

ZB# 75-16

**Adolfo Garcia /
Fenelon Properties**

4-1-9.4

Public Hearing
Aug. 11, 1975 - 8 p.m.

Publish on Aug. 2, 1975.

All fees Paid.

Sent to OCP Dept. on
July 28th -

Fee given to J.T.
on 8/1/75

To Town Clerk
for filing

GENERAL RECEIPT

Town of New Windsor, N. Y.

No 2496

Received of Adolph Hain/Lehman Corp. Aug 7 1975
Twenty-five and 00/100 \$ 25.00
For Variance fee no 75-16 Dollars

DISTRIBUTION

FUND	CODE	AMOUNT

Repent. Town Clerk
TITLE
BY Pauline Townsend

John F. Darcy
Attorney for Buyer - AGH

TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

DATE June 30, 1975

APPLICATION is hereby made for the following:

Agenda _____ Service _____

- ✓ 1. Name Adolfo Garcia
Address 1 Parr Circle, Newburgh, New York
Telephone number % Pano Z. Patsalos - 561-4441
Are you the owner of the property? Yes
- ✓ 2. Briefly describe intention (or attach) and location of property:
Property to be used for office and light industry. Survey map attached.

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
Request AREA
_____ Variance (Notify P/B -plans if necessary)
_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
_____ Z.B.A. 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 review of this

✓ 1. Name Adolfo Garcia
Address 1 Parr Circle, Newburgh, New York
Telephone number % Pano Z. Patsalos - 561-4441
Are you the owner of the property? Yes

✓ 2. Briefly describe intention (or attach) and location of property:
Property to be used for office and light industry. Survey map attached.

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_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
Request AREA
_____ Variance (Notify P/B -plans if necessary)
_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
_____ Z.B.A. 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 review of this project.

Signed: Adolfo Garcia
(APPLICANT)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

OFFICIAL
COPY

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

#75-25
(Number)

August 12, 1975
(Date)

I. Applicant information:

- (a) Fenelon Properties, Inc., 600 Route 46, Clifton, N.J.
(Name, address and phone of Applicant) (201) 478-5000
- (b) Adolfo Garcia, 1 Parr Circle, Newburgh, N.Y.
(Name, address and phone of ~~XXXXXXXXXXXX~~
owner
- (c) John F. Darcy, 40 W. Ridgewood Ave., Ridgewood, N.J.
(Name, address and phone of attorney) (201) 445-6722
- (d) James O'Neil
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) OLI Union Avenue, New Windsor approx. 238x185
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner?
- (e) Has property been subdivided previously? When?
- (f) Has property been subject of variance or special permit previously? Yes When? 7/75
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No If so when

#75-25
(Number)

August 12, 1975
(Date)

I. Applicant information:

- (a) Fenelon Properties, Inc., 600 Route 46, Clifton, N.J.
(Name, address and phone of Applicant) (201) 478-5000
- (b) Adolfo Garcia, 1 Parr Circle, Newburgh, N.Y.
(Name, address and phone of ~~XXXXXXXXXXXX~~
owner
- (c) John F. Darcy, 40 W. Ridgewood Ave., Ridgewood, N.J.
(Name, address and phone of attorney) (201) 445-6722
- (d) James O'Neil
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) OLI Union Avenue, New Windsor approx. 238x185
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner?
- (e) Has property been subdivided previously? When?
- (f) Has property been subject of variance or special permit previously? Yes When? 7/75
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No . If so, when
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. No
- _____
- _____

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only
** Non-residential districts only

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development 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.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 3.2, Table of use , Column D Regulations

Table with 4 columns: Sign, Requirements, Proposed or Available, Variance Request. Rows include Sign 1 (4'x5', 6'x8' (2 sided), 76), Sign 2 (6'x8' (2 sided), 96), Sign 3 (2'x20', 40), Sign 4, Sign 5, and Total (20 sq.ft., 232 sq.ft., 212 sq.ft.).

This request deleted by letter of attorney for applicant dated 9/10/15

20 sq.ft. 232 sq.ft. 212 sq.ft. as amended

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

- #1 6'x8' two-sided self-illuminated free standing sign, bottom of sign 12' above finished grade (A G L Welding Supply). To be located at front of property on Union Avenue
#2 6'x8' two-sided self-illuminated free standing sign, bottom of sign 12 feet above roof level (A G L Welding Supply). To be located on southwesterly corner of roof of building
#3 2'x20' sign on roof of building at roof level facing Union Avenue (A G L Welding Supply).

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
None other than those presently being applied for.



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 3.2, Table of use , Column D Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>4'x5'</u>	<u>6'x8' (2 sided)</u>	<u>76</u>
Sign 2	<u> </u>	<u>6'x8' (2 sided)</u>	<u>96</u>
Sign 3	<u> </u>	<u>2'x20'</u>	<u>40</u>
Sign 4	<u> </u>	<u> </u>	<u> </u>
Sign 5	<u> </u>	<u> </u>	<u> </u>
Total	<u>20 sq.ft.</u>	<u>232 sq.ft.</u>	<u>212 sq.ft.</u>

20 sq.ft. 136 sq.ft. 116 sq.ft. as amended

This request deleted by letter of attorney for applicant dated 9/10/75

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

- #1 6'x8' two-sided self-illuminated free standing sign, bottom of sign 12' above finished grade (A G L Welding Supply). To be located at front of property on Union Avenue
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- #3 2'x20' sign on roof of building at roof level facing Union Avenue (A G L Welding Supply).

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
None other than those presently being applied for.

X. AFFIDAVIT.

Date August 25, 1975

JERSEY
STATE OF NEW YORK)
) SS.:
COUNTY OF ~~OSWEGO~~)

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.

William J. Low
(Applicant)

Sworn to before me this
26th day of August, 1975.

Elice Duck
Notary Public

XI. ZBA Action:

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

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

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.

William J. ...
(Applicant)

Sworn to before me this

26th day of August, 1975.

Eric ...
Notary Public

XI. ZBA Action:

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

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

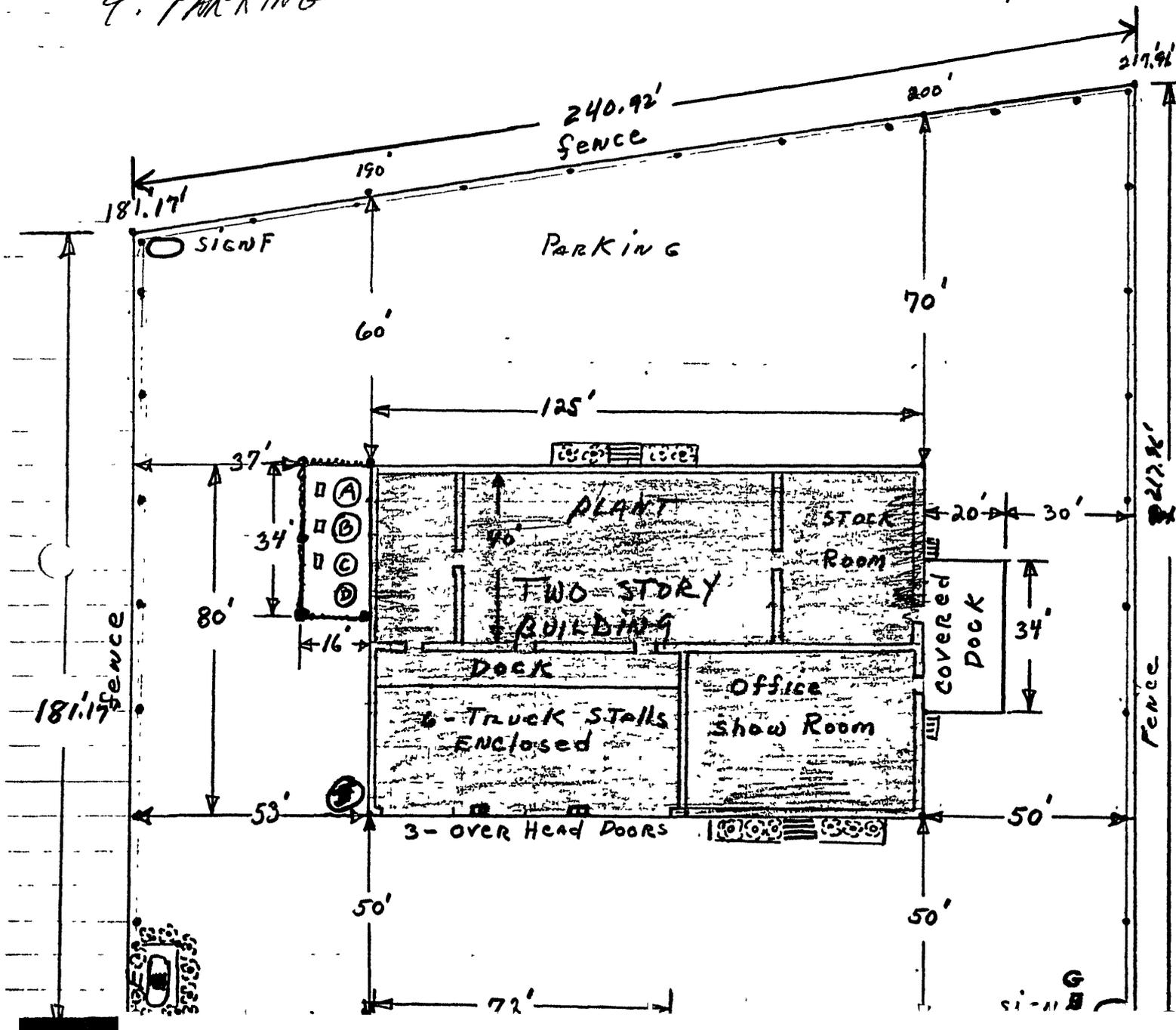
VARIANCES REQUIRED

	<u>REQUIRED</u>	<u>AVAILABLE</u>	<u>VARIANCE</u>
1. Area	80,000'	47,797+'	32,202+'
2. Lot Width	200'	200+'	None
3. Front Yard	100'	50'	50'
4. Side Yard	50/110'	67'	43'
5. Rear Yard	50'	60+'	None
6. Floor Area Ratio	.2 (10,000')	10,000'	1,200'
7. Max. Bldg. Height	25'	10' (Based on 4" x 30')	15'

~~8. Sign~~

9. PARKING

7 spaces

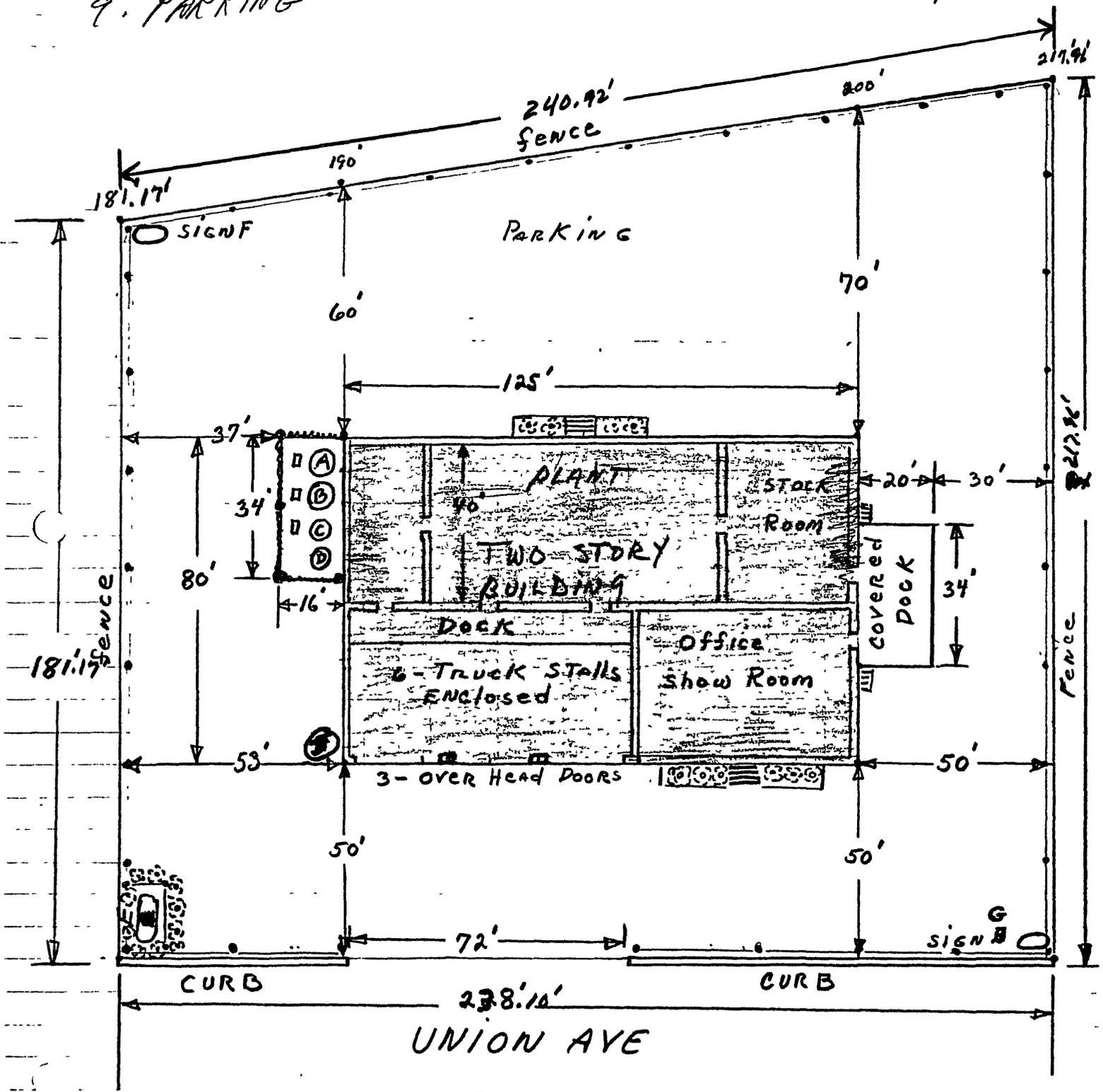


3. Front Yard	100'	50'	50'
4. Side Yard	50/110'	67'	43'
5. Rear Yard	50'	60+'	None
6. Floor Area Ratio	.2 (10,000')	10,000'	1,200'
7. Max. Bldg. Height	25'	10' (Based on 4" x 30')	15'

~~8. Sign~~

9. PARKING

7 spaces



- A BULK OXYGEN STORAGE TANK TL 6000 HEIGHT 25'-9"
DIAMETER 96" GALLONS 6022 WORKING PRESSURE 77 PSI
- B BULK NITROGEN STORAGE TANK TL 6000 HEIGHT 25'-9"
DIAMETER 96" GALLONS 6022 WORKING PRESSURE 77 PSI
- C BULK ARGON STORAGE TANK TL 3000 HEIGHT 15'-11"
DIAMETER 96" GALLONS 3133 WORKING PRESSURE 83 PSI
- D CARBON DIOXIDE STORAGE TANK 12.5 TONS LENGTH 32'-6"
WITH 6' HEIGHT 6'-4" WORKING PRESSURE 363 PSI
- E BULK PROPANE STORAGE TANK 19,000 GALLONS 32'-8" LONG
DIAMETER 11' WORKING PRESSURE 250 P.S.I.

- F SIGN FREE STANDING, SELF ILLUMINATING 3'x6'
DUAL FACED, TOP OF SIGN 16' ABOVE GROUND
- G SIGN, FREE STANDING, SELF ILLUMINATING 3'x6', DUAL FACED,
TOP OF SIGN 30' ABOVE GROUND.
- H SIGN ON ROOF OF BUILDING, SELF ILLUMINATING,
3'x16', 28' ABOVE FINISHED GRADE
- J GASOLINE PUMP.
- INDICATES FENCE 6' CHAIN LINK

 INDICATES SHRUBS

NOTE ENTIRE AREA AROUND BUILDINGS PAVED

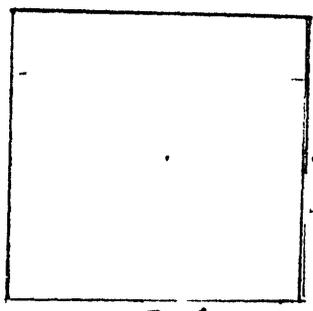
NORTH

TO N.Y. CITY N.Y.S. THRU-WAY TO ALBANY

N 20°-10'-40"E 41.12' MON N 20°-18'-25"E - 199.80'

LANDS OF PATSALOS

N 60°-55'-45"W - 181.17



80'

80'

S 60°-55'-45"E - 217.96

LANDS N/P PATSALOS

S 29°-06'-50"W - 9.82 S 29°-04'-15"W - 228.28'

TO RT. 207 UNION AVENUE TO RT. 17K

SURVEY

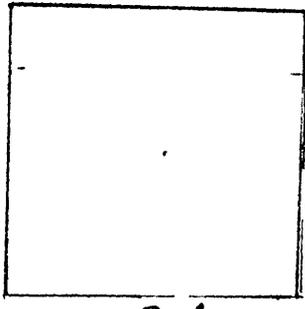
LANDS OF
ADOLFO GARCIA

~~NORTH~~
TO N.Y. CITY ... N.Y.S. THRU-WAY ... TO ALBANY

N 20°-10'-40"E ... N 20°-18'-25"E - 199.80'
41.12' MON

LANDS OF PATSALOS

N 60°-55'-45"W - 181.17



S 60°-55'-45"E - 217.96

LANDS A/P PATSALOS

S 29°-06'-50"W - 9.82 ... S 29°-04'-15"W - 228.28'

TO RT. 207 ... UNION AVENUE ... TO RT. 17K

SURVEY

LANDS OF
ADOLFO GARCIA

TOWN OF NEW WINDSOR

ORANGE CO. N.Y.

SCALE - 1" = 50'

JUNE 2, 1969

EUSTANCE S. HOROWITZ, ENGINEER
CIRCLEVILLE, N.Y. 10919

555 Union Avenue
New Windsor, N. Y. 12550
August 26, 1975

Pano Patsalos, Esq.
Attorney at Law
295 Ann Street - P. O. Box 2096
Newburgh, N. Y. 12550

RE: APPLICATION FOR VARIANCE - Garcia/ Fenelon Properties Inc.

Dear Mr. Patsalos:

Enclosed please find copy of formal decision of the Zoning Board
of Appeals granting the above application for variances.

If I can be of further assistance please do not hesitate to call.

Yours truly,

PATRICIA DELIO, Secretary
Zoning Board of Appeals

/pd

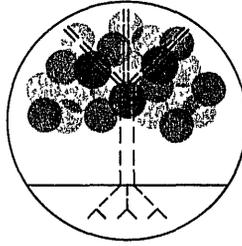
Enclosure

cc: Mr. Adolfo Garcia
1 Parr Circle
Newburgh, N. Y. 12550

Fenelon Properties Inc.
600 Rt. 46, Corner Hazel Street
Clifton, N. J.

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



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

County of Orange

Louis V. Mills, County Executive

AUG 11 1975

August 7, 1975

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
% Patricia Delio, Secretary
Town Hall
555 Union Avenue
New Windsor, New York 12550

Re: Area Variance -
Garcia and Fenelon
Properties - County Rd. 38
(Union Avenue)

Dear Mr. Jargstorf:

Our office has reviewed the above application in accordance with the provisions of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We have no objection to the application and hereby return the matter for final determination by your Board. However, since the property fronts a County highway, the matter should be referred to said agency for review and comment.

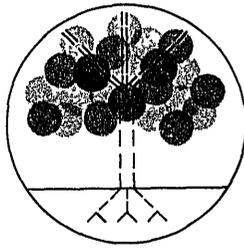
Very truly yours,

Peter Garrison
Peter Garrison
Commissioner of Planning

PG:mj
cc: OCDPW

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



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

County of Orange

Louis V. Mills, County Executive

September 4, 1975

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
% Mrs. Patricia Delio, Secretary
Town Hall
555 Union Avenue
New Windsor, New York 12550

Re: Variance - Fennelon Properties, Inc.
Cty. Rt. 69 (Union Avenue)
Our File No. NWT 75-25-M

Dear Mr. Jargstorf:

Our office has reviewed the application above, in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

County Planning Department is hereby denying this application. I refer you to the enclosed Staff Report for our detailed comments.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG:mj
Enclosures

ORANGE COUNTY DEPARTMENT OF PLANNING

STAFF REPORT

MANDATORY REFERRAL PURSUANT TO
SECTIONS 239 1, m AND n, ARTICLE 12-B
GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK

Report No.: 1 File No: NWT 75-25-M Date: September 4, 1975

Community: New Windsor

Community Project No. 75-25

Proposal and Its Location:

The applicant is seeking to erect a 6'x8' two-sided, self-illuminated free-standing sign 12' in height in the front of the building; a two-sided self-illuminated sign, 12 feet in height, located above the roof level; and a 2'x20' sign on the roof of the building facing Union Avenue. The property is located on Union Avenue, several hundred feet from Route 207.

Date, Time, and Place of Public Hearing:

September 8, 1975, New Windsor Town Hall

Description and Analysis:

The applicant plans to build a facility to be used for the distribution of welding supplies, compressed gases, fire extinguishers, medical supplies, etc. Said property is located in an OLI zone and the size and configuration of the parcel resulted in the applicant seeking a number of variances relative to area prior to the submission of this application pending before your Board. Under the OLI district sign regulations, the applicant can erect a sign 20 square feet in area, 12 feet above the ground level, behind the property line or sidewalk line. Directional signs are also permitted. The applicant plans to supersede said requirements by 212 square feet and plans to locate signs above and at roof levels in addition to one of a free-standing nature.

Staff Recommendations:

The variance requested on the part of the applicant is quite substantial. We fail to see where there exists practical difficulty, since it appears that modifications can be made as to the types, area, and locations of signs. It would appear that a single, free-standing sign would be more than adequate to identify the business on the premises. The application, as submitted, is hereby denied.

Reviewed by:
Joel Shaw
Senior Planner

AGL Welding -
#75-16 Y
#75-25

555 Union Avenue
New Windsor, N. Y. 12550
March 22, 1977

John F. Darcy, Esq.
Orbe and Nugent
40 West Ridgewood Avenue
Ridgewood, N. J. 07450

RE: REQUESTED EXTENSION OF VARIANCES - #75-16 and #75-25
FENELON PROPERTIES, INC.

Dear Mr. Darcy:

Kindly be advised that the New Windsor Zoning Board of Appeals have
voted unanimously to extend the above variances until October 22,
1977.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

cc: Mr. Richard Marciniak
% AGL Welding Supply
Union Avenue
New Windsor, N. Y. 12550

Howard Collett, Bldg./Zoning Inspector
Town of New Windsor

Henry Van Leeuwen, Chairman
New Windsor Planning Board

④ AGL

Action Needed

Agenda 3/21/77.

MAR 14 1977

ORBE AND NUGENT
COUNSELLORS AT LAW
40 WEST RIDGEWOOD AVENUE
RIDGEWOOD, N J 07450

OCTAVIUS A ORBE
ALFRED S NUGENT, JR
RONALD G COLLINS
JOHN F DARCY
JOHN F WHITTEAKER
PETER J BRINA

TEL 445-6722
AREA CODE 201

March 11, 1977

Mrs. Patricia Razansky, Secretary
Zoning Board of Appeals
Municipal Building
New Windsor, New York 12550

Re: Fenelon Properties, Inc.
Commercial Building on Union Avenue (OLI Zone)
(1) Sign Variance No. 75-25
(2) Area, front yard, side yard, floor area
ratio, maximum building height and parking
space variances, No. 75-16

Dear Mrs. Razansky:

The Zoning Board of Appeals granted the above variances to our client by Resolutions executed on August 25, 1975 (No. 75-16) and October 6, 1975 (No. 75-25). I am enclosing a copy of each Resolution for your information.

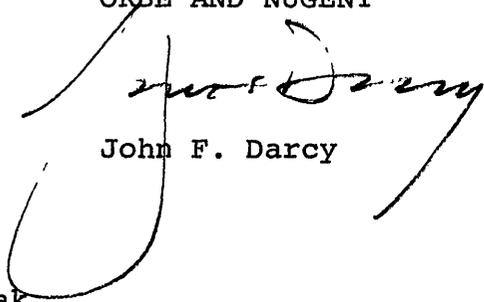
Subsequently, we appeared before the Planning Board on a Site Plan Application, and the Planning Board at the October 22, 1975, meeting extended the time for Fenelon Properties to apply for a building permit until October 22, 1977. We were under the erroneous impression that the Planning Board extension also extended the life of the variances until October 22, 1977. We were obviously mistaken.

We now respectfully request that the Zoning Board of Appeals extend the life of the captioned variances until October 22, 1977.

Thank you for your courtesy and cooperation.

Very truly yours,

ORBE AND NUGENT



John F. Darcy

JFD:gl

Enclosures

cc: Mr. Richard A. Marciniak

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the Matter of the Application of

FENELON PROPERTIES, INC.

DECISION GRANTING
SIGN AREA VARIANCE

WHEREAS FENELON PROPERTIES, INC. of 600 Route 46, Corner of Hazel Street, Clifton, New Jersey, have made application for a variance from the provisions of New Windsor Local Law, Section 3.2 of the Table of Use Regulations, Column D for an OLI zone, to permit variation on a sign; and

WHEREAS a Public Hearing on the application was held by the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, New York on the 8th day of September, 1975 after due publication in The Evening News and due notice to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS the owner of the building and the proprietor of the business known as "AGL Welding" having appeared at the public hearing together with John Darcy, Esq., attorney for FENELON PROPERTIES, INC., and pictures of the proposed sign having been presented by Mr. Darcy, and no opposition having appeared;

NOW THEREFORE the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The signs are in good taste and not offensive to the area.
2. The business is located on a fast moving highway and a sign is needed for identification purposes since the operation is a new one in the Town of New Windsor.
3. The proposed variance is for 116 feet of sign and is not inconsistent with the OLI permitted signs located in the area.

The Zoning Board of Appeals of the Town of New Windsor makes the following determinations of law in this matter:

1. The variance sought is not substantial in relation to the allowed sign size in the OLI zone under the Zoning Local Laws; and
2. The effect of the variance if allowed on the population and available government facilities would be nil; and
3. No substantial change in the character of the neighborhood would result nor would there be a substantial detriment to the adjoining properties.
4. The difficulty with respect to advertising of the business cannot be obviated by some other method feasible for the applicant to pursue, other than a variance.
5. The interests of justice would be served by allowing the variance.

AND THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor determines that the applicant meets the practical difficulty test for a Zoning Variance under the New York State Law and the Zoning Board of Appeals awards the variance as sought.

BE IT FURTHER RESOLVED that a copy of the decision be forwarded to the applicant corporation, Town Clerk, and Town Planning Board.



THEODORE JARGSTORF, Chairman

Dated: October 6, 1975.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE

-----x
In the Matter of the Application of
ADOLFO GARCIA and FENELON PROPERTIES, INC.

DECISION GRANTING AREA
VARIANCES AND PARKING
SPACE VARIANCE

-----x
WHEREAS ADOLFO GARCIA of 1 Parr Circle, Newburgh, New York and
FENELON PROPERTIES, INC. of 600 Route 46, Corner of Hazel Street, Clifton,
New Jersey, have made application for a variance from the provisions of the
New Windsor Local Law, Section 4.2 of the Table of Bulk Regulations with respect
to OLI districts, under Application No. 75-16 of the New Windsor Zoning Board
of Appeals for property located on Union Avenue in New Windsor, N. Y. to permit
the construction of a building, the use of which is suitable for an OLI Zone;
and

WHEREAS a public hearing on the application was held by the
Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, New
York on the 11th day of August, 1975 after due publication in The Evening News
and due notice to residents and businesses within 500 feet of the subject
premises by certified mail; and

WHEREAS the Orange County Planning Dept. has stated in a letter
dated August 7, 1975 that it has no objection to the application for a variance
and left the matter in the hands of the Zoning Board of Appeals; and

WHEREAS at the hearing the petitioning seller, ADOLFO GARCIA,
was represented by James Patsalos who was substituting for his ill brother,
Paco Patsalos, Esq., and the petitioning corporation, FENELON PROPERTIES, INC.
was represented by John F. Darcy, Esq. together with two officers of the
corporation, and no one having appeared in opposition to the application; and

WHEREAS the Zoning Board of Appeals makes the following findings of fact in this matter:

(1) In light of the new Zoning Local Law which was adopted by the Town on May 21, 1975 various variances are required in order to permit the subject lot to bear a building of suitable size for profitable purposes; and

(2) The following variances, which have been sought by petitioner, are necessary to permit the construction of a suitable building on the site; area variance of 32,200 feet, plus or minus, front yard variance of 50 feet, sideyard variance 43 feet, floor area ratio variance 1200 feet, maximum building height variance 15 feet, number of parking space variance - 7 spaces; and

(3) The petitioning corporation has presented pictures of the proposed building together with diagrams and sketches and the proposed building will be a credit to Union Avenue and the entire Town of New Windsor.

WHEREAS the Zoning Board of Appeals makes the following findings of law in this matter:

(1) The area variance sought is not substantial in relation to the legally required standards as set forth in the Zoning Local Law.

(2) The affect of the variance if allowed would have no effect on the governmental facilities available on Union Avenue, especially since recently installed water and sewer lines are available.

(3) No substantial change will be produced in the character of the neighborhood nor will there occur a substantial detriment to the adjoining properties, but contrary wise, the neighborhood will be upgraded;

(4) There is no feasible way for the applicant to erect a suitable and profitable structure without the variances being approved;

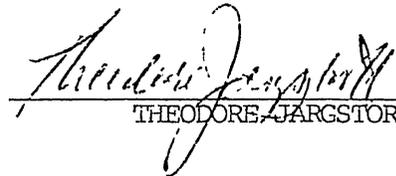
(5) There are no other factors or interests bearing on this matter.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor hereby grants the area variances and parking spaces variance as set forth hereinabove; and

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the attorney for the applicant, the Town Planning Board, and the Town Clerk.

Dated: New Windsor, N. Y.

Aug 25, 1975.



THEODORE JARGSTORF, Chairman

ROLL CALL:	Mrs. Budney:	Yes
	Mr. Bivona:	Yes
	Mr. Bilello:	Yes
	Mr. McCarville:	Yes
	Mr. Yorkis:	Yes
	Mr. Stortecky:	Yes
	Mr. Jargstorf:	Abstaining

OCPD.-

APPLICATION FOR VARIANCE

Application No. 75-16

Date: July 17, 1975

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

I (We) Adolfo Garcia and Fenelon Properties Inc.

of 1 Parr Circle, Newburgh, N. Y. and 600 Rt. 46, Cor. Hazel St., Clifton, NJ,
(Street & Number) respectively

HEREBY MAKE

(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property Union Avenue OLI
(Street & Number) (Zone)

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.) Table of Bulk Regulations, Section 4.2 for OLI District

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: Lot size is less than required by in this zone.

Neighboring lands, upon information and belief, have obtained variance because of lot size.

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: The lot size is less than required

in this zone. Neighboring lands, upon information and belief, have obtained variance because of lot size.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Ordinance

was adopted subsequent to ownership of land by applicant, Garcia.

Applicant's land has not been altered since ownership.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: Use of premises will be in conformance with Ordinance. Building to be constructed will not only be an asset to the Town but will enhance the area.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: Neighboring properties are similarly confronted with lot size less than required in this zone.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

First floor of building is to be used for Showroom, Warehouse and Stock area for the distribution of welding supplies, compressed gases, fire extinguishers, medical supplies and contemplated in future to have bulk oxygen and other gases. Second floor to contain office space for rental of third parties. Land also to be utilized for parking of vehicles.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: July 17, 1975

Adolfo Garcia
Signature of Applicant - Adolfo Garcia
Fenelon Properties Inc.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

By: William J. Ken v P
600 Rt. 46, Clifton, N.J. 07015
Address

Sworn to on this 28 day of July, 19 75.
PANO Z PATALOS

Raul J. Patalos
(Notary Public)
Notary Public, State of New York
Residing in Orange County
My Commission Expires March 30, 1976

201-478-5000
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. _____ Date Received _____
Date of Hearing _____ Notice Published _____
Date of Decision _____

DECISION: _____

555 Union Avenue
New Windsor, N. Y. 12550
August 14, 1975

Pano Z. Patsalos, Esq.
Attorney at Law
395 Ann Street
P. O. Box 2096
Newburgh, N. Y. 12550

RE: APPLICATION FOR VARIANCE - Adolfo Garcia/Fenelon Properties Inc.

Dear Mr. Patsalos:

Kindly be advised that the above application for a variance was granted by the Zoning Board of Appeals at their recent meeting held on August 11, 1975. A formal decision will be drafted by the Town Attorney and will be forwarded to you as soon as the Board has a chance to approve same.'

Hope you are feeling better.

Very truly yours,

PATRICIA DELIO, SECRETARY

/pd

cc: Howard Collett, Building Inspector

Joseph Loscalzo, Chairman
New Windsor Planning Board

Public Hearing - 8 p.m. - Adolfo Garcia / Fenelon

Spectators:

<u>Name:</u>	<u>Address:</u>
Adolfo Garcia	1 Park circle Newburgh.
José O'Neil	47 So. Park Rd
James J. Patullo	Grand Ave. W. of N.Y.
Paul J. Brant	A. G. Newton Newburgh N.Y.
P. A. Mancinich	A. G. Newton Newburgh N.Y.

July 31, 1975

Mr. Joseph Loscalzo, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N.Y. 12550

RE: PUBLIC HEARINGS BEFORE THE ZONING BOARD OF APPEALS

Dear Mr. Loscalzo:

Kindly be advised that the following public hearings are scheduled for the evening of August 11, 1975:

- 8:00 p.m. - Application for variances of Garcia/Fenelon Corp. ✓
- 8:15 p.m. - Application of Ludas Automotive (U Haul trucks)
- 8:30 p.m. - Dexion Manufacturing

For your information, I have enclosed herewith copies of the above applications together with the public hearing notices which appeared in The Evening News.

Sincerely,

PATRICIA DELIO, Secretary

/pd

cc: Howard Collett, Bldg. Inspector

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

July 24, 1975

TO: ZONING BOARD OF APPEALS

SUBJECT: MEETING OF JULY 28, 1975

Dear Members:

There will be a regular meeting of the ZBA on Monday evening, July 28th, 1975 at 7:30 p.m. at the Town Hall.

AGENDA:

7:30 P.M. - Roll call

Motion to approve the June 23rd and July 14th minutes as written.

PRELIMINARY MEETINGS:

1. V.S.H. Realty - Rider, Weiner & Loeb (Steve Reineke)
2. DEXION - (Steve Previdi) - Request for sideyard and Height variances for addition to bldg.

8:00 P.M. - PUBLIC HEARING on Application of B.L.C. Properties -(Perkins Pancake & Steak House) for sign variance. (Joseph & Mary Bonura)

8:15 P.M. - PUBLIC HEARING on Application of Plaza Properties Co. for sign variance (Big V Plaza) - Vincent Vuolo.

DECISION: On Application of Frank Purdy for dog kennel.

Discussion Period.

Adjournment.

Sincerely,

Dat



1783

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Mobil Oil Corp.
688 White Plains Road
Scarsdale, New York 10583

Cicchetti, O. Edward
Divoti, Primo
Panella, Emilio
34 Baltsas Road
Newburgh, New York 12550

Maroney, James
813-817 Union Avenue
New Windsor, New York 12550

Golden, Edward Leon
C/O David Goldin & Son
46 William Street
Newburgh, New York 12550

Union Avenue Ent. Inc.
P.O. Box 87
Newburgh, New York 12550

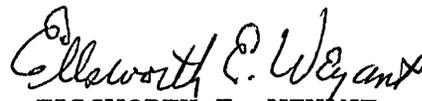
Schaffner, Frank & Anna
MD#29 Route 207
New Windsor, New York 12550

New York State Thruway
Albany, New York

City of Newburgh
C/O City Comptroller
City Hall
Newburgh, New York 12550

Patsalos, James Z.
P.O. Box 2175
Newburgh, New York 12550

Respectfully submitted,


ELLSWORTH E. WEYANT
Sole Assessor
New Windsor

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

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 48-33 A of the Zoning Ordinance on the following proposition:

Appeal No. 16
Request of Adolfo Garcia and Fenelon Properties Inc. for a
Variance ~~Conditional Use Permit~~ of the regulations of
the Zoning Ordinance, to permit authorization for insufficient
area, front yard, side yard, and floor area and height
(describe proposal)
being a Variance ~~Conditional Use Permit~~,
Section 4.2, for property owned by him situated
as follows: West side of Union Avenue containing 1.09 acres
of land and being adjacent to Jim Moroney's Cycle Shop

SAID HEARING will take place on the 11th day of Aug., 1975,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:00 o'clock P. M.

Theodore Spangolof
Chairman

6/26/75

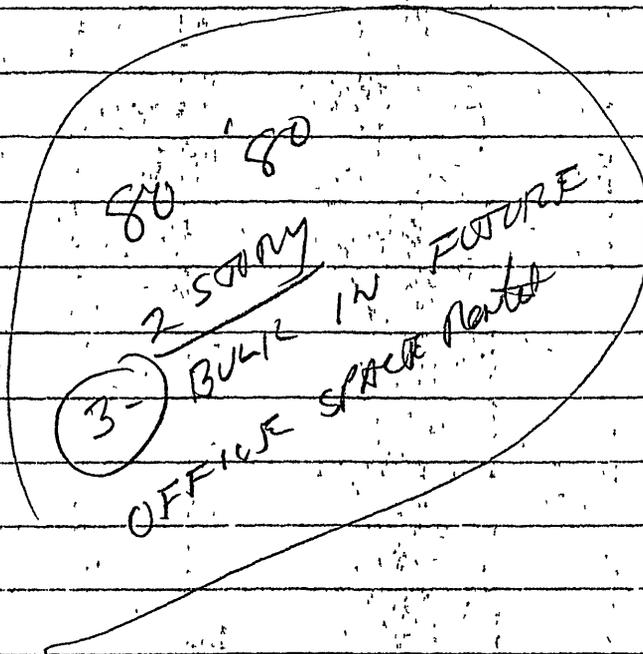
AGL

BUILDING WITH A SHOWROOM, WAREHOUSE AND STOCK AREA FOR THE DISTRIBUTION OF WELDING SUPPLIES AND COMPRESSED GASES, FIRE EXTINGUISHERS AND MEDICAL SUPPLIES

ALSO THE POSSIBILITY OF HAVING BULK OXYGEN, NITROGEN, CARBON DIOXIDE, ARGON, PROPANE CONTAINERS WITH AN AREA FOR PUMPING CYLINDERS

BUILDING WILL ALSO HAVE PARKING FOR 4 TO 5 TRUCKS INSIDE WITH A LOADING DOCK

SECOND STORY TO HAVE OFFICE SPACE FOR RENTAL WITH PARKING FOR TENANTS



Pano Z. Patsalos
Attorney at Law
(914) 561-4441

Agenda -
Mon. July 14th - 7:30 - Called 7/9/75.
395 Ann Street
Post Office Box 2096
Newburgh, New York 12550

July 1, 1975

Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Att.:- Mr. Harold Collette

Dear Mr. Collette:-

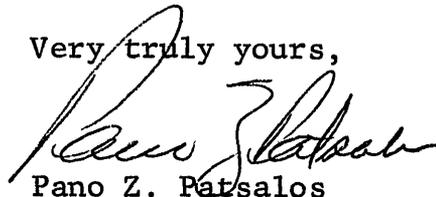
Confirming our telephone conversation of June 30, 1975, enclosed herewith find the application of Adolfo Garcia with reference to premises located on the west side of Union Avenue in the Town of New Windsor. Attached to such application you will also find a survey map of the premises.

As has been explained to you, the contract purchaser of these premises, Fenelon Properties Inc., desires to construct a building upon such premises. It is my understanding that due to the size of the lot an area variance from the Zoning Board of Appeals will be necessary.

On behalf of Mr. Garcia, I request that this application be scheduled for the next Zoning Board of Appeals meeting which I understand is July 14, 1975. Would you kindly confirm to the undersigned that this matter will be presented on that date and the procedures, if any, which must be observed for appearance before the Board on July 14, 1975.

Your early attention and reply is requested.

Very truly yours,


Pano Z. Patsalos

PZP:vc
Encs.

