

ZB# 79-12

RAJ 2300
Investors Corp.

8-2-3

RAJ 2300 Investors Corp.

#79-12

Public Hearing

July 9, 1979 - 8:30
A.M.

denied 40.

Collect fee - 25.00

Lou Grevas -
56.2-8640

(not subdivided)
60 ft. road frontage
required

May 23 -
Planning
Bd. minutes

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

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

R.A.J. 2300 INVESTORS CORP.

DECISION DENYING
AREA VARIANCE.

Application #79-12.
-----x

WHEREAS, R.A.J. 2300 INVESTORS CORP., Box 186, Vails Gate, New York, 12584, has made application before the Zoning Board of Appeals for an area variance on property located on Park Hill Drive (R-4 zone) in the Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 9th day of July, 1979 before the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, N. Y.; and

WHEREAS, applicant was represented by the consulting engineering firm of McGoey, Hauser and Grevas and William Hauser was present; and

WHEREAS, the application was opposed by several of the adjacent property owners who were present at the hearing; and

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also required by law.
2. The evidence shows that the variance sought is a substantial change in the Zoning Local Law, seeking to reduce a required 60 ft. front to 25 ft.
3. The evidence presented based upon the personal knowledge of Board member, Babcock, shows that construction upon the lot as proposed if the variance should be granted would change the character of the

neighborhood which is that of a spacious residential community and would probably result in the construction of a building which would be in closer proximity to the neighboring buildings than is presently the case. As a matter of law: (a) the lot as proposed would be a substantial deviation from the requirements of the Zoning Code and would result in a change in the character of the neighborhood.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. There has been no evidence shown that the applicant will encounter practical difficulty if the area variance is denied.
2. The evidence shows that the area variance if granted will result in substantial detriment to adjoining properties and change the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor deny an area variance as requested by the applicant in the application before the Board.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals transmit a copy of this decision to the Town Planning Board, Town Clerk and applicant's representative.

Dated: September 24, 1979.


Chairman

BOARD OF ZONING APPEALS
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-12
(Number)

25 June 1979
(Date)

I. Applicant information:

- (a) R.A.J. 2300 Investors Corp., Box 186, Vails Gate, N.Y. 12584 (914-561-7000)
(Name, address and phone of Applicant)
- (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
- Special permit

III. Property information:

- (a) R-4 Park Hill Drive Sect. 8, Block 2, Lot 3 1.2+ Acres
(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? April 1979
- (e) Has property been subdivided previously? Yes When? 1959
- (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 _____

79-12.
(Number)

25 June 1979
(Date)

I. Applicant information:

- (a) R.A.J. 2300 Investors Corp., Box 186, Vails Gate, N.Y. 12584 (914-561-7000)
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
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- (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? April 1979
- (e) Has property been subdivided previously? Yes When? 1959
- (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 If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. _____

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 48-12, Table Part I, Column 9

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>15,000</u>	<u>25,000+</u>	<u>None</u>
Min. Lot Width <u>100</u>	<u>100</u>	<u>None</u>
Reqd. Front Yard <u>35</u>	<u> </u>	<u>None</u>
Reqd. Side Yards <u>15 / 30</u>	<u>15 / 30</u>	<u>None / None</u>
Reqd. Rear Yard <u>40</u>	<u>40</u>	<u>None</u>
Reqd. Street Frontage* <u>60/lot</u>	<u>50</u>	<u>70</u> ✓
Max. Bldg. Hgt. <u>2-1/2Sty(35')</u>	<u>2-1/2Sty(35')</u>	<u>None</u>
Min. Floor Area* <u>1000</u>	<u>1000</u>	<u>None</u>
Development Coverage* <u>30 %</u>	<u>30 (Max) %</u>	<u>None %</u>
Floor Area Ratio** <u> </u>	<u> </u>	<u> </u>

(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.



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Reqd. Side Yards <u>15 / 30</u>	<u>15 / 30</u>	<u>None / None</u>
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Min. Floor Area* <u>1000</u>	<u>1000</u>	<u>None</u>
Development Coverage* <u>30 %</u>	<u>30 (Max) %</u>	<u>None %</u>
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.

Property has 50' road frontage on Park Hill Road; in order to
provide access, an easement is proposed from one of the lots;
in order to construct a full-width road, it would be necessary
to remove several large pine trees, which effectively screen
an adjoining property.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
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?

Property has 50' road frontage on Park Hill Road; in order to
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Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/> <hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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(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. Special Permit:

(a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

(b) Describe in detail the use and structures proposed for the special permit.

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.)

As noted, (V a), the row of pine trees provides driveway screening on an adjoining property; in addition, the property is wooded; construction of homes in the property, if properly done, would result in natural screening around the perimeters.

IX. Attachments required:

___ Copy of letter of referral from Building and Zoning Inspector.

___ Copy of contract of sale, lease or franchise agreement.

___ Copy of tax map showing adjacent properties

___ 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 amount of \$ _____ payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

- (b) Describe in detail the use and structures proposed for the special permit.

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.)

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- ___ 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 amount of \$ _____ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ___ Other

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.

[Handwritten Signature]

(Applicant)

Sworn to before me this

25th day of June, ¹⁹⁷⁹~~1975~~.
[Handwritten Signature]

RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1980
Reg. No. 4673512

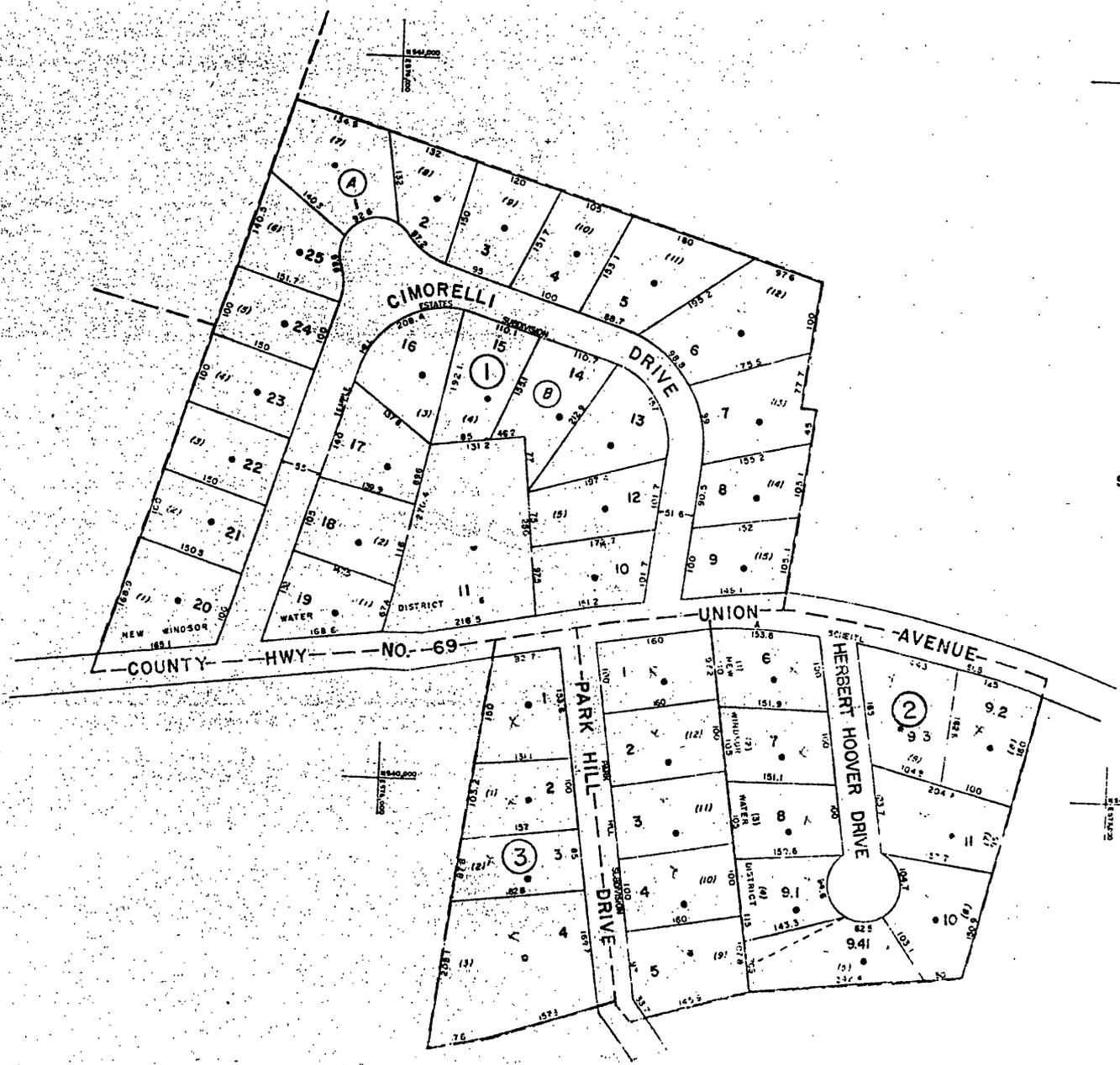
XI. ZBA Action:

- (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.

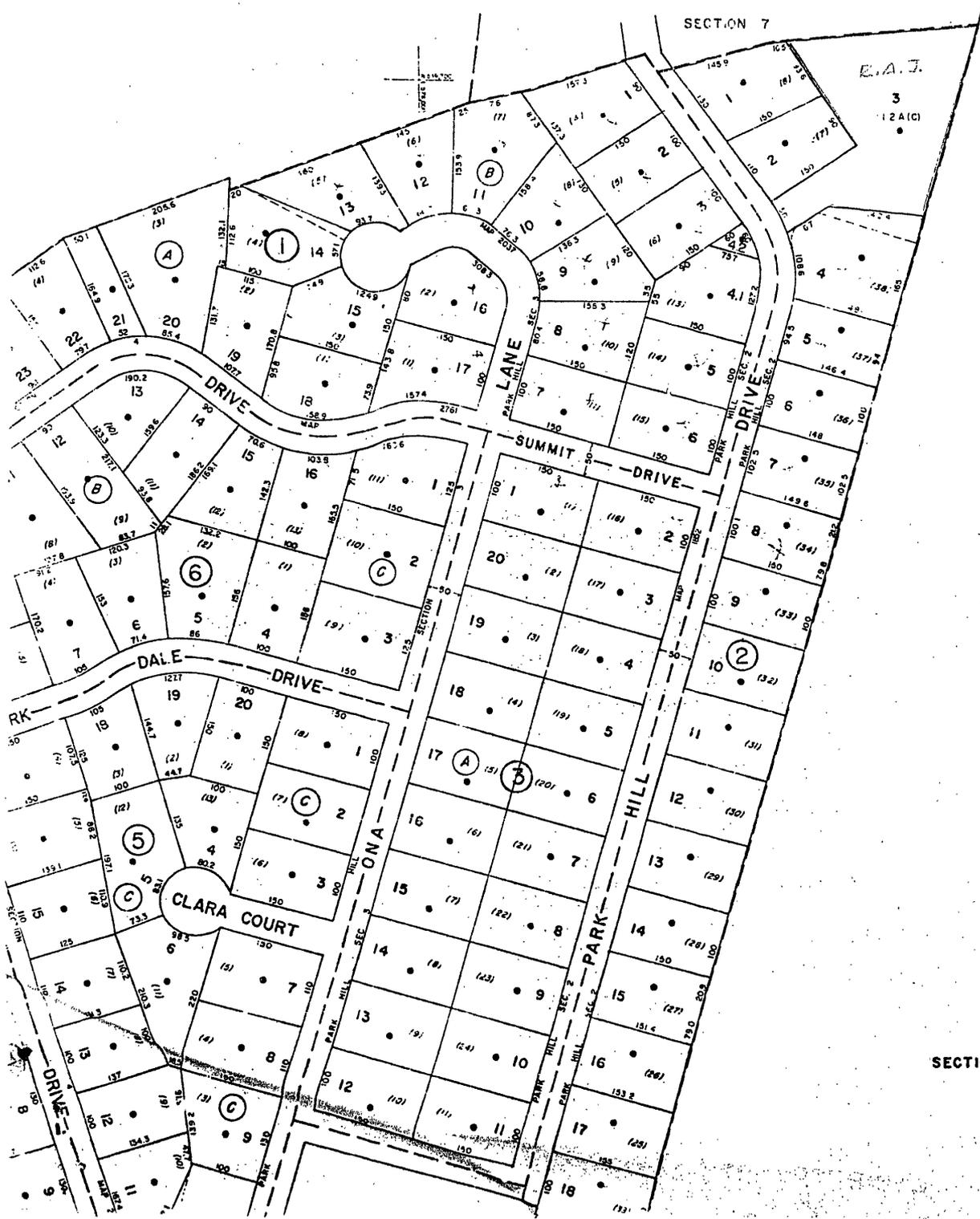
SECTION 4

SECTION 4



SECT. 7

SECTION 6



SECTION 7

E.A.J.

SECTION 4

SECTION 4

SECT. 8



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

45

37 receipts
& unclaimed

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

June 23, 1979

McGoey, Hauser & Grevas
194 Route 9W
Newburgh, N.Y.

Dear Mr. Grevas:

Your property list has been checked and verified. The fee for this service is \$20.00.

Very truly yours,

PAULA KING
Sole Assessor
Town of New Windsor

PK/em



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

not attend
Paolo Philip & Elizabeth
505 Union Ave
New Windsor NY

✓ Zgrodek Charles A & Rosetta
487 Union Ave.
New Windsor NY

✓ McPhillips William M & Edna F
481 Union Ave
New Windsor NY

✓ St Josephs Society of New York Inc
Epiphany Apostlic College
PO Box 4334
Newburgh, NY

✓ Wilke Frederick L & Theresa
1 Park Hill Drive
New Windsor NY

✓ Dubaldi Carman R & Louise
3 Park Hill Drive
New Windsor NY

✓ Guadagno John A & Concetta
5 Park Hill Drive
New Windsor NY

✓ Mesaris Joseph & Joan
7 Park Hill Drive
New Windsor NY

Ronsini Frank
9 Park Hill Drive
New Windsor NY

✓ Denny William & Concetta
2 Herbert Hoover Drive
New Windsor NY

✓ Gaudioso Bartholomew R
& Marie
4 Herbert Hoover Drive
New Windsor NY

✓ Muscarella Lenin & Anne
6 Herbert Hoover Drive
New Windsor NY

Kun Julius & Susanne
8 Herbert Hoover Drive
New Windsor NY

✓ Ruscitti Micheal A & Johanna
7 Herbert Hoover Drive
New Windsor NY

✓ Walsh Edward P & Joan
5 Herbert Hoover Drive
New Windsor NY

✓ Bennet John F & Hilda
3 Herbert Hoover Drive
New Windsor NY

✓ Rodriguez Edwin & Maria
447 Union Avenue
New Windsor NY

✓ Griffin Jean E
1 Herbert Hoover Drive
New Windsor NY

✓ Wilson Paul Jr & Marion
2 Park Hill Drive
New Windsor NY

✓ Nix John A & Barbara Jean
4 Park Hill Drive
New Windsor NY

✓ Tucker Harold & Francis
6 Park Hill Drive
New Windsor NY

✓ Petro John & Martha
8 Park Hill Drive
New Windsor NY



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

- ✓ Rizzuto Robert & Margaret
10 Park Hill Drive
New Windsor NY
- ✓ DeCrosta Marino L & Rita
12 Park Hill Drive
New Windsor NY
- ✓ Tallarico Joseph & Lucy
14 Park Hill Drive
New Windsor NY
- ✓ Coakley Charles A & Rose Ann
16 Park Hill Drive
New Windsor NY
- ✓ Welch Charles & Rita
20 Park Hill Drive
New Windsor NY
- ✓ Williams Joan
22 Park Hill Drive
New Windsor NY
- ✓ Cappas Humberto & Clara
16 Ona Lane
New Windsor NY
- ✓ Hecht Eugene I & Elaine
13 Ona Lane
New Windsor NY
- ✓ Pyle Lynn & Mary
11 Ona Lane
New Windsor NY
- ✓ Deho John A & Constance
9 Ona Lane
New Windsor NY
- ✓ Rabe Helen B
7 Ona Lane
New Windsor NY
- ✓ Muscarella Vincent N & Lynda
5 Ona Lane
New Windsor NY
- ✓ Ponessa Frank & Edith
3 Ona Lane
New Windsor NY
- ✓ Averill Donald J & Marjarie
1 Ona Lane
New Windsor NY
- ✓ Bilello Lawrence & Julia
4 Ona Lane
New Windsor NY
- ✓ Reggero Franklin P & Virginia
6 Ona Lane
New Windsor NY
- ✓ Kaiser Harriet
11 Park Hill Drive
New Windsor NY
- ✓^{MA} Ponessa Mary P
13 Park Hill Drive
New Windsor NY
- ✓ Petro William T & Shirley
17 Park Hill Drive
New Windsor NY
- ✓ Loguidice Luigi & Frances
19 Park Hill Drive
New Windsor NY
- ✓ Kosanovick Eli & Ethel
21 Park Hill Drive
New Windsor NY
- ✓ Lastowski Walter & Tina
23 Park Hill Drive
New Windsor NY



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

DeCunzo Anthony D & Mary
25 Park Hill Drive
New Windsor NY

PLEASE PUBLISH ON June 30th - Send bill to: McGoey, Hauser & Grevas
194 Route 9W
New Windsor, N. Y. 12550
Attn: Elias Grevas

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

Appeal No. 120

Request of R.A.J. 2300 Investors Corporation

for a VARIANCE ~~SPECIAL USE PERMIT~~ of
the regulations of the Zoning Ordinance, to permit
a reduction in the road frontage requirement;

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-12, Part I, Column 9 - Table of Bulk Regulations

for property situated as follows:

Park Hill Drive, rear property, bounded by Petro, Epip-

hany College, Walsh, Ruscitti, Kaiser, Ponessa

(Section 8, Block 2, Lot 3)

SAID HEARING will take place on the 9th day of July, 1979,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 8:30 o'clock P. M.

MARK STORTECKY

Chairman

By: PATRICIA DELIO, Secretary

7/9/79 - Public Hearing - RAJ 2300 Investors - 8:30 p.m.

	<u>Name:</u>	<u>Address:</u>
	Margaret Pizzuto	10 Park Hill Drive
	Connie Deho	9 One Lane
	Mary A. Prouse	13 Park Hill Dr.
OPPOSE	✓ Janet Finner	11 Park Hill Dr.
	Rita M. DeRoos	12 Park Hill Dr.
OPPOSE	✓ Evelyn L. Hrdy	1 PARK HILL DRIVE
OPPOSE	✓ Theresa White	1 Park Hill Drive
	Concetta Denny	3 Herbert Hoover Dr.
	Shirley Petro	17 Park Hill Dr.
	William Petro	17 Park Hill Dr.
OPPOSE	✓ Robert Pizzuto	10 Park Hill Drive
OPPOSE	✓ John R. Deho	9 One Lane
OPPOSE	✓ Joseph C. Sullazi	14 Park Hill Dr.
OPPOSE	✓ Edward Walsh	5 Herbert Hoover Dr.
	Jean L. Walsh	5 Herbert Hoover Dr.
	Jeanne Ruscitto	7 Herbert Hoover Dr.
	Michael Pizzuto	7 Herbert Hoover Dr.
	Bartholomew DeRoos	4 Herbert Hoover Dr.
	Blaise Pizzuto	4 Herbert Hoover Dr.

(914) 565-8550

July 11, 1979

McGoey, Hauser & Grevas
194 Route 9W
New Windsor, N.Y. 12550

Attn: Mr. William Hauser

RE: APPLICATION FOR VARIANCE OF RAJ 2300 INVESTORS CORP.
#79-12

Dear Bill:

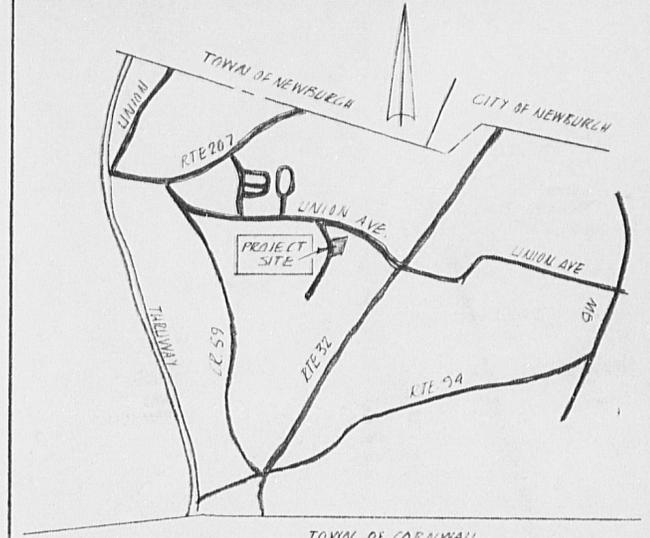
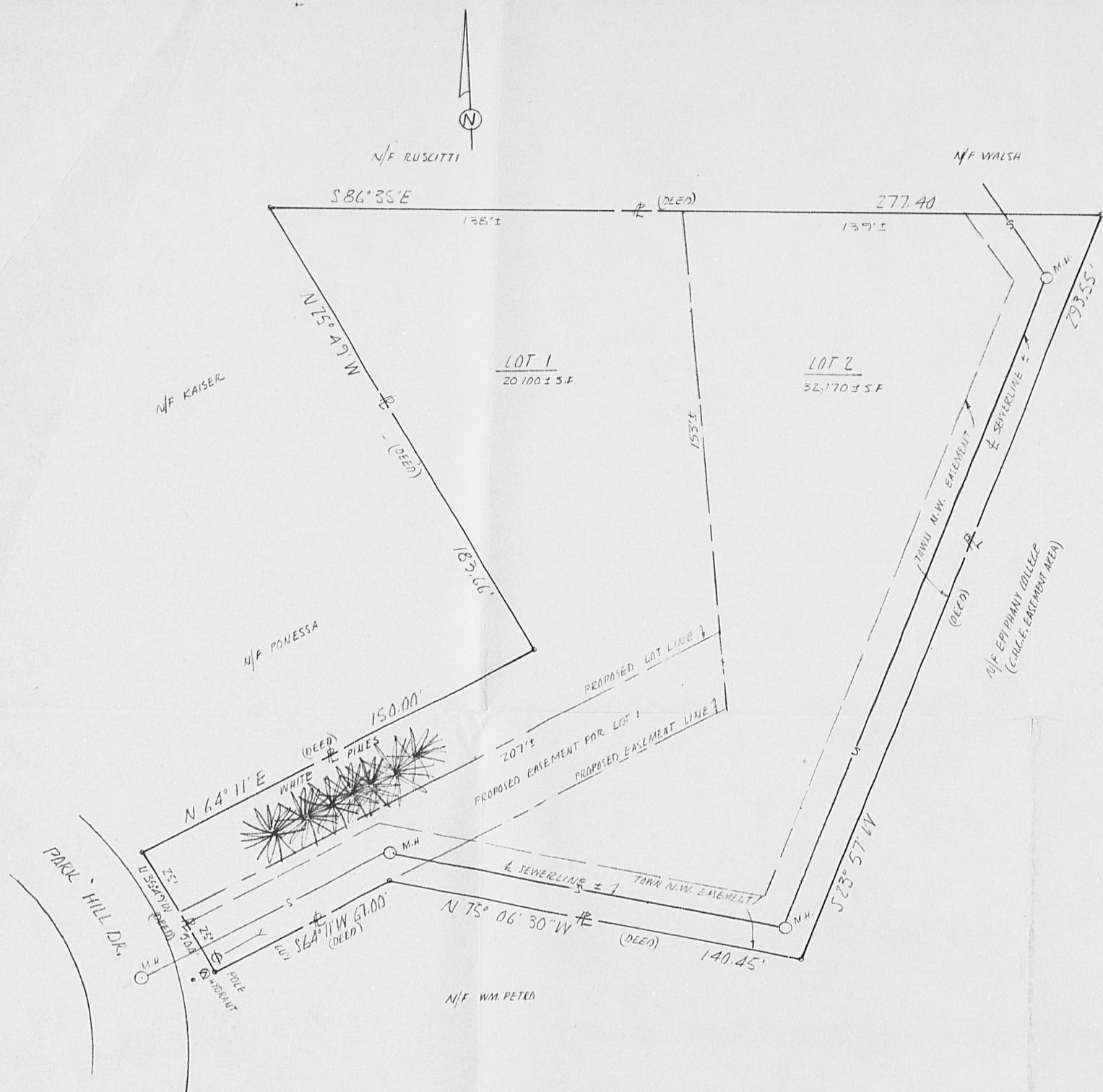
This is to confirm that the above application for an area variance has been denied by the Zoning Board of Appeals at its meeting of July 9, 1979. Formal decision will be furnished by return mail.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett - Bldg./Zoning Inspector
Town Planning Board



LOCATION SKETCH

NOTES

- 1. PROPERTY ZONE: R-1
- 2. TOTAL PARCEL AREA: 1.23 ACRES
- 3. TAX MAP DATA: SECTION 5, BLK. 2, LOT 3

MH G MCGOEY, HAUSER & GREVAS
 CONSULTING ENGINEERS
 194 Route 9W Newburgh, New York

R.A.J. 2300 INVESTORS CORPORATION

Revision	Date	Description

Drawn: *27*
 Checked:
 Scale: 1" = 50'
 Date: 23/MAY/1979
 Job No: D151-79

PRELIMINARY
 MINOR SUBDIVISION PLAT
 TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.
 Sheet: 1 of 1