

ZB# 89-49

**Gerald Impellittiere
(Duffer's Hide-A-Way)**

9-1-25.21

#89-49 - Impellittere
(Dufferin Hideaway) Jerry

Lot area - 3.31 acres.

Prelim:

~~Apr. 25, 1988.~~
May 9, 1988.

Prelim. -
Sept. 25, 1989.

Motion adopted to
Schedule P.H.
upon issuance of
New Revised

Notice of Disapproval
Needed.

Public Hearing:

Oct. 23, 1989.

Fee paid: \$50.00

OCPD ~~to be notified~~ 10/16/89

Rear yard/Sideyard
Height Variance
for fence approved
10/23/89.

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Oct. 24 19 89

Received of

Blom Blom Co. \$ 50⁰⁰/₁₀₀
Eastman Co. DOLLARS

For

B. B. A. # 89-49

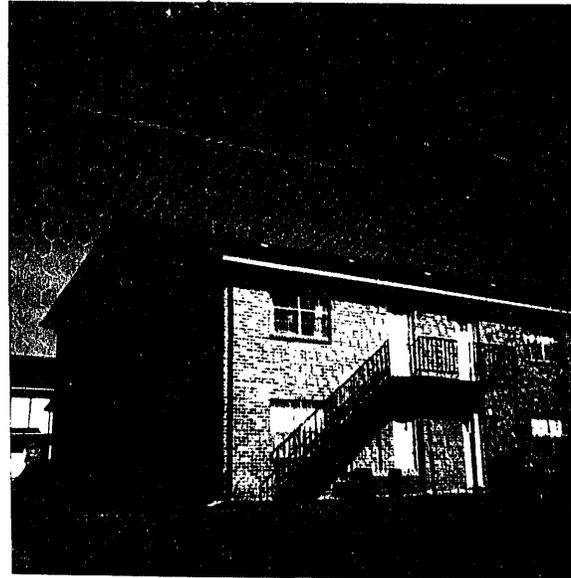
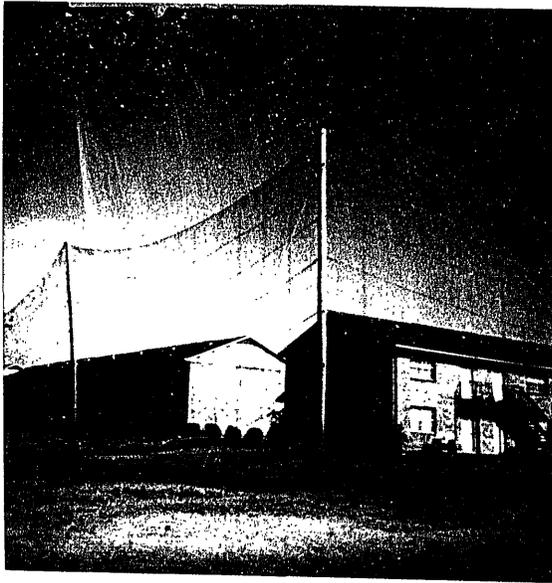
FUND	CODE	AMOUNT
Check #	5692	
# 11175		

By

Pauline J. Townsend

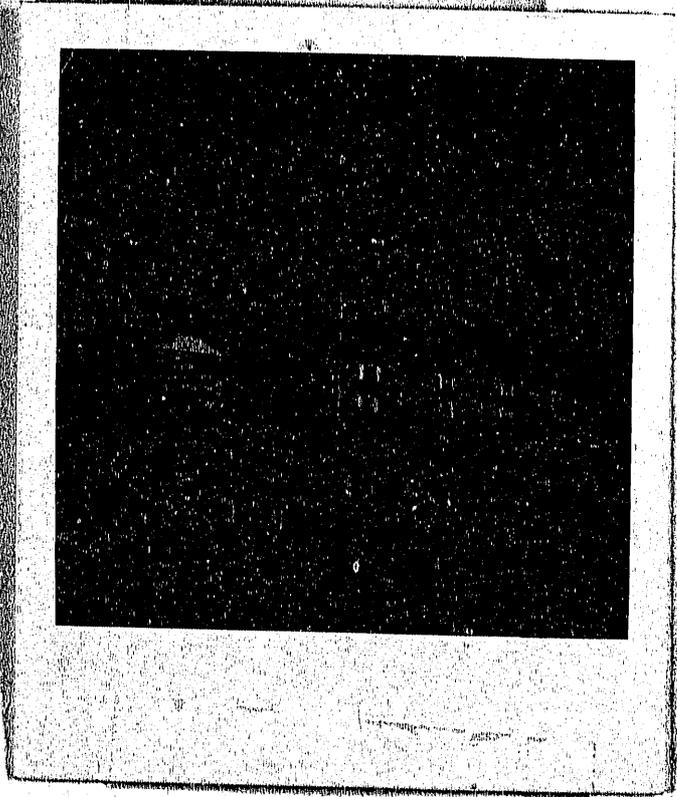
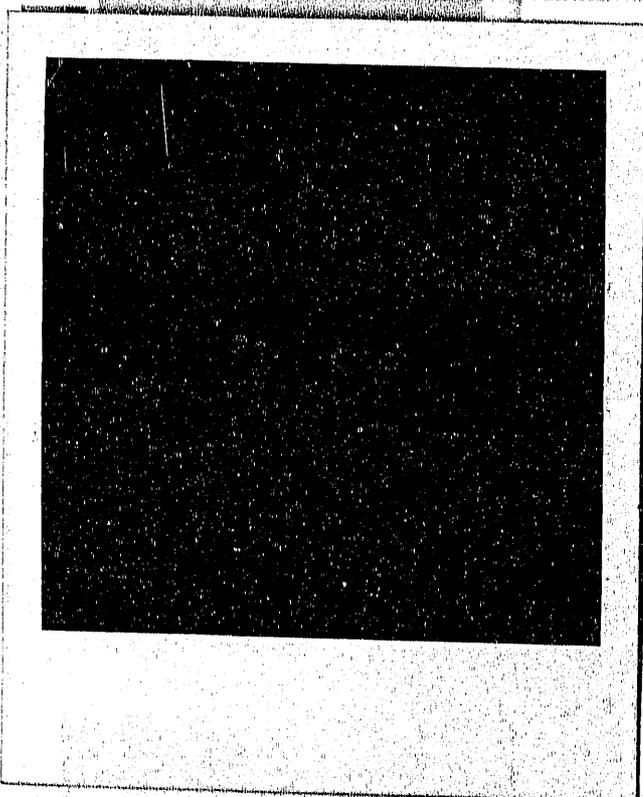
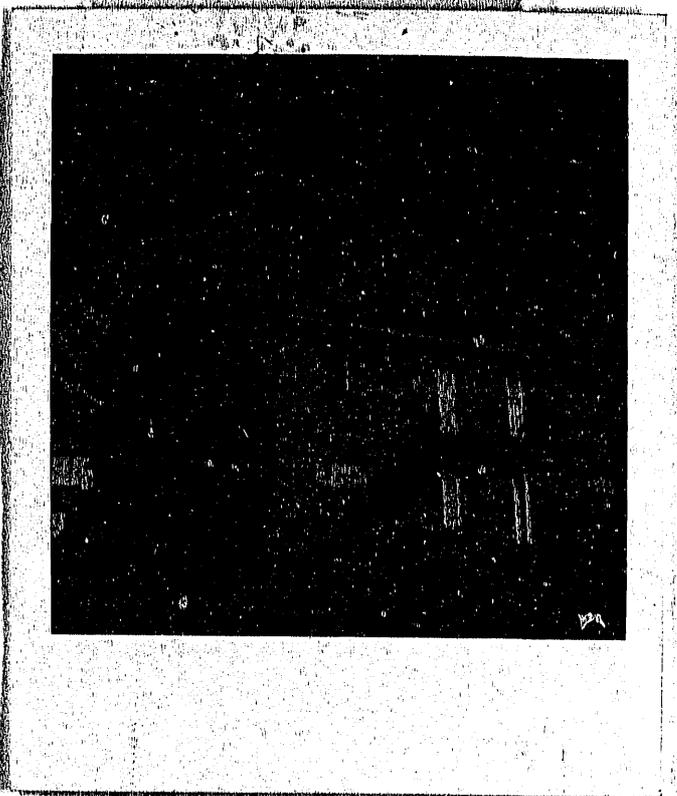
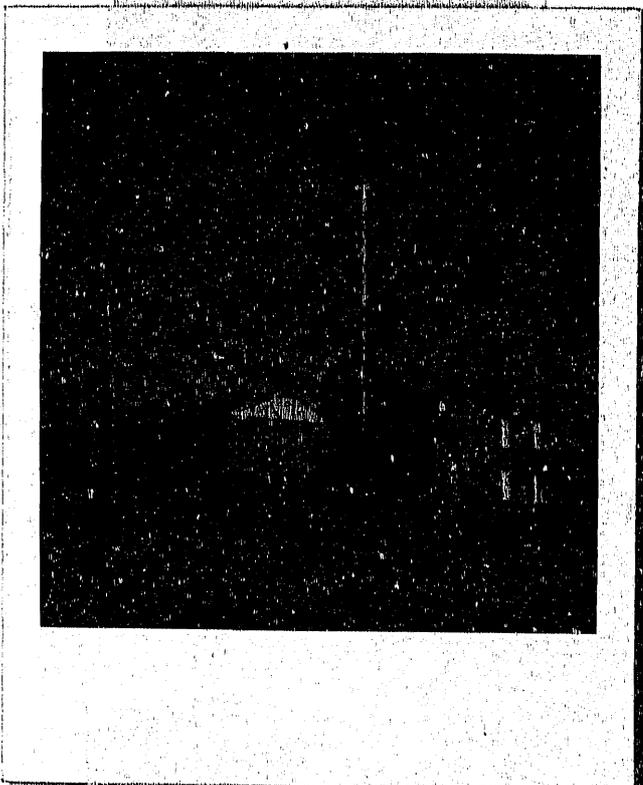
Town Clerk

Title



Check # 50, 0	
# 18178	
Williamson Law Book Co., Rochester, N. Y. 14609	

BY ~~James J. Farinella~~ *EG*
Town Clerk
Title



NEW WINDSOR ZONING BOARD OF APPEALS

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

DECISION GRANTING
AREA VARIANCES

GERALD T. IMPELLITTIERE, JR.
d/b/a Duffer's Hideaway

#89-49.
-----X

WHEREAS, GERALD T. IMPELLITTIERE, JR., d/b/a DUFFER'S HIDEAWAY, Route 32, New Windsor, N. Y. 12550, has made application before the Zoning Board of Appeals for a 35 ft. height variance to construct a 50 ft. high fence, together with a 6 ft. variance in both side yards and in the rear yard to construct said fence 4 ft. from both side and rear property lines at a recreational facility located on Route 32 in a PI zone; and

WHEREAS, a public hearing was held on the 23rd day of October, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented by Daniel J. Bloom, Esq. of 530 Blooming Grove Tpk., New Windsor, N. Y.; and

WHEREAS, one neighboring landowner spoke in favor of granting the variance; and

WHEREAS, two neighboring landowners (one of whom also appeared and spoke) submitted letters in favor of granting the variances; 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 vary the bulk regulations with regard to fence height and setback in order to construct a 50 ft. high fence 4 ft. off the property line at the location of applicant's golf driving range and batting cages.

3. The evidence presented by Applicant substantiated the fact that the variances aforesaid would be required in order for Applicant to construct a 50 ft. high fence 4 ft. off the property line.

4. The evidence presented by the Applicant further shows that there have been incidents reported of property damage and bodily injury to farm workers and adjacent neighbors resulting from golf balls which exceeded the boundaries of the driving range.

5. The evidence presented by the applicant indicated that the minimum side and rear yard setback requirements for recreational uses, as provided in Zoning Local Law Section 48-21 (A)(2), were not adequate to protect the public health, welfare and safety for the applicant's use of this property.

6. The evidence presented by the applicant further indicated that, except for the fence which is the subject of this application, the applicant's recreational facility otherwise conforms to the bulk regulations contained in the PI zone.

7. The evidence presented by the applicant also indicated that rejection of the requested variances would cause practical difficulty to the applicant since a fence which would comply to the applicable side and rear yard requirements of the bulk tables, and with the supplemental use regulations, would not protect the public health, welfare and safety as effectively as the fence proposed by the applicant. The complaints by the neighboring landowners concerning stray golf balls indicate that fencing in excess of that which is permitted under the Zoning Local Law is necessary to protect them.

8. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

9. The requested variance will produce no effect on the population density or governmental facilities.

10. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

11. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 35 ft. height variance and a 6 ft. variance in both side yards and in the rear yard, in order to construct a 50 ft. high fence set back 4 ft. from both side and rear property lines, as sought by 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 applicant.

Dated: November 13, 1989.


Chairman

(ZBA DISK#5-053085.FD)

-----X
APPLICATION FOR VARIANCE -
GERARD T. IMPELLITTIERE, JR.

AFFIRMATION

-----X
DANIEL J. BLOOM, ESQ., duly affirms and states as follows:

1. I am an attorney duly admitted to practice before the Courts of the State of New York, and make the following statements under penalties of perjury.

2. I am a member of the law firm of BLOOM & BLOOM, P.C., attorneys for the above referenced applicant and I am personally familiar with the facts and circumstances surrounding the application.

3. In support of the subject application, Paul V. Cuomo, P. E., wrote to the National Audubon Society, Garrison, New York, on April 29, 1989, to inquire as to whether or not the proposed fence would pose a hazard to local bird life. In response to that correspondence, the National Audubon Society, under cover of May 6, 1989, confirmed that the installation of an opaque fence (such as chain link) would not pose a threat to bird life in as much as birds navigate by sight.

4. In as much as the applicant desires to install a "chicken wire" type fence, further inquiry was made to the National Audubon Society by the undersigned under cover of

Bloom & Bloom, P. C.
20 BLOOMING GROVE TURNPIKE
(AT THE PROFESSIONAL CIRCLE)
P. O. BOX 4323
WINDSOR, NEW YORK 12550

September 20, 1989, asking that its opinion issue with respect to the installation of "chicken wire fencing" to the height of 50 feet above the ground.

5. Since that correspondence, the undersigned has received no communication from the National Audubon Society in response to the same.

6. As a follow-up, the undersigned placed telephone calls to the National Audubon Society at its Garrison office and left messages requesting the subject verification on more than eight occasions over past two weeks. Unfortunately, no return phone call or correspondence was received.

7. Finally, on October 20, 1989, the undersigned communicated directly with the National Information Service of the National Audubon Society located at 950 3rd Avenue, New York, New York 10022, and spoke with Ms. Cynthia Trapanese, concerning the situation.

8. After explaining the correspondences with the Garrison office and repeating the specific inquiry concerning the fact that the proposed fencing would consist of chicken wire as opposed to chain link, Ms. Trapanese, informed the undersigned that it would "pose no problem at all to bird life".

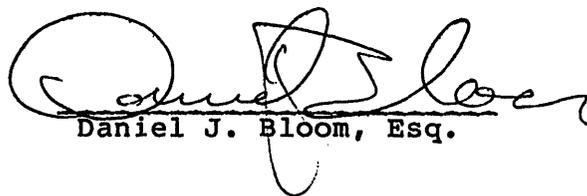
9. On October 23, 1989, I again called the offices of the National Information Service of the National Audubon

Society in New York City and requested that they confirm my telephone conversation with them via Fax. At first, they agreed to do so.

10. Thereafter, I received a return phone call from Ms. Trapanese, who informed me that the written confirmation would have to come from the Garrison office and that "nothing more could be done through the New York City office". Prior to receiving that telephone call, however, I forwarded correspondence to that office confirming the telephone conversation of October 20, 1989, via Fax. (Attached hereto is a copy of the subject correspondence).

11. Our office Faxed the annexed communication to the National Audubon Society Information Center in New York City at 9:30 o'clock A.M. on October 23, 1989. Subsequent to that time, I have had no further communication with them, except a telephone conversation from Ms. Trapanese, in which she indicated that written confirmation would have to await reply from the Garrison office.

DATED: New Windsor, New York
October 23, 1989


Daniel J. Bloom, Esq.

Bloom & Bloom, P.C.
530 BLOOMING GROVE TURNPIKE
(AT THE PROFESSIONAL CIRCLE)
P.O. BOX 4323
NEW WINDSOR, NEW YORK 12550

Bloom & Bloom, P. C.
ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM
PETER E. BLOOM

530 BLOOMING GROVE TURNPIKE
(AT THE PROFESSIONAL CIRCLE)
P. O. BOX 4323
NEW WINDSOR, NEW YORK 12550
TELEPHONE (914) 561-6920
FAX: 914-561-0978

October 23, 1989

National Audubon Society
Information Center
950 3rd Avenue
New York, New York 10022

RE: APPLICATION OF DUFFER'S HIDE-A-WAY
GOLF CENTER FOR VARIANCE:
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
OUR FILE #8721

Dear Sirs:

This will serve to confirm my telephone conversation with your office on October 20, 1989, in which I advised that our above-referenced client applied to the Town of New Windsor's Zoning Board of Appeals for permission to erect a 50 foot high chicken wire fence around his premises so as to prevent stray golf balls from causing damage to property and personal injury in the surrounding neighborhood.

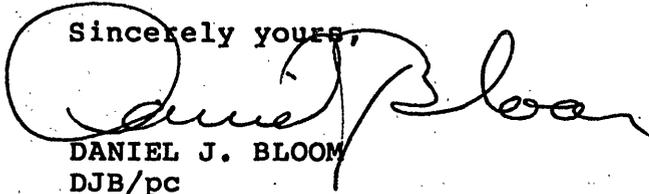
As I indicated to you in that telephone conversation, the Town of New Windsor was concerned for the welfare of the bird life, should they become enmeshed in the fencing. In response to that concern, a representative from your office indicated to me that the fencing should cause no threat to the bird life in that regard.

May I beg your indulgence to confirm our telephone conversation in the aforesaid regard by signing the bottom of the enclosed carbon copy of this correspondence and redelivering it to courier.

Bloom & Bloom. P. C.

Thank you for your continuing courtesy and cooperation in this matter.

Sincerely yours,



DANIEL J. BLOOM
DJB/pc

cc: Duffer's Hide-A-Way
Golf Center
139 Windsor Highway
New Windsor, New York 12550

Paul Cuomo, P. E.
478 Union Ave.
New Windsor, New York 12550



Louis Helmbach
County Executive

RAF

Rec'd. 11/9/89.
ZPB
(11)

Department of Planning
& Development
124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor Zoning Board D P & D Reference No. NWT 41-89 M
of Appeals County I.D. No. 9 / 1 / 25.21

Applicant Gerard T. Impellittiere, Jr. (Duffer's Highway)

Proposed Action: Area Variance (Fence Height Variance)

State, County, Inter-Municipal Basis for 239 Review frontage/access to Route 32

Comments: No countywide planning problems and/or issues to bring to your attention.

Related Reviews and Permits _____

County Action: Local Determination XXXXXX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

11/8/89
Date

Peter Garrison
Commissioner

HERBERT H. REDL

Commercial and Office Rentals

Rec'd:
2011/TA office
10/17/89
(PAB)

ALLSPORT BUILDING
240A NORTH ROAD
POUGHKEEPSIE, N.Y. 12601
914-471-3388

October 13, 1989

Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, NY 12550

Dear Zoning Board Members:

I am the owner of the property just South of Mr. Impellittiere's. I would just like to notify the Board that I am in favor of the construction of this new fence and I would urge the Board to grant this variance.

Yours truly,



Herbert H. Redl

HHR: lmd

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. 49

Request of Gerard T. Impellittere, Jr., d/b/a
"Duffer's Hideaway"
for a VARIANCE of

the regulations of the Zoning Local Law to
permit construction of a 50 feet high fence,
4 feet off property line on three sides of
premises.

being a VARIANCE of
Section 48-14 (A) (1) (a), (b) (c) and 48-21-a(2)

for property situated as follows:

Easterly side of N.Y. State Route 32 between
premises owned by Borchert (on North) and Doo and
Red L (on South).

SAID HEARING will take place on the 23rd day of
October, 19 89, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JAMES NUGENT
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-49

Date: 10/5/89

- I. Applicant Information: d/b/a Duffer's Hideaway, Route 32
- (a) Gerard T. Impellittere, Jr. New Windsor, NY 12550 (914-562-8310)
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Daniel J. Bloom, Esq., P.O. Box 4323, New Windsor, NY 12550
(Name, address and phone of attorney) (914-561-6920)
- (d) N/A
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance, including construction of fence. Interpretation

III. Property Information:

- (a) PI Rte. 32, New Windsor, NY 9-1-25.21 6.69
(Zone) (Address) 12550 (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? no
- (d) When was property purchased by present owner? 1985
- (e) Has property been subdivided previously? no When? --
- (f) Has property been subject of variance or special permit previously? yes When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? yes (but violation has been remedied)
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: None
- _____
- _____

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) 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, Table of Supple-Regs., ~~Col.~~ Subs: 1(a) and (b)*
 48-14-C
 48-21-a(2) elementary

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd. /	_____ /	_____ /
Reqd. Rear Yd.	_____	_____
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage* %	_____ %	_____ %
Floor Area Ratio**	_____	_____
Fence 15'	50'	35'

* Residential Districts only
 ** Non-residential districts only

Fence Setback 10' 4' 6'

(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 purpose of the fence is to protect persons and properties near the subject parcel from stray golf balls. Therefore, a 50 feet fence must be constructed closer to the perimeter of the parcel than the statutory limit of 4 feet so as to deflect the maximum number of golf balls possible. No other means of protecting neighbors from this hazard is available.

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) 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. 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 proposed fencing (galvanized chicken wire) will blend with the surrounding landscape so as not to create an offensive scene.

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 \$ 50.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 87-69

DATE: 13 SEPT 1989

APPLICANT: JERRY IMPELLITTIERE

"Duffer's Hideaway"

Rt. 32

New Windsor, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED October 5, 1987

FOR ~~(SUBDIVISION)~~ - SITE PLAN

LOCATED AT ROUTE 32

ZONE P.I.

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 25.21

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

50 Ft. High Fence proposed 4 Ft. off
property line. Variance to Code sections
48-14(A)(1)(a) and (b) required.


PLANNING BOARD CHAIRMAN

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>PI</u> USE <u># A-12</u>		
MIN. LOT AREA <u>5 ACRES</u>	<u>6.69 A</u>	<u>---</u>
MIN. LOT WIDTH <u>200 Ft.</u>	<u>383.82 Ft</u>	<u>---</u>
REQ'D FRONT YD <u>100 Ft.</u>	<u>100 Ft</u>	<u>---</u>
REQ'D SIDE YD. <u>50 Ft</u>	<u>169 Ft</u>	<u>---</u>

APPLICANT: JERRY IMPELLITIERE
"Duffer's Hideaway"
Rt. 32
New Windsor, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED October 5, 1987
 FOR (SUBDIVISION - SITE PLAN)
 LOCATED AT ROUTE 32

ZONE P.I.
 DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 25.21

IS DISAPPROVED ON THE FOLLOWING GROUNDS:
50 Ft. High Fence proposed 4 Ft. off
property line. Variance to Code sections
48-14(A)(1)(a) and (b) required.

[Signature]
 PLANNING BOARD CHAIRMAN

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>PI</u> USE <u># A-12</u>			
MIN. LOT AREA	<u>5 ACRES</u>	<u>6.69 A</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 Ft.</u>	<u>383.82 Ft</u>	<u>—</u>
REQ'D FRONT YD	<u>100 Ft.</u>	<u>100 Ft</u>	<u>—</u>
REQ'D SIDE YD.	<u>50 Ft</u>	<u>169 Ft</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>100 Ft</u>	<u>363 Ft</u>	<u>—</u>
REQ'D REAR YD.	<u>50 Ft</u>	<u>603 Ft</u>	<u>—</u>
REQ'D FRONTAGE	<u>50 Ft</u>	<u>383 Ft</u>	<u>—</u>
MAX: BLDG. HT.	<u>50 Ft</u>	<u>13 Ft</u>	<u>—</u>
FLOOR AREA RATIO	<u>N/A</u>	<u>—</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>10 %</u>	<u>— %</u>	<u>— %</u>
O/S PARKING SPACES	<u>27</u>	<u>27</u>	<u>—</u>

~~BY THE BOARD OF ZONING AND PLANNING AND AN APPOINTMENT WITH THE PLANNING BOARD~~

CC: Z.B.A., ~~APPLICANT~~, P.B. ENGINEER, P.B. FILE

RECEIVE
 SEP 21 1989

10/23/89 - Public Hearing - Duffer's Hideaway (Impellitteri)

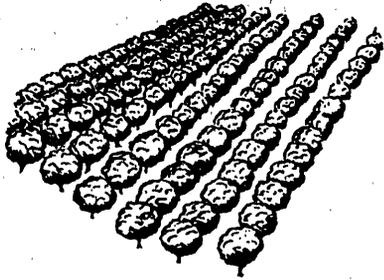
Name:

William Borchert

M.

Address:

Rt 32 New Windsor No objection



Borchert Orchards, Inc.

Lattintown Road, Marlboro, NY 12542 • Tel. [914] 236-7239

Growers & Shippers of Apples, Peaches, Pears, Plums
We Specialize in Both Modified Air & Regular Storage Apples

September 20, 1988

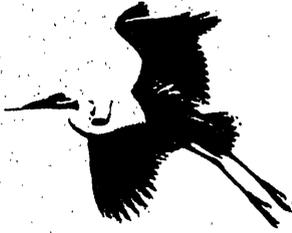
To all members of the
New Windsor Town Board

As neighbors bordering next to Duffer's driving range, we feel this net should be put up to protect us. In the last two years we had two workers get hit with golf balls while working in the orchards. Luckily, nobody got badly injured, but it could be a serious accident if one were to get hit in the eye or face.

If Mr. Impellittere puts up a neat looking fence, we feel it will protect him as well as us. It is very dangerous the way it is now with no fence.

Sincerely,

Ernest Borchert & Robert Borchert



National Audubon Society

RFD 2, ROUTE 9-D, GARRISON, NEW YORK 10524 (914) 265-3119

DUFFERS

May 6, 1989

Mr. Paul V. Cuomo, P.E.
478 Union Ave.
New Windsor, NY 12550

Dear Mr. Cuomo:

Your letter of April 29 has been referred to me by National Audubon headquarters in New York City for a response.

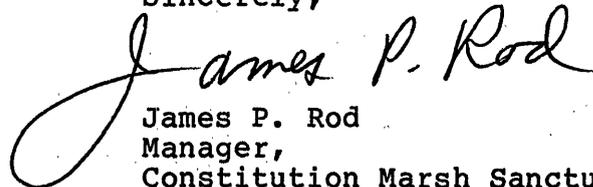
First, let me tell you that I appreciate your concern over the possibility that birds might fly into the proposed fence. Too many developers, especially those which construct all-glass buildings on migration corridors, are insensitive to such issues.

It is my opinion that a fence similar to that described in your attached letter from the City of Rye should pose no hazard to birds, provided that they are, in fact, similar. On some driving ranges I have seen fine-mesh nets in place which could present a problem. Bird banders routinely capture birds for marking in fine-mesh, black nylon nets which are nearly invisible against wooded backgrounds.

If your proposed fence is chain link, or made of similar heavy-gauge materials, it should appear sufficiently opaque to birds to prevent collision problems. If you are planning a net, interweaving vinyl strips similar to lawn-chair webbing at one-foot intervals should also prevent any problems. Someone at the driving range should probably monitor the net occasionally during the first year of operation to insure that no problems arise.

Again, thank you for writing. Let me know if I can provide additional information.

Sincerely,



James P. Rod
Manager,
Constitution Marsh Sanctuary

cc: Barbara Linton



VALLEY HILL C.C.

8300 VALLEY HILL DRIVE, S.E.
HUNTSVILLE, ALABAMA 35802
(205) 883-0850

August 10, 1989

RE: Driving Range Fences

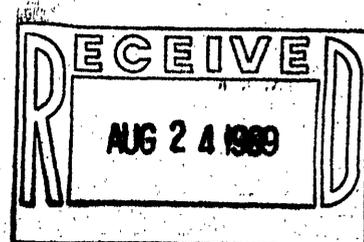
New Windsor Town Planning Board,

As the PGA Professional here at Valley Hill Country Club for the past eleven (11) years, I was asked to comment about our fences that protect the apartments from the range balls.

Since I have been at Valley Hill, birds nor animals have ever flown into or have gotten hung up in the fence. If I can be of any other service, please feel free to contact me.

Sincerely,

Barry N. Holt
PGA Professional



Bloom & Bloom, P. C.
ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM
PETER E. BLOOM

530 BLOOMING GROVE TURNPIKE
(AT THE PROFESSIONAL CIRCLE)
P. O. BOX 4323
NEW WINDSOR, NEW YORK 12550
TELEPHONE (914) 561-6920
FAX: 914-561-0978

September 20, 1989

National Audubon Society
RFD#2, Route 9-D
Garrison, New York 10524

ATTN.: Mr. James P. Rod, Manager
Constitution Marsh Sanctuary

RE: APPLICATION OF DUFFER'S HIDE-A-WAY
GOLF CENTER FOR VARIANCE -
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
OUR FILE #8721

Dear Mr. Rod:

Undercover of May 6, 1989, you were kind enough to respond to an inquiry from the Engineer for our above-referenced client concerning the potential hazard of installing nylon netting in the perimeter of the subject golf ball driving range.

Subsequent to that correspondence, my client has researched the subject further and now desires to seek a compromise with the local Planning Board which would result in the use of "chicken wire fencing" to the height of 50 feet above ground level along the perimeter of the subject driving range.

Our client, in this regard, contacted the golf driving range in Huntsville, Alabama, which has utilized this type of construction for the past eleven years without adverse impact to the environment. More specifically, I may refer you to correspondence to my client from Valley Hill Country Club, dated August 10, 1989, wherein they indicate that the fencing they have utilized for the past eleven years has resulted in no bird deaths. For your further information, I enclose herewith several photographs of the Valley Hill Country Club's chicken wire fencing.

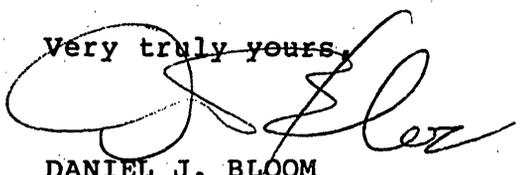
Based upon the enclosures, may I beg your indulgence to

Bloom & Bloom. P. C.

further comment upon suitability of the use of chicken wire by my client for the purposes set forth herein above.

Thank you for your continuing courtesy and cooperation in this matter.

Very truly yours,



DANIEL J. BLOOM
DJB/pc
Enclosures

cc: Duffer's Hide-A-Way Golf Center ✓
139 Windsor Highway
New Windsor, New York 12550

Paul Cuomo, P.E. ✓
478 Union Ave.
New Windsor, New York 12550



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

11

1763

October 18, 1989

Bloom & Bloom, P.C.
530 Blooming Grove Turnpike
P.O. Box 4323
New Windsor, NY 12550

Re: Parcel # 9-1-25.21 Duffer's Hideaway
Variance List 500 ft.

Dear Sirs:

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 \$35.00, minus your deposit of \$25.00.

Please remit balance of \$10.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook

LESLIE COOK
Sole Assessor

LC/cp
Enc.

cc: Patricia Barnhart

La Casa D'Oro Inc.
c/o Cosimo DiBrizzi X
647 Little Britain Road
New Windsor, NY 12550

Talmadge, Angelina X
154 Windsor Highway
New Windsor, NY 12550

Roman Catholic Church of St. Joseph
6 St. Joseph Place X
New Windsor, NY 12550

Denhoff Development Corp.
245 Fifth Avenue X
Suite 2205
New York, NY 10016

Calvet Tool Rental & Service Center Inc.
PO Box 4333 X
New Windsor, NY 12550

Strack, Robert A. & Beverly A.
114 Windsor Highway
New Windsor, NY 12550

Kim, Doo Joseph X
425 Angola Road
Cornwall, New York 12518

Redl, Herbert H. X
240 North Road
Poughkeepsie, New York 12602

Borchert Jr., Ernest H. & Robert A.
Lattintown Road X
Marlboro, NY 12542

Delio, Patricia A. X
7 Franklin Avenue
New Windsor, NY 12550

Maraday, Joseph C. & Edith R.
Rosemary Lane
New Windsor, NY 12550

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 89-49

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 10/23/89

City, Town or Village Board Planning Board Zoning Board of Appeals

2. Applicant: NAME GERARD T. IMPELLITIERE, JR. (DUFFER'S HIDEAWAY)

Address Route 32, New Windsor, N. Y. -north of Union Avenue

Attorney, Engineer, ~~Architect~~ - Daniel J. Bloom, Esq.-Atty.

Paul V. Cuomo, P.E.-Engineer

3. Location of Site: Route 32 - half mile north of Union Avenue intersection
(street or highway, plus nearest intersection)

Tax Map Identification: Section 9 Block 1 Lot 25.21

Present Zoning District PI Size of Parcel 6.69 acres +

4. Type of Review:

Special Permit Use* _____

Variance* Use _____

Area 35 ft. height variance to construct 50 ft. high fence 4 ft. off property line.

Zone Change* From: _____ To: _____

Zoning Amendment* To Section: _____

Subdivision** Major _____ Minor _____

10/11/89
Date

Signature and Title

*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

Bloom & Bloom, P.C.
ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM
PETER E. BLOOM

October 5, 1989

530 BLOOMING GROVE TURNPIKE
(AT THE PROFESSIONAL CIRCLE)
P. O. BOX 4323
NEW WINDSOR, NEW YORK 12550
TELEPHONE (914) 561-6920
FAX: 914-561-0978

Ms. Patricia A. Barnhart, Secretary
New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12550

RE: Gerard T. Impellittere, Jr., d/b/a "Duffer's Hideaway"
Application for Variance
Our File No. 8721

Dear Pat:

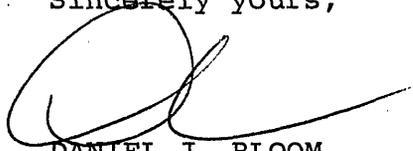
Enclosed herewith please find three copies of the above-referenced application, together with the exhibits referred-to therein. Also enclosed please find Notice of Hearing as well as our check payable to the Town of New Windsor in the amount of \$50.00 to cover the application fee.

Simultaneously herewith I am ordering a list of surrounding landowners from the tax assessor, and will deliver the same to your office as soon as it becomes available so that you might proceed to prepare the proper notices and thereafter forward your bill for services rendered.

If you have any questions, please feel free to call me.

In the interest of time, the enclosures are being delivered by hand.
Thank you.

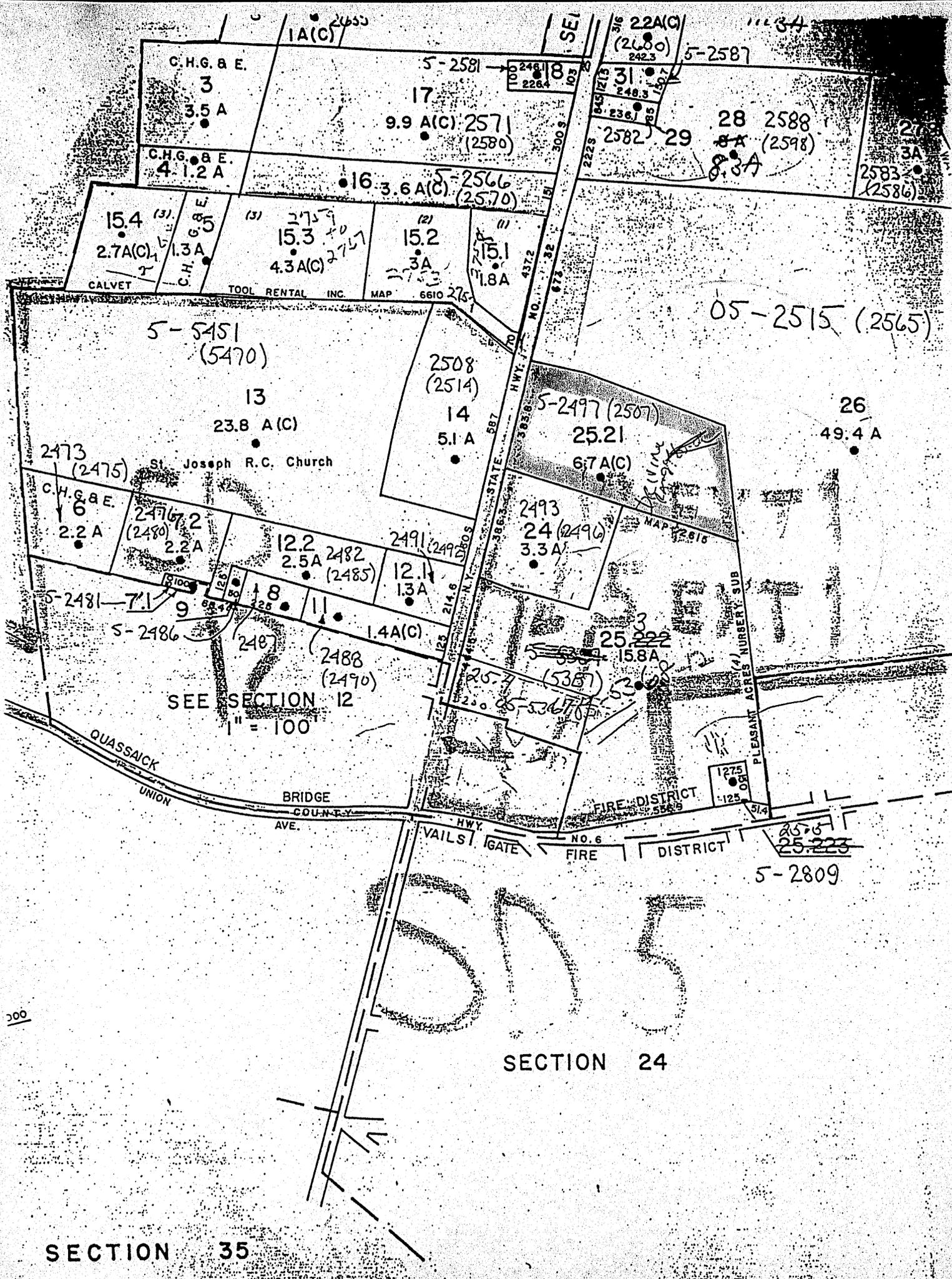
Sincerely yours,



DANIEL J. BLOOM

DJB/cal/Encs.

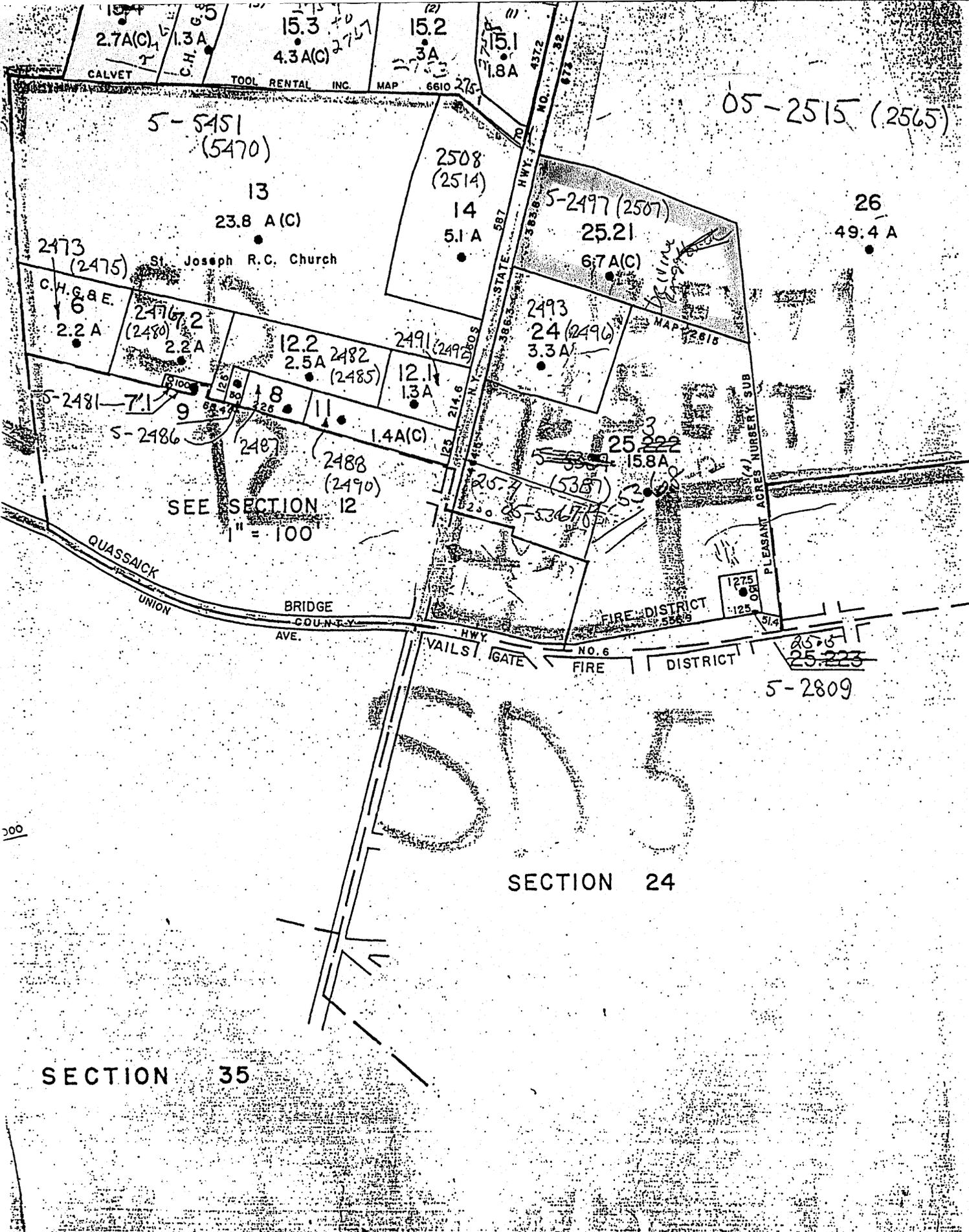
cc: Mr. Gerard T. Impellittere, Jr.
Route 32
New Windsor, New York 12550



SECTION 35

SECTION 24

5-2809



Prepared by
SERVICE
 OPERATION
 LITTON INDUSTRIES
 ST. PHILADELPHIA, PA. 19135
X PURPOSES ONLY



STATE OR COUNTY LINE	— — — — —
CITY, TOWN OR VILLAGE	— — — — —
BLOCK & SECTION LIMIT	— — — — —
SPECIAL DISTRICT LINE	— — — — —
PROPERTY LINE	— — — — —
	FIRE — — — — — LIGHT WATER — — — — — SCHOOL

just --

BY MR. VAN LEEUWEN: How old is the list?

BY MR. SCHIEFER: You said you were going to use part of the list? If you use the total list, there is no problem.

BY MR. GREVAS: Total list is 500 feet. There is 135 names on it.

BY MR. SOUKUP: If you infringe on them within the 300 you are going to have to notify the same 135.

BY MR. GREVAS: It is across the street.

BY MR. SOUKUP: If the property, if a piece of the property is within 300 feet, you are going to have to notify them all anyway.

BY MR. TANNER: We can't notify the association?

BY MR. SOUKUP: No, you have to notify individually. We didn't adopt the revised law on certified letters for notices allowing --

BY MR. EDSALL: That was discussed but no change was made. The Town Board is considering it.

BY MR. GREVAS: Thank you.

~~DUFFER'S HIDEAWAY~~

Daniel Bloom, Esq. and Paul Cuomo came before the Board presenting the proposal.

BY MR. BLOOM: My name is Dan Bloom. I have been retained by Mr. Impellittiere to represent him at the meeting, I am at a slight disadvantage not having been here at the prior meetings, but to familiarize myself with what has gone on, the history of the matter, I have reviewed the prior minutes, at least as many as they were able to obtain, and present to my office. After reviewing those minutes, and by the way, I will defer to Paul in a few minutes with respect to the details of the plans which are before you and they will have to be taken into consideration in conjunction with Mr. Edsall's comments. In reviewing the minutes it became apparent to me that there were some very serious reservations on the part of the various members of the Board concerning safety to wildlife, concerning

the basic need for the fencing, the poles and the 50 foot poles and the chicken wire fencing associated with it. In conjunction with those reservations, my client has undertaken and has secured and I'd like to present them to the Chairman for review. In the first place, a letter from the National Audobon Society clearly indicating that this type of fencing opaque type fencing, is actually the safest type of fencing to use for preventing harm from birds. Apparently birds navigate by way of sight, not sonar or any other means and they have found that the opaque type, particularly chain link fence or chicken wire are sufficiently observable to the birds, that they do not get caught in them, as opposed to the finer nylon netting which do present a substantial danger to wildlife. In addition there is attached to that document a response to a letter that my client received from the City of Rye, New York, where they have apparently a public golf course where they have similar type of fencing, not exactly the same but similar type fencing and they have had tremendously fine experience with respect to its noninterference with the wildlife, particularly the birds, in that area. Addressing now of course from our point of view, the most difficult aspect of the entire presentation, the aspect which obviously if this Board deems it appropriate to at least consider initial preliminary concept or approval to the plans, we obviously then must proceed to the Zoning Board of Appeals for the purpose of a variance with respect to the 50 foot poles. I may say in that regard, for the purpose hopefully of having the support of this Board, in that this particular application, that my client is in a rather unusual position with respect to this application. Frankly, if he had his d'ruthers, he'd prefer not to put up any fencing because it is not a 12 month operation. He is making a living. He worked hard for his living, but this is an expense he'd like to avoid. However, I have letters I'd like to present to the chairman from Mr. Herb Redle (phonetic) who is a neighbor on the south side as you face the property. He of course, has the mini warehouse complex which he is suggesting requesting that the Board consider approval of the installation of the fencing, because obviously there is a very eminent and substantial hazard to his property and personnel and we have a letter from the Borchert Orchards which are the property immediately on the north of the property, and there have been apparently close calls with respect to some golf balls and employees who are attending to the orchard which of course golf balls in the ey or head could be a very substantial safety consideration, especially if you hit a golf ball like I do. With that gentlemen, I will with the Board's permission, I will turn it over to Mr. Cuomo for the specifics of the plan and to address

the comments raised by Mr. Edsall.

BY MR. SCHIEFER: I just read this letter from the National Audobon Society and they say if your proposed fence is chain link or made of a similar heavy gauge material, it should appear sufficiently appear opaque to birds. Weren't we talking about chicken wire?

BY MR. BLOOM: Yes.

BY MR. SCHIEFER: Is that as opaque as chain link? Vinyl strips one foot intervals is perfectly acceptable, but just the wire mesh somebody may question that and that is not addressed here.

BY MR. BLOOM: You are right. As I understand it, the inquiry was made of the Town of Rye, correct me if I am wrong. We were suggesting to them we had just the chicken wire, but I believe this is how they responded to that.

BY MR. CUOMO: We asked the Audobon Society, we asked them what do they think of this fence that they are using up in Rye. It has been used for years. There has been no problems. There is no bird deaths or anything with it, so we asked him what do they think of that and that is the answer we got back.

BY MR. SCHIEFER: Chain link fence painted dark green, I have no problems with what they are saying, but the original proposal of chicken wire fence is not covered by this, unless you want vinyl. But just chicken wire fence as such I don't read this as approval by the Audobon Society or the Town of Rye, but both are saying chain link painted green is fine. Just the interpretation what you are saying.

BY MR. CUOMO: We are trying to lay it out on the table.

BY MR. SCHIEFER: If you do it the way they are saying it, I think you have a good argument, but don't go back to the point chicken wire becomes almost invisible. Then you go to nylon which they are saying is unacceptable.

BY MR. BLOOM: Apparently nylon netting is not observable by the birds.

BY MR. SCHIEFER: You can't hide the fence, go ahead Paul.

BY MR. CUOMO: As I can see from the plan, I concentrated mainly on the fence. The thrust of my whole plan was to make

sure the fence gets in.

BY MR. SCHIEFER: 29 poles?

BY MR. CUOMO: Yes, but Mark had two comments and I didn't put them on and I apologize, not out of respect for the comments, it is just my fault. I put it on this plan, but you can't review this plan because I just did it the other night. However, we have here one of the comments was two handicapped parking spaces which we have, and we have built a handicapped ramp. Can I have a picture?

BY MR. BLOOM: Sure.

BY MR. SCHIEFER: I am aware of it.

BY MR. CUOMO: So, we have a ramp and two handicapped parking spaces and then I put the square footage in, the square footage of the original clubhouse and Mark asked also for the square footage of the addition and the square footage of the clubhouse is 720 feet and the addition is 1,710. When those things get polished up and put on the map will be done.

BY MR. VAN LEEUWEN: Addition of the clubhouse?

BY MR. CUOMO: That is the apartment.

BY MR. VAN LEEUWEN: That has got to go for a public hearing. Doesn't it?

BY MR. BABCOCK: Yes, it is a special permit which then in return requires public hearing.

BY MR. VAN LEEUWEN: Can I give you some advice? I would say --

BY MR. CUOMO: Give my attorney advice also.

BY MR. VAN LEEUWEN: I was going to suggest split the two of them. Don't make it one application so we can act on one application without the other, because you have to go to the Zoning Board of Appeals and that is going to put him into November before he gets approvals.

BY MR. EDSALL: Split which portion?

BY MR. SCHIEFER: The fencing is one portion and the residence, the addition to the building.

BY MR. EDSALL: You can't apply for just a fence, it has got to be part of a site plan though --

BY MR. VAN LEEUWEN: Make two site plans.

BY MR. SCHIEFER: You are going to hold up this whole thing until you go to the Zoning Board of Appeals.

BY MR. IMPELLITTIERE: I need approval on the fence before the addition because without the fence there will be no further advancement of the piece of property.

BY MR. SCHIEFER: If you want to do it that way, fine.

BY MR. IMPELLITTIERE: I may get approvals for the building and then have the fence turned down and then there will be no more place.

BY MR. SCHIEFER: We have go to the Zoning Board of Appeals before we vote and send it there. Are there any other comments?

BY MR. LANDER: In Mark's comments, we don't have -- they don't have a valid approved site plan. It was a conditional one, and that has expired now. What do we do?

BY MR. EDSALL: To get the paperwork correct and I don't think there is any problem, since it is a matter of filling out paperwork. If you want to make a referral to the Zoning Board of Appeals but before they come back to the Planning Board, they should be required since they have an expired conditional approval, so in effect they have nothing right now. They should make a new application and we should look at one single plan following the Zoning Board of Appeals' action.

BY MR. LANDER: The Zoning Board of Appeals won't look at it?

BY MR. EDSALL: We just have to get our paperwork straightened out before they return as far as if you want to refer them on this plan. That is not a problem. They will look at it. Matter of fact, Paul can get the paperwork.

BY MR. VAN LEEUWEN: I will make a motion that we approve the site plan since the Audobon Society gave us no problem.

BY MR. SCHIEFER: Do you understand what is going on?

BY MR. CUOMO: Yes.

BY MR. SOUKUP: I will second it.

BY MR. SCHIEFER: Motion is made and seconded we approve the site plan of Duffer's Hideaway on Route 32. Any further comments?

ROLL CALL:

MR. SOUKUP: Aye.
MR. VAN LEEUWEN: No.
MR. LANDER: No.
MR. SCHIEFER: No.

BY MR. SCHIEFER: Based on that, now you can go to the Zoning Board of Appeals and the reason you need a deviation from the Zoning Board of Appeals on the 50 foot pole, so this will send you there for that.

BY MR. CUOMO: To come back here, I don't understand how I can get back here because we are expired out.

BY MR. SCHIEFER: We will take care of that. Right now, you do not have the conditional approval.

BY MR. EDSALL: What you should do is get an application completed by Mr. Impellittiere and get that in with all the paperwork and have that on file.

BY MR. CUOMO: Start from scratch?

BY MR. EDSALL: In effect they granted a conditional approval which expired, so you have to start again.

BY MR. SCHIEFER: You gave me these two original letters?

BY MR. BLOOM: May I take those back, so we can use those, and what I'd like to do is make copies and submit them for your file.

BY MR. SCHIEFER: Okay, thank you.

BY MR. IMPELLITTIERE: If we get the zoning approval for the fences, does the Planning Board see any reason why they would turn this site plan down?

BY MR. SCHIEFER: Any other comments or changes to the site

plan you'd like to recommend or consider, put it that way?

BY MR. SOUKUP: Based on the engineer's comments with the engineer's comments being responded to, it seems to be suitable for what is there.

BY MR. VAN LEEUWEN: I have no problem with the living quarters.

BY MR. BABCOCK: What is he going to the Zoning Board of Appeals for? The map that I have been looking at doesn't show --

BY MR. VAN LEEUWEN: Poles 50 foot high.

BY MR. BABCOCK: There is nothing on the map now about an apartment above the clubhouse anymore. That has been eliminated.

BY MR. SCHIEFER: Proposed addition.

BY MR. VAN LEEUWEN: If you go to the Planning Board of Appeals, take that off.

BY MR. BABCOCK: We have to know why we are sending him. The paperwork has to be done and sent to the Zoning Board of Appeals. I'd like to know what we are sending him to the Zoning Board of Appeals for.

BY MR. VAN LEEUWEN: For the poles.

BY MR. BABCOCK: That is it?

BY MR. SCHIEFER: Don't go to them for anything else. We will act on the rest of it.

BY MR. SOUKUP: It was turned down for pole height.

BY MR. VAN LEEUWEN: I'd take this apartment off that site plan.

BY MR. SCHIEFER: All you want to get from the Zoning Board of Appeals is permission on the poles, don't complicate the issue by asking them to -- don't go to them on the apartment, don't ask for trouble, avoid that.

BY MR. VAN LEEUWEN: Take it off.

BY MR. CUOMO: Then I can change that site plan to the fact I can put the apartments on?

BY MR. SCHIEFER: What have you changed?

BY MR. VAN LEEUWEN: They are going to ask you for sewer.

BY MR. CUOMO: I got sewer. We got a septic field approved.

BY MR. VAN LEEUWEN: They are going to tell you sewers.

BY MR. SCHIEFER: Take it off the plan and then when you come back to us, don't complicate the issue.

BY MR. BABCOCK: The Zoning Board of Appeals has requested that they receive a plan with your initials on it so that they know that they are redoing the same plan. Even Mr. Bloom was there the night they asked for that.

BY MR. CUOMO: There is no apartment on that.

BY MR. SCHIEFER: The one I have has no apartment on it.

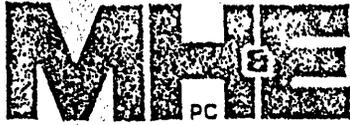
BY MR. EDSALL: Once you clear the Zoning Board of Appeals, I think you might want to come, both Mr. Bloom and Mr. Cuomo, to our work session so we can go through all these items to review the plan and make sure everything has been addressed, so that the next appearance things might be a little more organized as far as all the plans having the same information and be on the same wavelength and you can schedule that with the Planning Board secretary once you are through with the Zoning Board of Appeals.

BY MR. BLOOM: Okay, thank you.

HILLTOP ESTATES:

Mr. Gregory Shaw came before the Board presenting the proposal.

BY MR. SHAW: Mr. Loeb will not be able to make the meeting tonight and I will present Hilltop Estates. Just to give the Board a quick overview, the subject parcel is approximately 24 acres. We are proposing 149 town homes on it. There is an overview of the project. In April of this year, this Planning Board decided to restart the SEQRA process and declared itself as lead agency. Following that meeting, my office prepared a long Environmental Assessment



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Duffer's Hideaway Site Plan
PROJECT LOCATION: Route 32
PROJECT NUMBER: Formerly 87-59
DATE: 9 August 1989
DESCRIPTION: The Application involves a recreational facility on the east side of NYS Route 32. The plan was most recently reviewed at the 9 March 1988, 13 April 1988 and 12 April 1989 Planning Board Meetings.

1. This project has a confusing history with regard to what is proposed and what has been approved. I have attempted to review the minutes from the latest meetings referenced above and, based on my understanding of what occurred, the Board should be advised as follows:

- a. At the 9 March 1988 Planning Board Meeting, the Planning Board conditionally approved the site plan. The plan had the poles removed and did not include paving of the drive and parking area. The conditional approval expired on 1 November 1988, at which time the Applicant was to re-appear before the Planning Board for further consideration. During all discussions at that meeting, it was stressed that the entire parking area must be paved and curbs within the internal site may be required.
- b. At the 15 April 1988 Planning Board Meeting, the Applicant was referred to the Zoning Board of Appeals. Discussions at this meeting involved a requirement that paving be completed by June 1989. Also, the apartment was discussed.
- c. At the 12 April 1989 Planning Board Meeting, the overall project was discussed and a field trip was scheduled.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Duffer's Hideaway Site Plan
PROJECT LOCATION: Route 32
PROJECT NUMBER: Formerly 87-59
DATE: 9 August 1989

-2-

2. Based on my review of the files concerning this project, it is my understanding at this time that no valid site plan approval exists for this project. The formerly granted Conditional Approval as expired. Therefore, I strongly recommend that the Planning Board review the entire project. I recommend that the Applicant be required to make a new and complete application and that the Board review same in a complete fashion.

3. I have made a review of the last plan submitted with revision No. 8 dated 22 August 1988. I have the following general comments:

- a. It appears that the only proposed addition on this plan is the "clubhouse" addition. The Board should ask if anything else is proposed and verify that everything else shown on the plan is existing.
- b. The Board should take note of the lightpoles shown and the ranges of each. Will this cause a hazard or be a nuisance?
- c. The Board should note that 50' high poles are again shown with netting connecting each. These poles and netting are placed 4' off the property line and nearly surround the property.
- d. The Board should also note that the plan indicates concrete curbs will be provided and the entire parking area will be paved.
- e. Although it was brought to the Applicant's attention at the previous meeting, the plan does not provide any handicapped parking spaces. A detail should also be provided.
- f. The plan makes reference to detail drawing "S2"; no such plan has been submitted.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

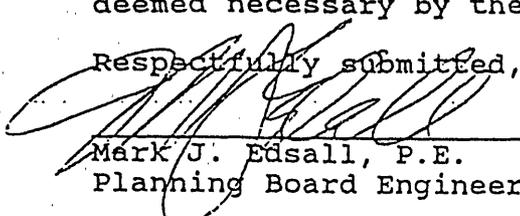
PROJECT NAME: Duffer's Hideaway Site Plan
PROJECT LOCATION: Route 32
PROJECT NUMBER: Formerly 87-59
DATE: 9 August 1989

-3-

4. The Board may wish to also discuss the results of their site inspection held pursuant to the latter meeting referenced above.

5. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEnje

duffers

HERBERT H. REDL

Commercial and Office Rentals

ALLSPORT BUILDING
240A NORTH ROAD
POUGHKEEPSIE, N.Y. 12601
914-471-3388

September 16, 1988

New Windsor Town Planning Board
New Windsor, NY 12550

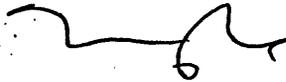
ATTENTION: Chairman

Dear Sir:

Mr. Gerard T. Impellittere, Jr., owner of Duffers Hide-A-Way Golf Center, has asked me to put in writing my support of his erecting a 50-foot fence on the property line dividing his property from mine. Being his neighbor, we are concerned about the possibility of golf balls being hit from his site onto mine, which could easily land and physically hurt someone. Therefore, for safety reasons, I would urge the Town Board to support the erection of this fence.

Many thanks for your consideration in this matter.

Yours truly,



Herbert H. Redl

HHR: lmd

10/23/89 Public Hearing - Pizzo, John - #89-47.

Name:
JOSEPH V SMITH

Address:
499 LITTLE BRITAIN RD

percent (10%) of the campground site, and may include a suitably improved, fenced and equipped children's play area.

- (15) No permanent structures shall be permitted for use as living quarters, with the exception of the resident manager or property owner. The resident manager or a caretaker shall be on the premises on a regular basis, as determined by the Zoning Inspector, to guard against vandalism during the off-season.
- (16) Recreational facilities such as golf courses, tennis courts, swimming pools and camp recreational facilities shall be for campsite guests only. Requirements for setbacks for recreational uses shall be as set forth in § 48-21A.
- (17) Fire protection. The property owner shall ensure that adequate fire protection equipment is on the premises at all times, as recommended by the Zoning Inspector and the Bureau of Fire Protection.
- (18) Public phone. Each campground shall have at least one (1) public telephone.
- (19) Each permit issued for a campground shall be valid for a period of twenty-four (24) months from the date of issue. A renewal application shall be filed with the Zoning Inspector not more than sixty (60) days prior to the expiration of the twenty-four-month period. Prior to the issuance of a renewal permit, the Zoning Inspector shall inspect the campground premises for compliance with all applicable regulations. Thereafter and within thirty (30) days of the expiration of the twenty-four-month period, the Zoning Inspector shall submit a report in writing to the Board of Appeals. The Board shall automatically renew the permit unless it finds a substantial failure to comply with these regulations reported by the Zoning Inspector. In the event the Board finds there has been a substantial violation of these regulations, it shall hold a public hearing to determine the renewal of the permit.

C.

D

**Table of Use/Bulk Regulations
Suburban Residential (R-4)¹
Town of New Windsor**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Uses Permitted by Right	Uses by Special Permit of the Planning Board or Town Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard / Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Development Coverage (percent)	Permitted Accessory Uses	Permitted Accessory Signs	Minimum Par (number)
<p>1. The following commercial agricultural operations and accessory uses thereto, provided that there shall be no storage of manure or other odor- or dust-producing substance or use, except spraying and dusting to protect vegetation within 50 feet of any lot line:</p> <p>(a) Raising of field and garden crops, vineyard and orchard farming and the maintenance of nurseries</p> <p>2. Buildings, structures and uses owned and operated by the Town of New Windsor²</p> <p>3. Public parks and playgrounds²</p> <p>4. Commercial forestry</p> <p>5. Outdoor recreational facilities, including golf courses, ice skating rinks, swimming pools, parks, playfields and ski areas²</p>		5 acres	200	100	50/100	50	50	50	N/A	N/A	10	<p>1. Accessory parking</p> <p>2. Accessory loading</p> <p>3. Accessory signs</p> <p>4. Accessory to commercial agriculture operations, barns, silos and produce storage and packing warehouses, provided that such accessory buildings shall conform to the yard requirements for principal buildings</p> <p>5. Customary home occupations</p> <p>6. Garden houses, tool-houses, playhouses and garages, subject to § 48-14</p> <p>7. Swimming pools, subject to § 48-21G</p> <p>8. Private garages accessory to the principal use of the lot</p> <p>9. Keeping domestic animals as follows; not more than a total of 3 cats or dogs over 1 year old, not more than 2 horses over 6 months old, not more than 10 fowl and not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. No domestic animals</p>	<p>1. Accessory to permitted residence: 1 non-illuminated nameplate or professional sign with an area of not to exceed 2 square feet</p> <p>2. For any nonresidential establishment permitted: 1 indirectly illuminated sign not to exceed 10 square feet in area, at least 25 feet from the street line, and not more than 2 non-illuminated directional signs, each not to exceed 2 square feet in sign area, provided that such signs are set back at least 10 feet from the street line</p> <p>3. For any structure for sale or for rent: 1 temporary nonilluminated "for sale" or "for rent" sign not to exceed 6 square feet in area located at least 15 feet from the street line. Such temporary use shall cease within 30 days after sale or rental is consummated. Signs for any other advertising purpose pertaining to the premises of the building shall be permitted but shall not exceed 6 square feet in area nor be displayed for a period longer than 30 consecutive days</p>	<p>1. Single-family dwelling</p> <p>2. Outdoor areas: 1 persons designed than 4 persons</p> <p>3. Boat docks, clubhouses: each 3 persons which are provided</p> <p>4. Boat ramps: each more than 10 persons</p> <p>5. Golf courses: 10 for each 100 acres</p> <p>6. Skiing areas: every 10 acres</p> <p>7. Annual clubs: 1 square feet area occupied principal structure used for purposes: 15 square feet</p> <p>8. Buildings, stands and signs: all signs shall be 6 feet or less in height, such signs shall be 6 square feet or less in area, and shall be placed on a space greater</p>

