

ZB# 79-22

Arthur & Debbie Voltaire

54-1-38

79-22 - Voltaire, Arthur & Debbie

Public Hearing

8 p.m. -

December 10, 1979

Use Variance

(Beauty shop in  
R-4 zone)

Notice was sent

to Evening News 11/19/79

**GENERAL RECEIPT**

4187

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

RECEIVED OF Arthur A. Voltaire Dec. 12 1979

Twenty-five and 00/100 \$ 25.00 DOLLARS

FOR Z.B.A. #79-22

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>25.00 Ck</u>		

BY Pauline J. Townsend cm  
Town Clerk

TITLE

**Legal Notice**  
**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 pur-  
suant to Section 42-21A of the Zoning  
Ordinance on the following  
Application: Appeal No. 22  
Request of **DEBBIE AND**  
**ARTHUR VOLTAIRE** for a  
**VARIANCE** of the regulations of the  
Zoning Ordinance to permit beauty  
shop in residential zone being a  
**VARIANCE** of Section 42-21 Table  
of Regulations, Col. A-1 for the  
property situated as follows:  
Betham Road (near Central  
Hudson Station) Town of New  
Windsor, New York  
**SAID HEARING** will take place on  
the 10th day of December 1979 at  
the New Windsor Town Hall, 355  
Union Avenue, New Windsor, N.Y.  
beginning at 1 o'clock P.M.  
**VINCENT BIVONA**  
Chairman  
By Patricia Dello  
Secretary  
Dec. 1 1979

**State of New York**  
**County of Orange, ss:**

Olgz Trachewsky , being duly sworn deposes and  
says that he is <sup>s</sup> Principal Clerk ..... of Newburgh-  
Beacon News Co., Inc., Publisher of The Evening News.  
a daily newspaper published and of general circulation in  
the Counties of Orange and Dutchess, and that the notice  
of which the annexed is a true copy was published .....  
One Time  
.....  
in said newspaper, commencing on the ..... 1st ..... day of  
..... December ..... A.D., 19 79 , and ending on  
the ..... 1st ..... day of ..... December ..... A.D., 19 79

**Subscribed and sworn to before me this**  
..... 3rd ..... day of December ..... 19 79 .....

*Olgz Trachewsky*  
  
*Anne E. Tucker*

.....  
**Notary Public of the State of New York, County of Orange.**  
**MY COMMISSION EXPIRES MARCH 30, 1980**

(914) 565-8550

December 12, 1979

Mr. and Mrs. Arthur Voltaire  
R. D. 2  
Bethlehem Road  
New Windsor, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE

Dear Debbie and Arthur:

This is to confirm that your above application for a use variance was granted at the December 10, 1979 meeting of the Zoning Board of Appeals.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector

Town Planning Board - Attn: Ernest Spignardo, Chairman

file

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

DEBRA VOLTAIRE and ARTHUR VOLTAIRE.

DECISION GRANTING  
USE VARIANCE.

Application #79-22.

-----x

WHEREAS, DEBRA VOLTAIRE and ARTHUR VOLTAIRE of R. D. 2, Bethlehem Road, Town of New Windsor, New York, have made application for a use variance to permit a beauty shop in an R-4 (residential) zone to be located at residence above; and

WHEREAS, a public hearing was held on the 10th day of December, 1979 at the Town Hall, Town of New Windsor, New York; and

WHEREAS, applicants were represented by themselves; and

WHEREAS, the application was unopposed; 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 as required by law.

2. The evidence shows that the area is primarily residential in character, having single family dwellings, with the exception of an antique dealer in the area.

3. The evidence presented shows that the essential character of the neighborhood is a quiet, relatively uncongested residential area which will not be altered by the proposed beauty shop because the shop will have only one operator and one station. It was

further shown that there is sufficient parking in the driveway for two (2) cars.

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

1. The proposed application will not rewrite the Zoning Law.

2. The hardship suffered by applicants is not a self-created one.

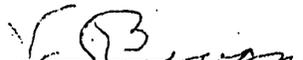
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance to DEBRA VOLTAIRE and ARTHUR VOLTAIRE for the operation of a beauty shop in the basement of their home located in an R-4 residential zone.

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 applicants.

Dated: January 14, 1980.

  
Chairman

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

7/22  
(Number)

11/8/79  
(Date)

I. Applicant information:

- (a) DEBBIE and ARTHUR VOLTAIRE  
Bethlehem Road, Town of New Windsor, N. Y. - (914) 564-2392  
(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 Bethlehem Road, NW 54-1-38 3/4 acre  
(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? no
- (d) When was property purchased by present owner? 11/78
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? no When? -

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

7/22  
(Number)

11/8/79  
(Date)

I. Applicant information:

- DEBBIE and ARTHUR VOLTAIRE
- (a) Bethlehem Road, Town of New Windsor, N. Y. - (914) 564-2392  
(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 Bethlehem Road, NW 54-1-38 3/4 acre  
(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? no
- (d) When was property purchased by present owner? 11/78
- (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? yes. If so, when 10/10/79.
- (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 48-9, Table Use Regs., Column A-4, to allow

beauty shop in the family room located in the Voltaire  
(Describe proposed use)  
residence.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.

There are many other so-called residential properties  
in the area of our home which are being used for  
various commercial entities such as: antique dealer,  
hand-painting on china, radio repair shop. Bethlehem  
Art Gallery and the Belle's Catering is also located within  
a close range.

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>1</u>	<u>1</u>	<u>1</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

Beauty shop in the family room located in the Voltaire  
(Describe proposed use)  
residence.

- (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.

There are many other so-called residential properties  
in the area of our home which are being used for  
various commercial entities such as: antique dealer,  
hand-painting on china, radio repair shop. Bethlehem  
Art Gallery and the Belle's Catering is also located within  
a close range.

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 \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
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?

\_\_\_\_\_

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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	_____	_____	_____
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.

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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?

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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.)

There will be no outside structural changes to the property. A small sign on the mailbox will be added.

The residential appearance will not be hampered in any way.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A 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.

N/A Copy(ies) of sign(s) with dimensions.

Check in amount of \$25.00 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.

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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.)

There will be no outside structural changes to the property. A small sign on the mailbox will be added.

The residential appearance will not be hampered in any way.

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
  - N/A 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.
  - N/A Copy(ies) of sign(s) with dimensions.
  - Check in amount of \$25.00 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

X. AFFIDAVIT

Date November 19, 1979

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.

Rebra Veltouse  
(Applicant)

Sworn to before me this  
19th day of November, 1979.

Patricia Delio

PATRICIA DELIO  
Notary Public, State of New York  
Appointed in Orange County  
My Commission expires Mar. 30, 1980.

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(b) Variance is \_\_\_\_\_

Special Permit is \_\_\_\_\_

(c) Conditions and safeguards: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Albra Vattase  
(Applicant)

Sworn to before me this

19th day of November, 1979.

Patricia Delio

PATRICIA DELIO  
Notary Public, State of New York  
Appointed in Orange County  
My Commission expires Mar. 30, 1980.

XI. ZBA Action:

(a) Public Hearing date \_\_\_\_\_

(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.

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

NOTICE OF DISAPPROVAL OF ~~PERMIT~~ APPLICATION

File No. ....

Date OCTOBER 10, 1979

To MRS DEBRA VOLTAIRE  
BETHLEHEM ROAD  
NEW WINDSOR

PLEASE TAKE NOTICE that your application dated OCTOBER 10, 1979  
for permit to OPEN A BEAUTY SHOP  
at the premises located at BETHLEHEM ROAD

is returned herewith and disapproved on the following grounds:

PROPERTY LOCATED IN A RESIDENTIAL ZONE (R4)  
BEAUTY SHOPS MAY ONLY BE LOCATED IN A COMMERCIAL  
ZONE - NC OR C

Howard R. Caunt  
Building Inspector

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. 22

Request of DEBBIE and ARTHUR VOLTAIRE

for a VARIANCE ~~SPECIAL USE PERMIT~~ of

the regulations of the Zoning Ordinance, to permit

beauty shop in residential zone

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-9 - Table of Use Regulations - Col. A-4

for property situated as follows:

Bethlehem Road - (near Central Hudson Substation)

Town of New Windsor, New York.

SAID HEARING will take place on the 10th day of December, 1979,

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

beginning at 8 o'clock P. M.

VINCENT BIVONA

Chairman



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

~~PAULA KING~~

~~ASSESSOR Chairman~~

~~Edward E. West~~

~~555 Union Avenue~~

New Windsor, New York 12550

(914) 565-8808

Nov. 5, 1979

Mr. Arthur Voltaire  
Bethlehem Road  
New Windsor, N.Y. 12550

Re: 54-1-38

Dear Mr. Voltaire:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads "Paula King".

PAULA KING  
SOLE ASSESSOR  
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

ASSESSOR ~~XXXXX~~

~~Elsworth E. Weyant~~

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Koppenhoefer Cameron Irmgard  
9 Metropolitan Oval  
Bronx, N.Y. 10462

Central Hudson Gas & Electric  
c 'o Tax Agent  
284 South Ave.  
Poughkeepsie, N.Y. 12602

Timberger Maria  
Bethlehem Road, R.D.2  
New Windsor, N.Y. 12550

Thorne Charles R. Jr. & Elizabeth  
R.D.2 Bethlehem Road  
New Windsor, N.Y. 12550

Carrick Thomas E. & Beatrice  
R.D.2, Bethlehem Road  
New Windsor, N.Y. 12550

Petro James Jr.  
R.D.2, Mt. Airy Road  
New Windsor, N.Y. 12550

Maharay Arthur O  
238 Windsor Highway  
New Windsor, N.Y. 12550

Craft Charles W & Carolyn L  
R.D.2 Bethlehem Road  
New Windsor, N.Y. 12550

Kroll Henry & Rosemary  
Bethlehem Road R.D.2  
New Windsor, N.Y.

George James S  
PO Box 4263  
New Windsor, N.Y. 12550

Gauquie Charles & Margaret  
R.D.2 Bethlehem Road  
New Windsor, N.Y. 12550