

ZB# 70-3

F.A.S. Realty Associates

(no SBL)

70-3
F.A.S.
Realty Assoc.
(Telixm)

13 70
3:34 P.M.

**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. 3
Request of F.A.S. Realty Associates for a Variance of the regulations of the Zoning Ordinance, to permit multi-family residences, being a Variance of Article III, Section 48-13, for property owned by him situated on Rte. 9W as follows: and bounded on East by lands formerly of Newburgh Sand, Stone and Gravel Co.; on West by lands of DeCarlo Motors Restaurant and lands of Herman; on North, by land of Ramona Beauty Salon and on South by Sun Oil Co.

SAID HEARING will take place on the 20th of April, 1970, at the Town Hall, 555 Union Ave., New Windsor, N.Y. beginning at 8 o'clock p.m.

LOUISE A. BUDNEY
Chairman

April 10

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

Hugh V. Nocton , being duly sworn deposes and says that he is Principal Clerk 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 10th day of April A.D., 1970 , and ending on the 10th day of April A.D., 19 70

Subscribed and sworn to before me this
..... 10th day of April 19 70

Hugh V. Nocton
Chairman

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





1763

OFFICE OF THE SUPERVISOR

TOWN OF NEW WINDSOR

Supervisor
Theodore F. Marsden
244 Union Avenue
New Windsor, New York 12550
(914) 561-7127

March 10, 1970

New Windsor Zoning Board of Appeals
New Windsor, New York

ATTENTION: Mrs. Budney, Chairman

Dear Mrs. Budney:

I am forwarding to you the notice disapproving Garden Apartments on Route #9W.

This matter was referred by the Town Board in November of 1969 to the Planning Board but was improperly sent to the Advisory Board.

Our error has caused a delay of approximately four (4) months. Your prompt attention to this matter would be greatly appreciated.

They must, of course, have a referral made to the Orange County Planning Board and provide a description of the property and should be referred prior to hearing to the New Windsor Planning Board.

As they are now seeking a variance, I am sending copies of this letter to those concerned.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. Marsden'.

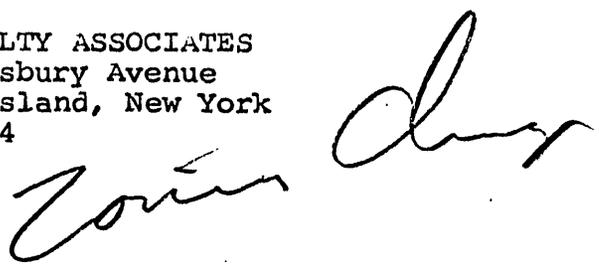
THEODORE F. MARSDEN
Supervisor

TFM:ked

cc: O. C. P/B w/letter of 11/3
N. W. P/B w/letter of 11/3
F.A.S. Realty w/ Disapproval Notice

cc: T/ATT
Admiral
O.C. P/B
N.Y. P/B
ZBA
3/10/70
OK
RD

F. A. S. REALTY ASSOCIATES
216-11 Kingsbury Avenue
Bayside, Long Island, New York
11364



November 3, 1969

Mrs. Julia M. Tuckosh
Town Clerk, Town of New Windsor
244 Union Avenue
New Windsor, New York 12550

Re: Zoning Change

Dear Mrs. Tuckosh:

F. A. S. Realty Associates respectfully request a zoning change from G-1 to RC on a parcel of land approximately 7-1/2 acres in size, located on the East side of Route 9W with 53 foot frontage on 9W. This property is bounded on the North by Romona Beauty Salon; on the East by lands formerly of Newburgh Sand, Stone & Gravel; on the South by Sun Oil Company and on the West by DiCarlo Motors and Restaurant and also on the West by Herrman.

We plan to construct a luxury apartment house project on this site.

Thank you very much.

Very truly yours,

F. A. S. REALTY ASSOCIATES

By: 
Harry Felixon

Copy for
Board of Appeals

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date 3/10 1970
F A S REALTY ASSOCIATES
To 216-11 KINGSBURY AVE BAYSIDE NY

PLEASE TAKE NOTICE that your application dated, 19.....
for permit to to construct GARDEN APTS
at the premises located at Rt 9w Adjacent to DeCarlo Property

is returned herewith and disapproved on the following grounds:
GARDEN APTS NOT ALLOWED in G.I ZONE
ONLY IN R.C ZONE ARE APTS. PERMITTED
Need VARIANCE FROM ZONING BOARD OF APPEALS

Howard C. ...
Building Inspector

Public Hearing - 4/20/40

FAS Realty Associates

Spectators

Address

Silvio Opente	112 Laurel Drive.
Jeanette Herrman	25 Hurth Dr.
John Herrman	" " "
James J. Petralo	Grand Ave.
Bob J. Manuche	New Windsor
Mrs. Anthony Cimarelli	Liver Rd.
Antonette Cimarelli	Liver Rd.
Anthony Cimarelli Jr.	John St.
Michael Cimarelli	Continental Dr.
Miss Walsh	Laurel Dr.
William J. Herrman	R.D. #3 Box 100 Mt. Kisco, N.Y.
Joan Herrman	" " " " 10549



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

March 17, 1970

Milton Fischer, Esquire
542 Union Avenue
New Windsor, New York 12550

Subject: Property owned by
James Z. Tatsalos

Dear Sir:

According to my records, the attached list of property owners are within the five hundred (500) feet of the area you inquired about.

The charge for this service is \$15.00. Please remit same to me, making the check payable in my name.

Respectfully,

Ellsworth E. Weyant, pt

ELLSWORTH E. WEYANT
Chairman
Board of Assessors
Town of New Windsor

EEW:pt
Enc.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Milton Fischer, Esquire
RE: James Z. Patsalos

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

Tidewater Oil Co.
Madison Avenue 21, N. Y.

Getty Oil Company
660 Madison Ave.
New York, N. Y. 10021

Mobil Oil Corp.
c/o C. N. Nelson
50 West 44th Street
New York, New York 10036

Allied Chemical &
Dye Corp. Barrett Division
40 Rector Street
New York 6, N. Y.

Gafney, William
302 Route 9W
New Windsor, N. Y. 12550

Mendoza, Ramona
300 Route 9W
New Windsor, New York

Herrman, John J. & William J.
25 Harth Drive
New Windsor, N. Y.

DiCarlo, Anthony
64 Melrose Avenue
New Windsor, N. Y.
(2 parcels)

Affron Tank Terminals Inc.
River Rd., MD #14
New Windsor, N. Y.

Cimorrelli, Michael
River Rd., MD #14
New Windsor, N. Y.

M & M Realty Company
57 DuBois Street
Newburgh, N. Y.
(2 parcels)

Sun Oil Company
1608 Walnut Street
Philadelphia, Pa.

DiNitto, Rudy A. & Marie
107 So. Robinson Avenue
Newburgh, N. Y.

Wadagnolo, Nora
Olsen, Mary Agnes
104 Laurel Drive
Newburgh, N. Y.

Wadagnolo, Nora C.
Peacock, Harry I. & William J.
104 Laurel Drive
New Windsor, N. Y.

Arra, Carl & Katherine G.
106 Laurel Dr.
New Windsor, N. Y.

Walsh, John F.
108 Laurel Dr.
New Windsor, N. Y.

White, Leslie J. & Marjorie D.
Laurel Drive
New Windsor, N. Y.

Harris, David J. & Wilma A.
160 North Street
Newburgh, New York

Ireuiti, Silvio & Angela
112 Laurel Drive
New Windsor, N. Y.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Milton Fischer, Esquire (Continued)
RE: James Z. Fatsalos

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

Schoenberger, John N. & Joyce W.
Holly Drive
Newburgh, New York 12550

McDowell, Raymond
109 Holly Drive
Newburgh, New York

Taylor, Marjorie G. Raymond Fanning T.
107 Holly Drive
Newburgh, New York

Wagner, Richard E. & Catherine E.
Holly Drive
New Windsor, New York

Respectfully submitted,

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

EEW:pt

MILTON FISCHER

ATTORNEY AT LAW

542 UNION AVENUE

NEW WINDSOR, N.Y. 12550

(914) 565-5200

20 March 1970

Dear

I represent F.A.S. Realty Associates who are seeking a variance from certain provisions of the zoning ordinance as indicated hereunder. Accordingly, please be informed that the Zoning Board of Appeals of the Town of New Windsor will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

That a variance from provisions of Article III, Section 48-13 of the zoning ordinance of Town of New Windsor be granted to permit the construction of multi-family residences on property located on Rte. 9W and situated as follows:

On Rte. 9W and bounded on East by lands formerly of Newburgh Sand, Stone and Gravel Co.; on West by lands of DeCarlo Motors Restaurant and lands of Herman; on North by lands of Ramona Beauty Salon and on South by Sun Oil Co.

The hearing will be held on 29 April 1970 at the TOWN HALL, 555 Union Avenue, New Windsor, New York at 8 o'clock P.M. mf

Very truly yours,

M. FISCHER

MF/r

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4

MILTON FISCHER

ATTORNEY AT LAW

542 UNION AVENUE

NEW WINDSOR, N.Y. 12550

(914) 565-5200

20 March 1970

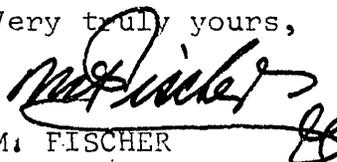
Orange County Planning Board
124 Main Street
Goshen, New York

Re: Application for Variance
F.A.S. Realty Associates

Gentlemen:

In compliance with provisions of Section 239-m, General Municipal Law, please be advised that property, subject of application for variance as indicated on enclosed copy thereof, lies within a distance of five hundred feet of New York State Highway 9W in New Windsor. Accordingly said application, together with plan, is herewith referred to your Board for appropriate recommendation.

Very truly yours,



M: FISCHER

MF/r
Encs.

F. A. S. REALTY ASSOCIATES
216-11 Kingsbury Avenue
Bayside, Long Island, New York
11364

November 3, 1969

Mrs. Julia M. Tuckosh
Town Clerk, Town of New Windsor
244 Union Avenue
New Windsor, New York 12550

Re: Zoning Change

Dear Mrs. Tuckosh:

F. A. S. Realty Associates respectfully request a zoning change from G-1 to RC on a parcel of land approximately 7-1/2 acres in size, located on the East side of Route 9W with 53 foot frontage on 9W. This property is bounded on the North by Romona Beauty Salon; on the East by lands formerly of Newburgh Sand, Stone & Gravel; on the South by Sun Oil Company and on the West by DiCarlo Motors and Restaurant and also on the West by Herrman.

We plan to construct a luxury apartment house project on this site.

Thank you very much.

Very truly yours,

F. A. S. REALTY ASSOCIATES

By:


Harry Felixon

Referred to you by the Town Board - 11/19/69

7

HARRY FELIXON
 216-11 Kingsbury Ave - Riverside N.Y.
 Telephone Number 212- HO 5-4994
 Address for order of the property Yps

7

STATE OF NEW YORK
 COUNTY OF []
 IN SENATE
 JANUARY 1954

REPORT OF THE
 COMMISSIONERS OF THE DEPARTMENT OF TAXATION AND FINANCE
 CONCERNING THE
 STATE OF NEW YORK

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 STATE OF NEW YORK

7

HARRY FELIXON
216-11 Kingsbury Ave - Riverside NY
Telephone Number 212-465-4994

7

Is this the correct address for you? Yes

1. Name of Firm
2. Name of Firm
3. Full name of person to be contacted
4. Telephone Number
5. Street Address

6. NEEDED KINDS OF APPRISALS

1. Valuation of Real Estate or Map
2. Valuation (Totally Full + Items if necessary)
3. Appraisal and log

7. OTHER INFORMATION

1. Existing Survey or map needed?
2. Other information needed
3. Name of person to be contacted
4. Address of person to be contacted
5. Telephone number of person to be contacted

1. Name of person to be contacted
2. Address of person to be contacted
3. Telephone number of person to be contacted

Harry Felixon

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

Adopted 12/20/65

APPLICATION FOR VARIANCE

APPLICATION NO. 70-3
DATE: 20 March 1970

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

X (we) F.A.S. Realty Associates of 216-11 Kingsbury Avenue
(Street & number)
Bayside, Long Island,
New York HENRY HARRIS
(State)

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY Rte. 9W, New Windsor GI
(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: Article IX, SEC. 48-32B

as it applies to Secs. 48-8 and 48-13.

- 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: It is one of the few parcels within immediate area with access to a road and where terrain would permit feasible construction of multi-family housing, much needed in particular area;
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: optimum use of parcel is multi-family housing, much needed at this location; and parcel is not adequately suited for industrial use and after diligent effort owner has still been unable to sell it for such use.
3. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance because: neither applicant nor predecessor in interest have at any time taken any action of any kind to affect conditions or circumstances either prior or subsequent to adoption of ordinance;

it will further the public good by providing needed multi-family housing and incidentally upgrading the area;

unless approved, will not constitute a grant of special use unless inconsistent with the fact factors upon which proposed the zone because this parcel is by terrain, scenic view and road access especially suited for multi-family housing, and because this is only relatively flat piece in the area, several feet below 9W road level yet considerably higher than adjoining lands.

Describe in detail how the property is to be used and submit site sketches in duplicate.

Parcel consists of 7 1/2 acres on which it is proposed to construct two story brick garden apartment type structures which will provide 105 semi-luxury apartment units, approximately half of which will be 3 1/2 room apartments and the other half, 4 1/2 room apartments.

Application to be accompanied by a check, payable to the Town of New Windsor in the amount of \$10.00 \$25 Application to be returned to Secretary of the Zoning Board of Appeals.

NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all adjoining land owners as required by Section 9-4-1 of the Ordinance.

If the property in question is located within a radius of 500 feet or an adjoining municipality, the board should be notified.

20 March 1970

Harry Felix
Signature of Applicant

216-11 Kingsbury Avenue
Bayside, Long Island, N.Y.
Address

212-HO5-4994
Telephone No.

STATE OF NEW YORK
COUNTY OF GRANGE

20 day of March 1970

Vivian Satterly
VIVIAN SATTERLY
Notary Public, State of New York
Residence on Appointment - Grange County
Commissions Expires March 30, 1971
No Official Number

70-3
Apr. 20, 1970
May 4, 1970

File Received Mar. 20, 1970
Notice Published Apr. 16, 1970

Variance granted

file

Veronica Avenue
New Windsor, N. Y. 12550
May 6, 1970

Col. Milton Fischer
Attorney at Law
542 Union Ave.
New Windsor, N. Y. 12550

Re: Application for Variance of
FAS Realty Associates

Dear Col. Fischer:

Please be advised that at a meeting of the New Windsor Zoning Board of Appeals held on Monday, May 4, 1970, it was the decision of the Board to grant the above application for a use variance to permit construction of a maximum of 12 buildings, no more than 2 stories in height and having a maximum of 105 units on a 7 1/2 acre parcel, subject to site plan approval by the Planning Board.

Yours very truly,

Louise A. Budney, Chairman

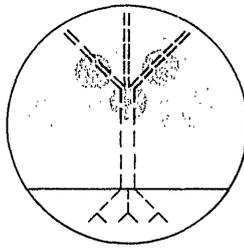
/pd

cc: Howard Collett, Bldg. Inspector

715 Realty - 70-3

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

April 17, 1970

Mrs. Louise A. Budney, Chairman
Town of New Windsor Zoning Board of Appeals
Veronica Avenue, M.D. 23
New Windsor, Newburgh, N. Y. 12550

Re: Use Variance application of F.A.S. Realty
Assoc., Bayside, for portions of the
Patsalos property, Route 9W

Dear Mrs. Budney:

This office is in receipt of materials pertinent to the above-cited application, received from the applicant's attorney and from the office of the town supervisor, as well as your letter of April 9th.

Accordingly, it has been reviewed by our office acting under Section 239 l and m, Article 12 B of the General Municipal Laws of the State of New York. We note the following:

1. The physical conditions peculiar to the land are the result of the actions of the applicant or his predecessor in title.

a. The excavation of a portion of the original tract has, in part, defined the borders of the site under review, accentuating the steep embankment that border the property on three sides.

b. Sale of two commercial lots along the frontage of Route 9W has effectively reduced the frontage of the remaining portion to a 55' entrance corridor, virtually landlocking said 7½ A.

2. The terrain does not lend itself to the siting of 12 rectangular buildings varying between 140' and 160' long, accommodating 105 dwelling units. In addition to the service road, the site must

accommodate a one acre area suitable for recreation, and slightly more than one acre in parking area. The result is a clutter that neither provides a good living environment nor takes advantage of the magnificent view possible from this vantage point.

3. We have serious questions concerning the suitability of the soil of the site to support the uses proposed, or any other substantial load-bearing use. Furthermore, the banks of the property are subject to erosion which might endanger any structures or roadways built too close to their edge.

4. The uses of other portions and former portions of this property, to say nothing of contiguous land-uses, have already set the character of this parcel as industrial and commercial. The intrusion of new residential uses into this area will be ill-suited to their neighbors, and create a residential pocket effectively isolated from neighborhood conveniences.

On the basis of these findings, we feel that the granting of the use variance applied for is unjustified and unwise, and therefore deny county approval.

In making this decision, we did take into consideration the matter of access to the site as received in your letter of April 9th. We found the sight-distance of the north-bound lane of Route 9W (a divided 4 lane highway) to be good. It would not be wise, however, for a school bus to stop on Route 9W to take-on or discharge passengers. It would be better for such a school bus to turn into the site, pick-up or discharge, and then reverse its direction, exiting from the site. Since this is possible, we did not include this point among our reasons for rejection.

Finally, we wish to remind the board and the developer that any development on this site is subject to the review of the Hudson River Valley Commission, which agency must evaluate each proposal in all its aspects, and render a decision before the local board can finalize its own. A check with HRVC revealed that this matter has not yet been brought to their attention.

Very truly yours

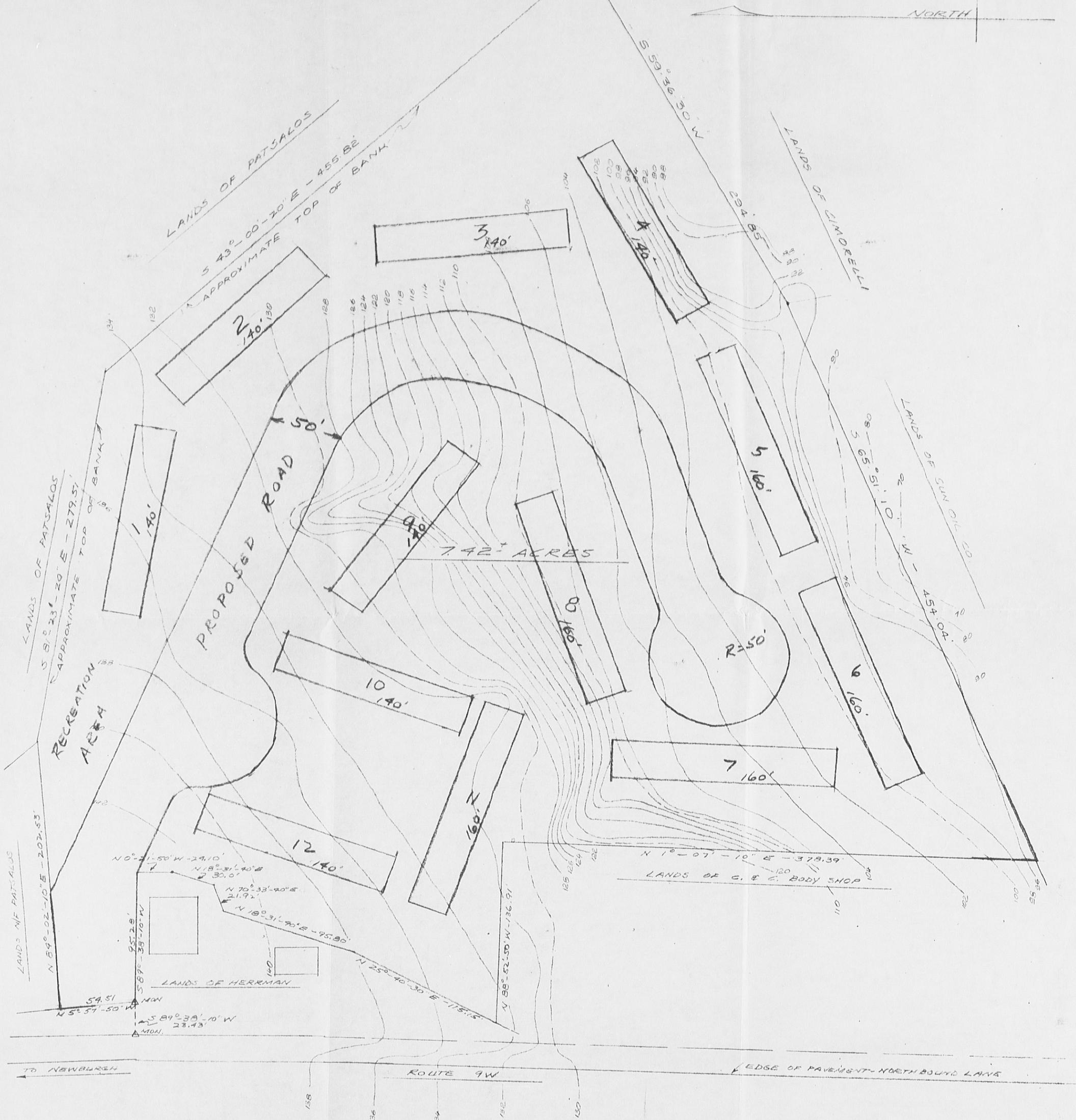
Peter Garrison

Peter Garrison
Commissioner of Planning

PG:f

cc: Theodore Marsden
F.A.S. Realty Assoc.
Joseph Tallarico
Milton Fischer
HRVC, Att: Mr. Anthony Corkill

NORTH



**BUILDING LAYOUT
SURVEY
PORTION LANDS OF
JAMES Z. PATSALOS**

TOWN OF NEW WINDSOR ORANGE CO. NY
SCALE - 1" = 40' JULY 3, 1969
TOPG. INDEX - JAN. 20, 1970

3/20/70

EUSTANCE & MORRIS ENGINEERS
BOX 525 CARLEVILLE NEW YORK 10419