

**ZB# 73-30**

**Calvert Rental  
(Harold Calvert)**

**9-1-15.2, 15.3, 15.4**

73-30

Calvet Rental - Harold Calvet

cancel  
2/73  
1:00 AM  
1972

Public Hearing?

Nov. 5th - 8:15

Orange County

Planning Dept. -

Notified 10/9/73.

GENERAL RECEIPT

Town of New Windsor, N. Y.

No 1619

Received of Calvet Tool Rental Inc Sept 20 1973  
Fifteen and 00/100 Dollars  
For Assessor's List - 41 Windsor Highway

DISTRIBUTION		
FUND	CODE	AMOUNT

Town Clerk  
TITLE  
BY Dorothy D. Finley Deputy

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

9-1-73 4

#124 Windsor Highway  
Harold Calvet owns property

- ① Order list
- ② Prepare letters (certified) (500 ft.)
- ③ Notify OCPD.
- ④ Publish Notice Oct. 25th.  
get affidavit of publication.

73-30  
Calvet Rental - Harold Calvet

received  
11/27/73  
9:00 AM  
EB

**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 42-33 A of the Zoning Ordinance on the following proposition:

Appeal No. 30  
Request of CALVET RENTAL for a Variance of the regulations of the Zoning Ordinance to permit the location of a tool rental business in an RB zone being a Variance of Article 111 Section 42-7 for property situated as follows: No. 124 Windsor Highway, New Windsor, New York.

SAID HEARING will take place on the 5th day of November, 1973, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 8:15 p.m. o'clock P.M.

FRED WYGANT  
Chairman  
By: Patricia Delio,  
Secretary

Oct. 23

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

Mary Hoffman, 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  
Once  
in said newspaper, commencing on the 23rd day of October A.D., 1973, and ending on the 23rd day of October A.D., 1973

Subscribed and sworn to before me this  
23rd day of October 1973

*Mary Hoffman*  
*Patricia Delio*

Notary Public of the State of New York, County of Orange.  
MY COMMISSION EXPIRES MARCH 30, 1975

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-30  
Date: September 20, 1973

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

I (~~Was~~) HAROLD CALVET of CALVET RENTAL  
(Street & Number)

41 Windsor Highway, New Windsor, N. Y. HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property 124 Windsor Highway, New Windsor, N.Y. - R.B. zon.  
(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 48-7.

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 land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: there is a building located on the piece of property which has been used previously for a business use and is not suitable for residential use. Applicant purchased the piece of property in March of 1973, consisting of 14.97 acres of land.

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: when the applicant purchased this 14.97 acre parcel, it was zoned GI and could be used for the purposes for which it was purchased. (See attached letter from Real Estate Broker in charge of sale.) Since the time of purchase, this property has been rezoned by the Town which now places this parcel in an RB residential area, not zoned for applicant's business of tool rental. Applicant must vacate the premises because of the expansion of the business.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: \_\_\_\_\_

When applicant purchased the property it was zoned GI and has recently been rezoned to RB - residential which is not suitable for business use.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: \_\_\_\_\_

Applicant intends to improve the old structure which is now located on the premises.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: \_\_\_\_\_

there are many businesses located on Windsor Highway in the Town of New Windsor.

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

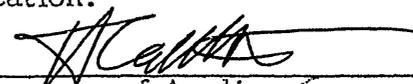
Property is to be used for a tool rental business. Structure located on the property is also to be renovated in accordance with the attached plans. A sign variance will also be needed for applicant to be allowed to use the sign which pre-existed on old location.

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.

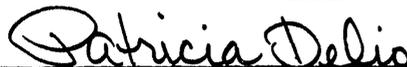
Dated: September 20, 1973

  
Signature of Applicant  
**HAROLD CALVET**  
Calvet Rental

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

Sworn to on this \_\_\_\_\_ day of September, 19 73.

41 Windsor Highway, New Windsor  
Address New York

  
(Notary Public)

**PATRICIA DELIO**  
Notary Public, State of New York  
Appointed in Orange County  
My Commission expires Mar. 30, 1974

56 2-4560  
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. \_\_\_\_\_  
Date of Hearing \_\_\_\_\_  
Date of Decision \_\_\_\_\_

Date Received \_\_\_\_\_  
Notice Published \_\_\_\_\_

DECISION: Granted,

# E. Panella Realty Agency

REAL ESTATE - MORTGAGE LOANS - SALES - MANAGEMENT

410 BLOOMINGROVE TPKE  
NEW WINDSOR, N Y 12550

914 - 562-5330

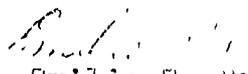
September 14, 1973

Calvert Tool Rental Inc.  
41 Windsor Highway  
New Windsor, New York

Re: From 15 May Concern:

On March 29, 1973, I sold a parcel of land 14.97 Acres  
belonging to Putnam Valley Restaurant Inc. to Calvert  
Tool Rental, 41 Windsor Highway, New Windsor, New York,  
and at that time the land was G.I. zoning.

Very truly yours,

  
Emilio P. Panella



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

September 24, 1973

Calvet Tool Rental Inc.  
New Windsor, New York 12550

*Paid 10/1/73*

Gentlemen:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

*Ellsworth E. Weyant*

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk  
att.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

1763

✓ Central Hudson Gas & Electric Corp.  
C/O Tax Department  
284 South Avenue  
Poughkeepsie, New York 12601

Roman Catholic Church of St. Joseph  
6 St. Joseph Place  
New Windsor, New York 12550

Honsberg, Margaret V.  
114 Windsor Highway  
New Windsor, New York 12550

✓ DeCrosta, James V. & Regina  
108 Windsor Highway  
New Windsor, New York 12550

✓ Harris, George D. & Mabel E.  
102 Windsor Highway  
New Windsor, New York 12550

✓ Rankin, Raymond Jr.  
145 Windsor Highway  
New Windsor, New York 12550

✓ Forestiere, Jasper A.  
462 River Road  
Newburgh, New York 12550

✓ Borchert, Ernest H., Ernest H. Jr. & Robert A.  
Marlboro, New York 12542

✓ Fischler, Bryant, Scott, Morton,  
Orzechowski, Leon  
C/O Scott & Schechtman  
182 Grand Street  
Newburgh, New York 12550

✓ Monaco, Frank & Frances  
122 South William Street  
Newburgh, New York 12550

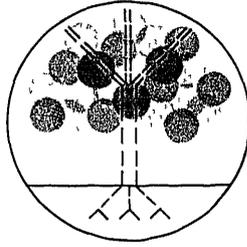
Orsini, Marion & Marion  
103 Windsor Highway  
New Windsor, New York 12550

Respectfully submitted,

ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

# Department of Planning

Peter Garrison, A I P, Commissioner  
Edwin J. Garling, A I P, Deputy Commissioner  
Our File #NWT-73-33M



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

# County of Orange

Louis V. Mills, County Executive

October 26, 1973

Mr. Fred Wygant, Chairman  
Town of New Windsor Zoning Board of Appeals  
c/o Ms. Patricia DeLio, Secretary  
7 Franklin Avenue  
New Windsor, New York 12550

RE: Variance of Harold Calvet  
N.Y. State Route 32

Dear Mr. Wygant:

This Department has received the above variance application, in accordance with the General Municipal Law, Section 239 1 and m. Our comments are as follows:

- 1) There are three interrelating factors that must be distinguished here: change of zone, renovating an existing structure for a non-conforming use, and creating a non-conforming use.
- 2) The applicant purchased property when it was zoned GI. Since then the Town amended the ordinance and zoned the applicant's property to residential and general business uses. Legally, the applicant is not entitled to a variance simply because his property has been reclassified. The redrawing of a district boundary, through an amendment to the Zoning Law does not always impose unnecessary hardship upon an owner seeking a use variance. The ordinance would impose unnecessary hardship if said property could not yield a reasonable return from any use permitted in those two districts. There are any one of a number of options open to the applicant, since the property lies in two zoning districts and the physical characteristics present little difficulty for development.
- 3) In an attempt to dissuade the continued renewal of non-conforming uses, the Town's Zoning Law has put restrictions on the extension or remodeling of structures housing such uses. The Town's

October 26, 1973

Law states that if practical difficulties prevail, such structures cannot be remodeled or extended to an extent not exceeding thirty percent of its ground floor area. Given the condition of the existing structure, it would seem that much more than the thirty percent would be needed to accommodate the applicant's use.

4. Upon site inspection, it was evident that extensive renovation was occurring to a very delapidated building. The sole fact that the applicant is in the process of remodeling is not sufficient grounds for granting a variance.

5. Section 48-25 of the Town's Zoning Law deals with existing non-conforming uses. This section does not include a paragraph about creating a new non-conforming use where none has existed before. The Town's Building Inspector was contacted by this office and could not recall the last time the existing structure in question was used. Consequently, it is assumed that the applicant is attempting to create a non-conforming use. Since the courts and Zoning Laws tend to impose a wide variety of limitations on existing non-conforming uses, a variance for the creation of a new non-conforming use would negate sound planning.

In keeping with the Town's long range objectives and based upon the above comments, County approval is denied.

Very truly yours,

  
Peter Garrison  
Commissioner of Planning

Reviewed by:  
Thomas E. Markowski,  
Planner

PG/as

ZONING BOARD OF APPEALS  
Town of New Windsor, New York 12550

7 Franklin Avenue  
New Windsor, N.Y.  
October 3, 1973

Orange County Planning Dept.  
County Government Center  
Goshen, N. Y. 10924

Attn: Vincent Poloniak

RE: PUBLIC HEARINGS - November 5, 1973

Dear Vince:

I have enclosed the following applications for variances which public hearings will be held on Monday evening, November 5, 1973:

Application of Edna Lauterbach  
Application of Calvet Tool Rental  
Application of Benjamin Harris

If you have any questions, please call me.

Thank you for your usual prompt service.

Yours truly,



PATRICIA DELIO, Secretary  
New Windsor ZBA

/pd

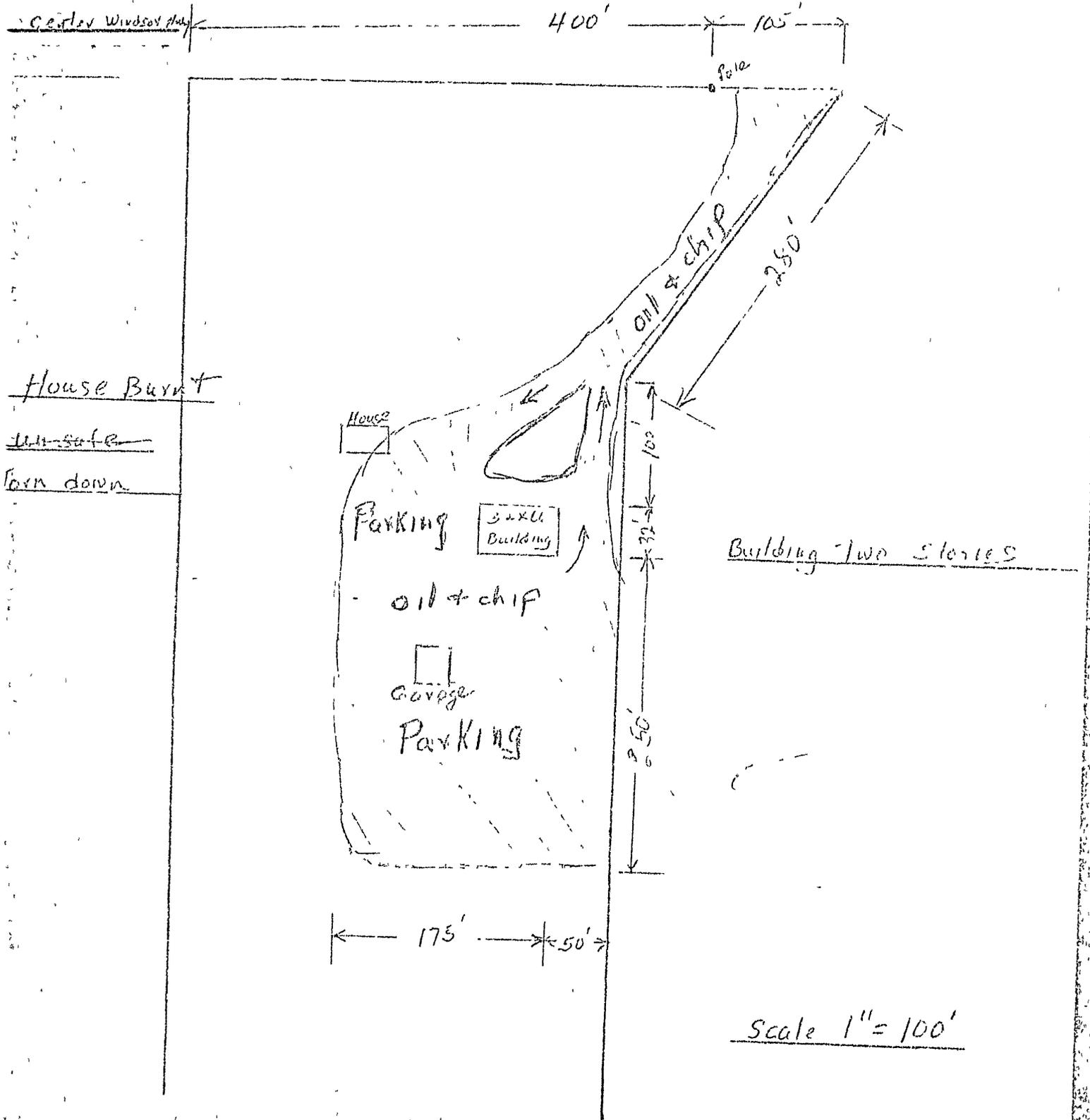
Encs.

CALVET TOOL RENTAL, INC.  
41 Windsor Highway  
Newburgh, New York 12550

March 27, 1973

Telephone 562-4560

← North





1763

OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

---

555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

September 17, 1973

Zoning Board of Appeals  
Town Hall  
555 Union Avenue  
New Windsor, New York 12550

Re: Calvet Tool

Gentlemen:

On September 12, 1973 Calvet Tool appeared before the Planning Board. The Zoning has been changed from GI to RB. They have an existing building. It is the opinion of the Planning Board that a variance be required to operate this business.

Respectfully,

*Joseph Tallarico*  
JOSEPH TALLARICO  
Chairman

JT/sh

TOWN OF NEW WINDSOR  
555 Union Avenue  
565-8808

DATE Sept 17, 1973

APPLICATION is hereby made for the following:

- ✓ 1. Name CALVET RENTAL, INC. Agenda \_\_\_\_\_ Service \_\_\_\_\_  
Address 41 WINDSOR HIGHWAY  
NEWBURGH, N. Y. 12550  
Telephone number 562-4560

Are you the owner of the property? president of Calvet Rental Inc

- ✓ 2. Briefly describe intention (or attach) and location of property:  
move business from 41 Windsor Hwy to  
124 Windsor Hwy.

3. PLANNING BOARD

- \_\_\_\_\_ Site Plan Preliminary Meeting  
\_\_\_\_\_ Subdivision Preliminary Meeting  
\_\_\_\_\_ Informational Meeting

AGENDA DATE \_\_\_\_\_

4. ZONING BOARD OF APPEALS

- \_\_\_\_\_ Interpretation of Ordinance or Map  
\_\_\_\_\_ Variance (Notify P/B -plans if necessary)  
\_\_\_\_\_ Informational meeting

AGENDA DATE \_\_\_\_\_

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

1. Name CALVET RENTAL, INC.  
Address 41 WINDSOR HIGHWAY  
NEWBURGH, N. Y. 12550  
Telephone number 562-4560

Are you the owner of the property? president of Calvet Rental Inc

2. Briefly describe intention (or attach) and location of property:  
move business from 41 Windsor Hwy to  
124 Windsor Hwy.

3. PLANNING BOARD

- \_\_\_\_\_ Site Plan Preliminary Meeting
- \_\_\_\_\_ Subdivision Preliminary Meeting
- \_\_\_\_\_ Informational Meeting

AGENDA DATE \_\_\_\_\_

4. ZONING BOARD OF APPEALS

- \_\_\_\_\_ Interpretation of Ordinance or Map
- \_\_\_\_\_ Variance (Notify P/B -plans if necessary)
- \_\_\_\_\_ Informational meeting

AGENDA DATE \_\_\_\_\_

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- \_\_\_\_\_ Water, Sewer and Highway action needed

ACTION TAKEN:

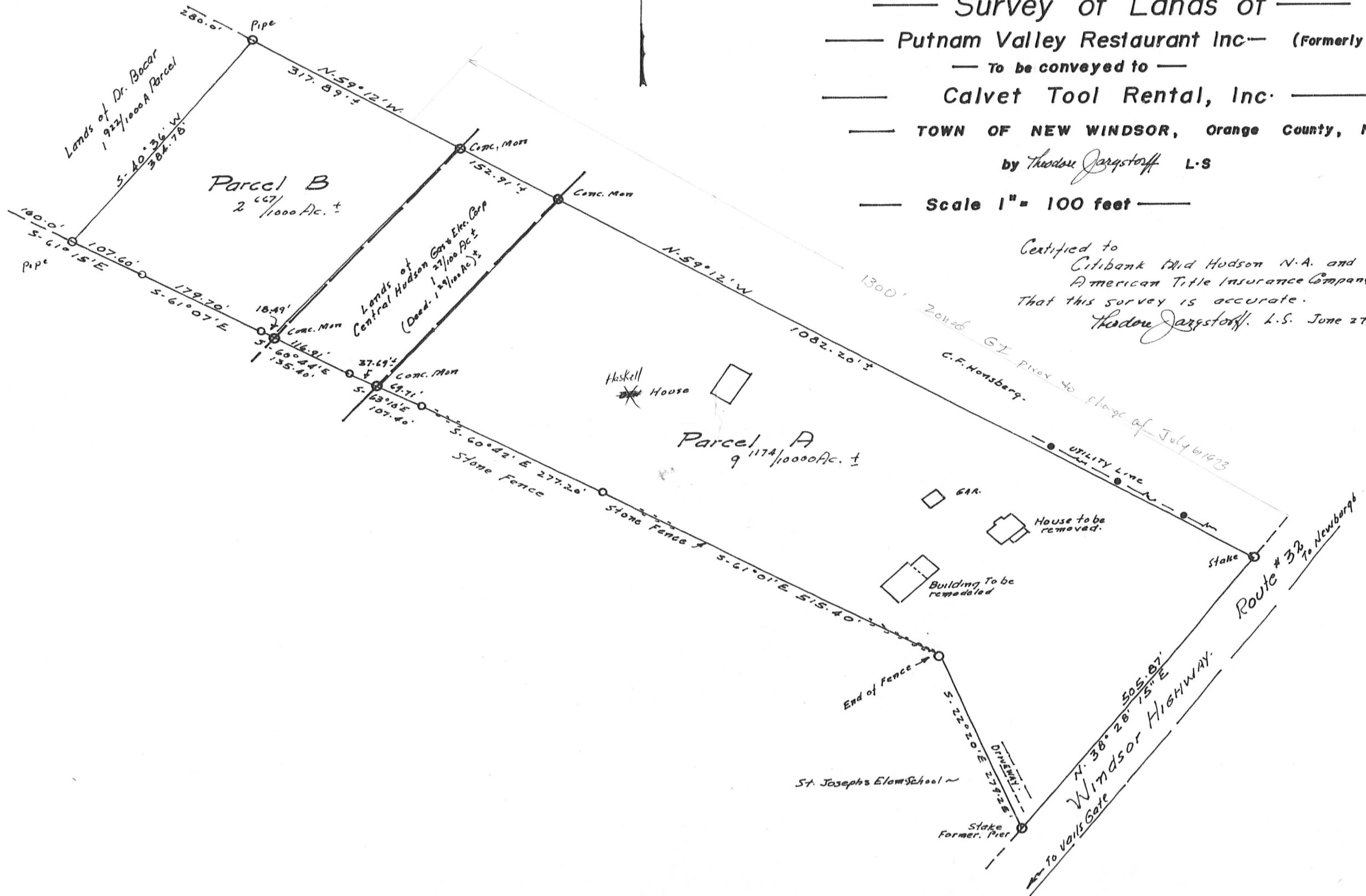
I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed:   
(APPLICANT)



— Survey of Lands of —  
 — Putnam Valley Restaurant Inc — (Formerly P. Vromec, etc)  
 — To be conveyed to —  
 — Calvet Tool Rental, Inc. —  
 — TOWN OF NEW WINDSOR, Orange County, N.Y. —  
 by Theodore Jargstorff L.S.  
 — Scale 1" = 100 feet —

Certified to  
 Citibank Mid Hudson N.A. and  
 American Title Insurance Company  
 That this survey is accurate.  
 Theodore Jargstorff, L.S. June 27, 1973



1300' Zone 6  
 GI Pines 40 ft long of July 6/1973  
 C.F. Honsberg  
 UTILITY LINE  
 Stake # 32 To Newburgh

St. Joseph's Elms School ~

Stake Former. Pier

Windsor Highway  
 N. 38° 28' 15" E  
 505.87'

To Vails Gate

DITCHWAY

End of Fence

Building to be remodeled

House to be removed

GA.

Haskell House

Parcel A  
 9.1174/10000 Ac. ±

Parcel B  
 2.67/1000 Ac. ±

Lands of Dr. Bocar  
 1924/1000A Parcel

Lands of Central Hudson Gas & Elec. Corp  
 (Deed. 129/1000 Ac. ±)

Pipe

Conc. Man

Conc. Man

Conc. Man

Conc. Man

Conc. Man

Pipe