

ZB# 83-24

**Vitolo Reziero
(Scissor Wizard)**

49-1-27

83-24- Vitolo, Reziro / Scissor Wizard / Big Olaf (Weed Gene).

Prelim. meeting
June 13, 1983

Public hearing
June 27, 1983
Sign Variances Granted
Notice to Sentinel

6/8/83 ←

OCPD to be notified

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

R. Vitolo & G. Weed

July 12 19 *83*

\$

50⁰⁰/₁₀₀

DOLLARS

For

Fifty and 00/100

Signing Application 83-24

DISTRIBUTION

FUND	CODE	AMOUNT
<i>50.00</i>	<i>Check</i>	
<i>check # 3</i>		

By

Pauline G. Townsend

Town Clerk

Title



Reziero Vitolo
Napoli Picca Pizza
Windsor Highway
New Windsor, N.Y. 12550

June 10, 1983

Town of New Windsor
Zoning Board of Appeals
555 Union Ave.
New Windsor, N Y. 12550

Gentlemen:

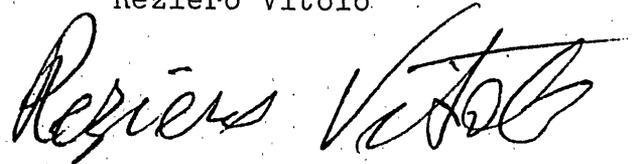
I am the owner of the property on Route 32, Windsor Highway, New Windsor, N.Y., d/b/a as Napoli Picca Pizza,

I have leased part of my building to Mr. Gene Weed and Mr. Hugh Hunsinger for a beauty salon and an ice cream store.

I have given Mr. Weed and Mr. Hunsinger authorization, on my behalf, to appear before the Town Board of New Windsor for the purpose of getting a permit to erect signs on this property.

Sincerely,

Reziero Vitolo

A handwritten signature in cursive script that reads "Reziero Vitolo". The signature is written in black ink and is positioned below the typed name.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 24

Request of REZIERO VITOLO/GENE WEED

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit two 3 x 8 ft. building signs and one 4 x 8 ft. double-faced pole sign

being a VARIANCE ~~SPECIAL PERMIT~~ of Section 48-9 - Table of Use Regs. - Col. D for property situated as follows:

Windsor Highway (Napoli Picca Pizza structure)

New Windsor, N. Y. 12550

SAID HEARING will take place on the 27th day of June, 19 83, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE THE ZBA - June 27, 1983
DATE: June 20, 1983

Please be advised that the following matters will be heard before the Zoning Board of Appeals on Monday evening, June 27, 1983:

- (1) HORTON, RAYMOND - Request for 10 ft. side yard variance;
- (2) ARMSTRONG, SAM - Request for front and rear yard variances;
- (3) VITOLO, REGIERO and WEED, GENE - Request for 112 ft. sign area variances.

I have attached hereto copies of the pertinent applications together with the public hearing notices which appeared in The Sentinel.

Pat

/pd
Attachments

cc: Patrick Kennedy, Town Building/Zoning Officer

CC: ZBA

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date June 7, 1983

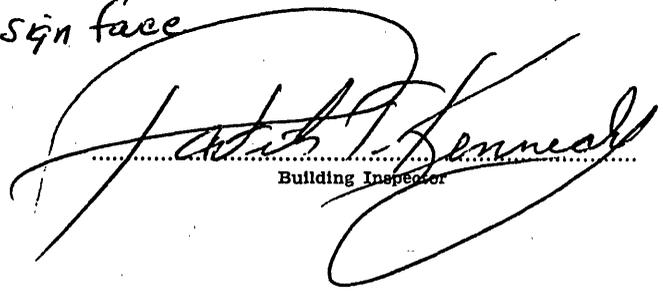
To Revero Vito - Napoli Pizza Pizza
Windsor Highway
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated June 7, 1983
for permit to erect signs

at the premises located at Windsor Highway (NYS Rte 32) (next to Napoli's)

is returned herewith and disapproved on the following grounds:

Property already has used permitted sign face allowed -
Proposed 2 - 3'x8' signs on building and a double faced sign (4x8)
To be mounted on existing pole with Napoli's sign
Total 112 square feet of sign face


Building Inspector



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

June 8, 1983

Mr. Gene Weed
P.O. Box 5
Vails Gate, N.Y.

(241)

Re: 49-1-27

Dear Mr. Weed:

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 \$50.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

PAULA SARVIS
ASSESSOR
Town of New Windsor



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

- | | | | | | |
|---|--|--------|----|--|---|
| 1 | Reis Robert, Ann,
Michael & Daniel
Reis Bldg
c/o Daniel Reis
PO Box 385
Vails Gate NY 12584 | X | 10 | Marotta William J & Genevieve E
66 Continental Dr
New Windsor NY 12550 | X |
| 2 | Katafaros Dimitrios
Tselios Vasilios
Tselios George
c/o New Windsor Coach
Diner
351 Windsor Hwy
New Windsor NY 12550 | ✓
X | 11 | Bakker Berend & Margaret G
68 Continental Dr
New Windsor NY 12550 | X |
| 3 | Prendergast Patricia
52 Continental Drive
New Windsor NY 12550 | X | 12 | Eldridge Ahiel T & Lina A
70 Continental Dr
New Windsor NY 12550 | X |
| 4 | Di Gregorio Peter & Sondra
54 Continental Dr
New Windsor NY 12550 | X | 13 | Coloni Richard V & Angelina F
43 Continental Dr
New Windsor NY 12550 | X |
| 5 | Hilton Frank & Daisy Lee
PO Box 193
Vails Gate NY 12584 | X | 14 | Schnepel Edward D
2 Regimental Pl
New Windsor NY 12550 | X |
| 6 | Stafford William F & Elizabeth A
58 Continental Drive
New Windsor NY 12550 | X | 15 | Peroni Otella J & Carmell V
4 Regimental Pl
New Windsor NY 12550 | X |
| 7 | Sitler Michael R & Kathleen A
60 Continental Drive
New Windsor NY 12550 | X | 16 | Maiorana Vito J & Louise
6 Regimental Pl
New Windsor NY 12550 | X |
| 8 | Woodruff Lawrence & Joan M
62 Continental Dr
New Windsor NY 12550 | X | 17 | Stradar George F Jr & Kathleen F
8 Regimental Pl
New Windsor NY 12550 | X |
| 9 | Crook Richard J & Jeanine M
64 Continental Dr
New Windsor NY 12550 | X | 18 | Upton Robert W & Roma M
10 Regimental Pl
New Windsor NY 12550 | X |
| | | | 19 | Mc Coy Frederic C & Virginia C
12 Regimental Pl
New Windsor NY 12550 | X |
| | | | 20 | Gilbert James M & Anita B
53 Continental Dr
New Windsor NY 12550 | X |



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

- | | | | |
|----|---|----|---|
| 21 | Zapantis Costas & Anna
51 Continental Dr
New Windsor NY 12550 X | 31 | Kaduk Eleanor K
c/o Northern Homes Equipment
14 Route 17K
Newburgh NY 12550 X |
| 22 | Kemp David W & Marie
49 Continental Dr
New Windsor NY 12550 X | 32 | Stivala George J & Viola
50 Continental Dr
New Windsor NY 12550 X |
| 23 | Maler Donald
47 Continental Dr
New Windsor NY 12550 X | 33 | Lu Chien-Min & Yao-Ming
48 Continental Drive
New Windsor NY 12550 X |
| 24 | Kraiza Joseph M & Auroram
45 Continental Dr
New Windsor NY 12550 X | 34 | Stroble Charles R
1 Regimental Pl
New Windsor NY 12550 X |
| 25 | Balmville Estates Inc
PO Box 4053
New Windsor NY 12550 X | 35 | Kucyk John & Frances T
41 Continental Dr
New Windsor NY 12550 X |
| 26 | Bromberg Arthur & William
300 Old Forge Hill Road
New Windsor NY 12550 X | 36 | Jacobson Howard & Hilda
Box 436
Vails Gate NY 12584 X ✓ |
| 27 | Hecht Eugene F & Bakker
Leonard G
363 Windsor Highway
New Windsor NY 12550 X | 37 | Panella Emilio
PO Box 573
Vails Gate NY 12584 X |
| 28 | Laborers Local 17 Realty
Trust
PO Box 356
Vails Gate NY 12584 X | 38 | Kass Frederick J, Madison Samuel &
Audrey
23 Sheldon Drive
Cornwall NY 12518 X |
| 29 | Ciochetti O Edward
8 Baltsas Rd
Newburgh NY 12550 X | 39 | Sun Refining & Marketing Company
Attn R E Tax Department
Ten Penn Center
1801 Market Street
Philadelphia Pa 19103 X |
| 30 | Bankers Trust Hudson Valley N
301 Wall Street
Kingston NY 12401 X | | |



TOWN OF NEW WINDSOR

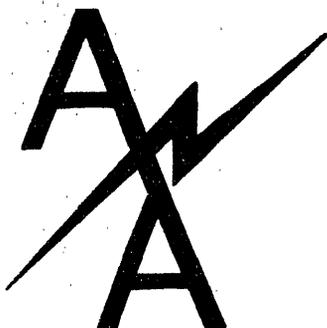
555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

City School District of Newburgh ✓
Vails Gate Elementary School

40 98 Grand St
Newburgh NY 12550

41 Deyo Jesse D & Margaret
340 Windsor Highway
New Windsor NY 12550



Action Audio, Inc.

275 Windsor Highway
Newburgh, N.Y. 12550
(914) 565-8740

"We have everything in stock!"

RF-
6/27/83.

June 20, 1983

Mr. Richard Fenwick
Chairman-ZONING BOARD OF APPEALS
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

REF: Appeal No. 24 - Sign Variance
Reziero Vitolo/Gene Weed

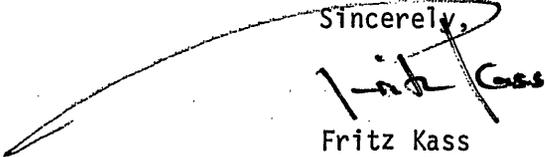
Good Morning Mr. Fenwick,

Previous out of town travel prevents my personal appearance at your 27 June 83 public hearing. For the record, however, I would like to strongly SUPPORT Mr. Vitolo's and Mr. Weed's request for an oversized sign.

Rt. 32/Windsor Highway business needs every assistance it can get. A larger sign will be even more necessary as N. Y. State widens Rt. 32 to 4 lanes at that spot. No residential structures would be affected by the signs size.

Consumers will be well served by being able to easily locate this new business. New Windsor needs good business to continue to prosper. I respectfully request all consideration be given to speedy approval of the new sign.

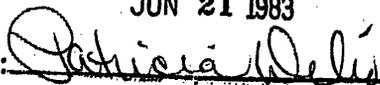
Sincerely,


Fritz Kass
President

FK:lm
CC:Gene Weed
P. O. Box 5
Vails Gate, N.Y. 12584

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

JUN 21 1983

BY: 

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-24

Date: 6/8/83

I. ✓ Applicant Information:

- (a) VITOLO, REZIERO d/b/a NAPOLI PICCA PIZZA x
(Name, address and phone of Applicant) (Owner)
- (b) WEED, GENE - Box 5, Vails Gate, N. Y. 12584 - (Lessee)
(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 Sign Variance
- Area Variance Special Permit

III. ✓ Property Information:

- (a) C Windsor Highway, New Windsor 49-1-27
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 1980
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? yes When? 1980
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? yes - 6/7/83
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

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

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

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

* Residential Districts only
 ** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. ✓ Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use Regs., Col. D.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	3 x 8	_____
Sign 2	_____	3 x 8	_____
Sign 3	_____	4 x 8	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	142 sq.ft.	112 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.

Two 3 x 8 ft. building signs and one 4 x 8 ft. double-faced pole sign. The signs will be used for purposes of identification since we are moving our beauty shop from one location on Windsor Highway to another. Also, we propose an ice cream shop at this location.

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

NAPOLI PICCA PIZZA SIGN - 80 sq. ft.±
SCISSOR WIZARD and BIG OLAF - 112 sq. ft.

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (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.)

IX. Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- ✓ Copy of tax map showing adjacent properties.
- ✓ Copy of contract of sale, lease or franchise agreement.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ✓ Copy(ies) of sign(s) with dimensions.
- ✓ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
- ✓ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date June 8, 1983

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.

Gene Weed *
(Applicant)
GENE WEED - Co-Applicant

Sworn to before me this
8th day of June, 1983.

Patricia Delio

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1985

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.

* See attached letter from
owner of property.

Reziro Vitolo
Napoli Picca Pizza
Windsor Highway
New Windsor, N.Y. 12550

June 10, 1983

Town of New Windsor
Zoning Board of Appeals
555 Union Ave.
New Windsor, N Y. 12550

Gentlemen:

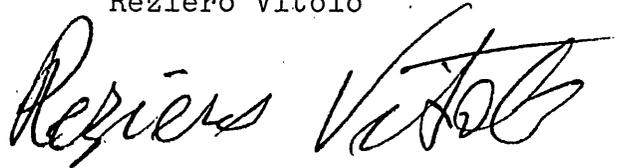
I am the owner of the property on Route 32, Windsor Highway, New Windsor, N.Y., d/b/a as Napoli Picca Pizza,

I have leased part of my building to Mr. Gene Weed and Mr. Hugh Hunsinger for a beauty salon and an ice cream store.

I have given Mr. Weed and Mr. Hunsinger authorization, on my behalf, to appear before the Town Board of New Windsor for the purpose of getting a permit to erect signs on this property.

Sincerely,

Reziro Vitolo

A handwritten signature in cursive script that reads "Reziro Vitolo". The signature is written in dark ink and is positioned below the typed name.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: June 28, 1983

Messrs. Vitolo/Weed
355 Windsor Highway
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-24 - VITOLO/WEED

Dear Sirs:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was granted
at a meeting held on the 27th day of June, 1983.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

REZIERO VITOLO and GENE WEED

DECISION GRANTING
VARIANCE

83-24.

-----x

REZIERO VITOLO (owner) and
WHEREAS, / GENE WEED (tenant) of 355 Windsor Highway,

New Windsor, N.Y. (C zone), have made application before the

Zoning Board of Appeals for sign variances for the purposes of:

installation of two 3 x 8 ft. building signs and one 4 x 8 ft. double-
faced pole sign at 355 Windsor Highway, New Windsor, N.Y., and;

~~and~~

WHEREAS, a public hearing was held on the 27th day of
June, 1983 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicants appeared in person

_____ ; 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 Sentinel, also
as required by law.

2. The evidence shows: that Scissor Wizard, a beauty salon,
previously located at 375 Windsor Highway, has relocated to the above
location and Big Olaf Ice Cream establishment, a new business, has
recently opened (also at same address above);

3. The evidence shows that an identification sign for the
purposes of advertising is required in order to allow old customers, and
new alike, to know of the new location of the businesses

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

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

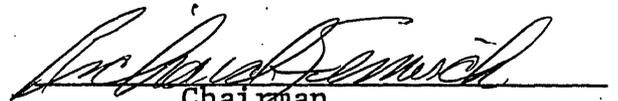
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a 112 sq. ft. sign variance to applicants in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 11, 1983.


Chairman