

ZB# 70-5

Charles & Ethel Smith

(no SBL)

70-5
Smith, Charles + Ethel
6-11-70
10:45 AM.

Public Hearing -
Application for Variance of
Charles G. & Ethel Smith - 5/27

Spectators

Address

Allen Seaman	9 Regimental Place
Paul Porath	31 Clarkview Rd
Joseph Gomez	26 Clarkview Rd.
Kay Van Vaas	28 Clarkview Rd.
Grace M. Schultz	3 President Ct.
Joanne Metzger	32 Clarkview Rd.
Mr. + Mrs. A. Casalimoro	606 Union Ave.
Rose Rasycenwski	540 Union Ave.
Tillie A. Clark	572 Union Ave.
Irving Clark	572 Union Ave
Betty L. Herring	590 Union Ave
John & Dixie M. M. M. M.	King of Kings Church. Union Ave -
Eugene D. Sloan	572 Rte 207

7 Franklin Avenue
New Windsor, N. Y. 12550
May 19, 1970

Milton Fischer, Esq.
Attorney at Law
542 Union Avenue
New Windsor, N. Y. 12550

Re: Application for a Variance of
Charles G. and Ethel Smith

Dear Sir:

Please be informed that at a public hearing held on the 18th of May, 1970, it was the decision of the Zoning Board of Appeals to grant the above application as follows:

The application of Charles G. and Ethel Smith for a use variance to permit only business offices and professional offices and, specifically excluding any use for the retail sale of goods, be granted on property owned by them on Union Avenue, Town of New Windsor, adjoining the Town Hall property in an RB zone and further subject to site plan approval by the Planning Board.

Yours very truly,

Patricia Delio, Secretary

/pd

cc: Howard Collett, Building Inspector



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

April 3, 1970

Mr. Charles G. Smith
Helmes Hill Road
Washingtonville, New York

Dear Sir:

SUBJECT: Your Property

According to my records, the attached list of property owners are within the five hundred (500) feet of the area you inquired about.

Please remit a check in the amount of \$15.00 in my name for services rendered.

Respectfully,

ELLSWORTH E. WEYANT
Chairman
Board of Assessors
Town of New Windsor

EEW:ked
Enc.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Mr. Charles G. Smith
Your Property

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5182

Astone, Dorthi
Queen Anne Apts.
Leroy Place
Newburgh, New York

Kurts Cabinets, Inc.
P.O. Box 216
Vails Gate, New York 12584

Town of New Windsor
555 Union Avenue
New Windsor, New York

King of Kings Lutheran Church
36 Hudson Drive
New Windsor, New York

Gomes, Joseph A.
26 Clarkview Road
Newburgh, New York

Van Voorhis, Raphael J & Carol M.
28 Clarkview Road
New Windsor, New York

Jennings, Richard C. & Patricia C.
30 Clarkview Road
New Windsor, New York

Metzler, Edward & Joanne A.
32 Clarkview Road
New Windsor, New York

Infante, Madeline
602 Union Avenue
New Windsor, New York

Casalinuovo, Dominick & Rose
606 Union Avenue

New Windsor, New York



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Mr. Charles G. Smith
Your Property

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5182

Shea, Theodore C.
Temple Hill Road Box #495
Vails Gate, New York

Mossuto, Edward G. & Josephine
15 Clarkview Road
New Windsor, New York

Smith, David E. & Rose S.
1 President Court
Newburgh, New York

Schultz, John Edward & Grace M.
3 President Court
Newburgh, New York

Carroll, Frederick William & Joan A.
5 President Court
Newburgh, New York

Essert, Cary & Dorothy A.
7 President Court
New Windsor, New York

Juba, William M. & Joan Gay
9 President Court
Newburgh, New York

Reynolds, Franklin M., Jr. & Margaret
105 Court Street
Brooklyn, 2, New York

Brown, Richard Berry & Carolyn Hodges
15 Clarkview Drive
New Windsor, New York

Porath, Harold A. & Vera C.
105 Court Street
Brooklyn, New York



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Mr. Charles G. Smith
Your Property

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

Wilson, Elewood L. & Florence D.
59 Union Avenue
New Windsor, New York

Clegg, John C. & Robert S.
4 Innis Avenue
Newburgh, New York

Herring, Zebedee C. & Betty L.
590 Union Avenue
New Windsor, New York

Belcastro, Armand
192 Caesar's Lane
New Windsor, New York

Copolla, Carmine J. & Dorothy L.
23 Union Avenue
Newburgh, New York

Clark, Irving N. & Tillie A.
572 Union Avenue
New Windsor, New York

Snake Hill Realty Corporation
542 Union Avenue
New Windsor, New York

Clark, Ruth E.
570 Union Avenue
New Windsor, New York

Raszcewski, Vincent C. & Rose M.
540 Union Avenue
New Windsor, New York

Respectfully submitted,

ELLSWORTH E. WEYANT
Chairman
Board of Assessors
Town of New Windsor

EEW:ked

Adopted 12/20/85

APPLICATION FOR VARIANCE

APPLICATION NO. 40-5
DATE: _____

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

(~~We~~ ~~xxxxxx~~ Charles G. & Ethel Smith of (no Number) Helms Hill Road
(Street & number)

Washingtonville

New York
(State)

ENCL. _____

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY Union Avenue New Windsor RB
(Street & Number) (Use district on zoning map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the zoning Ordinance applicable, by number. Do not quote the ordinance; Art. IX, Sec. 48-32B as it applies to Art. III Secs. 48-7 and 48-9

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Land, subject of this application, is bounded on the East, West and South by business and industrial lands except on the North across Union Avenue.

2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Applicant owns the land to South and West, the only use of which is business and industrial.

3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: Applicant has taken no actions of any kind prior or subsequent to adoption of Zoning Ordinance.

The general environment and character of the specific area, with single exception of land under consideration, is business and industrial.

All other properties in zone are on North side of Union Avenue and this is only parcel on business or industrially zoned South side which is neither industrial nor business.

Applicant proposes to erect office and business structures.

APRIL 3, 1970

Charles J. Smith

3-11 April 70

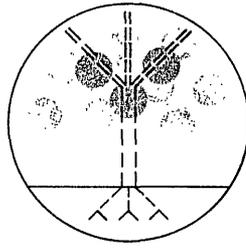
Vivian Satterly
VIVIAN SATTERLY
Notary Public - Orange County
Residence on Appointment - Orange County
Commissions Expires March 30, 1971
No Official Number

70-5
May 4, 1970
May 18, 1970

Apr. 1970
Apr. 24, 1970

Variance granted.

Department of Planning



County of Orange

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner

The County Building
Goshen, New York 10924
(914) 294-5151

Louis V. Mills, County Executive

April 15, 1970

Mr. Joseph Tallarico, Chairman
Town of New Windsor Planning Board
Park Hill Drive
New Windsor, New York 12550

To Mrs. Budney

Re: Application of Charles and Ethel Smith
for use variance, south side of Union
Avenue (Cty. Hwy. 69) near Temple Hill
Road

Dear Mr. Tallarico:

This office is in receipt of materials pertinent to the above-cited application pending before your board, received from the hands of the applicant's attorney.

In the form of an application for a zone change from RB to OLI, this property has been before us for review on a previous occasion. Acting under Section 239 l and m, Article 12-B of the General Municipal Laws of the State of New York, we approved that application in a letter dated November 20, 1969, but denied by local action. We still hold to that decision, believing a zone change to be the proper way to accomplish the intent of this application. However, we find no objection to your approval of this application as an interim response.

Very truly yours,

Peter Garrison

Peter Garrison
Commissioner of Planning

PG:f

cc: Milton Fischer, Attorney
Ted Marsden
Bernard Sommers

MILTON FISCHER

ATTORNEY AT LAW

542 UNION AVENUE

NEW WINDSOR, N.Y. 12550

(914) 565-5200

16 April 1970

Dear

I represent Charles G. Smith and Ethel Smith of Washingtonville, New York, who are seeking a variance from certain provisions of the zoning ordinances as indicated hereunder. Accordingly, please be informed that the Zoning Board of Appeals of the Town of New Windsor will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

That a variance from provisions of Article III, Section 48-7 of the zoning ordinance of Town of New Windsor be granted to permit the construction of business and professional offices on property located on Union Avenue and situated as follows:

Along the south side of that portion of Union Avenue zoned RB and adjacent to and immediately West of the New Windsor Town Hall for a distance of approximately 780 feet.

The hearing will be held on 4 May 1970 at the TOWN HALL, 555 Union Avenue, New Windsor, New York at 8 o'clock P.M.

Very truly yours,

M. FISCHER

MF/r

41

44

MILTON FISCHER

ATTORNEY AT LAW

542 UNION AVENUE

NEW WINDSOR, N.Y. 12550

(914) 565-5200

7 April 1970

Orange County Planning Board
124 Main Street
Goshen, New York

Re: Application for Variance
Charles G. & Ethel Smith

Gentlemen:

In compliance with provisions of Section 239-m, General Municipal Law, pleased be advised that property, subject of application for variance as indicated on enclosed copy thereof, lies along an Orange County Highway on Union Avenue in the Town of New Windsor. Accordingly said application, together with map, is herewith referred to your Board for appropriate recommendation.

Referring to map enclosed herewith, please note that the shaded portion of area under consideration lies in OLI zone; variance sought affects northern unshaded extensions of shaded portion, which extensions are zoned RB.

Very truly yours,

M. FISCHER

MF/r
Encs.

C
O
P
Y

26A

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date March 31, 1970

To Milton Fischer
RE/ Charles S. & Ethel Smith
542 Union Ave. New Windsor

PLEASE TAKE NOTICE that your application dated March 31 1970, 19.....
for permit to Business Professional or Governmental office
at the premises located at Along Union Ave. and West of New Windsor
Town Hall.

is returned herewith and disapproved on the following grounds:

Not permitted in residence R.B. district.
.....
.....


.....
Building Inspector

APPLICATION is hereby made for the following:

Agenda Service

1. Name Milton Fischer

Address 542 Union Avenue, New Windsor, N.Y.

Telephone Number 565-5200

Are you the owner of the property? no - attorney for owner

2. Briefly describe intention (or attach) and location of property:

3. PLANNING BOARD

Site Plan Preliminary Meeting

Subdivision Preliminary Meeting

Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

Interpretation of Ordinance or Map

Variance (Notify P/B - Plans if necessary)

Informational Meeting

AGENDA DATE Appeal 4/6/70 To Set Hearing

5. BUILDING PERMIT

Planning Board action needed

ZBA. action needed

Site Plan needed

Subdivision approval needed

Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the (Town of New Windsor) will be paid and that

1. Name o Milton Fischer

Address 542 Union Avenue, New Windsor, N.Y.

Telephone Number 565-5200

Are you the owner of the property? no - attorney for owner

2. Briefly describe intention (or attach) and location of property:

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting

_____ Subdivision Preliminary Meeting

_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map

✓ _____ Variance (Notify P/B - Plans if necessary)

_____ Informational Meeting

AGENDA DATE Appeal 4/6/70 To Set Hearing

5. BUILDING PERMIT

✓ _____ Planning Board action needed

✓ _____ ZBA. action needed

_____ Site Plan needed

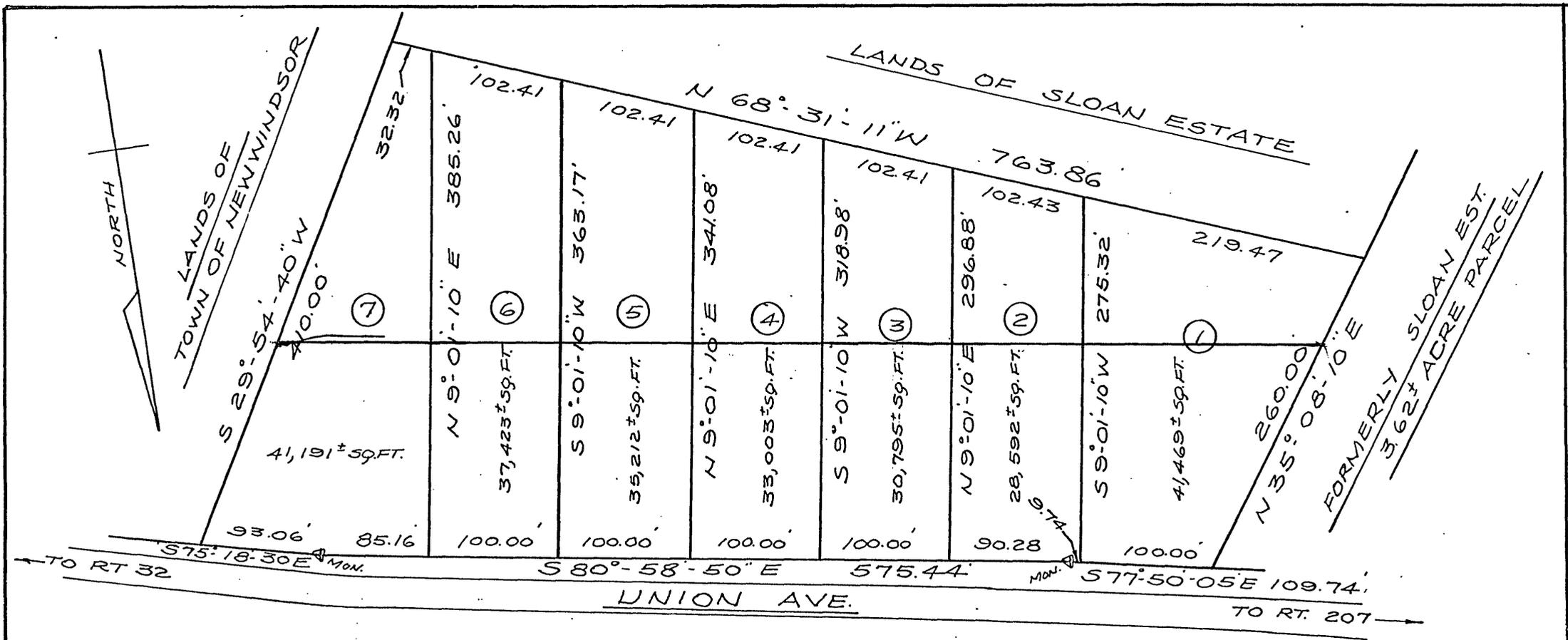
_____ Subdivision approval needed

_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for re-
fer of this project.

Signed: Milton Fischer atty for
CG & ON Smith



MAP
PORTION LANDS OF
ESTATE OF CAMPBELL SLOAN

TOWN OF NEW WINDSOR ORANGE CO, N.Y.
SCALE-1"=100 APRIL 2, 1970

EUSTANCE & HOROWITZ - ENGRS.
 CIRCLEVILLE, NEW YORK - 10919

DWG.#

Charles H. Smith