

ZB# 86-51

John & Donna Vandermark

11-1-4

86-51- Vandermark, John & Donna - use Vandermark

Prelim.

12/8/86.

Public Hearing

2/23/87.

Notice to Sentinel

on 2/3/87.

~~Pat. Collect \$25.00 Ap.~~
~~fee~~

Variance 2/23/87
Approved w/ stip.

General Receipt

8668

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Feb. 24 19 87

Received of

Donna Vandermark

\$ 25⁰⁰/₁₀₀

For

Twenty Five and 00/100

DOLLARS

DISTRIBUTION:

FUND	CODE	AMOUNT
Cheq 25.00		
# 2299		

By

Pauline J. Townsend

Town Clerk

Title

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X

In the Matter of the Application of

DECISION: GRANTING

DONNA VANDERMARK,

USE VARIANCE

#86-51.

-----X

WHEREAS, DONNA VANDERMARK, ^{PO Box 142} 130 Prospect Street, Newburgh, N. Y., 12550, has made application before the Zoning Board of Appeals for a use variance to permit the existing two-family residential dwelling in a PI zone; and

WHEREAS, a public hearing was held on the February 23, 1987 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, David J. Williamson of Hudson Bay Realty appeared with applicant; 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 applicant is seeking a use variance to allow the existing two-family residential dwelling in a PI zone.

3. The evidence shows that the residence was constructed in 1930 as a "mother/daughter" with a restriction that no commercial enterprises be located thereon even though the zoning in that area is PI.

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

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of a reasonable use of such land.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

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

4. The proposed variance will not result in substantial detriment to the 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 GRANTS the a use variance in accordance with plans submitted at the public hearing with the stipulation that the premises be owner-occupied only.

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 and/or attorney.

Dated: March 9, 1987.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

February 24, 1987

Donna Vandermark
130 Prospect Street
Newburgh, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE
#86-51

Dear Ms. Vandermark:

This is to confirm that the Zoning Board of Appeals made a decision to approve your above application at the February 23, 1987 meeting with the restriction that the premises shall be owner-occupied only. In the event that you find sufficient evidence that the premises was classified as a two-family before the institution of zoning in the Town of New Windsor, kindly notify the ZBA.

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab

cc: Town Planning Board
Town Building Inspector Babcock

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

86-51

Date: 2/3/84

I. Applicant Information:

- (a) John & Donna Vandermark 561-0439 ✓ (Owner) |
(b) _____ (Name, address and phone of purchaser or lessee)
(c) _____ (Name, address and phone of attorney)
(d) David Williamson, Hudson Bay Realty Lakeside Plaza
(Name, address and phone of broker) 561-9000

II. Application type:

- Use Variance Sign Variance
 Area Variance Special Permit

III. Property Information:

- (a) PI 78 Windsor Hwy 11-1-9 50 x 150
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.?
(c) Is a pending sale or lease subject to ZBA approval of this application? Yes
(d) When was property purchased by present owner? 1985
(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? NO
(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 of USP Regs., Col. A, to allow:
(Describe proposal) Two family in PI Zone

- (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.

Unmarketability - won't yield reasonable return as zoned

V. Area variance:

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

Requirements	Proposed or Available	Variance Request
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 _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
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?

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.)

Higher and better use of property

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 \$ 2500 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date _____

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.

(Applicant)

Sworn to before me this
____ day of _____, 19____.

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.

2/23/87

Public Hearing: Vandermark, John & Donna 86-51

Name:

Address:

Donna Vandermark PO Box 142, Newburgh, N.Y.

Pat-
Prelim.
Dec. 8th

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date 12/11, 1986.

To John & Danna Vandermark
78 Windsor Highway (561-0439)
New Windsor, New York 12550

PLEASE TAKE NOTICE that your application dated 12/11, 1986
for permit to Leave Existing Two (2) Family Home in P.I Zone
at the premises located at 78 Windsor Highway

is returned herewith and disapproved on the following grounds:

Need VARIANCE OF USE Regulations P.I Zone

John J. Finnegan Zoning Inspector
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		

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

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Need VARIANCE OF USE Regulations. P.I Zone

John J. Finnegan Zoning Inspector
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>7</u>	<u>7</u>	<u>7</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only

Name of Owner of Premises *John P & Donna Vandermark*
 Address *78 Windsor Highway* Phone *561-0939*
 Name of Architect *None*
 Address Phone
 Name of Contractor *None*
 Address Phone
 State whether applicant is owner, lessee, agent, architect, engineer or builder: *Owner and agent*
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the *West* side of *Rt 32 (Windsor Highway)*
 (N. S. E. or W.)
 and feet from the intersection of.....
2. Zone or use district in which premises are situated *PI*
3. Tax Map description of property: Section *11* Block *1* Lot *4*
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
 - a. Existing use and occupancy *2 family*
 - b. Intended use and occupancy *2 family*
5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair..... Removal.....
 Demolition..... Other
6. Size of lot: Front *50* Rear..... Depth *150* Front Yard..... Rear Yard..... Side Yard.....
 Is this a corner lot? *NO*
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units *2* Number of dwelling units on each floor *1*
 Number of bedrooms *4* Baths *2* Toilets *2*
 Heating Plant: Gas..... Oil Electric /Hot Air..... Hot Water
 If Garage, number of cars *1*
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost *0* Fee *\$20*
 (to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

1—When excavating is complete and footing forms are in place (before pouring).

Address..... Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder: *Owner and agent*
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the *West* side of *Rt 32 (Windsor Highway)*
(N. S. E. or W.)

and feet from the intersection of.....

2. Zone or use district in which premises are situated *PI*

3. Tax Map description of property: Section *11* Block *1* Lot *4*

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy *2 family* b. Intended use and occupancy *2 family*

5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair..... Removal.....
Demolition..... Other

6. Size of lot: Front *50* Rear..... Depth *150* Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot? *No*

7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....

8. If dwelling, number of dwelling units *2* Number of dwelling units on each floor *1*

Number of bedrooms *4* Baths *2* Toilets *2*

Heating Plant: Gas..... Oil Electric /Hot Air..... Hot Water

If Garage, number of cars *1*

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost *0* Fee *\$20*
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.
- 6—Driveway inspection must meet approval of town Highway Inspector.
- 7—\$20.00 charge for any site that calls for the same inspection twice.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

Date.....19.....

INSTRUCTIONS

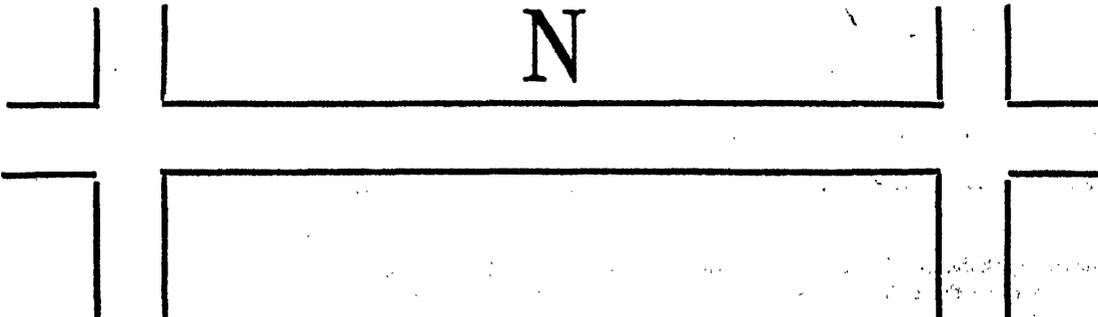
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X.....
 (Signature of Applicant) NEW WINDSOR, N. Y.
 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
 Applicant must indicate the building lines or lines clearly and distinctly on the drawings.



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

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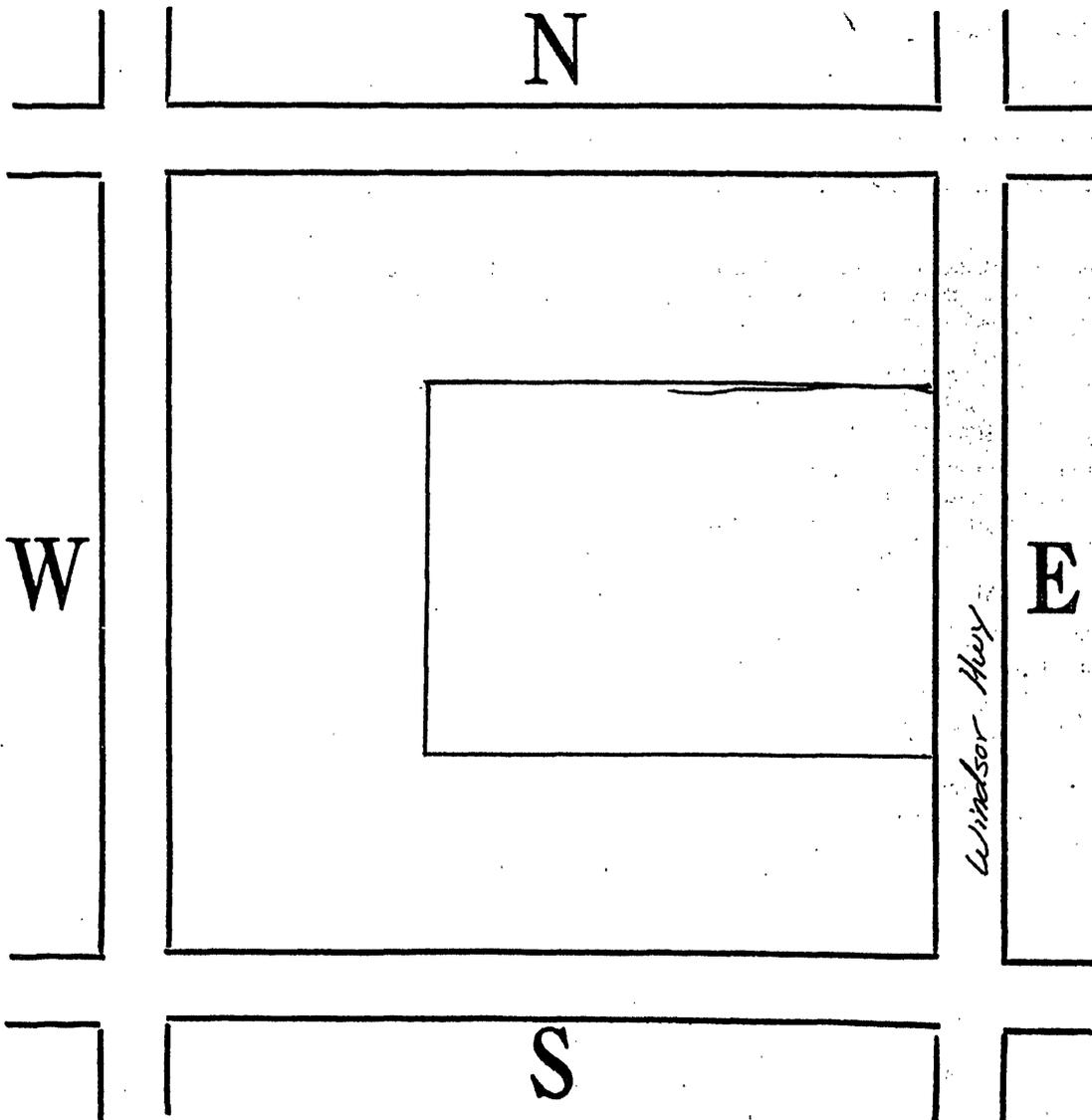
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James P. Vandemark
(Signature of Applicant)

18 Windsor Hwy
NEW WINDSOR, N.Y.
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building lines or lines clearly and distinctly on the drawings.



INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING BEFORE THE ZBA - 2/23/87

DATE: February 10, 1987

Please be advised that the following public hearing will be heard before the Zoning Board of Appeals on the above date:

HERBERT REDL - Area/Sign Variances
ORDER OF ST. HELENA - Area Variance (fence)
VANDERMARK, JOHN & DONNA - Use variance

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

Patricia A. Barnhart, Secretary
Zoning Board of Appeals

/pab

Attachments

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 Local Law on the following proposition:

Appeal No. 51

Request of John & Donna Vandermark

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Local Law to

permit existing two (2) family residence
in a P.I. zone;

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-9 - Table of Use Regs. - Col. A.

for property situated as follows:

78 Windsor Highway, New Windsor, N.Y.

Known and designated as Tax map

Section 11, Block 1 - Lot 4.

SAID HEARING will take place on the 23rd day of

February, 1987, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Jack Babcock.
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

12

December 12, 1986

Hudson Bay
14 Lakeside Plaza P.O. Box 2518
Newburgh, New York 12550

Dear Mr. Williamson:

RE: 11-1-4

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

The charge for this service is \$35.00, minus your deposit of \$25.00, balance due \$10.00. Please remit same to the Town Clerk, Town of New Windsor, New York.

Very truly yours,

CHRISTIAN E. JAHLING, IAO
Sole Assessor

CEJ/jvv

Fulton B & Anna G. Torry
76 Windsor Highway
New Windsor, N.Y. 12550

~~John W. & Mark S. Clegg
130 Lander Street
Newburgh, N.Y. 12550~~

~~John W. & Mark S. Clegg
130 Lander Street
Newburgh, N.Y. 12550~~

Norman W. & Margaret S. Lee
82 Windsor Highway
New Windsor, N.Y. 12550

Whitney & Lorraine M. Martens
86 Windsor Highway
New Windsor, N.Y. 12550

Andrew R. & Gertrude Gableman
88 Windsor Highway
New Windsor, N.Y. 12550

~~Andrew R. & Gertrude Gableman
88 Windsor Highway
New Windsor, N.Y. 12550~~

Charles H. & Barbara Gutta
90 Windsor Highway
New Windsor, N.Y. 12550

Aurel & Irene Cranganu
92 Windsor Highway
New Windsor, N.Y. 12550

~~John W. & Mark S. Clegg
130 Lander Street
Newburgh, N.Y. 12550~~

Alfred A. & Claire M. Clegg
84 A Windsor Highway
New Windsor, N.Y. 12550

John W. , Helen & Mark S. Clegg
84-B Windsor Highway
New Windsor, N.Y. 12550

~~Route 32 Corp.
70 Windsor Highway
New Windsor, N.Y. 12550~~

Henry P. & Louis G. VanLeeuwen
70 Windsor Highway
New Windsor, N.Y. 12550

~~John W. & James E. Devitt
59 Windsor Highway
New Windsor, N.Y. 12550~~

Occupations, Inc.
Fortune Road
W. Middletown, N.Y. 10940

Brown - Carson Company
% PDQ Continuous Forms Inc.
73 Windsor Highway
New Windsor, N.Y. 12550

Harold J. & Veronica Adams
% Frye Copy Systems
71 Windsor Highway
New Windsor, N.Y. 12550

Devitt's Garden Center Inc.
59 Windsor Highway
New Windsor, N.Y. 12550

~~Alfred Augustus & Claire M. Clegg
84 Windsor Highway
New Windsor, N.Y. 12550~~