

**ZB# 68-21**

**John Eberhardt**

**(no SBL given)**

68-21 Eberhardt (Filed)

3-5-69

3:15 P.M.

98-2-2  
Eberhard

(Frank)

3-5-69

3:15 p.m.

part.

ORANGE COUNTY PLANNING BOARD  
COUNTY BUILDING, GOSHEN, NEW YORK

CARL J. MAYS  
PLANNING DIRECTOR

PETER GARRISON  
ASSISTANT PLANNING DIRECTOR

EDWIN J. GARLING  
SENIOR PLANNER

(914) 294-5151

February 24, 1969

Mrs. Louise A. Budney, Chairman  
Town of New Windsor Zoning Board of  
Appeals  
Veronica Avenue, M. D. #42  
New Windsor, New York 12550

Re: Application of JOHN and GERTRUDE EBERHARDT  
for a Use Variance to Permit the Sale of  
Travel Trailers

Dear Mrs. Budney:

Receipt of the above for which a public hearing was held on  
February 3, 1969 is hereby acknowledged.

This proposal was reviewed at the February 20, 1969 meeting of  
the County Planning Board Review Committee pursuant to Paragraphs  
1 and m of Section 239, Article 12-B of the General Municipal Law of  
the State of New York. A motion was made by Mr. Hayes, seconded by Mr.  
Patt and duly adopted disapproving the proposed variance. In taking  
this action the Board took the following into account:

1. That there are not sufficient grounds for the granting of a  
variance. The fact that the owners now operate a plumbing, heating  
and fuel delivery business and desire to expand their operation to  
include the sale of travel trailers does not make the plight of their  
property unique.

In its review the Board noted the following:

1. That the accessory use of the premises for the sale of fuel  
oil, plumbing and heating services and equipment is non-conforming  
under the terms of the Ordinance.

2. That the addition of travel trailers would constitute an  
enlargement of this non-conforming use.

3. That the lot area is not adequate in size and shape to  
protect adjoining properties from the nuisances attending these  
operations.

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4. The addition of travel trailers on the premises would have a blighting impact on the highway frontage and the area in general.

5. That neither the present business use or proposed use of the premises is compatible with the need to protect the approaches to and the area around the New Windsor Cantonment.

6. That the use of the driveway for the storage of <sup>more than</sup> one vehicle is in violation of the Ordinance.

Very truly yours,



Albert Durland, Chairman  
Orange County Planning Board  
Review Committee

AD:f

APPLICATION FOR VARIANCE

APPLICATION NO. 68-21  
DATE: Jan 21 19 69

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

I (we) John & Gertrude Eberhardt of Temple Hill Rd., Vails Gate, N.Y.  
(Street & Number)

New Windsor New York HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY Temple Hill Rd., (Use District on Zoning Map)  
(Street & Number)
- B. PROVISION (S) 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: \_\_\_\_\_)

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: at present we operate a Plumbing, Heating & Fuel Delivery business; with the addition of selling travel trailers in no way applies to any neighboring land, structure or building in the same zone.
- 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: we would not deprive our neighbors of also selling recreation equipment in any manner or form.
- 3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: Johns' Fuel Service with the selling of fuel oil, plumbing & heating and the operation of trucks moving in & out of this property before the adoption of the ordinance and the powers in office were notified before the zoning & adoption, at that time should have classified this property as commercial.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this ordinance because: 90% of the business would be conducted beyond the present building line.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: there are mobile homes on this road, either before or after zoning; we are very close to commercial buildings, auto sales and manufacturing.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate. property has a driveway large enough to park our trucks and cars and four trailers. The back of the property can also display trailers, the south corner can also display travel trailers without making an unsightly business

E. Application to be accompanied by a check, payable to the ~~Town of New Windsor~~ <sup>Town of New Windsor</sup> in the amount of \$10.00. Application to be returned to: New Windsor Zoning Board of Appeals, ~~Box 25~~, New Windsor, N. Y. 12550.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 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.

Dated: Jan. 21, 1969

STATE OF NEW YORK ) SS

COUNTY OF ORANGE

Sworn to this 21<sup>st</sup> day of Jan. 1969

LOUISE A BUDNEY  
Notary Public, State of New York (Notary Public)  
Residing in Orange Co.  
County Clerk #713  
Commission Expires March 30, 1971

John P. Richards  
Signature of Applicant

Temple Hill Rd  
Address Vails Gate

JS 2 84 66  
Telephone No.

DO NOT WRITE IN THIS SPACE

Application NO. 68-21  
Date of Hearing Feb. 3, 1969  
Date of Decision Mar. 3, 1969 (Orange County Planning Bd. disapproved.)

Date Received 1/21/69  
Notice Published 1/23/69

Decision: Application denied for lack of a necessary quorum of 5 by reason of disapproval of Orange Co. Planning Bd.

Veronica Ave., M.D. 42  
New Windsor, N.Y. 12550  
January 28, 1969

Orange County Planning Board  
County Building  
Goshen, N. Y.

Gentlemen:

Enclosed please find Application for a Variance  
of John and Gertrude Eberhardt, sketch of property,  
and copy of public hearing notice.

Public Hearing in the above matter will take  
place on Monday, February 3, 1969, 8:30 p.m. at  
New Windsor School, Town of New Windsor, New York.

Yours very truly,

Louise A. Budney,  
Chairman

/pd

Encs.

XERO COPY  
P.O. BOX 408  
VAILS GATE, NEW YORK  
PHONE JO 2-8466

XERO COPY  
BOX 245B  
HIGHLAND, NEW YORK  
PHONE TURNER 3-9892

## JOHNS' FUEL SERVICE

Jan. 3, 1969

To Whom It May Concern:

We, John and Gertrude Eberhardt, owners of property on Temple Hill Rd. between Mr. Shepro's property and Mr. John Marquis' property have requested an appearance before the New Windsor Zoning Board for a variance to display and sell Travel Trailers and Campers under the name of Ebe Travel Trailer Sales, in conjunction with our present operations.

John Eberhardt

Gertrude Eberhardt