

ZB# 73-2

James Moroney

4-1-9.22

73 James
30 P.M. Moroney 73-2

Fee Paid

Hearing 10/13

8:30 p.m.

(Richard Drake)

File

3/26/73

12:30 P.M.

Present

13:2

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 266-33-A of the Zoning Ordinance on the following proposition:

Appeal No. 238
Request for JAMES MORONEY for a Variance of the regulations of the Zoning Ordinance to permit the construction and erection of a cycle shelter, this being a Variance of Article III, Section 48-12 for property owned by him situated as follows: on the westerly side of Union Avenue on premises in the Town of New Windsor, Orange County, N.Y.

SAID HEARING will take place on the 15th day of January, 1973 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:30 o'clock P.M.

FRED WYGANT
Chairman
By Patricia Dello, Sec.

Jan. 5

State of New York
County of Orange, ss:
Olga Trachewsky

she , 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 5th day of January A.D., 1973 , and ending on the 5th day of January A.D., 19 73

Subscribed and sworn to before me this
..... 8th day of January 19 73

Olga Trachewsky

.....
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. 73-2
Date: January 2, 1973

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

I (We) JAMES MORONEY of River Road
(Street & Number)

Newburgh New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property Union Avenue (no number) OLI
(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 Do not quote the ordinance.)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 §48-12

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: _____

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: Applicant's use is not inconsistent with other uses permitted in an OLI district nor is the use specifically prohibited in the OLI district

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 owned the lot prior to the change in zoning on Union Avenue.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The variance being sought between the OLI zone and the general business district is one of degree and would not change the character of the area, which is largely commercial and in which other variances have been granted.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: Other variances have been granted on Union Avenue for commercial uses, which are slightly different from those permitted in the zoned district but do not vary in such a degree as to constitute a frustration of the intent of the ordinance. In addition, the building when completed would constitute a desirable tax ratable for the Town.

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

The property is to be used for a cycle shop according to plans submitted herewith.

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: January 2, 1973

James Murray
Signature of Applicant

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

Sworn to on this 2nd day of January, 1973.

River Road, Newburgh, New York
Address

Richard J. Drake
(Notary Public)

562-1474
Telephone Number

RICHARD J. DRAKE
NOTARY PUBLIC IN THE STATE OF NEW YORK
RESIDENT IN AND FOR ORANGE COUNTY
(DO NOT WRITE IN THESE SPACES)
MY COMMISSION EXPIRES MARCH 30, 1974

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

Date Received _____
Notice Published _____

DECISION:

SHIPP & OSBORN, INC.

Tele. 914-561-2050

395 ANN STREET, NEWBURGH, NEW YORK 12550

January 8, 1973

Scott & Hoyt & Drake
P.O. Box 511
Newburgh, New York 12550

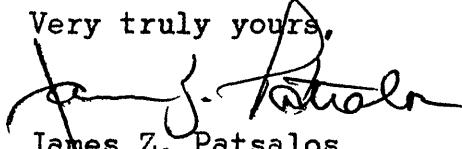
Attn: Mr. Richard Drake

Dear Mr. Drake:

With reference to the Public Hearing before the New Windsor Zoning Board of Appeals for a variance request by James Maroney.

I have received your certified letter of notification and take this opportunity to advise you that as an adjoining property owner I have no objection to Mr. Maroney's request.

Very truly yours,



James Z. Patsalos

JZP/dw

RECEIVED
JAN 10 REC'D
RECEIVED



INSURANCE COMPANY OF NORTH AMERICA

INA-Life Insurance Company of New York • Pacific Employers Group

STATE OF NEW YORK :

: ss. :

COUNTY OF ORANGE :

KATHRYN F. WEST, being duly sworn, deposes and says that deponent is not a party to the application, is over 18 years of age and resides at Mountainville, New York; that on the 4th day of January, 1973 deponent served the within Notice of Public Hearing upon the following named, adjacent property owners, in the matter of this application, at the addresses designated by the Assessor for that purpose by depositing same enclosed in postpaid properly addressed wrappers (Certified Mail, Return Receipt Requested) in the United States Post Office at Newburgh, New York:

· The Town of New Windsor	555 Union Avenue, New Windsor, New York
· Edward Leon Goldin c/o David Goldin & Son	46 William Street, Newburgh, New York
· James Z. Patsalos and Murray Rotwein	Box 2175, Newburgh, New York
· James Z. Patsalos	Box 2175, Newburgh, New York
· Mobil Oil Corporation	670 White Plains Road, Scarsdale, New York
· Frank Schaffner	MD 29, Route 207, New Windsor, New York
· State of New York Department of Public Works	Union Avenue, New Windsor, New York

Kathryn F. West

Sworn to before me this
4th day of January, 1973

Richard J. Drake

RICHARD J. DRAKE
NOTARY PUBLIC IN THE STATE OF NEW YORK
RESIDENT IN AND FOR ORANGE COUNTY
MY COMMISSION EXPIRES MARCH 30, 1974



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

James Maroney Property

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

- The Town of New Windsor
555 Union Avenue
New Windsor, New York 12550
- Goldin, Edward Leon
C/O David Goldin & Son
46 William Street
Newburgh, New York 12550
- Patzalos, James Z. & Rotwein, Murray
Box 2175
Newburgh, New York 12550
- Patsalos, James Z.
Box 2175
Newburgh, New York 12550
- Mobil Oil Corporation
670 White Plains Road
Scarsdale, New York 10583
- Schaffner, Frank
MD29 Route 207
New Windsor, New York 12550

State of New York
Department of Public Works
ALBANY, N.Y.

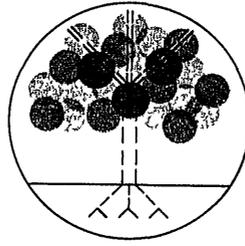
Respectfully submitted,

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk

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

(Our File No. 73-19-M)

February 2, 1973

Mr. Fred Wygant, Jr., Chairman
% Mrs. Patricia Delio, Secretary
New Windsor Town Zoning Board of Appeals
7 Franklin Avenue
New Windsor, New York 12550

Re: Area and Use Variances - Moroney -
County Road 38 (Union Avenue)

Dear Mr. Wygant:

We are in receipt of the above application to build a cycle center. Previously, we reviewed and denied the request. This renewed submission has been reviewed by us in accordance with the provisions of Sections 239, L and M, of the General Municipal Law. The following are our comments:

1. At the present time, the applicant owns and operates a shop on Route 9W (bicycles, motorcycles, and camping trailers are sold and serviced). We assume that the cycle shop will sell and service the same.
2. Our Department, in conjunction with the Zoning Commission, has tentatively designated Union Avenue as an office-service type district which will probably be a combination of selected OLI, LB, and GB uses. The proposed use could be included in this category provided that certain criteria are met; such as, prohibiting the outside storage of vehicles, equipment and supplies and requiring repairs to be done entirely on the inside of the building, so as to have a minimal effect on the adjoining office building.
3. On the basis of a field inspection, most of the site is wet. The septic tank and absorption field, upon installation, may not function properly because of this condition and could add to the possible contamination of Lake Washington. This problem should, in all likelihood, be lessened significantly when the area is connected to public sewers. As far as the wetness is concerned, it would be quite possible to erect a building on the site provided that fill material is suitable and drainage improvements are adequate. The applicant should consult with both the Orange

February 2, 1973

County Department of Public Works and the Soil Conservation Service regarding recommendations on needed improvements.

4. Although minimal, the applicant uses a certain amount of gasoline, grease, oil, etc. The applicant should indicate how such materials will be disposed of.
5. The plot plan should be revised to include a single entrance and exit, landscaping along both sides and in the front of the building, wider access drive to the service area (particularly for deliveries and maneuverability), and demarcation of parking stalls in the customer parking area.

Although the applicant has not substantiated the requirements for the granting of a use variance, it is our belief that the cycle center would not be inconsistent with the type of uses envisioned in the office-service district and would not be detrimental to this area. We, therefore, have no objection to the granting of both the area and use variances provided that the following criteria are complied with:

1. Should the Zoning Board approve the requests, site plans (with revisions) should eventually be submitted to us, the County Department of Public Works, and others for review.
2. Connection into the public sewerage system is essential since the soils have severe limitations for septic systems and the site is adjacent to Lake Washington. Final approval should be granted only when the area is serviced by public sewers.
3. Drainage improvements are also essential. The Soil Conservation Service, Department of Public Works, and Town Engineer should provide assistance in this regard.

Very truly yours,


Peter Garrison
Commissioner of Planning

PG:mj

cc: T. Marsden, Supervisor
J. Tallarico, Pl. Bd.
D. Lisack, DPW
L. Wright, SCS
B. Kessler, Tn.Eng.
H. Hug, Nbg. City Mgr.
R. Drake, Esq.

Reviewed by:
Joel Shaw,
Sr. Planner

SCOTT & HOYT & DRAKE
ATTORNEYS AND COUNSELORS AT LAW

J BRADLEY SCOTT (1894-1982)
JULIUS LARKIN HOYT
RICHARD J DRAKE
LORRAINE COTÉ DEVERS

POST OFFICE BOX 511
233 LIBERTY STREET
NEWBURGH, NEW YORK 12550
(914) 562-3540

January 4, 1973

Mrs. Patricia Delio, Secretary
New Windsor Zoning Board of Appeals
7 Franklin Avenue
New Windsor, New York 12550

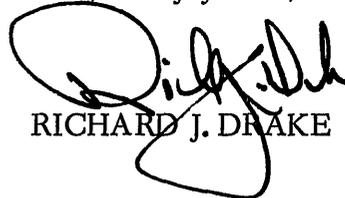
Re: Moroney

Dear Pat:

I enclose three copies of properly executed
Application in the above entitled matter.

I believe we have now met all of the require-
ments set forth in your "Procedure for a Pub-
lic Hearing."

Very truly yours,



RICHARD J. DRAKE

RJD
kfw
enc.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date JAN 10, 1973

To JAMES MORONEY

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.....

PLEASE TAKE NOTICE that your application dated JAN 3, 1973

for permit A CYCLE CENTER - FOR SALE OF MOTORCYCLES & REPAIR

at the premises located at UNION AVENUE

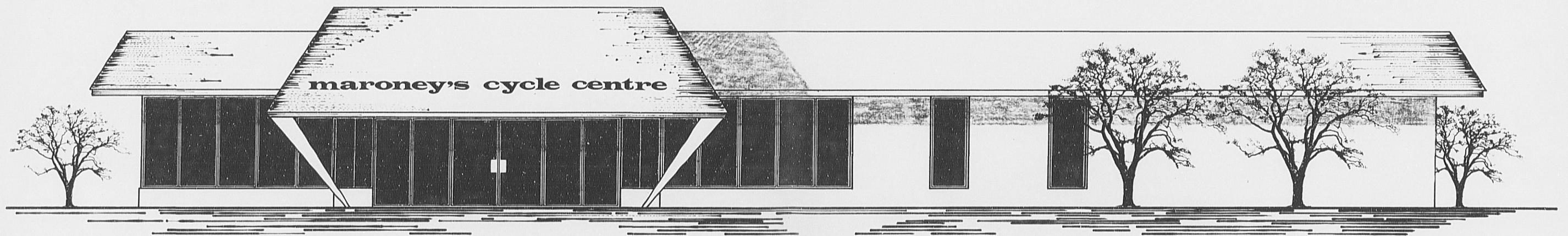
.....

is returned herewith and disapproved on the following grounds:

NOT PERMITTED IN AN OLI ZONE

.....
.....

Howard R. Calce
Building Inspector



NORTHEAST / FRONT ELEVATION

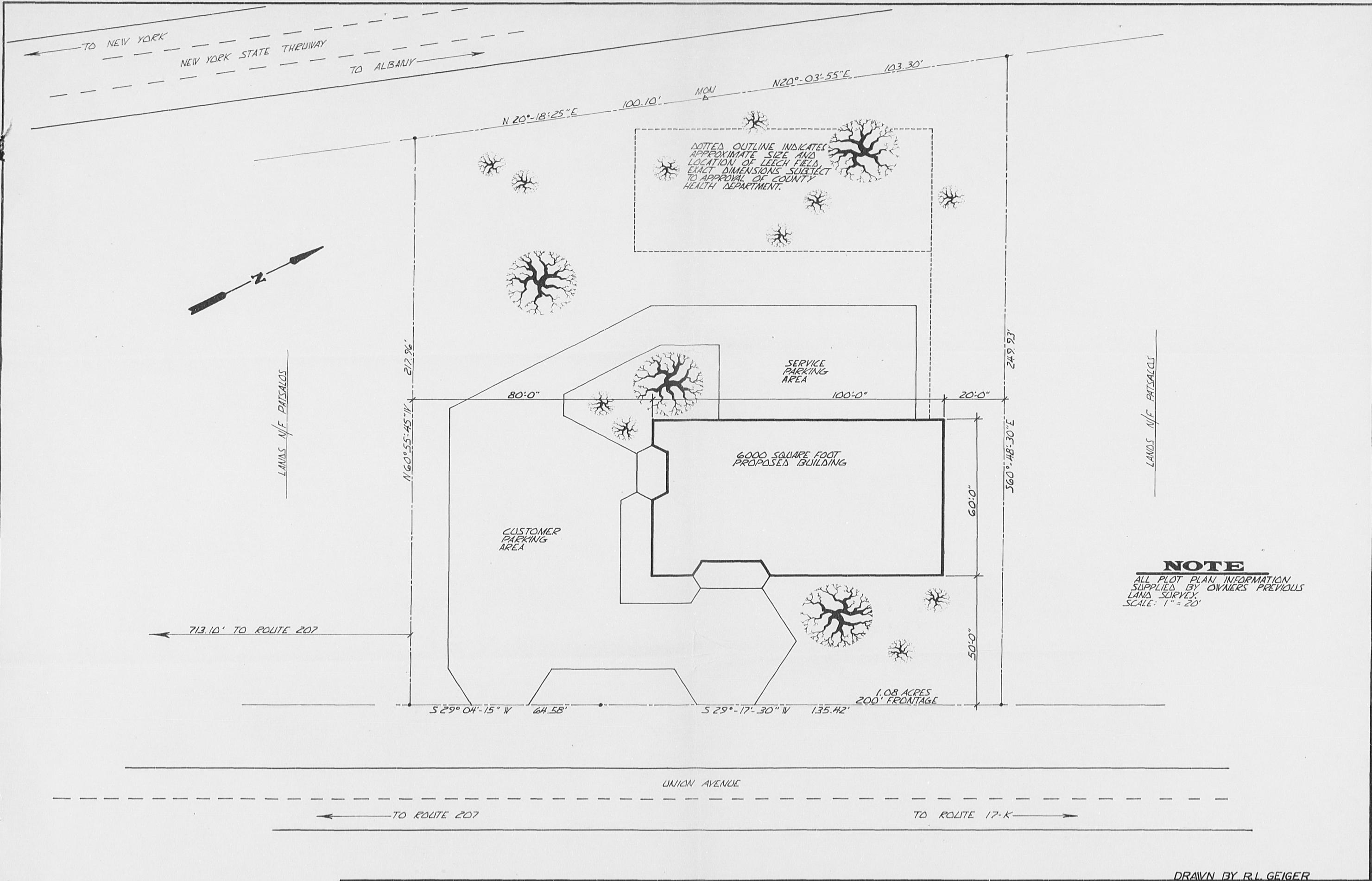
SCALE: 3/16" = 1'-0"

DRAWN BY R.L. GEIGER

MR. JAMES MARONEY

T/O NEW WINDSOR

DECEMBER 1, 1972.



NOTE
 ALL PLOT PLAN INFORMATION
 SUPPLIED BY OWNERS PREVIOUS
 LAND SURVEY.
 SCALE: 1" = 20'

DRAWN BY R.L. GEIGER

MR. JAMES MARONEY T/O NEW WINDSOR DECEMBER 1, 1972.