

ZB# 76-17

Dixie Mehl

13-6-11

Public Hearing:

July 19, 1976.

8. p.m. -

Notice to Paper - July 8th -

Check to T.C. 8/13/76.

Received 12/29/76
C.M.

GENERAL RECEIPT

2943

Town of New Windsor, N. Y.

Aug 13, 1976

Received of Hallmark Florist \$ 25.00

Twenty-five and 00/100 Dollars

For Variance Application Fee # 76-17

DISTRIBUTION

FUND	CODE	AMOUNT
		25.00
		Chuk

BY Charlotte Mawson

Deputy
TITLE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

DIXIE MEHL and LEON MEHL

Application #76-17

DECISION GRANTING
USE VARIANCE

-----x
WHEREAS DIXIE MEHL and LEON MEHL of R. D. #1, Rock Cut Road, Walden, New York have made application for a use variance from the provisions of the Zoning Local Law to allow a florist shop to be located at the corner of Blanch Avenue and Walsh Road (R-4) in the Town of New Windsor, N. Y.; and

WHEREAS DIXIE MEHL and LEON MEHL have entered into a lease arrangement with Julia Swanson, with an option to purchase the property; and

WHEREAS the premises abovementioned was previously used for commercial purposes in the form of a butcher shop, but has been out of operation for a period of two years; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, New Windsor, New York on the 19th day of July, 1976 after due notice by publication in The Evening News and due notice to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS at said hearing the petitioners were represented by Allan Kuslansky, Esq.; and

WHEREAS at the public hearing there were no objections raised to the proposed use variance; and

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

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(1) The proposed use variance would be in good taste and would not be offensive to the area but would probably result in an improvement and upgrading of the area since the store has been vacant for two years.

(2) The property has been used for commercial purposes for many years.

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

(1) Unnecessary hardship would be created if the use variance sought by the applicant were denied.

(2) The use of the premises for which the applicant seeks authorization will not alter the essential character of the locality.

(3) The use variance, if granted, would not violate the general purpose of the Zoning Ordinance or Local Law.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor grants a use variance to Dixie Mehl and Leon Mehl for the use of a florist shop on property located at the corner of Blanche Avenue and Walsh Road in the Town of New Windsor.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals transmit a copy of this decision to the Town Clerk, Town Planning Board and the attorney for the applicants.

Dated: September____, 1976.

THEODORE JARGSTORFF, Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

17
(Number)

6/14/76
(Date)

I. Applicant information:

*Purchasers
initiating the
proceeding*

- (a) MRS. JULIA SWANSON, BLANCH AVE., NEW WINDSOR
(Name, address and phone of Applicant) 6562-2820
- (b) LEON MEHL & DIXIE MEHL, RD #1, ROCK CUT RD, WALDEN, N.Y.
(Name, address and phone of purchaser or lessee)
- (c) PURCHASER
GERALD FIEDELHOLTZ NEW WINDSOR, N.Y.
(Name, address and phone of attorney)
- (d) BONITA JONES
of CARITARY AGENCY 561-0214
(Name, address and phone of broker)

II. Application type:

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

III. Property information:

- (a) R-4 Corner of Blanch
(Zone) (Address) 13 6 11 (Lot size)
(M B L)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES, PENDING SALE.
- (d) When was property purchased by present owner? UNKNOWN
- (e) Has property been subdivided previously? N/A When? _____
- (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 N/A

6/14/76
(Date)

I. Applicant information:

*Purchasers
initiating the
proceeding*

- (a) MRS. JULIA SWANSON, BLANCH AVE., NEW WINDSOR
(Name, address and phone of Applicant) 562-2820
- (b) LEON MEHL & DIXIE MEHL, RD #1, ROCK CUT RD, WALDEN, N.Y.
(Name, address and phone of purchaser or lessee)
- (c) GERALD FIEDELHOLTZ, NEW WINDSOR, N.Y.
PURCHASER
(Name, address and phone of attorney)
- (d) BONITA JONES
70 CARHART AGENCY 561-0214
(Name, address and phone of broker)

II. Application type:

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

III. Property information:

- (a) R-4 Corner of Blanch & Walsh Rd. 13 6 11
(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? YES, PENDING SALE.
- (d) When was property purchased by present owner? UNKNOWN
- (e) Has property been subdivided previously? N/A When? _____
- (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 _____, Table _____, Column _____, to allow

(Describe proposed use)

- (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.

Property has been used for commercial purposes for many years. Used to be a butcher shop. Vacant for two years. Two apartments also in building.

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 <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____

* Residential districts only
** Non-residential districts only

(Describe proposed use)

(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.

Property has been used for commercial purposes for many years. Used to be a butcher shop. Vacant for two years. Two apartments also in building.



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 <u>1</u>	<u>1</u>	<u>1</u>
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.



VI. Sign Variance:

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

Table with 3 columns: Requirements, Proposed or Available, Variance Request. Rows for Sign 1-5 and Total 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.

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



VI. Sign Variance:

(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	_____	_____	_____
<hr/> <hr/>			
Total	_____ 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.

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

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.

Applicant plans to repair present structure (which was heretofore used as a commercial building but is now vacant) and to use same for the operation of a florist shop

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.)

Permitting use herein requested will upgrade neighborhood by changing vacant/^{state}of present store premises to an attractive operating florist shop

IX. Attachments required:

- ___ 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.
 - Check in amount of \$ 2500 payable to Town of New Windsor.
 - Check in the amount of \$ _____ payable to Secretary for taking public hearing.
- Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

(b) Describe in detail the use and structures proposed for the special permit.

Applicant plans to repair present structure (which was heretofore used as a commercial building but is now vacant) and to use same for the operation of a florist shop

VIII. Additional comments:

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Check in amount of \$ 2500 payable to Town of New Windsor.

___ Check in the amount of \$ _____ payable to Secretary for taking public hearing
Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

___ Other

X. AFFIDAVIT.

Date June 21, 1976

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.

[Signature]
(Applicant)

Sworn to before me this
22nd day of June, 1975.

[Signature]

LUCY E HILL
Notary Public State of New York
Qualified in Orange County
Commission Expires March 30, 1978

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.

Robin M. Hill
(Applicant)

Sworn to before me this
22nd day of June, 1975.
Lucy E. Hill

LUCY E HILL
) Notary Public State of New York
Qualified in Orange County
Commission Expires March 30, 1978

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.

July 20, 1976

Allan Kuslansky, Esq.
270 Quassaick Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE - DIXIE & LEON MEHL

Dear Allan:

This is to confirm that the New Windsor Zoning Board of Appeals at its July 19th meeting voted unanimously to grant a use variance to Dixie & Leon Mehl for the operation of a florist shop at the corner of Blanche Avenue and Walsh Road in the Town of New Windsor.

Formal decision of the Board will follow in draft form after our next meeting.

Sincerely,

PATRICIA RAZANSKY, Secretary

/pr

cc: Howard Collett, Bldg./Zoning Inspector

Henry Van Leeuwen, Chairman - - Town Planning Board

Public Hearing - 8 p.m. - Mehl 7/19/76.

Name:

Address:

John H. Skoboda

ERIE Ave New Windsor, NY

Gene Mehl

Gene Mehl

Rd 11 Walden, NY.

Bonnie Jones

30 Grand Ave, Newburgh, NY.



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

Rockafellow, Hilda M. & Harry E. 8 Cedar Avenue New Windsor, New York 12550	Vinson, Richard F. & Rebecca M. 14 Blanche Avenue New Windsor, New York 12550
LMJ Associates C/O Mari-Anne Bag Corp. 170 Walsh Avenue New Windsor, New York 12550	Terwilliger, Fern; Carpenter, Joyce; Misner, Gladys C/O William Weygant 16 Blanche Avenue New Windsor, New York 12550
Rahm, Elizabeth F. 15 Lawrence Avenue New Windsor, New York 12550	Weygant, F. Jr. 3 Melrose Avenue New Windsor, New York 12550
Koran, Helen 19 Lawrence Avenue New Windsor, New York 12550	Coykendall, Helen M. 11 Melrose Avenue New Windsor, New York 12550
Grzibowksi, Chester & Evelyn 12 Melrose Avenue new Windsor, New York 12550	Hollo, Lewis 25 Melrose Avenue New Windsor, New York 12550
Stankewich, Vincent & Frances 151 Walsh avenue New Windsor, New York 12550	Netz, Albert H. 9 Melrose Avenue New Windsor, New York 12550
Coritz, Albert J., Albert A., & Sheley, Felicia 178 Walsh Avenue New Windsor, New York 12550	Weyant, Charles Jr. & Bella 3 Melrose Avenue New Windsor, New York 12550
Sloboda, Mary 8 Blanche Avenue New Windsor, New York 12550	Marchetta, Bruno & Maddalena 188 Walsh avenue New Windsor, New York 12550
Ferarra, Stephen & Shirley June 1 Ora Street New Windsor, New York 12550	Pelus, Rudolph & Ella 20 Cedar Avenue New Windsor, New York 12550
Marullo, John V III & Elizabeth 10 Blanche Avenue New Windsor, New York 12550	JGerbes, Frank & Helen 52 Cedar Avenue New Windsor, New York 12550
Babcock, John T. & Angela-Grace 12 Blanche Avenue New Windsor, New York 12550	Gerbes, Frank P. Jr. & Mary 6 Clancy Avenue New Windsor, New York 12550



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

Messina, Peter 1 John Street New Windsor, New York 12550	Lee, Norman & Margaret 82 Windsor Highway New Windsor, New York 12550
Connolly, Harry T, & Mary C. 162 Walsh Road New Windsor, New York 12550	Geist, Franz & Helen F. 113 John Street New Windsor, New York 12550
Zamenick, Frederick & Shirley 160 Walsh Road New Windsor, New York 12550	Wstner, Richard A. & Christine RD#2 Bethlehem Road New Windsor, New York 12550
Pettine, Michael & Theresa 10 Lawrence Avenue New Windsor, New York 12550	Radulski, Edward & Mary Lou 6 Cedar Avenue New Windsor, New York 12550
Lees, James D. & Geraldine A. 12 Lawrence Avenue New Windsor, New York 12550	Naughton, Edward & Barbara 3 High Street New Windsor, New York 12550
Thompson, Edward L. & Broughton, Wesley 6 Hickory Avenue New Windsor, New York 12550	Carney, John & Mary 5 High Street New Windsor, New York 12550
Gerli, John E. 33 South Stanwich Road Greenwich, Connecticut 06830	Ferguson, Frederick & Sherry High street New Windsor, New York 12550
Griffiths, William & Gloria 139 John Street New Windsor, New York 12550	Griffiths, Monroe Armature Co. Inc. 161 Walsh Avenue New Windsor, New York 12550
Sager, Gladys 135 John Street New Windsor, New York 12550	Hayes, Agnes F. 165 Walsh Avenue New Windsor, New York 12550
Evans, Mae H. 189 Windsor Highway New Windsor, New York 12550	Rumsey, Charles E. Jr. & Frances R. 192 Walsh Road New Windsor, New York 12550
Fiorelli, Louis & Maria 242 Spruce Street New Windsor, New York 12550	Rumsey, Charles E. Box 1087 Newburgh, New York 12550



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

Kelley, Mary O.
MD#23 Blanche Avenue
New Windsor, New York 12550

Osusky, Elizabeth
15 Blanche Avenue
New Windsor, New York 12550

O'Brien, Thomas & Kathleen
13 Blanche Avenue
New Windsor, New York 12550

Ladick, Frank J.
9 Blanche Avenue
New Windsor, New York 12550

Eager, Ernest W. & Mary
7 Blanche Avenue
New Windsor, New York 12550

Caesar, Joseph & Cecelia
25 Clancy Avenue
New Windsor, New York 12550

Valenzano, Ralph E. & Katherine
26 Cedar Avenue
New Windsor, New York 12550

Jones, Thomas & Katherine
26 Cedar Avenue
New Windsor, New York 12550

Dabroski, John & Lillian
30 Cedar Avenue
New Windsor, New York 12550

Scott, William & Dorothy
8 Cedar Avenue
New Windsor, New York 12550

Irwin, Albert & Stella
35 Blanche Avenue
New Windsor, New York 12550

Palazzo, Andrew J. & Jennie M.
15 Melrose Avenue N.W.

Szajko, Laszlo & Barbara Ann
24 Clancy Avenue
New Windsor, New York 12550

Conklin, JOSEPH H. & Agnes
28 Blanche Avenue
New Windsor, New York 12550

Rahemba, Victoria
32 Blanche Avenue
New Windsor, New York 12550

Hollo, Lillian
25 Melrose Avenue
New Windsor, New York 12550

Stocker, Frank E. & Mary Neva
371 NW 76th Avenue Apt. 106
Margate, Fla. 33063

Gandolfini, Peter L. & Christine M.
16 Melrose Avenue
New Windsor, New York 12550

Ditrocchio, Pasquale
20 Melrose Avenue
New Windsor, New York 12550

Gaydos, Pauline
24 Melrose Avenue
New Windsor, New York 12550

Babcock, John
12 Blanche Avenue
New Windsor, New York 12550

Williams, Nicholas J. & Teresa A.
27 Lawrence AVENUE
New Windsor, New York 12550

Calvary Cemetary
NewWindsor, New York 12550



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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

Eldrige, Jean & Lulu
211 Walsh Avenue
New Windsor, New York 12550

Miller, Walter M, Jones,
Harold & Shirley
9 Cedar Avenue
New Windsor, New York 12550

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellsworth E. Weyant".

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

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

Appeal No. 17

Request of Leon Mehl and Dixie Mehl and Julia Swanson

for a Variance ~~Special Use Ordinance~~ of the
regulations of the Zoning Local Law, to permit
the operation of a florist shop

being a Variance ~~Special Use Ordinance~~ of
Section 48.9-Table of Use Regulations-Column A,
for property situated at: 182 Walsh Road,
New Windsor, N.Y.

SAID HEARING will take place on the 19th day of July, 1976,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8 o'clock P. M.

THEODORE JARGSTOREFF,
Chairman

Sent to Evening News - 6/20/76.