

ZB# 72-3

Maypac Realty

(no SBL given)

22-3
Murray
Realty

Public Hearing -
~~date:~~ Feb. 7, 1972
8 p.m. -

Filed 4/25/72
12:30 P.M.

22
Me
+
Re

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application # 72-3

Date: January 17, 1972

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

X (WE) MAYPAC REALTY of 12 Windwood Lane, New Windsor, N. Y. (Street & number) HEREBY MAKE 9 (State)

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY Rt. 32-Windsor Highway New Windsor, N. Y. (Street & Number) (Use district on Map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance: Art. III - Sec. 48-7

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 lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because:

Applicant has been trying for a number of years to sell the subject property for one-family residential use, which is the zoning designation, but has not had any prospective purchasers.

2. Strict application of the provisions of the 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: Taking into consideration the dimensions and area of this land,

and considering the location of the land on a highway, this would be ideal for the erection of professional buildings and offices.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The property was purchased by MAYPAC REALTY back in 1969 and has been unimproved since that time.

- 4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: A well-designed and well-planned complex of offices and professional buildings will certainly not be detrimental to this area, but will tend to enhance the area.
- 5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: of the location of the property on a highway, this fact alone will prove to be a greater use of the property, especially since it will bring more business and taxable income to the Town.

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

Applicant intends to construct a complex of business and professional offices. (See attached plan.)

E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount of ~~\$10,000~~ \$25. 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: January 20, 1972.

Edward B. Mossutt
Signature of Applicant

STATE OF NEW YORK)
COUNTY OF ORANGE) SS

Sworn to this 20th day of January, 1972.

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1972.

Patricia Delio
(Notary Public)

Address _____

Telephone No. _____

DO NOT WRITE IN THIS SPACE

Application No. 72-3
Date of Hearing 2/7/72
Date of Decision 2/7/72

Date Received 1/17/72
Notice Published Jan. 20, 1972

DECISION: Denied.

TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

✓ DATE December 20, 1971

APPLICATION is hereby made for the following:

Agenda _____ Service _____

- ✓ 1. Name Maypac Realty
Address 12 Windwood Drive, Newburgh, New York
Telephone number 562-0203
Are you the owner of the property? Yes

2. Briefly describe intention (or attach) and location of property:
Professional office buildings and stores. The property is located on
Route 32 in the Town of New Windsor, New York.

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

✓ 4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
✓ LB use from RB Zone variance (Notify P/B - plans if necessary)
_____ Informational meeting

AGENDA DATE Request application for variance

5. BUILDING PERMIT

_____ Planning Board action needed
_____ Z.B.A. action needed
_____ Site plan needed
_____ Subdivision approval needed
_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges.

APPLICATION is hereby made for the following:

Agenda _____ Service _____

✓ 1. Name Maypac Realty

Address 12 Windwood Drive, Newburgh, New York

Telephone number 562-0203

Are you the owner of the property? Yes

2. Briefly describe intention (or attach) and location of property:

Professional office buildings and stores. The property is located on Route 32 in the Town of New Windsor, New York.

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_____ Informational Meeting

AGENDA DATE _____

✓ 4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map

✓ LB use from RB Zone Variance (Notify P/B - plans if necessary)

_____ Informational meeting

AGENDA DATE Request application for variance

5. BUILDING PERMIT

_____ Planning Board action needed

_____ Z.B.A. action needed

_____ Site plan needed

_____ Subdivision approval needed

_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

✓ Signed: Achille P. Antonetti
(APPLICANT)

8 p.m. - 2/7/72 - Public Hearing

Spectators:

Maysa Realty

Name:

Address

Francis Allen Tuttle	239 Leslie Ave.
James McOwen	223 Leslie Ave
Mary W. McCabe	223 Leslie Ave
William E. Brown	225 Leslie Ave
Freeman Adams	233 James Ave.
Michael Cavallo	229 Margo St.
Bertha Schmitt	195 Windsor Hwy -
Virginia Cavalli	229 Margo St
Rick Hanetta	231 Leslie Ave
Barbara Fyke	227 Leslie Ave
John T. Hanetta	231 Leslie Ave
James F. Fleming	236 Leslie Ave
Margaret Patti	233 Leslie Ave
John G. F.	235 Leslie Ave
Angie Ferale	224 Leslie Ave
M. J. McKeown	245A Windsor Highway
Chas. M. Mc Dermott	245A Windsor Highway
Frank Pelletier	354 Union Ave.
Edward B. Mossut	23. Parkview Rd.
John P. Patek	117 - Juniper Dr. Hwy Hwy.
John P. Patek	5 Colville

555 Union Avenue
New Windsor, N. Y.
February 17, 1972

MAYPAC REALTY
12 Windwood Drive
Newburgh, N. Y. 12550

RE: MAYPAC REALTY
Application for Variance

Dear Sir:

This is to confirm that your above application for a variance was denied by the Zoning Board of Appeals on February 7, 1972.

Yours truly,

FRED WYGANT, Chairman

/pd

cc: Howard Collett, Bldg. Inspector
Joseph Tallarico, Chairman
Planning Board

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date DEC 23, 19 71

To MAYPAC REALTY
12 WINDWOOD DRIVE
NEWBURGH

PLEASE TAKE NOTICE that your application dated DEC 20, 19 71
for permit to ERECT PROFESSIONAL BLDGS, STORES & OFFICES
at the premises located ON ROUTE 32

is returned herewith and disapproved on the following grounds

LOCAL BUSINESS NOT PERMITTED IN
(R.B.) ONE FAMILY RESIDENTIAL ZONE

Howard R. Caccetta
Building Inspector

REQUEST FOR VARIANCE HAS BEEN
REFERRED TO THE ZONING BOARD OF APPEALS,

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 48-33 A of the Zoning Ordinance on the following proposition:

Appeal No. 72-3

Request of MAYPAC REALTY for a Variance of the regulations of the Zoning Ordinance, to permit erection of professional buildings and office complex in an RB zone being a Variance of Article III, Section 48-7, for property owned by it situated as follows: On Rt. 32, Windsor Highway, New Windsor, N. Y. - Bounded on the north by the New Windsor Land Company; on the south by lands now or formerly of Ann Morton- on the east by the New York and Erie Railroad Company and on the west by the Windsor Highway.

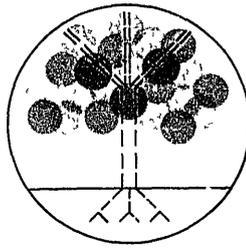
SAID HEARING will take place on the 7th day of February, 1972, at the New Windsor Town Hall - 555 Union Avenue, New Windsor, N. Y. beginning at 8 o'clock p.m.

Fred Wygant,
Chairman

By: Patricia Dello, Secretary

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



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

County of Orange

Louis V. Mills, County Executive

February 7, 1972

Mr. Fred Wygant, Jr., Chairman
Town of New Windsor Zoning Board of Appeals
Forge Hill Road
New Windsor, N. Y. 12550

Re: Use Variance - Maypac Realty
Route 32

Dear Mr. Wygant:

This office is in receipt of the above application. Pursuant to the provisions of Sections 239, L and M, of the General Municipal Law, we have made our review and deny County approval.

In July 1970, and on January 7, 1972, we responded to the Town on the rezoning of this property from RB to LB and RC, and RB to LB, respectively. We noted that we had favored the residential aspect of the project and were opposed to commercial activity which would further accelerate the pressure to complete the strip commercialization of the highway and pose a threat to traffic safety. We suggested, and still favor, a small, convenience-type retail and service component integrated to a larger residential component.

For this area to develop properly, the Town should insist upon a scheme showing the development and use of the entire 16 acres of land. Such a scheme might very well include a small complex of offices, with emphasis on, however, the residential use of the property.

Mr. Fred Wygant, Jr.

-2-

February 7, 1972

We would hope that the Town and applicant consider our suggestions and work at modifying the scheme presented to us in 1970. We would then be willing to review and reconsider the proposal.

Very truly yours,



Peter Garrison
Commissioner of Planning

PG:mj

cc: T. Marsden
J. Tallarico

Enclosure

Memo FROM:

OFFICE OF THE SUPERVISOR

THEODORE F. MARSDEN

TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

PHONE 565-8800

TO:

Orange County Planning Board
County Building
Goshen, New York 10924

DATE: Dec. 3, 1971

ATTN: Mr. Joel Shaw

SUBJECT: Maypac Realty request

— FOLD HERE —

Dear Mr. Shaw:

I wish to bring to your attention, a request for a re-zoning application for the property (approximately sixteen acres) owned by Mapac Realty situated on Windsor Highway in the Town of New Windsor. It is my understanding that Mapac requests that the front portion of the land that has recently been subdivided be considered for zoning as a local business district.

Enclosed please find a copy of a letter from their attorney, Mr. Mauriello.

Your prompt attention in this matter will be greatly appreciated.

Respectfully,

THEODORE F. MARSDEN
Supervisor

by

TH:cg
cc: Mr. Mauriello.
Encls.

Cromwell Business Forms, Albany, N.Y. 12201

MEMO SET
CBF-00345 2 P

Memo-Set



cc: [unclear] 12/2/71
[unclear]

Page 3 *12/2/71*
#6

FINKELSTEIN, MAURIELLO, KAPLAN AND LEVINE
COUNSELLORS AT LAW
184 LIBERTY STREET
NEWBURGH, N. Y.
12550

TELEPHONE 562-0203
AREA CODE 914

HOWARD S. FINKELSTEIN
EDWARD D. KAPLAN
JULES P. LEVINE
ANDREW M. MAURIELLO

MICHAEL H. FORRESTER
MAX LEVINSON

IN REPLY-REFER TO OUR FILE # 1981

October 11, 1971

Mr. Theodore Marsden, Supervisor
Town of New Windsor
New Windsor Town Hall
Union Avenue
New Windsor, New York 12550

Re: Maypac Realty

Dear Mr. Marsden:

On behalf of Maypac Realty of 12 Windwood Drive, Newburgh New York, we hereby make a formal written application for zoning change of property owned by Maypac Realty situate on Windsor Highway in the Town of New Windsor consisting of approximately 16 acres of land as set forth in the enclosed deed from Jordan L. Mott to Maypac Realty dated August 5, 1969.

The present zoning is residential and we request a zoning change to light business necessary in keeping with the general trend and development of the area and the location of the property on Windsor Highway.

I have asked my clients to furnish you with any maps or other material you require. If there is any assistance that I can give to expedite and further this application please advise me.

Very truly yours,

FINKELSTEIN, MAURIELLO, KAPLAN
AND LEVINE, P.C.

Andrew M. Mauriello
BY: ANDREW M. MAURIELLO, ESQ.

AMM db

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

25.
\$99.00

THIS INDENTURE, made the 5th day of August, nineteen hundred and sixty-nine BETWEEN JORDAN L. MOTT, residing at Cliff Lodge, Harbour Road, Paget, Bermuda (Mott street #)

as executor of the Estate of the last will and testament of EVA THOMSON PURDY, late of the Town of Newburgh, Orange County, New York, deceased, party of the first part, and MAPAC REALTY, a partnership duly organized and

existing under and virtue of the laws of the State of New York and with an office for the conduct of its business at number 12 Windwood Drive in the Town of Newburgh, County of Orange, State of New York,

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by the will of the said decedent, the issuance of Letters of Administration and in consideration of the sum of Ninety Thousand (\$90,000.00) dollars, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the center of the Windsor Highway (formerly known as Snake Hill Turnpike) at the northeast corner of lands now or formerly of Ann Morton, thence along said Morton lands and a stone wall South 22°13' East 170.6 feet to an angle in said stone wall; thence still along said lands and said wall South 20°38-1/2' East 437.9 feet to the northerly line of lands of the New York and Erie Railroad Company; thence along the curved northerly line of lands of the said New York and Erie Railroad Company 783.24 feet to the south-westerly corner of lands at the junction of stone walls, now or formerly of the Yuess Gardens Company, Inc.; thence along the line of said last mentioned lands and a stone wall North 20°21' West 302.8 feet to an angle in said wall; thence still along said line and wall North 21°07' West 595.1 feet to an angle in said wall; thence still along said line and said wall North 20°35-1/2' West 359.7 feet to the center line of the Windsor Highway; thence along the center line of said highway South 37°44-1/2' West 401 feet; thence still along said center line South 38°27-1/2' West 486.4 feet to the place of beginning. Containing sixteen and five hundred and forty-five thousandths acres of land.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Excepting from the above described premises so much as may have been taken by the State of New York for road-widening in Liber 1521 CP 459.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written

as executor of the Estate of ~~the last will and testament of~~
EVA THOMSON PURDY, late of
the Town of Newburgh, Orange County, New York, deceased,
party of the first part, and MAPAC REALTY, a partnership duly organized and

existing under and virtue of the laws of the State of New York and
with an office for the conduct of its business at number 12 Windwood
Drive in the Town of Newburgh, County of Orange, State of New York,

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by ~~MAPAC REALTY~~
~~MAPAC REALTY~~ the issuance of Letters of Administration and
in consideration of the sum of Ninety Thousand (\$90,000.00) dollars,
paid by the party of the second part, does hereby grant and
release unto the party of the second part, the heirs or successors and assigns of the party of the second part
forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected. situate,
lying and being in the Town of New Windsor, Orange County, New York, bounded
and described as follows:

BEGINNING at a point in the center of the Windsor Highway
(formerly known as Snake Hill Turnpike) at the northeast corner of
lands now or formerly of Ann Morton, thence along said Morton lands
and a stone wall South 22°13' East 170.6 feet to an angle in said
stone wall; thence still along said lands and said wall South 20°38-1/2'
East 437.9 feet to the northerly line of lands of the New York and Erie
Railroad Company; thence along the curved northerly line of lands of
~~the said New York and Erie Railroad Company~~ 783.24 feet to the south-
westerly corner of lands at the junction of stone walls, now or formerly
of the Yuess Gardens Company, Inc.; thence along the line of said last
mentioned lands and a stone wall North 20°21' West 302.8 feet to an angle
in said wall; thence still along said line and wall North 21°07' West
595.1 feet to an angle in said wall; thence still along said line and
said wall North 20°35-1/2' West 359.7 feet to the center line of the
Windsor Highway; thence along the center line of said highway South 37°
44-1/2' West 401 feet; thence still along said center line South 38°
27-1/2' West 486.4 feet to the place of beginning. Containing sixteen
and five hundred and forty-five thousandths acres of land.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and
roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances,
and also all the estate which the said decedent had at the time of decedent's death in said premises, and also
the estate therein, which the party of the first part has or has power to convey or dispose of, whether individ-
ually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto
the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Excepting from the above described premises so much as may have been
taken by the State of New York for road-widening in Liber 1521 CP 459.

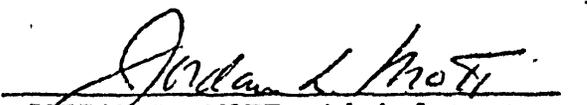
AND the party of the first part covenants that the party of the first part has not done or suffered anything
whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply
the same first to the payment of the cost of the improvement before using any part of the total of the same for
any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above
written.

IN PRESENCE OF



JORDAN L. MOTT, Administrator
of the Estate of Eva Thomson
Purdy

MAPAC REALTY

c/o BECK & NEUMAN, 189 Grand Street, Newburgh, New York
565-5100

Yes

Property of approximately 16 acres located easterly from Route 32 in the Town of New Windsor, (formerly Purdy Estate) bounded northerly by Leslie Avenue and easterly and southerly by existing railroad tracks.
(continued on separate sheet)

PLANNED

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AGENDA DATE

BUILDING

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Property of approximately 16 acres located easterly from Route 32 in the Town of New Windsor, (formerly Purdy Estate) bounded northerly by Leslie Avenue and easterly and southerly by existing railroad tracks.
(continued on separate sheet)

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BUILDING

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MAPAC REALTY

by:

Charles W. Beck, Jr.
CHARLES W. BECK, JR., as
Attorney-in-fact

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

This application is made as a Planned Unit Development, subject property being the only vacant land to the easterly side of Route 32, and being totally surrounded by one-family residential dwellings. It is the applicants desire to establish two distinct uses for said parcel, one compatible to the other and each being compatible to the surrounding one-family residential use.

The applicants seek a change in zoning for the front half of subject property from the existing RB zone to a DS zone to accommodate a small, selective, local business shopping complex and office site. This location to have direct access to Route 32, to the balance of properties owned by the applicant and Harth Drive and Leslie Avenue.

The applicants seek a change in zoning for the balance of the properties from the existing RB zone to a RC zone for the specific development of senior-citizen housing.

In addition to consideration of the zone changes herein requested, the applicant seeks permission for extension of existing sewer and water districts.