

**ZB# 75-28**

**Emmitt Day**

**32-2-28**

Public Hearing -

October 6th at 8 p.m.

No OCPD.

All fees paid. 9/24/75.

~~Pat: Bring plans also.~~

Pat: Bring plans also.

Fees sent to T.C.

9/24/75.

No receipt returned

Application  
approved -  
10/6/75 -  
Patricia Delis, Secy.

Mrs. Day -  
564-7234  
Riley Road.  
New Windsor

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

75-28  
(Number)

9/11/75  
(Date)

I. Applicant information:

- (a) Emmitt & Bernetha Day - Riley Rd. 564-7234  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) R4A Riley Rd. 1 1/2 acre  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1957
- (e) Has property been subdivided previously? yes When? 1954
- (f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no . If so when \_\_\_\_\_

75-28  
(Number)

9/11/75  
(Date)

I. Applicant information:

- (a) Emmitt & Bernetha Day - Riley Rd. 564-7234  
(Name, address and phone of Applicant)
- (b) \_\_\_\_\_  
(Name, address, and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) R4A Riley Rd. 1/8 acre  
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1957
- (e) Has property been subdivided previously? yes When? 1954
- (f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when \_\_\_\_\_
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section 3.2, Table Use Reg., Column H, to allow

(Describe proposed use)

three family dwelling

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Due to our advance age, the high cost of improvements & maintenance, it has become necessary to enlarge our present dwelling to include our two children. The house needs remodeling.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards _____	_____	_____
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

(Describe proposed use)

three family dwelling

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Due to our advance age, the high cost of improvements & maintenance, it has become necessary to enlarge our present dwelling to include our two children. the house needs remodeling.



V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards _____	_____	_____
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

\* Residential districts only

\*\* Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Not Applicable

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. Sign Variance: Not Applicable

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____

Total of \_\_\_\_\_ sq.ft., \_\_\_\_\_ sq.ft., \_\_\_\_\_ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Not Applicable

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Not Applicable

\_\_\_\_\_

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VI. Sign Variance: Not Applicable

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____

Total of \_\_\_\_\_ sq.ft. - \_\_\_\_\_ sq.ft., \_\_\_\_\_ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Not Applicable

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(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Not Applicable

X. AFFIDAVIT.

Date 25 Sep 75

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

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Vincent Q. Goff, V.P.  
(Applicant)

Sworn to before me this

25 day of SEPT., 1975.

Wayne J. Klingman

WAYNE J KLINGMAN  
Notary Public, State of New York  
No. 44-7305000  
Residing in Orange County  
Commission Expires March 30, 1976

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_
- (b) Variance is \_\_\_\_\_
- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

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- (a) Public Hearing date \_\_\_\_\_
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- (c) Special Permit is \_\_\_\_\_
- (c) Conditions and safeguards \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY RESO-  
LUTION OF ZONING BOARD OF APPEALS.

VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table \_\_\_\_\_, Column \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*All apartments will be used by family members & property will be kept by our family*

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IX. Attachments required:

Verbal to Secretary  
 Copy of letter of referral from Building and Zoning Inspector.

~~Copy of contract of sale, lease or franchise agreement.~~

Copy of tax map showing adjacent properties

Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

Copy(ies) of sign(s) with dimensions.

X Check in amount of \$2500 payable to Town of New Windsor. Pls  
 \$25.00 Check. Payable To Secretary for public hearing services and landscaping



ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

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In the Matter of the Application of

EMMITT AND BERNETHA DAY

for a Use Variance #75-28

DECISION GRANTING  
A USE VARIANCE

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WHEREAS EMMITT and BERNETHA DAY of Riley Road, Town of New Windsor, New York have applied to the Zoning Board of Appeals for a use variance to permit additions to their house which will transform the house from a single family dwelling to a three family apartment house; and

WHEREAS the property is located in an R4-A zone which permits two family residences and the lot in point is 1 1/8 acres whereas the minimum lot size is only 25,000 square feet; and

WHEREAS a public hearing on this application was held by the Zoning Board of Appeals on the 6th day of October, 1975 at the Town Hall of the Town of New Windsor after due notice by publication and due notice to residents and businesses within 500 feet of the subject premises; and

WHEREAS at said hearing the applicants were represented by themselves and no one appeared in opposition to this application; and

WHEREAS the Zoning Board of Appeals makes the following findings of fact in this matter:

(1) The present structure is in need of improvements and maintenance and the applicants do not have the financial wherewithal to make the improvements without additional income to be derived from the two apartments.

(2) The applicants have resided at the property for many years and intend to continue to live there; and the two apartments which are to be constructed if the variance is granted are to be rented to the applicants' two

adult children.

WHEREAS the Zoning Board of Appeals makes the following findings of law in this matter:

(1) The land in question cannot yield a reasonable return if the variance is not granted.

(2) The plight of the owner is due to unique circumstances which he did not create.

(3) The use sought to be authorized by the variance will not alter the essential character of the locality.

(4) The use variance if granted will not violate the general spirit and intent of the Zoning Local Law of the Town of New Windsor.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor hereby grants a use variance to Emmitt and Bernetha Day of Riley Road to construct a three family apartment house out of the single family dwelling in which they now reside.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicants, the Town Planning Board, and the Town Clerk.

Dated: October 20, 1975.

  
THEODORE JARGSTORF, Chairman

555 Union Avenue  
New Windsor, N. Y.  
October 23, 1975

Mr. and Mrs. Emmitt Day  
Riley Road  
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE #75-28

Dear Mr. and Mrs. Day:

Enclosed please find your copy of the formal decision regarding  
your application for a use variance which was brought before  
the Zoning Board of Appeals on October 6, 1975.

Yours truly,

PATRICIA DELIO, Secretary

/pd

Enclosure

Public Hearing 8 p.m. - 10/6/75 - Day

Name:

Address:

Mrs. Catherine Longmaier

555 Union Avenue  
New Windsor, N. Y. 12550  
October 9, 1975

Mr. and Mrs. Emmitt Day  
Riley Road  
New Windsor, N.Y. 12550

RE: APPLICATION #75-28 for Variance before the Zoning Board of Appeals

Dear Mr. and Mrs. Day:

This is to confirm that your application for a variance was granted by the Zoning Board of Appeals at the public hearing which was held on Monday evening, October 6, 1975.

Yours truly,

PATRICIA DELIO, Secretary

/pd

cc: Howard Collett, Bldg. Inspector

Joseph Loscalzo, Chairman  
New Windsor Planning Dept.



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

September 12, 1975

Mrs. Bernetha Day  
RD#2 Riley Road  
New Windsor, New York 12550

Dear Mrs. Day:

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

If you have any further questions regarding this property, please contact this office.

Very truly yours,

  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

EEW/pk  
att.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

Langmaier, Otmar & Catherine  
Vails Gate, New York 12584

New York State Thruway Authority  
Albany, New York

Garrison, George H. & Mildred  
RD#2 Riley Road  
New Windsor, New York 12550

Kennedy, Fitzhugh L. & Dolores  
RD#2 Riley Road  
New Windsor, New York 12550

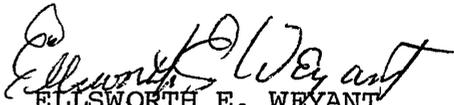
Smith, William & Marion  
RD#2 Riley Road  
New Windsor, New York 12550

Jeffries, Jesse & Martha  
RD#2 Riley Road  
New Windsor, New York 12550

Johnson, Edward B.  
RD#2 Riley Road  
New Windsor, New York 12550

Respectfully submitted,

Lovett, John E. & Claretta  
RD#2 Riley Road  
New Windsor, New York 12550

  
ELLSWORTH E. WEYANT  
Sole Assessor  
Town of New Windsor

Cartwright, Augustus & Essie M.  
P.O. Box 563  
Vails Gate, New York 12584

Powell, John & Elsie  
P.O. Box 568  
Vails Gate, New York 12584

Henning, Frank J. & Ruth E.  
C/O Bertil Taube  
RD#2 Riley Road  
New Windsor, New York 12550

Purdy, Frank Sr.  
RD#2 Moores Hill Road  
New Windsor, New York 12550

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

555 Union Avenue  
New Windsor, N. Y. 12550  
September 29, 1975

Joseph Loscalzo, Chairman  
New Windsor Planning Board  
555 Union Avenue  
New Windsor, N.Y. 12550

RE: PUBLIC HEARINGS FOR ZONING BOARD OF APPEALS

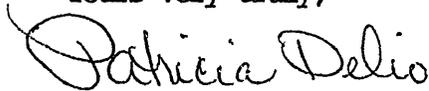
Dear Mr. Loscalzo:

Enclosed please find applications together with public hearing notices pertinent to the public hearings which are to be held on Monday evening, October 6, 1975 before the ZBA:

8 p.m. - Application of Emmitt and Bernetha Day

8:30 p.m. - Application of Kanaje Corporation for Special  
Permit

Yours very truly,



PATRICIA DELIO, Secretary

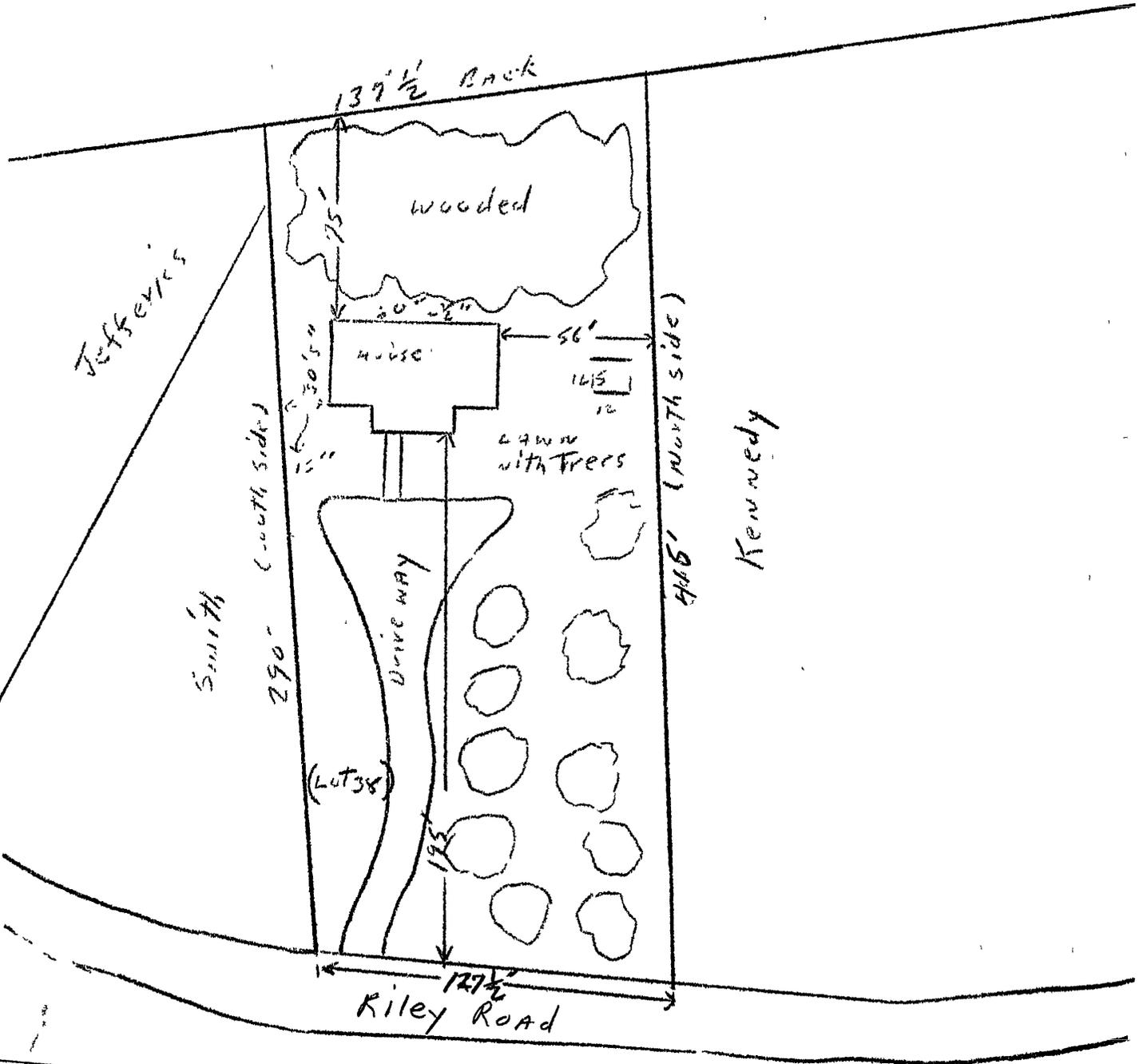
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Enclosures

cc: Howard Collett, Building Inspector



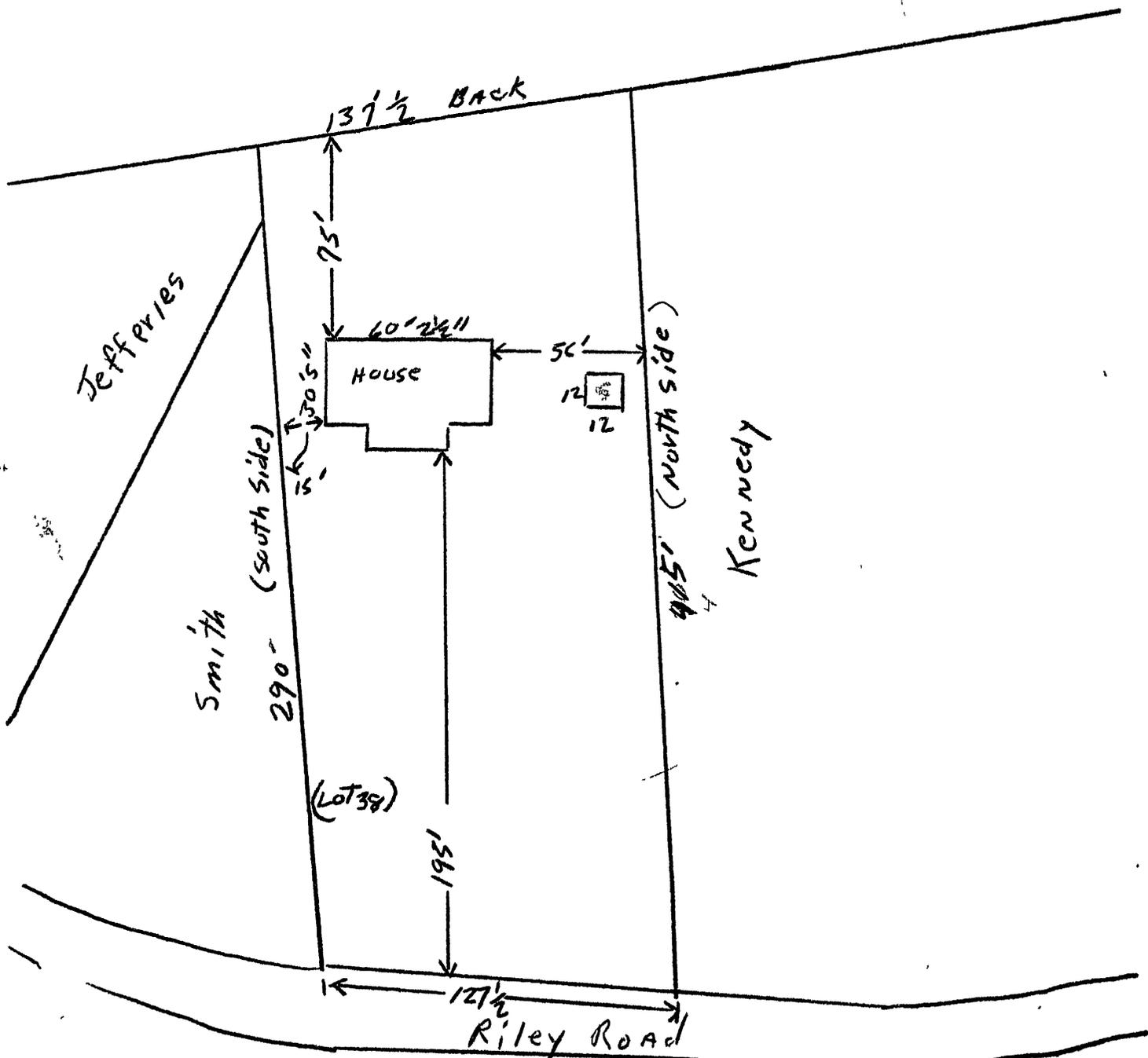
Lovette



Emmitt Day

Thruway

Lovette



Emmitt Day

