

ZB# 00-24

Hugh Hunsinger

49-5-14

Palmer.

June 18, 2000.

SEQR here

Public Hearing:

Sept. 11, 2000.

Interpretation:

Use is pre-existing,

non-conforming

& may continue.

Refund: \$394.00

#00-24-Hunsinger/O'Brien

49-5-14





#80-24 - Hurdinger

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Hunsinger

FILE# 00-24

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA _____

USE X

APPLICATION FOR VARIANCE FEE \$ 150.00

*ck. # 2009
2/28/00.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

*ck. # 2011
2/28/00.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

| | | |
|----------------------------------|--------------------|-----------------|
| PRELIMINARY MEETING-PER PAGE | <i>6/12/00 - 5</i> | \$ <u>22.50</u> |
| 2ND PRELIMINARY- PER PAGE | <i>9/11/00 - 3</i> | \$ <u>13.50</u> |
| 3RD PRELIMINARY- PER PAGE | | \$ _____ |
| PUBLIC HEARING - PER PAGE | | \$ _____ |
| PUBLIC HEARING (CONT'D) PER PAGE | | \$ _____ |
| TOTAL | | \$ <u>36.00</u> |

ATTORNEY'S FEES: \$35.00 PER MEETING

| | | |
|-------------------------|----------------|-----------------|
| PRELIM. MEETING: | <i>6/12/00</i> | \$ <u>35.00</u> |
| 2ND PRELIM. | <i>9/11/00</i> | \$ <u>36.00</u> |
| 3RD PRELIM. | | \$ _____ |
| PUBLIC HEARING. | | \$ _____ |
| PUBLIC HEARING (CONT'D) | | \$ _____ |
| TOTAL | | \$ <u>70.00</u> |

MISC. CHARGES:

..... \$ _____
TOTAL \$ 106.00

LESS ESCROW DEPOSIT \$ 500.00
 (ADDL. CHARGES DUE) \$ _____
 REFUND DUE TO APPLICANT .. \$ 394.00

HUGH R. HUNSINGER 4/00
MARY LEE HUNSINGER
6 THISTLEDOWN LANE PH. 914-534-9910
NIANTIC, CT 06357

97-8467/1240
4900189921

2009

~~DATE~~ June 14, 2009

Pay to the order of Town of New Windsor \$ 150 ^{xx}/₁₀₀
One hundred fifty ^{xx}/₁₀₀

American Express
Centurion Bank

**Investment
Management**
Account

~~MEMO~~ ZBA #00-24

Mary Lee Hunsinger

⑆ 1 240846721 2009 4900189921 ⑆

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ANTIQUE

HUGH R. HUNSINGER 4/00
MARY LEE HUNSINGER
6 THISTLEDOWN LANE PH. 914-534-9910
NIANTIC, CT 06357

97-8467/1240
4900189921

2011

~~DATE~~ June 14, 2009

Pay to the order of Town of New Windsor \$ 500 ^{xx}/₁₀₀
Five hundred ^{xx}/₁₀₀

American Express
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**Investment
Management**
Account

~~MEMO~~ ZBA #00-24

Mary Lee Hunsinger

⑆ 1 240846721 2011 4900189921 ⑆

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ANTIQUE

-----X
In the Matter of the Application of

HUGH HUNSINGER

MEMORANDUM OF
DECISION GRANTING
INTERPRETATION

#00-24.
-----X

WHEREAS, HUGH HUNSINGER, residing at 6 Thistledown Lane, Niantic, CT 06357, have made application before the Zoning Board of Appeals for an Interpretation as to the pre-existing, non-conforming use of a building located at 754 Blooming Grove Tpk. as a dental office in an R-4 zone; and

WHEREAS, a public hearing was held on the 11th day of September, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant, Dr. Hugh Hunsinger, appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property was originally constructed as a one-family home and is located in a mixed neighborhood containing residences and commercial establishments.

(b) The property is located between a residence and a place of worship.

(c) The property has been used as a dental office and the Applicant seeks a declaration of support that its use as a dental office predates the advent of zoning in the Town of New Windsor and that, it is, a pre-existing, non-conforming use.

- (d) The structure on the property was apparently erected in the early 1960's. The developer, Schoonmaker Homes, used the structure as its office and it was purchased for use as a dental office.
- (e) The Applicant produced evidence of a business loan dated 1964 for the acquisition of dental equipment.
- (f) The Applicant submitted records showing the conduct of dental business in the premises during the year 1965 which predates the existence of zoning within theTown of New Windsor.

(g) Deed records submitted by the Applicant show that his immediate predecessor, Schoonmaker Homes, used the premises and building for their office, a commercial use, and did so starting in 1962. Again, this predates the existence of zoning in the Town of New Windsor.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The use of the subject premises was an office use starting in 1962.
2. An office used for this premises has continued, uninterrupted, to date and therefore constitutes a pre-existing, non-conforming use, and may be continued.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor make an interpretation affirming that the property known as 754 Blooming Grove Tpk. in the Town of New Windsor is a pre-existing, non-conforming use as a commercial office in an R-4 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 Applicant.

Dated: November 13, 2000.


Chairman

Date 9/13/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
 NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
 168 N. Drury Lane
 Newburgh, N.Y. 12550

| DATE | | CLAIMED | ALLOWED |
|---------|--------------------------|---------------|---------|
| 9/11/00 | Zoning Board Mtg | 75.00 | |
| | Misc 1 | | |
| | Slego - 3 | | |
| | Sandcastle - 2 | | |
| | Calvet - 4 | | |
| | Evans - 4 | | |
| | Moore - 3 | | |
| | Hmsinger - 3 13.50. | | |
| | Kelly - 3 | | |
| | Pearson - 2 | | |
| | Schlesinger - 8 | | |
| | Lehman - 2 | 157.50 | |
| | 35 | <u>232.50</u> | |

PUBLIC HEARINGS:

HUNSINGER, HUGH

Dr. Hugh Hunsinger appeared before the board for this proposal.

MR. TORLEY: Request for Interpretation or use variance regarding use of residence as dental office at 754 Blooming Grove Turnpike in an R-4 zone.

MR. TORLEY: Is there anyone in the audience besides the applicant for the Hunsinger matter? Let the record show there is no one. You can now proceed, Dr. Hunsinger.

DR. HUNSINGER: Last time I was here you had asked for evidence of pre-existing use, you can refresh me whether that is correct or not.

MR. TORLEY: Yes.

MR. NUGENT: I wasn't here for that one.

MS. CORSETTI: For the record, we sent out 30 addressed envelopes with public hearing notices out on August 28th.

DR. HUNSINGER: We found two records that are dated in the early '60's that will show you many of which have been destroyed but we did have two.

MR. TORLEY: So I'm looking at the record?

DR. HUNSINGER: Patient record dated--

MR. TORLEY: I won't read the patient's name, this is a dental record that indicates practice dates, could you find that for me?

DR. HUNSINGER: Yes, this one's 1967.

MR. TORLEY: One for 1967.

DR. HUNSINGER: This is 1968.

DR. HUNSINGER: That's the early years.

MR. TORLEY: Dental medical records indicating that the practice was there in 1967 and 1968, these are patient records. To me, this establishes that the practice pre-existed zoning to me.

MR. REIS: Good.

MS. CORSETTI: 1967 doesn't pre-exist zoning, '66 does, what's the earlier one?

DR. HUNSINGER: Those two are '67, here's a record of the, here's the rest of the business activity, 1965.

MR. KRIEGER: There we go.

MS. CORSETTI: Can we enter that into evidence?

DR. HUNSINGER: Certainly can.

MR. TORLEY: We're also in possession of examining business records indicating activities in 1965, same address.

DR. HUNSINGER: Loan for the dental office equipment 1964.

MR. TORLEY: Business loan dated 1964, I think we have sufficient paperwork.

MR. NUGENT: Did you buy the house brand new?

DR. HUNSINGER: Yes, Schoonmaker brothers had their commercial office there and I bought it from them to continue the use as such.

MR. TORLEY: Commercial activity even when it was first constructed.

DR. HUNSINGER: This is, courthouse says Schoonmaker Builders located at 36 Route 94 which is where I am.

MS. CORSETTI: What's the date on that one?

DR. HUNSINGER: I don't know, 25 of June, '62.

MR. TORLEY: We're receiving and filing record supporting the interpretation. Gentlemen, I would entertain a motion on the matter being an interpretation, being a pre-existing non-conforming use.

MR. NUGENT: Make it.

MR. MC DONALD: Second it.

ROLL CALL

| | |
|---------------|-----|
| MR. MC DONALD | AYE |
| MR. REIS | AYE |
| MR. NUGENT | AYE |
| MR. TORLEY | AYE |

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: May 22, 2000

APPLICANT: Hugh R. Hunsinger
754 Blooming Grove Turnpike
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 22, 2000

FOR : Professional Office (Dentist)

LOCATED AT: 754 Blooming Grove Turnpike

ZONE: R-4 Suburban Residential

DESCRIPTION OF EXISTING SITE: 49-5-14

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Use/Bulk Tables, R-4 Suburban Residential Zone, Professional Office (Dentist) Not Permitted.

Louis J. Kynher
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Home Professional
Office

Professional
Office

Professional
Office

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A.. APPLICANT. FILE .W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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.

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 under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises HUGH R. HUNSINGER

Address 754 BLOOMING GROVE TAKE Phone 561-8093

Mailing Address P.O. Box 4309 NEW WINDSOR NY

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

RECEIVED

MAY 22 2000

Address _____ Phone _____ BUILDING DEPARTMENT

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

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 W side of BLOOMING GROVE TPKE
(N,S,E or W)
and 300' feet from the intersection of FORGE HILL RD.

2. Zone or use district in which premises are situated R-4 Is property a flood zone? Y N

3. Tax Map Description: Section 49 Block 5 Lot 14

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use CONVERSION FROM
HOME OFFICE TO JUST OFFICE

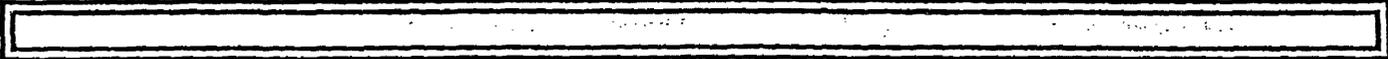
10. Estimated cost _____ Fee _____

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



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.

High K Huswagner
(Signature of Applicant)

754 BLOOMING GLEN
(Address of Applicant)

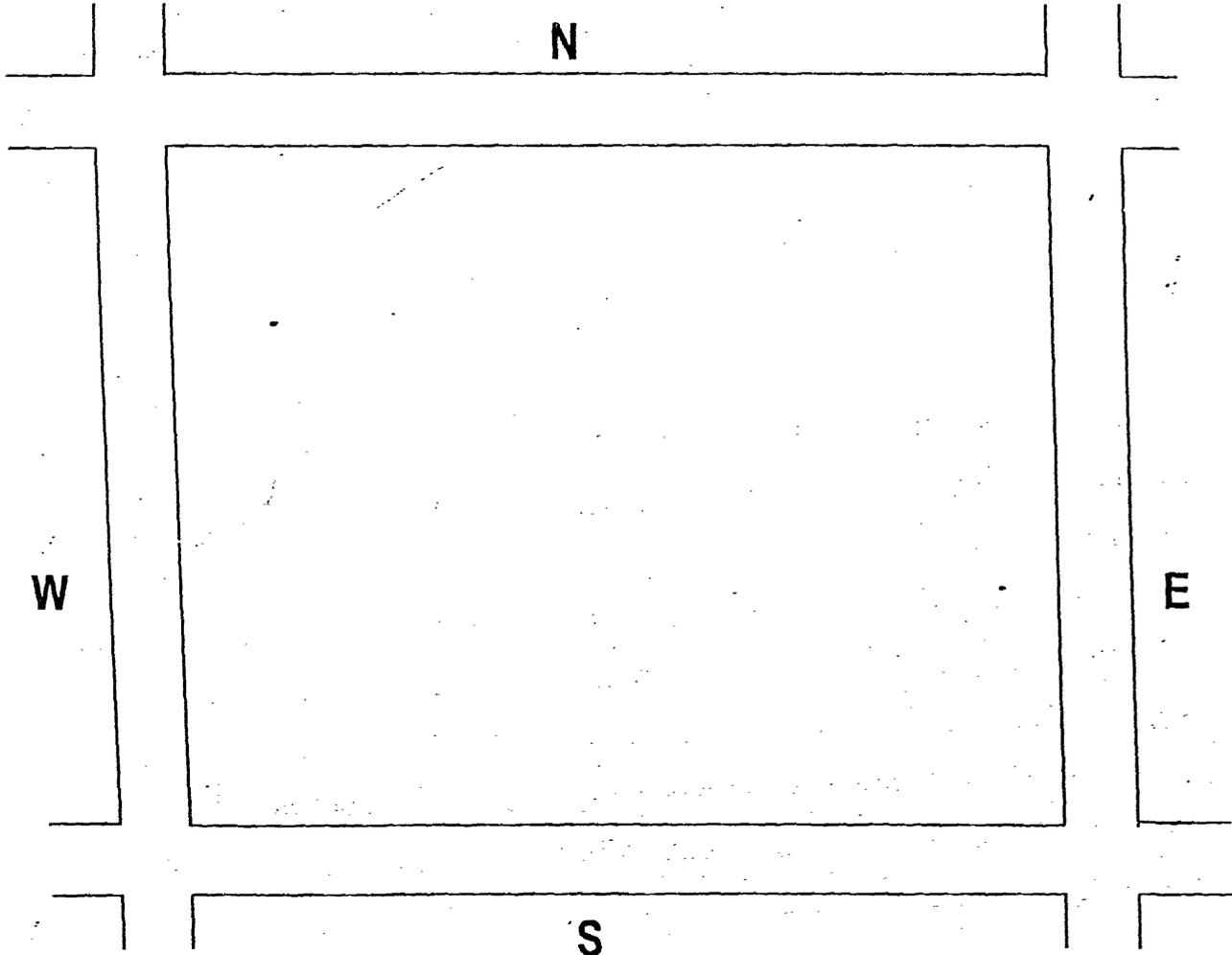
Same

(Owner's Signature)

(Owner's Address)

PLOT PLAN

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





Newburgh Church of Christ

1.3 A(C)

DRIVE

PARADE

PROVOST

N.Y. STATE HWY. NO. 94

PLACE

PLACE

DRIVE

DRIVE

GATEWAY SUBDIVISION

GATEWAY SUBDIVISION

GATEWAY SUBDIVISION

MAP 2009

MAP 2009

MAP 2009

Pls. publish on Aug. 1st. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

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. 24

Request of Hugh R. Hunsinger

for a VARIANCE of the Zoning Local Law to Permit:

Continuation of dental office use and Interpretation of
pre-existing, non-conformity of that use;

being a VARIANCE of Section 48-9. Table of Use Regs. - Col. 1 -

for property situated as follows:

754 Blooming Grove Tpk., New Windsor, N.Y.

known and designated as tax map Section 49, Blk. 5 Lot 14.

PUBLIC HEARING will take place on the 11th day of Sept., 192000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent

Chairman

By: Patricia A. Corsetti, Secy.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Hugh Hunsinger

00-42.

AFFIDAVIT OF
SERVICE
BY MAIL

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 28th day of August, 2000, I compared the 30 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

~~Notary Public~~

Sworn to before me this

___ day of _____, 20__.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

30

July 31, 2000

Hugh R. Hunsinger
754 Blooming Grove Turnpike
New Windsor, NY 12553

Re: 49-5-14

Dear Mr. Hunsinger,

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

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town's Clerk Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

Anthony & Gemma Tornatore
82 Continental Drive
New Windsor, NY 12553 X

Susan Hoffman
Ann Maria Cimino
3 Parade Place
New Windsor, NY 12553 X

Brian & Anne Moriarty
8 Provost Drive
New Windsor, NY 12553 X

John & Linda Laganaro
84 Continental Drive
New Windsor, NY 12553 X

Gary & Ann Marie Sullivan
728 Blooming Grove Turnpike
New Windsor, NY 12553 X

Lawrence & Mary Crook
10 Provost Drive
New Windsor, NY 12553 X

Sean & Marie Matthews
5 Provost Drive
New Windsor, NY 12553 X

Jose DaSilva
732 Blooming Grove Turnpike
New Windsor, NY 12553 X

Mariann Grassel
12 Provost Drive
New Windsor, NY 12553 X

Tower Management Fin. Partnership LP
680 Kinderkamack Road
River Edge, NJ 07661 X

Marcia Chartoff
736 Blooming Grove Turnpike
New Windsor, NY 12553 X

John & Margaret Brady
14 Provost Drive
New Windsor, NY 12553 X

Windsor Terrace Associates LP
1055 Parsippany Blvd., Suite 404
Parsippany, NJ 07054 X

Elsa Hanke
740 Blooming Grove Turnpike
New Windsor, NY 12553 X

Ellen Egan
11 Provost Drive
New Windsor, NY 12553 X

Muriel Wessman
13 Provost Drive
New Windsor, NY 12553 X

Ann Yarus
744 Blooming Grove Turnpike
New Windsor, NY 12553 X

Mary Patricia Buchanan
18 Provost Drive
New Windsor, NY 12553 X

Clayton & Sharon Jones
64-39C 186th Lane, Apt 3B
Fresh Meadows, NY 11365 X

Levi & Grace Huggins
748 Blooming Grove Turnpike
New Windsor, NY 12553 X

Leemilts Petroleum, Inc.
125 Jericho Turnpike
Jericho, NY 11753 X

Nancy Smith
9 Provost Drive
New Windsor, NY 12553 X

Isabella & Rosemary Quercia
758 Blooming Grove Turnpike
New Windsor, NY 12553 X

State of NY
C/o Office of Real Property Services
Attn: Kim Manley
16 Sheridan Avenue, 4th Floor
Albany, NY 12210 X

Russell Kavana Sr.
7 Provost Drive
New Windsor, NY 12553 X

Newburgh Church of Christ
PO Box 371
Vails Gate, NY 12584 X

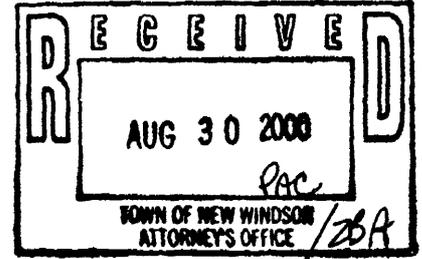
Church of St. Helena
PO Box 426
Vails Gate, NY 12584 X

Jarvin & Sheila Jones
59 Continental Drive
New Windsor, NY 12553 X

Elsie Cabrera
6 Provost Drive
New Windsor, NY 12553 X

Kingswood Gardens
Mr. Bill Slack
Chairman of the Board of Directors
810 Blooming Grove Turnpike, Unit#114
New Windsor, NY 12553 X

Convent of St. Helena
PO Box 426
Vails Gate NY 12584-0426
845-562-0592



James Nugent, Chairman
Zoning Board of Appeals
Town of New Windsor
555 union Avenue
New Windsor NY 12553

Re: Appeal No. 24
Property at 754 Blooming Grove Tpk
New Windsor NY
Tax map Section 49, Blk. 5 Lot 14

Dear Mr. Nugent:

I see no hindrance to the continuation of the dental office at the above location. It has been carried on there for a number of years. So far as I know, it causes no problem with the neighbors in that area. It is no problem with the Convent of St. Helena, across the road from the dental office.

It is my hope that the dental office will be able to continue at that location.

Sincerely yours,

Mary Juchter
a/k/a Sister Ruth, O.S.H.

Mary Juchter, A/K/A Sister Ruth, O.S.H.

Copy: Dr. John E. O'Brien
PO Box 4309
New Windsor NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-24.

Date: 6-15-00

I. Applicant Information:

- (a) DR HUGH R HUNSINGER DMD YES
(Name, address and phone of Applicant) (Owner)
- N/A (b) 754 BLOOMING GROVE TPKE
(Name, address and phone of purchaser or lessee)
- N/A (c) NEW WINDSOR, NY 12518
(Name, address and phone of attorney)
- N/A (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

III. Property Information:

- (a) R-4 754 Blooming Grove Tpke 49-5-14 160 x 170 +
(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? 1964
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/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 Use/Bulk Regs., Col. 1, to allow:
(Describe proposal) TO USE ENTIRE INTERIOR OF

BUILDING FOR PROFESSIONAL DENTAL SERVICES TO SERVE THE COMMUNITY INSTEAD OF THE 2/3 (PLUS) CURRENTLY USED, NO EXTERIOR CHANGES. *

* 2/3 (plus) SINCE 1968 used as professional dental office ADDITION

✓ (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.

THE BLDG HAS BEEN A DENTAL OFFICE PRIMARILY SINCE 1964, UNABLE TO CONTINUE USE THAT WAY WOULD RESULT IN RELOCATION WITH SEVERE LOSS OF BUSINESS - PERHAPS OUT OF THE AREA IF AFFORDABLE OFFICE SPACE BLDG IS NOT AVAILABLE. THE PRACTICE + LIVELIHOOD COULD BE LOST OR SEVERE FINANCIAL CONSEQUENCES. LOSS OF POSSIBLE FUTURE PROFESSIONAL BUYER

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(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** _____ | _____ | _____ |
| Parking Area _____ | _____ | _____ |

* Residential Districts only
 ** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

| | Requirements | Proposed or Available | Variance Request |
|---------|--------------|-----------------------|------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign .. | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size 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. Interpretation. ~~##~~

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

(b) Describe in detail the proposal before the Board:

(INSIDE)
TO USE THE WHOLE BUILDING FOR PROFESSIONAL DENTAL SERVICES INSTEAD OF 2/3 USE. INTERIOR MODERNIZING & DECORATING - INSTALL OF HANDICAP ACCESS FROM ONE FRONT. EXTERIOR AS SEEN WITH PICTURES WOULD STAY EXACTLY THE SAME. WE NEED TO MODERNIZE INTERIOR. BUILDING HAS BEEN PRIMARILY A DENTAL OFFICE SINCE 1964. 2/3 USE SINCE 1968.

✓ 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

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

8-18-00

Re
254 Blooming Grove Place
NEW WINDSOR, N.Y.
Authorization for Dr. O'Brien

to complete paperwork for
Zoning presentation Sept 11th to
The Zoning Board for Zoning Changes
to reflect pre-existing use.

I agree to authorize his signing
The forms as necessary as representing
me in his capacity of common
goals.

Dr. Hugh O'Brien
Owner

914 566 7432 fax
914 562-5658 fax

Proxy

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

RECEIPT
#585-2000

07/28/2000

Hunsinger, Hugh

Received \$ 150.00 for Zoning Board Fees, on 07/28/2000. Thank you for stopping by the Town Clerk's office.

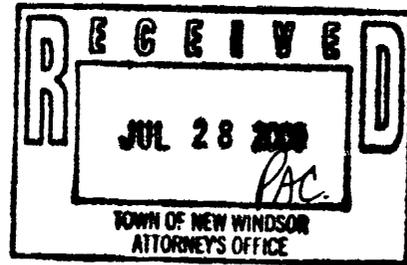
As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

Hugh R. Hunsinger, D.D.S., F.A.G.D., L.L.C.
Consulting Services

P.O. Box 176
Cornwall, NY 12518
Telephone: (914) 534-9910
Fax: (914) 534-9910

To The New Windsor Zoning Board :



Ladies and Gentlemen:

I believe that I have sufficient evidence of my dental office in existence since 1966 at 36 route 94 R D 4 New Windsor, N. Y. I will bring that with me at the next meeting along with evidence that Schoonmaker Bros. had their commercial offices in the Building prior to my purchase. I always intended to eventually use the entire building when it came time to modernize as that is now needed, unable to be postponed. Modernization is needed internally as the exterior is satisfactory as is shown in the photos presented June 12th.

With this material I am requesting to be grand fathered as to Proper zoning to do this.....

Thank you,

**Dr. Hugh Hunsinger
754 Blooming grove Tpke
New Windsor, N.Y. 12518
914 561 8093 , 860 739 2452**

Date 4/26/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

| DATE | | CLAIMED | ALLOWED |
|---------|-----------------------|---------------|---------|
| 4/12/00 | Towing Board Mtg | 75 00 | |
| | Misc - 1 | | |
| | Bobare - 3 | | |
| | Hunsinger - 5 \$22.50 | | |
| | Luongo - 4 | | |
| | Reynolds - 3 | | |
| | Fox - 8 | | |
| | L.G. Enterprises - 3 | | |
| | Trinajstic - 9 | | |
| | UOR Associates - 5 | 184 50 | |
| | <u>41</u> | | |
| | | <u>359 50</u> | |

HUNSINGER, HUGH

MR. NUGENT: Request for use variance for professional office at 754 Blooming Grove Turnpike in an R-4 zone.

Dr. Hugh Hunsinger appeared before the board for this proposal.

DR. HUNSINGER: This is all using the existing building for the office, instead of just a portion of it. We need to modernize the building and we need to use more of the space to modernize it. The cost of doing it is prohibitive to renovate. We just need to use the whole building instead of a portion. We're not doing any exterior, everything exterior stays the same, we're not adding anything on, we're, we want to use, we need to just to modernize the whole building instead of a portion of it.

MR. REIS: This is the same building you have been practicing in for the last several years?

DR. HUNSINGER: Yes, I have been there since 1964 and these are pictures of the building as it exists now, this all came back today, I submitted a building permit which was turned down because of the zoning wasn't quite exactly as it should be. I bought the building new from Schoonmaker brothers in 1964.

MR. NUGENT: How much of the building do you use now?

DR. HUNSINGER: About 2/3 of it.

MR. NUGENT: So you just want to convert 1/3 more?

DR. HUNSINGER: Yes, convert 1/3 that we need to use to modernize the facilities, that's all, correct.

MR. TORLEY: And you have been there operating as a business since?

DR. HUNSINGER: 1964.

MR. NUGENT: You're living there now?

**RETAKE
OF
PREVIOUS
DOCUMENT**

Date 4/2/00, 19.....

TOWN OF NEW WINDSOR
 TOWN HALL, 555 UNION AVENUE
 NEW WINDSOR, NEW YORK 12553

TO Frances Roth
 168 N. Drury Lane DR.
 Newburgh, N.Y. 12550

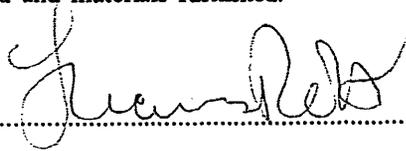
| DATE | | CLAIMED | ALLOWED |
|---------|-----------------------|---------------|---------|
| 4/12/00 | zoning Board Mtg | 75 00 | |
| | Misc - 1 | | |
| | Robare - 3 | | |
| | Hunsinger - 5 \$22.50 | | |
| | Luongo - 4 | | |
| | Reynolds - 3 | | |
| | Fox - 8 | | |
| | L.G. Enterprises - 3 | | |
| | Trinajstic - 9 | | |
| | UoR Associates - 5 | 184 50 | |
| | 41 | | |
| | | <u>359 50</u> | |

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.
Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of
\$

.....
Clerk

HUNSINGER, HUGH

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MR. NUGENT: So you just want to convert 1/3 more?

DR. HUNSINGER: Yes, convert 1/3 that we need to use to modernize the facilities, that's all, correct.

MR. TORLEY: And you have been there operating as a business since?

DR. HUNSINGER: 1964.

MR. NUGENT: You're living there now?

DR. HUNSINGER: No, I am not living there now.

MR. NUGENT: How long since you were living there?

DR. HUNSINGER: Just briefly, when we first bought the building, then we hadn't, we left I believe in the early '70's.

MR. TORLEY: But it's been primarily a business since?

DR. HUNSINGER: Building has been used for dental office. The building has been a dental office since I bought it in 1964. Prior to that, it was Schoonmaker brothers professional office, they used the whole building for their commercial operation. So I bought the building as a commercial operation, only want to put the dental office there and left the residential aspect of it stayed the same because I had no interest in changing it which we're not very interested in either, just want to utilize the whole building for space instead of 2/3 of it.

MR. NUGENT: Is there any other businesses near you?

DR. HUNSINGER: Yes, there's a church on the corner, there's Knox Headquarters, gas station on the other corner, the entire opposite side of the road is commercial, there's McQuade, the Convent of Saint Helena and so forth.

MR. NUGENT: But your building is actually the only one in that group of buildings that's professional?

DR. HUNSINGER: My building, I'm next, there's the church, there's a home and then my building. It's been a dental office as you see in the pictures.

MR. NUGENT: I've lived there all my life, so I know.

DR. HUNSINGER: I need to use the building so we can modernize it and stay current because we can't stay current, nothing exterior is changing.

MR. TORLEY: If then this is either a use variance if we consider what's being used as a residential

building, primarily residential with an attached office when zoning came in, if we considered that it was essentially only a professional office at the time of zoning, it would be grandfathered, continued to be.

DR. HUNSINGER: That was my impression until I found out, my impression was I did not have, there wasn't a situation because I would be grandfathered, there was no zoning in '63 or '64.

MR. KRIEGER: Yes, it is a question of interpretation and the question is when zoning came in, was it a residence with an ancillary professional use or was it a professional use.

DR. HUNSINGER: It was, it was being used as professional.

MR. KRIEGER: That's the question and that's--

MR. TORLEY: So if the applicant were to ask for both an interpretation and failing that a use variance, then when he came back in with sufficient evidence that this was always essentially professional office under the interpretation, you could make an interpretation that it was grandfathered in.

MR. KRIEGER: As I understand the zoning law as it existed prior to the most recent change there was always a limitation on how much could be used as professional office.

MR. BABCOCK: That's correct.

MR. BABCOCK: Maybe I can clear it up just a little bit. We don't have any records that go back to 1963 that Mr. Hunsinger's saying he's using the building, we have no reason to discount what he's saying but in 1968, he got a building permit from you and put an addition on the building, at that time, when he did, it was home professional office, that's how the Town looked at it. He was supposed to be living there and having his office.

DR. HUNSINGER: At this time, I was.

MR. BABCOCK: Home professional office is permitted in R-4 zone, but you must live in the house and it must be the owner of the house, it must be the person that's doing the business living there. Mr. Hunsinger no longer wants to do that since this is on record with the town, that's why he's here tonight. If we clearly had no record and that was or our records indicates that it was a complete dental office since day one, he wouldn't even be here tonight, that's where our problem is. Doesn't want to change anything right now. The law requires him to live there, even though he doesn't, he doesn't want to live there anymore and he wants to get this straightened out.

MR. KRIEGER: He hasn't lived there for some time.

MR. BABCOCK: That's correct.

MR. KRIEGER: Now, Larry, if you set him up for an interpretation and/or a variance, I have some further thoughts in that regard but I will--

MR. NUGENT: An interpretation and a variance would be the right thing to do.

MR. TORLEY: Mr. Chairman, entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move that we give Mr. Hunsinger a public hearing in regard to interpretation of the status of his property and also a public hearing in regards to a use variance for converted from R-4 to--

MR. KRIEGER: To allow professional use in that zone.

DR. HUNSINGER: As a doctor's office, to use the building, not a professional building, but as a doctor's office as a one profession office, not as a multiple, in other words, nothing changes, I'm just, what I'm trying to say just use it for what I'm using it for at the moment, not incorporate changes, no additions or anything like that, just a matter I need to modernize the building inside.

MR. REIS: Parking will remain the same?

DR. HUNSINGER: Everything will remain the same.

MR. REIS: Second the motion.

ROLL CALL

| | |
|------------|-----|
| MR. REIS | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

MS. CORSETTI: Here's your, this is your paperwork and your instructions.

MR. KRIEGER: If you would address yourself to the criteria set forth on that sheet when you come back, that you would be helpful. Those are the criteria on which the state requires that the zoning board decide.