

ZB# 72-19

Leonard Sarinsky

(no SBL given)

Sarinsky, Leonard

72-19

Note:

Get old

Sarinsky file

(Dec. 17th)

from Town Clerk.

(no fees paid)

GENERAL RECEIPT

1028

Town of New Windsor, N. Y.

Sept 13, 1972

Received of Leonard Sarinsky \$1.00

one and 00/100 Dollars

For Xerox copy of Assessors certified copy

DISTRIBUTION

FUND	CODE	AMOUNT

Town Clerk

TITLE

BY Dorothy D. Finley Deputy

Received
10/30/72
1:30 P.M.

Sarinsky, Leonard
72-19

PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Windsor, New York, will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No 19
 Request of LEONARD SARINSKY for a Variance of the regulations of the Zoning Ordinance to permit service and sales of used cars being a Variance of Article III, Section 48-13, for property owned by him situated as follows: A parcel of land located on the East side of Windsor Highway, being 200 feet by 200 feet, bounded on the South by FRACASSE ARCO SERVICE STATION, on the North by PLEASANT ACRES NURSERY, on the West by Windsor Highway and on the East by PLEASANT ACRES NURSERY

SAID HEARING will take place on the 2nd of October, 1972, at the New Windsor Town Hall, beginning at 8:15 o'clock P.M.

FRED WYGANT
 Chairman
 BY: Patricia Dello,
 Secretary

Sept 22

**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 22nd day of September A.D., 1972 , and ending on the 22nd day of September A.D., 1972

Subscribed and sworn to before me this
 25th day of September 19 72

Hugh V. Nocton

.....
Barbara J. Weedner
 Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1974

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 72-19
Date: Sept. 7, 1972

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

I (We) LEONARD SARINSKY of 10 Margaret Place
(Street & Number)
New Windsor, New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property No number, Route 32, S-9 B 1L25.23 (County Map)
(Street & Number) (Zone)

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 III, Section 48-13, Paragraph B

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: Subject property is situated in commercially improved area consisting of Motor Vehicle Service Stations and requested use is similar to existing business conditions in 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: The adjoining and neighboring lands are devoted to Motor Vehicle and accessory service, repair and sales and reasonable use of subject property for equivalent use would be sales and repairs with respect to Motor Vehicles.
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicant has not taken any action creating the foregoing unique circumstances and established reasonable use of the subject property.



- 4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The surrounding lands and character of the neighborhood presently enjoys comparable use and are devoted to business activities related to Motor Vehicles.
- 5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: The GI Zone has more permissive uses such as junk yards and the variance here requested constitutes a higher enhanced use of the property consistent with limitations on other properties in the zone.

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

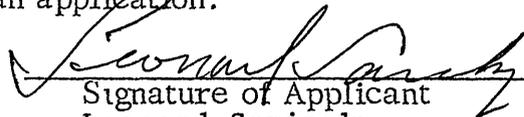
Subject property will be used for sale of used Motor Vehicles and for repair and service of Motor Vehicles offered for sale. No wrecked vehicles or parts thereof will ever be located in front of the building which faces Route 32. ONLY completely rehabilitated Motor Vehicles in clean condition will be on display in such area.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 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. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

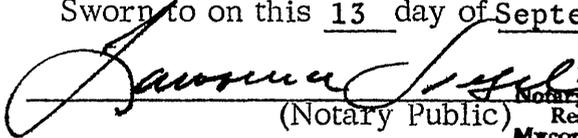
Dated: September 13, 1972


 Signature of Applicant
 Leonard Sarinsky

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

Sworn to on this 13 day of September, 1972.

10 Margaret Place
New Windsor, New York 12550
Address


 (Notary Public)

LAWRENCE SIEGEL
 Notary Public, State of New York
 Residing in Orange County
 My commission expires March 30, 1974

561-5699
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. _____
 Date of Hearing _____
 Date of Decision _____

Date Received _____
 Notice Published _____

DECISION:

LAW OFFICES
SIEGEL, GREEN & FIEDELHOLTZ

October 3, 1972

LAWRENCE SIEGEL
IRVING A GREEN
JERALD FIEDELHOLTZ
—
DONALD R BECKER

Martin J. Semel
PLEASE REPLY TO Newburgh Office

185 GRAND STREET
Newburgh, New York 12550
(914) 562-1100

270 QUASSAICK AVENUE
New Windsor, New York 12550
(914) 562-4630

Mrs. Patricia Delio
7 Franklin Avenue
New Windsor, New York 12550

Re: Leonard Sarinsky
Application for Variance No. 72-19

Dear Pat:

I now return to you herewith the original letter from the Planning Board of the County of Orange dated September 25, 1972. Also enclosed are the checks you requested namely, one to the Town of New Windsor in the amount of \$25.00, and one made payable to your order in the amount of \$25.00.

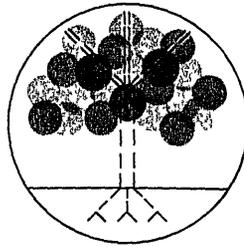
At this time, I would like to again thank you for your cooperation throughout this matter.

Sincerely,


LS:SC LAWRENCE SIEGEL

Encls. 3

Department
of
Planning



County
of
Orange

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

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

Louis V. Mills, County Executive

September 25, 1972

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

RE: Use Variance - Sarinsky
Route 32

Dear Mr. Wygant:

This office is in receipt of the renewed application to permit the sales and servicing of used cars. In accordance with the provisions of Sections 239 L and M of the General Municipal Law, we have made our review.

In our evaluation of the application, the emphasis is based upon severe hardship by reason of dislocation from the urban renewal area in the City of Newburgh. However, for your Board to consider the request, hardship should relate to the uniqueness of land and not to the uniqueness of the plight of the owner as stated in the application. Furthermore, if the applicant purchased the land with the knowledge that the desired use was prohibited, the resulting hardship was self-created and should be denied by your Board. In addition, there are, at the present time, areas designated to accommodate such uses in the Town of New Windsor and the City of Newburgh as well.

However, in view of the commercial characteristics of the area (although not widespread), it would seem to us that the appropriate and legal remedy would be to seek a change in zone to accommodate the proposed use and several of the existing commercial uses in the area. The Town Board should, in the end, weigh this alternative and make a final determination.

We are, therefore, denying our approval of the proposal and suggest that the applicant petition the Town for a zone change.

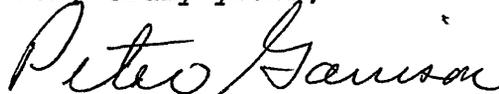
Mr. Fred Wygant, Jr.

September 25, 1972

Page 2

Should the applicant pursue this course of action, we would be willing to reconsider the request and assist the Town in this regard.

Very truly yours,



Peter Garrison
Commissioner of Planning

Reviewed by:
Joel Shaw
Senior Planner

PG/bd

cc: T. Marsden
J. Tallarico

TO THE CHAIRMAN AND MEMBERS OF THE NEW WINDSOR ZONING BOARD
OF APPEALS

This is an application for a review of the determination of the Board made at a Special Session of the Board held on December 27th, 1971 denying my application for a variance to permit the sale and repair of used cars on property located on Route 32 in a GI Zone.

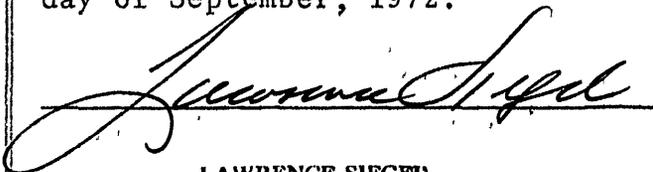
I hereby represent and certify to the Board that if, after review, my said application is granted, no wrecked vehicles or parts thereof will ever be located in front of the building which I propose to erect on the premises. The only use of the front of the premises will be for the display of completely rehabilitated motor vehicles in clean condition.

Any wrecked vehicles or parts thereof will be stored in the building to be erected on the premises or behind the building which area will be fenced to a height sufficient to screen said vehicles and parts from any public view.

I respectfully request that the Board consider this certification by me in connection with the review of my application.


LEONARY SARINSKY

Sworn to before me this 17th
day of September, 1972.



LAWRENCE SIEGEL
Notary Public, State of New York
Residing in Orange County
My commission expires March 30, 1974



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808
September 13, 1972

Mr. Leonard Sarinsky
10 Margaret Place
New Windsor, New York 12550

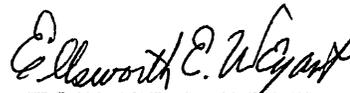
RE: Property located on Windsor Highway -
Union Avenue New Windsor

Dear Sir:

This is a photostatic copy of a list of property owners within
five hundred (500) feet of your property.

This was furnished to you on October 7, 1971. There have been
no change in ownership in regard to the attached list as of this
date.

Very truly yours,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk

Enc.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

October 7, 1971

Mr. Leonard Sarinsky
10 Margaret Place
New Windsor, New York 12550

RE: Property located on
Windsor Highway -
Union Avenue, New Windsor

Dear Sir:

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

The charge for this service is \$15.00. Please remit same to me, c/o the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12550, making the check payable in my name.

Respectfully,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Assessor
Town of New Windsor

EEW:pt
Encls.

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Mr. Leonard Sarinsky
RE: Union Ave. Property

Chairman
Ellsworth E Weyant
355 Union Avenue
New Windsor, New York 12550
(914) 565-8808



- Genevieve Malinowski
- ✓ 293 Union Avenue
New Windsor, New York 12550
- Michele & Angelina Bucciarelli
- ✓ 175 Windsor Highway
New Windsor, New York 12550
- ✓ John P. & Rose Mitchell & etal
228 James Avenue
Newburgh, New York 12550
- ✓ Edith Kessel
230 James Avenue
Newburgh, New York 12550
- ✓ Joseph R. & Florence Marullo
181 Windsor Highway
New Windsor, New York 12550
- ✓ Frances M. & John S. Lovejoy
7999 Bayshore Drive
St. Petersburg, Florida 33706
- Rainer E. & Joan A. Thiele
- ✓ Union Avenue
New Windsor, New York 12550
- John J. & Annie M. Yox
- ✓ 224 Daniher Avenue
New Windsor, New York 12550
- ✓ William V. & Marie C. Murry
228 Daniher Avenue
New Windsor, New York 12550
- ✓ Donald S. & Marjorie M. Males
227 James Avenue
New Windsor, New York 12550
- ✓ John & Nancy Accardi
158 Windsor Highway
New Windsor, New York 12550

- ✓ Gladia Corporation
- ✓ % Atlantic Richfield Co.
P.O. Box 7258
Philadelphia, Pennsylvania 19101
- ✓ SADA Restaurant Corporation
154 Windsor Highway
New Windsor, New York 12550
- ✓ Raymond Rankin, Jr.
145 Windsor Highway
New Windsor, New York 12550
- ~~Max G. Schaefer~~
- ✓ Innis Williams
245 Quassaick Avenue
New Windsor, New York 12550
- ✓ Vincent & Louise Guariglia
20 Hillside Avenue
New Windsor, New York 12550
- ✓ Samuel J. & Madelyn M. Acquaro
16 Hillside Ave.
New Windsor, New York 12550
- Domonick & Antoinette Pacione
- ✓ 48 Willow Lane *PARKWAY*
New Windsor, New York 12550
- ✓ John & Nancy Accardi
158 Windsor Highway
New Windsor, New York 12550
- ✓ Joseph & Gloria Antonelli
3 Hillside Avenue
New Windsor, New York 12550
- Louis Antonelli
- ✓ 170 Windsor Highway
New Windsor, New York 12550
- ✓ John Antonelli
15 Hillside Avenue
New Windsor, New York 12550
- Ignazio & Anna *CANTANZARO*
- ✓ 19 Hillside Avenue
New Windsor, New York 12550

Respectfully submitted,

Ellsworth E Weyant
ELLSWORTH E. WEYANT, Assessor

EEW:pt

LAW OFFICES

SIEGEL, GREEN & FIEDELHOLTZ

LAWRENCE SIEGEL
IRVING A GREEN
JERALD FIEDELHOLTZ

DONALD R BECKER

December 23, 1971

185 GRAND STREET

Newburgh, New York 12550

(914) 562-1100

270 QUASSAICK AVENUE

New Windsor, New York 12550

(914) 562-4630

PLEASE REPLY TO Newburgh Office

Mr. Peter Garrison,
Commissioner of Planning
County Government Center Building
Goshen, New York 10924

Re: Use Variance - Sarinsky -
Route 32 near Union Avenue

Dear Mr. Garrison:

I have the determination of your Department with reference to the above Variance request which is dated December 20th, 1971. Such determination denies County approval for this Variance request which constitutes an enhanced use of the subject property. Nowhere in your determination is mentioned the fact that the subject property is presently zoned for junk yard uses; and that the requested variances represents higher and better use of the subject property which will constitute an enhancement in the neighborhood. If your Department, in fact, had the foregoing before you in mind when the determination to deny County approval was made, such determination clearly is not in the best interests of the municipality, the neighborhood or the residences in the area surrounding the subject property. Such determination in such event, constitutes an arbitrary and capricious exercise of discretion.

It is conceded in the report of your Department that the subject property is adjacent to a commercial use parcel; and commercial uses exist on property directly across from the subject parcel. In fact, a physical view of the area certainly discloses that Route 32 in and about Union Avenue is already dedicated to Commercial use to such an extent that any effort to reverse this actual existing use of the area must prove futile.

It would appear that your consideration properly must be with regard to the presently existing and permitted uses within the existing zoning ordinance of the Town of New Windsor. The expression of your Department, as a basis for its determination, of the hope of some "re-zoning" in this area is wholly speculative and may never occur. The semantic distinction you mention between "neighborhood commercial" uses and "highway commercial" uses appears to be a distinction without difference. If your Department had in mind the re-zoning of the subject property by the municipality at some uncertain future time into an LB District (local business); your attention is directed to the fact that even under such zoning Motor Vehicle Service stations and repair garages are a permitted use. (Section 48-9 (11) Zoning Ordinance,

SIEGEL, GREEN & FIEDELHOLTZ

Mr. Peter Garrison,
Commissioner of Planning
County Government Center Building
Goshen, New York 10924

Re: Use Variance - Sarinsky -
Route 32 near Union Avenue

Town of New Windsor.) I also direct your attention to the fact that except for residential zoned districts, the LB District represents the highest land use of the Zoning ordinance. Any basis on which your present determination rests related to what Pleasant Acres Nursery may or may not do with respect to its remaining lands with which this applicant has no concern and over which this applicant has no control is clearly improper. This application affects the ability of the applicant to continue to earn a living. The problem is not academic. It cannot await some speculative expectation which may never occur at some undeterminable time in the future. Most certainly it presently has no foreseeable reality. It is therefore, urgently requested that you would immediately review once again this application and reconsider its determination. It is requested that the County Planning Department approve this Variance application as in the best interest of the County, municipality, the area and neighborhood in which the subject property is located.

Very truly yours,

SIEGEL, GREEN & FIEDELHOLTZ

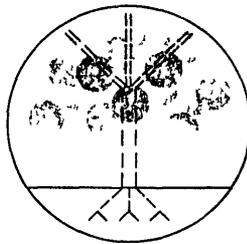
By:

LS:SC LAWRENCE SIEGEL

cc: Hon. Louis V. Mills,
County Executive
County Government Center Building
Goshen, New York 10924

Encl.

file
Department
of
Planning



County
of
Orange

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

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

Louis V. Mills, County Executive

December 20, 1971

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

**Re: Use Variance - Sarinsky -
Route 32 near Union Avenue**

Dear Mr. Wygant:

We are in receipt of the above variance application, and have made our review under the provisions of Sections 239, L and M, of the General Municipal Law. Our comments are as follows:

1. Although there is a service station on the adjacent parcel, and some commercial uses directly across from the site, commercial and business uses in this area are not widespread.
2. According to the map submitted, it would seem that the lands owned by Pleasant Acres Nursery are gradually being parcelled off into lots which are creating uses oriented to the highway, further accelerating the strip commercialization of Route 32 through the Town. The Town should request Pleasant Acres Nursery to indicate its intentions for the remainder of its land so that this piece-meal approach can be avoided.
3. Your Board should obtain recommendations regarding curb cuts and entrances from the New York State Department of Transportation prior to making a final determination.
4. Your Board should, if approval is granted, limit the number of vehicles parked and/or stored on the site and require that all repairs and servicing be made in the garage.

Mr. Fred Wygant, Jr.
Re: Sarinsky, Rt. 32

-2-

December 20, 1971

The proposal that is before your Board would be contrary to our current re-zoning effort now being considered by the Town. We think that there is still an opportunity to limit the Route 32-Union Avenue area to primarily "neighborhood commercial" uses and not "highway commercial" uses which prevail to the south of this area. We, therefore, deny County approval.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG:mj

cc: D. Bello
J. Tallarico
I. Green

7 Franklin Ave.
New Windsor, N. Y.
September 22, 1972

Joseph C. Tallarico, Chairman
New Windsor Planning Bd.
555 Union Avenue
New Windsor, N. Y.

RE: Application No. 19 (Variance)
Leonard Sarinsky

Dear Mr. Tallarico:

Enclosed please find copy of application for a variance of Leonard Sarinsky together with public hearing notice which was published in The Evening News on September 22nd, 1972.

Please be advised that the above public hearing will take place on Monday, October 2, 1972 at 8:15 p.m. at the New Windsor Town Hall.

Yours truly,

PATRICIA DELIO, Secretary

Encs.

cc: Howard Collett, Bldg. Insp.
Theodore P. Marsden, Supervisor

LAW OFFICES
SIEGEL, GREEN & FIEDELHOLTZ

LAWRENCE SIEGEL
IRVING A GREEN
JERALD FIEDELHOLTZ

September 14, 1972

DONALD R BECKER

Martin J. Semel

PLEASE REPLY TO Newburgh Office

185 GRAND STREET
Newburgh, New York 12550
(914) 562-1100

270 QUASSAICK AVENUE
New Windsor, New York 12550
(914) 562-4630

Mrs. Patricia Delio
7 Franklin Avenue
New Windsor, New York 12550

Re: Leonard Sarinsky
Application for Variance No. 72-19

Dear Pat:

Confirming our telephone conversation, I send to you herewith the original and one (1) copy of the above application, together with a copy of the Public Notice of Hearing which is to be advertised in the newspaper.

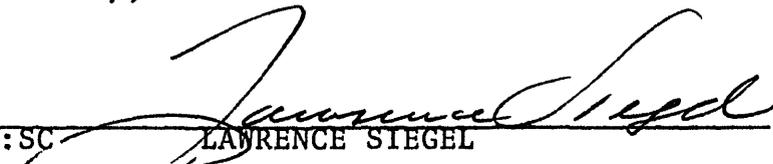
According to my understanding, you will place the ad in the newspaper and they will bill us directly for the advertising. I also understand that it will be permissible for us to pay all fees and charges when the Hearing is held. If this not be the case, please let me know and I will see to it that the proper checks are mailed to you.

We are also mailing copies of the Notice of Hearing, by certified mail, to all of the certified adjoining property owners according to a list submitted by the Town Assessor.

If anything further is required at this time, please call me at my office.

Thanking you for your kind cooperation, I am

Sincerely,


LS:SC LAWRENCE SIEGEL

Encls. 3