

ZB# 69-12

Hendon Pools

(no SBL given)

69-12 Hendon Pools - Variance

8-19-69
4:10 PM

To be filed ✓

PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS.
 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. 24 Request of Benjamin Harris and Hendon Corp. for a Variance of the regulations of the Zoning Ordinance for permits for Retail Sale and Display of Swimming Pools and Accessories being a Variance of Article 48, Section 13 for property owned by him situated as follows: Bounded on the north by property now or formerly owned by Benjamin Harris, bounded on the west by Route 9W, on the east by the Old Route 9W, and bounded on the south by lands owned or formerly owned by Daniel and Eileen Mars. SAID HEARING will take place on the 4th of Aug. 1969 at the New Windsor School, beginning at 8 o'clock P.M.
LOUISE A. BUDNEY
 Chairman
 July 24

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

Robert D. Wilkinson, being duly sworn deposes and says that he is The Publisher 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 24th day of July, A.D., 1969, and ending on the 24th day of July, A.D., 1969

Subscribed and sworn to before me this 24th day of July, 1969

[Handwritten Signature]
[Handwritten Signature]

Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1971



Adopted 12/20/65

APPLICATION FOR VARIANCE

APPLICATION NO. 69-12
DATE: July 21, 19 69

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

I (we) Ben Harris of Route 9W, New Windsor, New York and
(Street & number)

Hendon Corporation

192 Route 9W, New Windsor, New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY 192 Route 9W, New Windsor, New York
(Street & Number) (Use district on Zoning Map)
- B. PROVISION 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 Do not quote the ordinance: 48-Section 13)

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: retail sales not permitted in area and also does not meet the 40,000 square feet requirement.
- 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: the land cannot be used for retail sales which would improve the area and there are already many retail stores in this immediate area.
- 3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: the land cannot be used for any other purpose because of the size of the area.

4. Belief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: the area already has many retail establishments.

Therefore, this would be in keeping with the conditions of the area.

5. Belief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: the area already has many retail establishments close by.

7. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

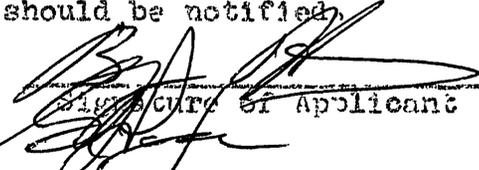
~~The property is to be used for the sale of swimming pools and for the display of these swimming pools.~~

E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount of \$10.00 . Application to be returned to: Secretary of the Zoning Board of Appeals.

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: July 22, 1969


Signature of Applicant

STATE OF NEW YORK)
COUNTY OF ORANGE) SS

Sworn to this 22nd day of July 19 69 270 Ouassaick Ave.
Address New Windsor, N.Y.
JERALD FIEDELHOLTZ
Notary Public, State of New York
Residing in Orange County
Commission Expires Mar. 30, 1971
Jerald Falco
(Notary Public)
562-4630
Telephone No.

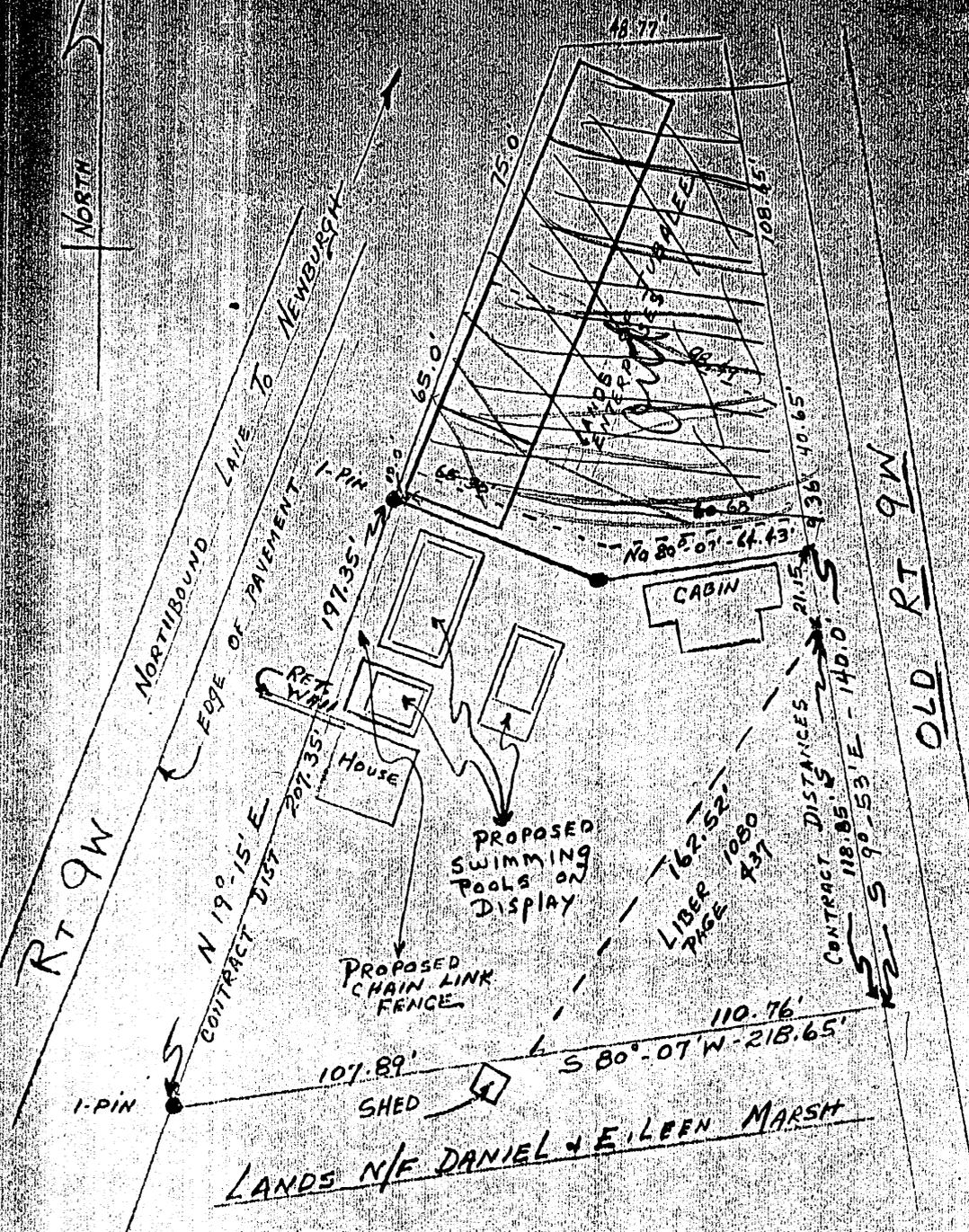
DO NOT WRITE IN THIS SPACE

Application No. 69-12
Date of Hearing July 21, 1969
Date of Decision Aug 18, 1969

Date Received June 1969
Notice Published July 24, 1969

DECISION: Variance granted.

PLOT PLAN



SCALE
1" = 50'

August 21, 1969

Benjamin Harris & Hendon Corporation
192 Route 9W
New Windsor, N. Y. 12550

Dear Mr. Harris:

Please be informed that at a meeting
of the Zoning Board of Appeals, held on Monday,
August 18, 1969, it was the decision of the
Board to grant your application for a variance.

Yours very truly,

Louise A. Budney, Chairman

LAB:pd

cc: Lawrence Jones, Bldg./Zoning Insp.
Howard Collett, Chairman of Planning Bd.

ORANGE COUNTY PLANNING BOARD
COUNTY BUILDING, GOSHEN, NEW YORK

PETER GARRISON
PLANNING DIRECTOR

EDWIN J. GARLING
ASSISTANT PLANNING DIRECTOR

ROYAL BRUCE HARDE
ASSISTANT PLANNER

(914) 294-5151

August 6, 1969

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board
Veronica Avenue
New Windsor, New York 12575

Re: Application for use variance to permit
retail sales and display of swimming pools
and accessories, Route 9W.

Dear Mrs. Budney:

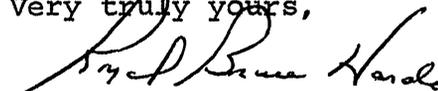
We are in receipt of a copy of the above cited application, which was forwarded to us by the applicant's attorney.

This application has been reviewed by our staff, which included a visit to the site. Our recommendation is that this application can best be accommodated by the creation of a new General Business District, as delineated on the enclosed map. As the applicant correctly points out, the whole triangle is commercial in character, and the parcels into which it is divided are too small to lend themselves to individual industrial uses. Should this suggestion meet with a favorable response this would put this matter before the Town Board and Town Planning Board, which have jurisdiction over amending the zoning map.

We would further suggest, on the basis of our field survey, that the residential area to the north of this area, bounded roughly by Route 9W, Silver Spring Road, River Road and Old 9W, be designated an RB district, as that is its dominant characteristic, and the excessive slope of the land does not lend itself to industrial development.

If we can be of any assistance to you in following-up these suggestions, we stand ready and willing to help.

Very truly yours,



Royal Bruce Harde
Assistant Planner

RBH:f
Enc. 1

c.c. Howard Collett, Chairman, Planning Board
Jerald Fiedelholtz, Attorney
George Papa, Hendon Pools
Bernard Sommers, Attorney

ORANGE COUNTY PLANNING BOARD
COUNTY BUILDING, GOSHEN, NEW YORK

PETER GARRISON
PLANNING DIRECTOR

EDWIN J. GARLING
ASSISTANT PLANNING DIRECTOR

ROYAL BRUCE HARDE
ASSISTANT PLANNER

(914) 294-5151

August 8, 1969

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board of Appeals
Veronica Avenue
New Windsor, New York, 12575

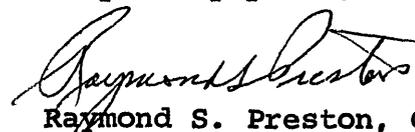
Re: Application for use and area variance to
permit retail sales and display of swimming
pools and accessories, Route 9W

Dear Mrs. Budney:

Acting under its review powers granted by Section 239 l and m, Article 12B of the General Municipal Law of the State of New York, the Orange County Planning Board, meeting on August 7, 1969, voted, upon motion by Mr. Hayes, seconded by Mr. Patt, and carried, to approve the immediate granting of use and area variances to permit the retail sales and display of swimming pools and accessories by Hendon Pools, on their site bounded by Route 9W and Old 9W.

This we do consonant with the thinking and recommendations contained in a staff letter addressed to you on this subject, dated August 6th. In that letter, it is suggested that a new local business zone be created, in which the use and area of the applicant's property would then be conforming.

Very truly yours,



Raymond S. Preston, Chairman
Orange County Planning Board
Review Committee

RSP:f

c.c. Howard Collett
Bernard Sommers
Theodore Marsden

7 Franklin Ave., M.D. 42
New Windsor, N. Y. 12550
July 25, 1969

Mr. Howard Collett, Chairman
New Windsor Planning Board
Drary Lane
Rock Tavern, N. Y.

Re: Application for a Variance of
Benjamin Harris and (Hendon Corp.)

Dear Mr. Collett:

Please be informed that there will be a
public hearing held in the above matter on Monday,
August 4th, 1969 at New Windsor School at 8 p.m.

Enclosed please find a copy of the appli-
cation, together with a copy of the public hearing
notice.

Yours very truly,

Patricia Delio,
Secretary

Encs.

cc: Lawrence Jones, Bldg./Zoning Insp.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

June 22, 1969

Hendon Pool Corporation
192 Route 9W
New Windsor, New York 12550

Dear Sir:

According to my records, the following list of property owners are within the 500 feet of the area you inquired about:

- ✓ St. Joseph Church
Union Avenue & St. Joseph Pl.
New Windsor, N. Y.
- ✓ Kissell, Joseph & Kathleen
St. Joseph Place MD #14
New Windsor, N. Y.
- ✓ Librizzi, James & Dorothy
15 St. Joseph Pl.
New Windsor, N. Y.
- ✓ Sgro, Louise R.
Lattin Town Rd.
Newburgh, N. Y.
- ✓ Kellyhouse, Walter
128 1/2 N. Miller St.
~~Newburgh, N. Y.~~
- ✓ Yates, Morris & Ethlyn W.
1 Valley View Dr. MD 14
Newburgh, N. Y.
- ✓ Bedetti, Frank A & Mary D.
5 Valley View Dr. MD 14
Newburgh, N. Y.
- ✓ Harris, Benjamin & Bella
Jubalee Enterprises Company, Inc.
Route 9W
New Windsor, N. Y.
- ✓ McCullough, Charles & M. C.
St. Joseph Pl.
New Windsor, N. Y.
- ✓ Nugent, James E. & Kathleen
11 St. Joseph Place
New Windsor, N. Y.
- ✓ Bambino, Carmine J. & Lucia
18 St. Joseph Pl.
Newburgh, New York
- ✓ Russo, Samuel & Estelle
Rt. 9W, MD 26
Newburgh, N. Y.
- ✓ Moran, John T. & Elizabeth
14 St. Joseph Pl.
New Windsor, N. Y.
- ✓ Callan, George R. & Evelyn M.
2 Valley View Dr.
Newburgh, N. Y.
- ✓ Nalbandian Arthur &
Parseghian, Richard
5 Ping Hill Road
Demarest, N. J.
- ✓ Marsh, Mary D., Daniel & Jayne
70 Kingswood Gardens
Vails Gate, N. Y.

Doesn't own property there anymore



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

Sheet #2

Hendon Pool Corporation

✓ Dittbrenner, Frank H. & Eileen M.
16 Union Place
Newburgh, N. Y.

✓ Moerman, Anna
c/o Fontes Motor Court
Route 9W
New Windsor, N. Y.

✓ Hanaford, William C. Jr.
172 Route 9W
New Windsor, N. Y.

Please be advised that the charge for this service is \$15.00. Please remit same, making the check payable in my name.

Respectfully,
Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Chairman, Assessors
Town of New Windsor

EEW/pt

*Paid \$15.00 Cash
6/23/69
E. E. Weyant*

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

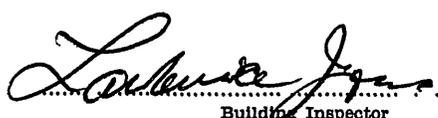
NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date MAY 6, 1969

To GEORGE PAPA
192 RTE 9W
NEW WINDSOR

PLEASE TAKE NOTICE that your application dated MAR 27, 1969
for permit to DISPLAY & SEAL SWIMMING POOLS
at the premises located at COR. RTE 9W & UNION AVE

is returned herewith and disapproved on the following grounds:
ZONING VARIANCE ON LOT SIZE


Building Inspector

April 3, 1969

Mr. Howard Collett, Chairman
Town of New Windsor Planning Board
Drury Lane
Little Britain, New York

Re: Hendon Pools, Route 9W

Dear Mr. Collett:

At the request of the New Windsor Planning Board I have reviewed the proposed location of the display facilities for Hendon Pools on Route 9W. The proposed use, lot area and setbacks appear to be in question to us.

Use - The proposed use is a sales and display facility for swimming pools. The G-1 District permits OL-1 uses; one of which is "48-12 B (5) Lumber and building material and equipment sales and storage....." I do not feel that this applies to the proposed use but this is the closest category to the proposed use in the G1 or OL-1 Districts. The Planning Board can interpret this subsection to apply or can require the applicant to apply for a change of zone or use variance.

Area-The lot area required in this zone is 40,000 square feet. The lot in question is only 21,700 square feet in area as calculated roughly. However, it is well below the required lot area thereby requiring an area variance.

Setbacks-Side yard setbacks are 15 feet and the northern most pool appears to encroach upon this side yard. The required front yard setback is 50 feet from the right-of-way line of Route 9W but the proposed structure is approximately 10 feet from this line. Since the existing house is not being added to, but being demolished, subsection 48-25 C does not apply to the swimming pools in terms of not increasing the degree of non-conformity with the front yard. This subsection applied to buildings and not lots.

A site plan must be approved by the Planning Board in this zone. Such a site plan should indicate the location of access from Route 9W.

which should be limited to a specific area, the location and extent of parking facilities, buildings to be demolished and buildings to be constructed.

I feel that you should obtain the opinion of your attorney as to his interpretation of the applicability to this matter of the two subsections indicated above.

Very truly yours,

Edwin J. Garling
Assistant Planning Director

EJG:f

c.c. Mr. George Papa
Hendon Pools
192 Route 9W
New Windsor, N.Y.

JERALD FIEDELHOLTZ

ATTORNEY AND COUNSELLOR AT LAW

—
**270 QUASSAICK AVENUE
NEW WINDSOR, NEW YORK 12550**

—
TOWN JUSTICE - TOWN OF NEW WINDSOR

**NEWBURGH OFFICE
142 BROADWAY
914-562-4630**

July 23, 1969

Patrick V. Delio
Franklin Avenue
New Windsor, New York

Re: Variance for Ben Harris & Hendon Corp.

Dear Pat:

I am enclosing herewith the application for variance No. 69-12 and a check in the amount of \$10.00.

I have put the notice for the hearing in the newspaper and it should be in the 24th. of July 1969.

I am also enclosing a copy of the letter that was sent to the property owners.

Very truly yours,


JERALD FIEDELHOLTZ

JF: jr
enc.

April 29, 1969

Mrs. Pat Delio
Secretary Zoning Board of Appeals
244 Union Avenue
Town Hall
New Windsor, New York

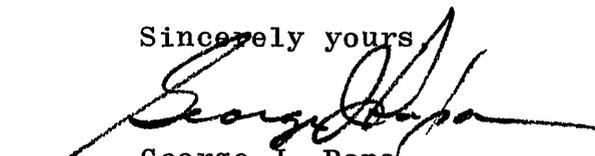
Dear Mrs. Delio:

I would like to take this opportunity to thank you for your interest shown in my problem on locating swimming pools for display on Route 9W.

I have not received the papers we spoke of on Wednesday, April 23, and I was wondering if perhaps they were lost in the mail. As I mentioned to you on the phone, my time for swimming pool sales is very limited and anything I can do to expedite getting the variance, I will be more than willing to do.

Again, I would like to thank you, and hope we can get this straightened out within the very near future. I remain.

Sincerely yours,



George J. Papa
Regional Manager

Public Hearing -

8/4/69

Spectators - Benjamin Harris / Hendon Pools

Name:

Address:

George Papa
J. Fedelkoltz

- Rt. 9W,
Rt. 94, New Windsor