

ZB# 88-43

Andrew Palko

57-1-54

#88-43 - Balco, Andrew - Area Reayd.

Index.

Aug. 5, 1988.

Public Hearing
Sept. 26, 1988.

Cops. furnished
8/8/88 ✓

Notice to
Newspaper -
on 9/10/88.

~~Collect~~

~~Fee \$25.00~~

Over-
Documented
Classified
9/10/88

(List)

General Receipt 10145

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

September 1, 1988

Received of Andrew A. Palko \$ 25.00

Twenty-five and 00/100 DOLLARS

For Fee for Variance (#88-43)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check #350		\$50.00
		\$25.00

By Pauline B. Townsend
Town Clerk
Title

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

General Receipt 10143

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

Aug. 31 1988

Received of Andrew Palko \$ ~~20.00~~ 20.00

Twenty and 00/100 DOLLARS

For Bal. on Variance List

DISTRIBUTION:

FUND	CODE	AMOUNT
* 20.00 check #349		

By Pauline B. Townsend
Town Clerk
Title

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

General Receipt 10110

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

Aug. 15 1988

Received of Andrew A. Palko \$ 25.00

Twenty Five and 00/100 DOLLARS

For Deposit Variance List

DISTRIBUTION:

FUND	CODE	AMOUNT
Check #25.00 #341		

By P. Townsend
Town Clerk
Title

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

NEW WINDSOR ZONING BOARD OF APPEALS

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

DECISION GRANTING
AREA VARIANCE

ANDREW PALKO

#88-43.
-----x

WHEREAS, ANDREW PALKO, 70 Lake Road, Salisbury Mills, New York 12577, has made application before the Zoning Board of Appeals to construct a single-family dwelling with insufficient lot area and rearyard at the intersection of Vascello Road, Chestnut Avenue and Schiavone Road in an R-4 zone; and

WHEREAS, a public hearing was held on the 26th day of September, 1988 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared in behalf of himself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings 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 applicant is seeking permission to construct a single-family residence with insufficient lot area and rearyard.

3. The evidence presented by Applicant substantiated the fact that the lot in question is a corner lot with two frontyards, bordered by road on three sides and that there is insufficient lot area totaling 4,290 s.f. with a 7 ft. shortage of rearyard.

4. The evidence shows that the applicant will encounter practical difficulty if the variances requested are not granted due to the configuration of the corner lot as mentioned above.

5. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 4,290 s.f. lot area and 7 ft. rearyard

variance as stated above in accordance with plans submitted to 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 applicant.

Dated: October 24, 1988.

Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

88-93

Date: 7/1/88

I. Applicant Information:

- (a) ANDREW PALKO 70 LAKE RD SALISBURY MILLS N.Y. 496-817
(Name, address and phone of Applicant) (Owner)
- (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 Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) R-4 CHESTNUT AVENUE 57-1-54 17500
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application?
- (d) When was property purchased by present owner?
- (e) Has property been subdivided previously? _____ 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?
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) N/A 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 of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>21790</u>	<u>17500</u>	<u>4,290</u>
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. <u>40'</u>	<u>33'</u>	<u>7'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. 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 reason for practical difficulty is that this particular lot is bordered on three sides by roads, the only parcel bordering it is of the same size and shape and also has a house on it. There is no way to increase the size of this lot. As for the rear yard distance, the three sides with road frontage will be used as front and side yards with the rear yard towards the only adjoining parcel. This is the most practical arrangement, and any other variation would also require a variance.

VI. Sign Variance: N/A

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

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

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

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

VII. Interpretation: ^{N/A}

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

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 house will be aligned with the other homes on Schiavone Road so it will not look out of place. Also a new home with a landscaped yard will be aesthetically more pleasing than an overgrown lot.

IX. Attachments required: ✓

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- 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 the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date Sept 1, 1988

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.

Andrew Pallo
(Applicant)

Sworn to before me this
____ day of _____, 19__.

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.

Prelim. Pat
Aug. 8, 1988

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

88-43

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 88-133 Date 7/7/88, 1988

To Andrew Palko
70 LAKE Rd 496-8146
Salisbury Mills 12577

PLEASE TAKE NOTICE that your application dated 7/7/88, 1988
for permit to Build Single Family Home in R-4 Zone 57-1-54
at the premises located at Vascello - Chestnut & Echivome

is returned herewith and disapproved on the following grounds:

Need AREA VARIANCE also REAR YARD VARIANCE

John Fenney
Building Inspector
Zoning

Requirements	Proposed or Available	Variance Request
Min. Lot Area	21,790	17,500
Min. Lot Width		42.90 ft

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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Date 7/7/88, 19

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Salisbury Mills 12577

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Building Inspector
Zoning

Requirements	Proposed or Available	Variance Request
Min. Lot Area	21,790	17,500
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	7	7
Reqd. Rear Yd.	40	33
Reqd. Street Frontage*		7 FT
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

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.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS --565-8807

- 1-WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2-FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
3-INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4-WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5-INSULATION.
6-PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME.
7-DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR.
8-\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
9-PERMIT NUMBER MUST BE CALLED IN WITH EACH 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-SPETIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13-ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.

A. Palko
496-6691

Name of Owner of Premises ANDREW PALKO

Address 70 LAKE RD SALISBURY MILLS Phone 496-8146

Name of Architect JERRY SHERMAN

Address STATION RD SALISBURY MILLS N.J. Phone 496-6833

Name of Contractor

Address Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder:
If applicant is a corporation, signature of duly authorized officer.

Signature of Andrew A. Palko
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of CHESTNUT AVE
(N. S. E. or W.)
and at feet from the intersection of VASCELLO, CHESTNUT & SCHIAVONE

2. Zone or use district in which premises are situated R-4

3. Tax Map description of property: Section 57 Block 1 Lot 54

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy VACANT b. Intended use and occupancy SINGLE FAMILY RES.

5. Nature of work (check which applicable): New Building Addition Alteration Repair Removal
Demolition Other

6. Size of lot: Front 175 Rear 175 Depth 100 Front Yard 35 Rear Yard 33 Side Yard 48 +/-
Is this a corner lot?

7. Dimensions of entire new construction: Front 58' Rear 58' Depth 32' Height 28' Number of stories 2

8. If dwelling, number of dwelling units. Number of dwelling units on each floor.
2 2 3

WORK AND DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS --565-8807

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Is this a corner lot?.....

7. Dimensions of entire new construction: Front 58' Rear 58' Depth 32' Height 28' Number of stories 2

8. If dwelling, number of dwelling units 1. Number of dwelling units on each floor.....

Number of bedrooms 3 Baths 2 Toilets 3

Heating Plant: Gas Oil Electric /Hot Air Hot Water

If Garage, number of cars 2

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

10. Estimated cost \$75,000 Fee \$375

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date... *July* *6* 19. *88* ...

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate 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.

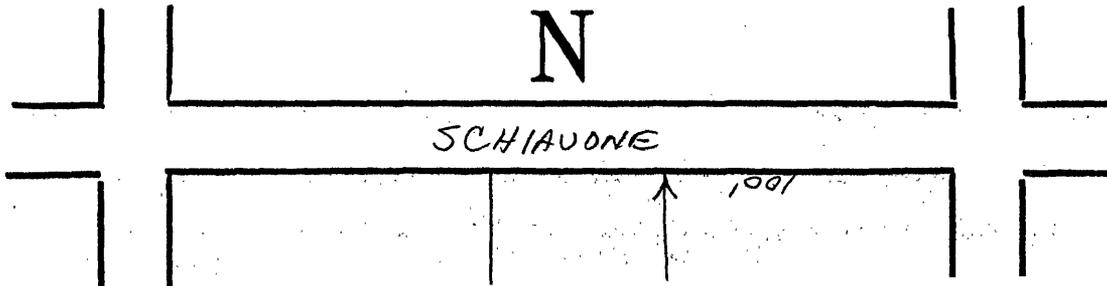
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein 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.

..... *Andrew A. Palco*
(Signature of Applicant)

..... *70 LAKE RD. SALISBURY MILLS, N.Y.*
(Address of Applicant)

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.



Zoning Board
Highway
Sewer
Water
Zoning Board of Appeals

Pursuant to New York State Building Code and Town Ordinances

Date *July 6* 19*88*

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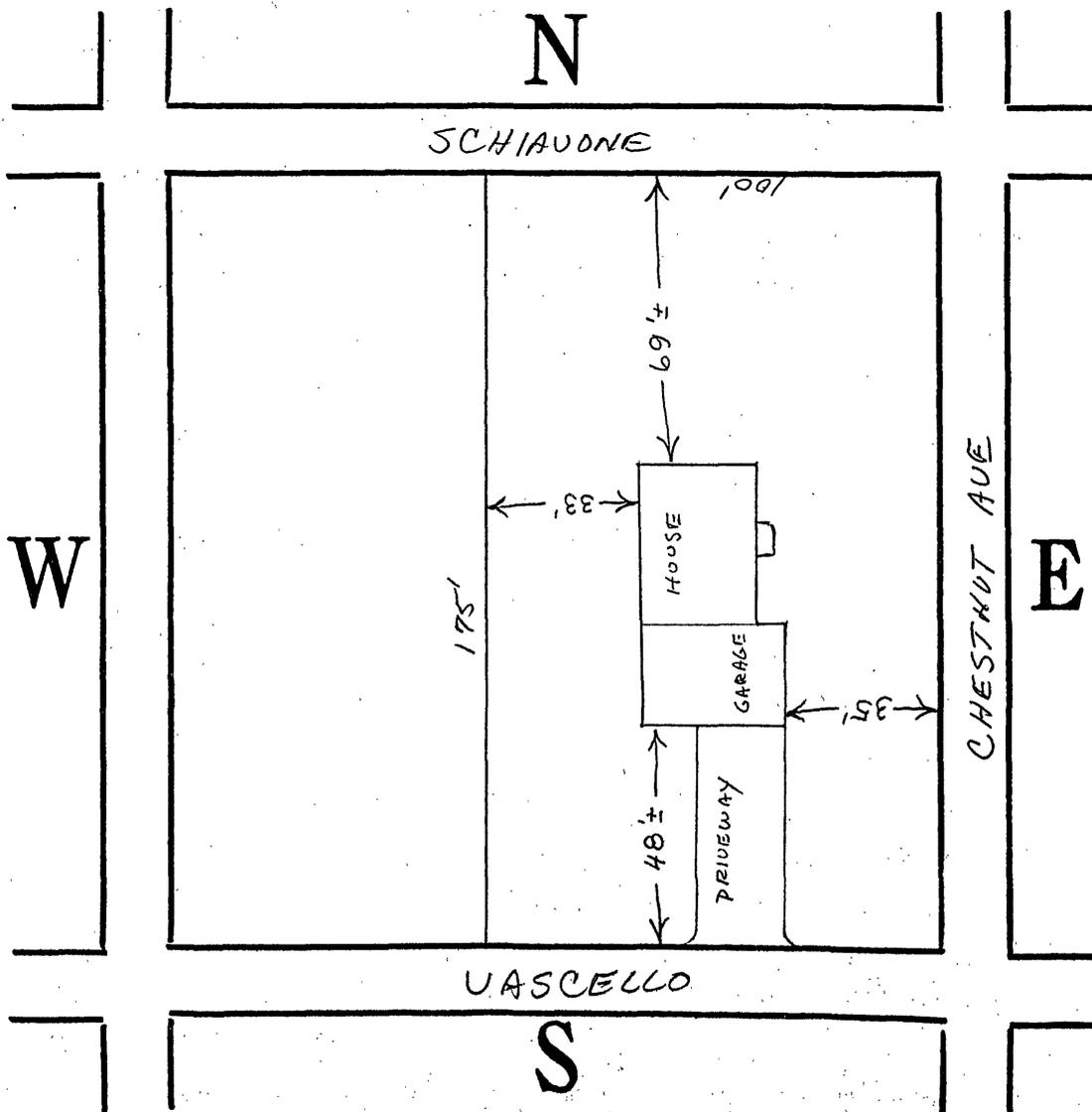
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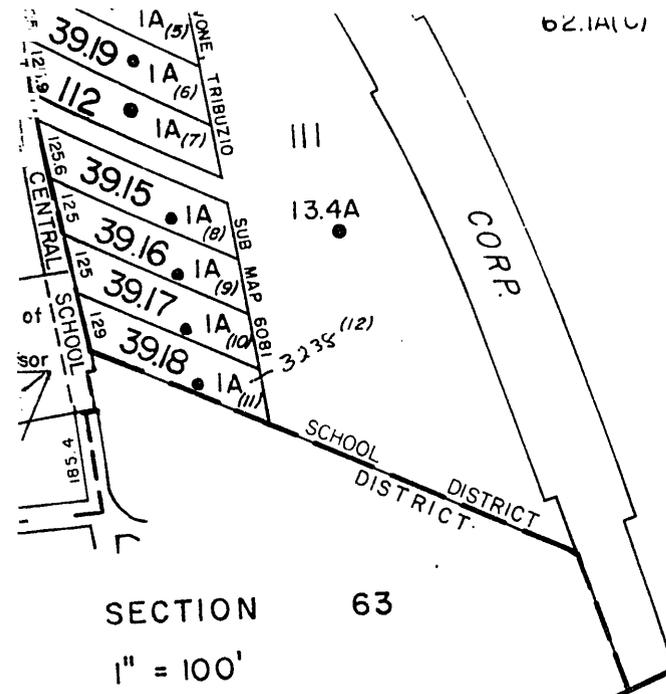
Andrew A. Palco
(Signature of Applicant)

70 LAKE RD SALISBURY MILLS, N.Y.
(Address of Applicant)

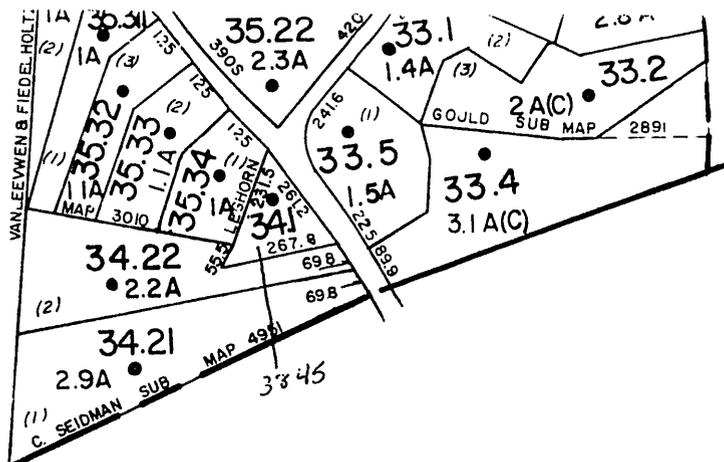
PLOT PLAN

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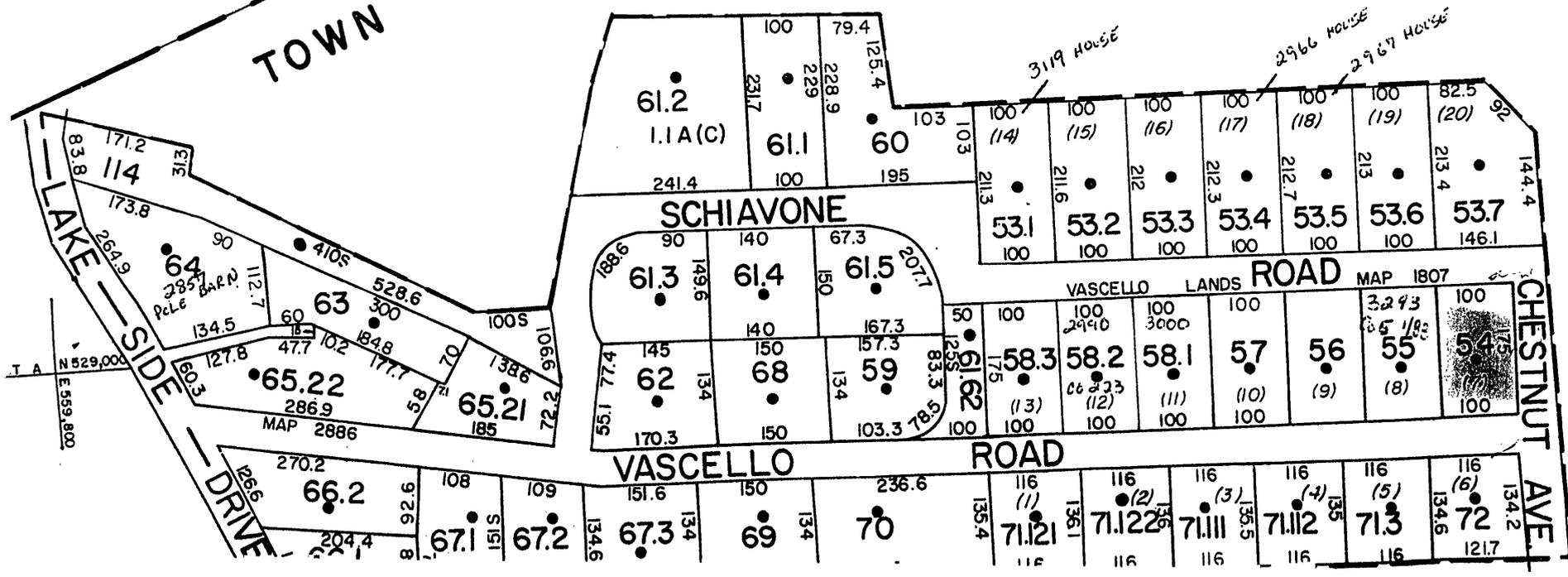
62.1A(C)



SECTION 63
1" = 100'

CORNWALL

TOWN OF



INSERT A N 529,000
E 562,000



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

September 27, 1988

Mr. Andrew Palko
70 Lake Road
Salisbury Mills, NY 12577

RE: APPLICATION FOR AREA VARIANCES
#88-43

Dear Andy:

This is to confirm that the Zoning Board of Appeals at its September 27, 1988 meeting voted to grant the above application for area variances.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia A. Barnhart".

PATRICIA A. BARNHART
Secretary

/pab
Enclosure

cc: Town Planning Board
Michael Babcock, B. I.

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 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 43.

Request of Andrew Palko.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of single-family

dwelling with insufficient lot area & rear yard

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Cols. C & G

for property situated as follows:

West side of Chestnut Ave., between Schiavone

& Vascello Roads. - known & designated as

Tax map Section 57-Blk. 1 - Lot 54 - New Windsor, N.Y.

SAID HEARING will take place on the 26th day of

Sept., 1988, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

James Nugent
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

30

August 24, 1988

Andrew A. Palko
70 Lake Road
Salisbury Mills, NY 12577

Re: Variance List #57-1-54

Dear Mr. Palko:

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

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Sincerely,

LESLIE COOK
Acting Assessor

LC/cp
Attachments

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

AUG 29

BY: _____

Hazirjian, Dikran & Virginia
RD #4, Box 395E
New Windsor, NY 12550

Sanderson, Albert & Joan
13 Sycamore Gardens,
Route 94
New Windsor, NY 12550

Shannon, Michael & Cynthia
RD #4, Box 395C Chestnut Avenue
New Windsor, NY 12550

Neuner, Barbara
RD 2 Jackson Avenue
New Windsor, NY 12550

Andreiuci, Eugene & Camille
RD 4, Box 395F Chestnut Avenue
New Windsor, NY 12550

Consolidated Rail Corp.
6 Penn Central Plaza
Philadelphia, PA 19103

Mitchell, Reuben & Elaine
RD 4, Box 421 Beaver Brook Road
New Windsor, NY 12550

Murani, Glenn J. & Virginia
Schiavone Road
New Windsor, NY 12550

DeLemos, Russell L. & Susan K.
RD 4, Box 105
New Windsor, NY 12550

Foti, Michael & Deborah A.
RD 4, Box 397B
New Windsor, NY 12550

Anastasio, Edward C. & Tina
RD 4, Box 397
New Windsor, NY 12550

Landi, Alex & Grace
RD 4, Box 396C Schiavone Road
New Windsor, NY 12550

Zippo, Brentnall & Nancy
RD 4, Box 396B Schiavone Road
New Windsor, NY 12550

DiGiacomo, Joseph & Charlene
Vascello Road
New Windsor, NY 12550

Chmielnik, Kevin & Karen
Box 398D, RD #4 Vascello Rd.
New Windsor, NY 12550

Pederson, Kenneth L.
RD #4 Vascello Rd.
New Windsor, NY 12550

Ryan, Thomas E. & Louise A.
RD #4 Vascello Rd.
New Windsor, NY 12550

Forgacs, Ralph & Lori
RD #4, Box 399C
New Windsor, NY 12550

Gazzola, Raymond A.
c/o Data Architects
1790 Vallejo Street
San Francisco, CA 94123

Herter, William C. & Elaine T.
391C Vascello Road
New Windsor, NY 12550

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