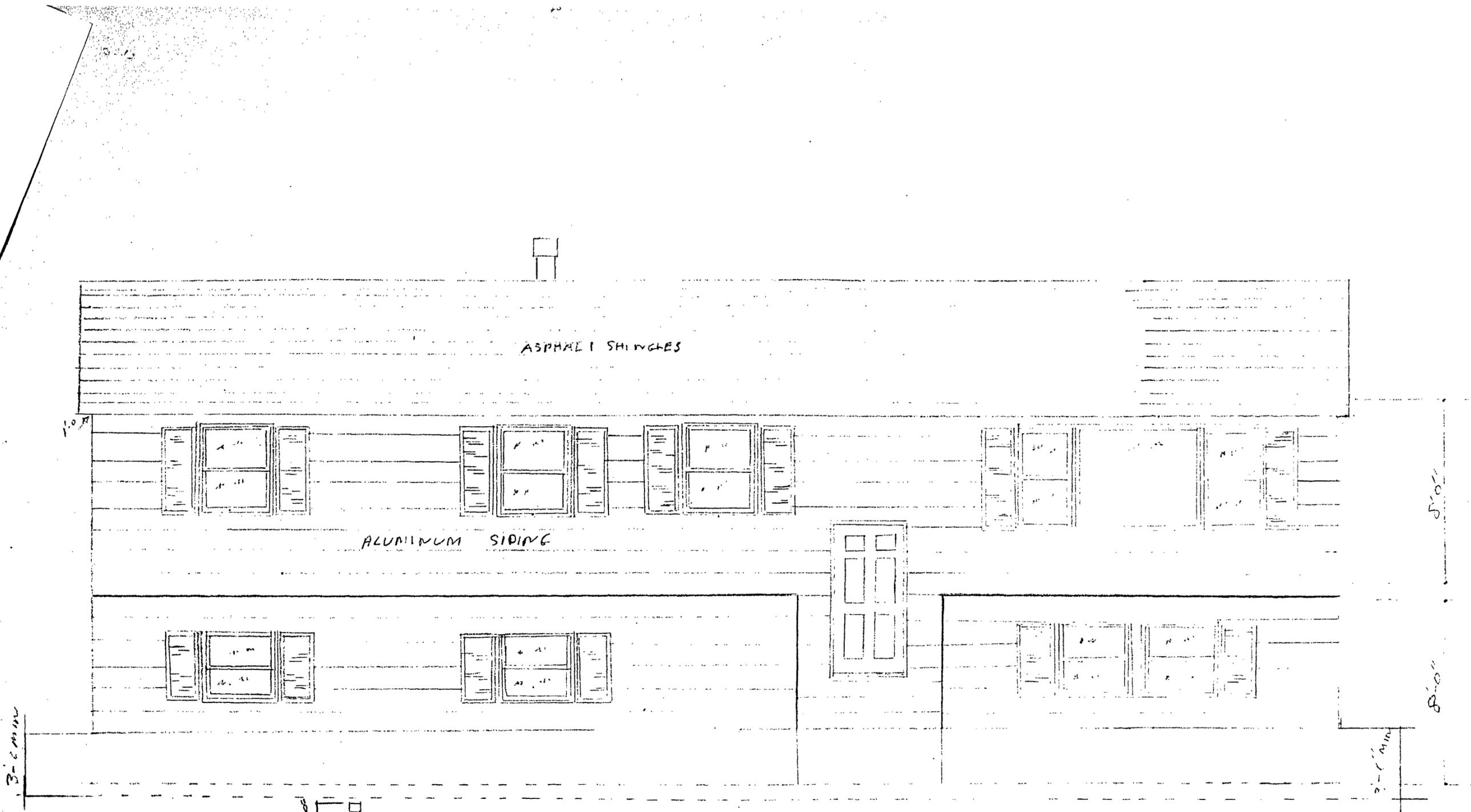
is returned herewith and disapproved on the following grounds:

TWO STORY DWELLING REQUIRES TOWN WATER
LOT CONTAINS 20,000 — 25,000 SQ. FEET REQUIRED

Howard R. Caccetta
Building Inspector

- 2x10 FLOOR BEAMS 16" CO
- 2x6 CEILING BEAMS 16" CO
- 2x8 ROOF RAFTERS 16" CO
- (2) 2x10 OUTSIDE HEADERS
- (2) 2x6 INSIDE HEADERS





FRONT ELEVATION
SCALE 1/4" = 1'-0"

LEFT SCALE 1/8" = 1'-0"