

ZB# 89-56

Sam DeClemente

67-2-2.12

Prague.

Nov. 13, 1989.

#89-56 De Clemente, Sam - Rear yard.

Notice to Sentinel
11/14/89 -

List ordered
on 11/2/89.

69-2-2.12

Motion to
Schedule P.H.

Fee paid

Area Variance
Granted
11/27/89.

General Receipt

11012

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

November 27 19 89

Received of Sam Lae Clemente \$ 25.00

Twenty-five and 00/100 DOLLARS

For 89-56 Zoning Board

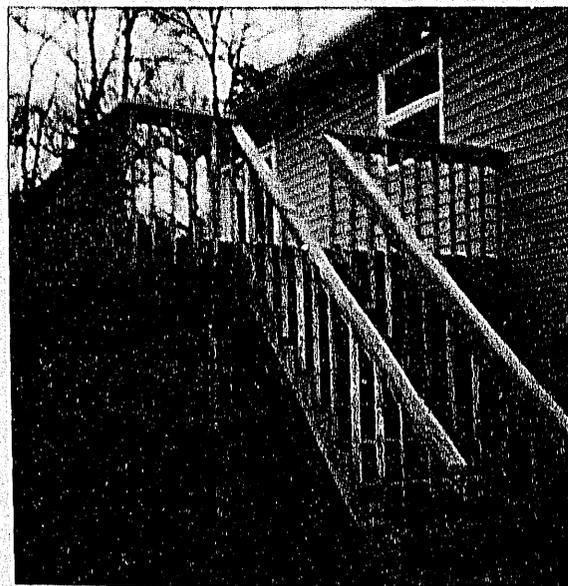
DISTRIBUTION

FUND	CODE	AMOUNT
<u>CPD 364</u>		<u>25.00</u>

By Pauline G. Townsend
cl

Town Clerk
Title

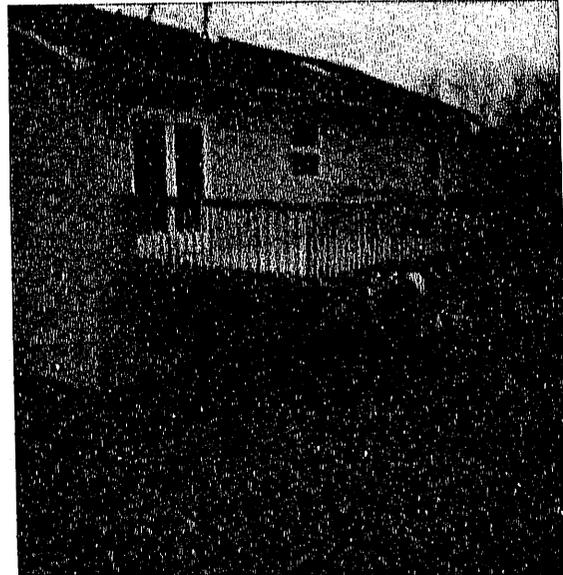
Williamson Law Book Co., Rochester, N. Y. 14609



		45.00

Town Clerk

Title



File

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of
SAM DE CLEMENTE

DECISION GRANTING
AREA VARIANCE

#89-56.

-----x

WHEREAS, SAM DE CLEMENTE of P. O. Box 571, Vails Gate, N. Y. 12584, has made application before the Zoning Board of Appeals for a 9.9 ft. rear yard variance to obtain a Certificate of Occupancy for a deck located on the south side of Birch Street, New Windsor, N. Y. in an R-3 zone; and

WHEREAS, a public hearing was held on the 27th day of November, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared in behalf of himself and one member of the audience spoke in support of the application; 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 vary the bulk regulations with regard to rear yard in order to obtain a Certificate of Occupancy for a deck constructed on a single-family residence in an R-3 zone.

3. The evidence presented by Applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order for Applicant to obtain a Certificate of Occupancy for an existing deck which otherwise would conform to the bulk regulations contained in the R-3 zone and rejection of same would cause practical difficulty since the relief sought by Applicant is not substantial in relation to the required bulk regulations.

4. The evidence presented substantiated the fact that the original plot plan which depicted the house on the lot in question contained a deck, however, when applicant pursued the construction of the deck, he did not realize that there was insufficient rear yard and that a variance would be necessary.

5. Evidence was presented by applicant which substantiated the fact that the requested variance will not result in

substantial detriment to adjoining properties or change the character of the neighborhood.

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

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

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

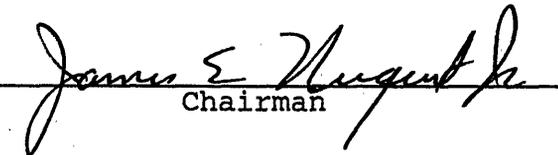
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 9.9 ft. rear yard variance 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: December 11, 1989.


Chairman

(ZBA DISK#6-113089.FD)



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

29

1763

November 13, 1989

Mr. Sam DeClemente
PO Box 571
Vails Gate, NY 12584

Re: 67-2-2.12

Dear Mr. DeClemente:

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 \$55.00, minus your deposit of \$25.00.

Please remit balance of \$30.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook, po
LESLIE COOK
Sole Assessor

LC/po

Enc.

cc: Patricia Barnhart

Omat, Inc.
RD #1, Box 673D
Monroe, NY 10950

Petrone, Michael
PO Box 673D
Monroe, NY 10950 X

Satterly, Charles
RD #2, Riley Rd., Box 277 X
New Windsor, NY 12550

McDonnell, William & Margaret
Po Box 995
Waitsfield, VT 05673 X

Peter'son, Alton & Alide
RD #2, Riley Rd. X
New Windsor, NY 12550

Champagne, Linda J. X
RD #2, Box 267A, Riley Rd.
New Windsor, NY 12550

Sayegh, Joseph X
RD #2, Riley Rd. X
New Windsor, NY 12550

Baransky, David & Helen X
269 Riley Rd.
New Windsor, NY 12550

Mula, Alice Mary
Box 282
Vails Gate, NY 12584

Gatto, Jr., Anthony & Dolores
RD #2, Riley Rd.
New Windsor, NY 12550 X

Cirelli, Ursula
& Patricia Foster (unclaimed)
66 Forge Hill Gardens
New Windsor, NY 12550

Gambino, Rose Marie
Box 271, Birch Dr. & Riley Rd.
New Windsor, NY 12550

Baird, Scott R. & Lisa K.
c/o Lederle Labs X
Middletown Rd.
Pearl River, NY 10965

Distefano, Frances
c/o John Stallone
41 Knox Dr.
New Windsor, NY 12550

Morin, Jr., John C. & Elizabeth P.
Ash St.
New Windsor, NY 12550

Kullberg, Karl H. & Alice M.
PO Box 282
Vails Gate, NY 12584

County of Orange
255-275 Main St.
Goshen, NY 10924

Gadbois, John
PO Box 164
Vails Gate, NY 12584

Mock, George C. & Delores N.
RD #2, Riley Rd.
New Windsor, NY 12550

McCaster, Rufus & Gertrude
PO Box 185
Vails Gate, NY 12584

Trizinsky, Leonard T. & Patricia D.
RD #2, Box 165B, Riley Rd.
New Windsor, NY 12550

Meile, Oneillo
3 Allen Lane
Sloatsburg, NY 10974

Maceli, Mae
RD #2, Riley Rd.
New Windsor, NY 12550

Rieber, Kay ETAL
43 Knox Dr.
New Windsor, NY 12550

Beltempo, Saverio & Anastasia
Box 163C, RD #2, Riley Rd.
New Windsor, NY 12550

Satterly, Charles S. & Margaret
RD #2, Riley Rd., Box 277
New Windsor, NY 12550

Messina, Angela X
Box 25
Rock Tavern, NY 12575

Chidgey, Leonard J. & Elsie C. X
Box 163, Route 94, RD #2
New Windsor, Ny 12550

Hopkins, George & Edna X
PO Box 31
Vails Gate, NY 12584



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Prelim.

Nov. 13th

89-56.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT

1763

FILE NUMBER 89-45

TO: SAM DECLEMENTE
P.O. Box 571
VAILE GATE, N.Y. 12584.

*Purchased 1987
179 x 100*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED NO DATE,

FOR PERMIT TO OBTAIN C.O.

AT BIRCH ST. (southside) IS DISSAPROVED ON THE

FOLLOWING GROUNDS INSUFFICIENT REAR YARD SETBACKS

ZONE R-3 TYPE OF VARIANCE AREA

REQUIREMENTS	PROPOSED	VARIANCE
<u>40'</u>	<u>30.1'</u>	<u>9.9'</u>

CALL PAT BARNHART (ZBA SECRETARY) AT 565-8550 FOR APPOINTMENT

Bill Puller

BUILDING/ZONING INSPECTOR

TAX MAP

SECTION :
BLOCK :
LOT :

DEED

LIBER 26

MAP REF

LOT LINE C
DATED : FEB.
FILED : MAR
MAP # 7643
LOT # 2

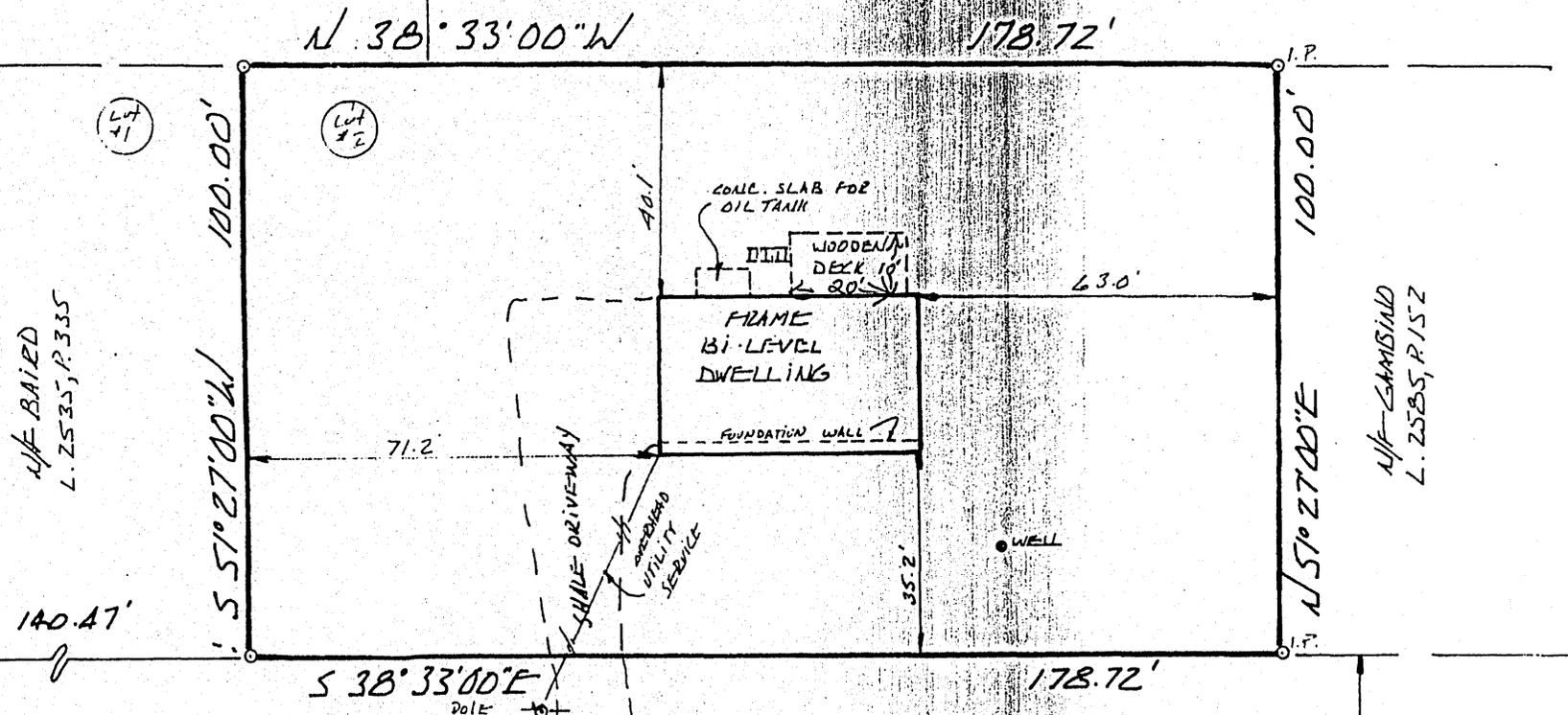
LOT AREA

17,872 S.F.

1. Unauthorized alteration or addition to a survey seal is a violation of section 7209, sub-division 1.
2. Only copies from the original of this survey marked with the seal or his embossed seal shall be considered as correct.
3. Certifications indicated hereon signify that this survey complies with the existing Code of Practice for Land Surveyors of the State of California, and that the person for whom the survey is prepared, and any governmental agency and lending institution is advised of the same. Certifications are not transferable to subsequent owner.
4. Underground improvements or encroachments, if any, are shown on this survey.

N/F DI STEFANO & STALLONE
L. 1247 P. 558

N/F MORIN
L. 1113, P. 271



RILEY ROAD

BIRCH STREET

(PRIVATE UNPAVED ROAD)

MONT ST. SAN MATEO, CA. 94402

TO BERZELIUS S. PAURI, BEROS B. PAURI,
MURPHY & BENUETT, ESQs.,
MANUFACTURERS AND TRADERS TRUST COMPANY,
ITS SUCCESSORS AND/OR ASSIGNEES AND



Patrick T. Kenney

11/27/89
#89-56 Public Hearing - #89-56- DeClemente, Sam

Name: *Joseph P. DeClemente* Address: *444 New Windsor*



CCIP.B.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-56

Date: 11/13/89

I. Applicant Information:

- (a) SAM DE CLEMENTE, P. O. Box 571, Vails Gate, N. Y. 12584 x
(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
- Area Variance
- Sign Variance
- Interpretation.

III. Property Information:

- (a) R-3 South Side Birch Street 67-2-2.12 179 x 100+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? n/a
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1987
- (e) Has property been subdivided previously? No When? -
- (f) Has property been subject of variance or special permit previously? No When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

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 48-12, Table of Use/Blk. Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd.	/	/
Reqd. Rear Yd.	40'	30.1'
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 request of the Applicant is not substantial with relation to the regulations required in the R-3 zone; there will be no substantial change in the characteristics of the neighborhood; there is no significant demand on governmental facilities; Applicant does not know of any relief other than this request for a rear yard variance; the interest of justice will be served if this variance is granted by the ZBA.

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.

n/a

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

n/a

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.)

Applicant proposes that there will be no significant changes in the characteristics of the neighborhood which is R-3.

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 November 13, 1989

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.

x Samuel A. Clemente
(Applicant)
SAM DE CLEMENTE

Sworn to before me this
13th day of November, 1989.

Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991.

XI. ZBA Action:

- (a) Public Hearing date Commission Expires August 31, 1991.
- (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.

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. 56

Request of SAM DE CLEMENTE

for a VARIANCE of
the regulations of the Zoning Local Law to
permit existing deck with insufficient rear yard;

being a VARIANCE of
Section 48-12- Table of Use/Bulk Regs. - Column G
for property situated as follows:

South side of Birch Street, New Windsor, N. Y.
known and designated as tax map Section 67 - Block 2-
Lot 2.12.

SAID HEARING will take place on the 27th day of
November, 1989, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JAMES NUGENT
Chairman

