

ZB# 78-23

Carlos Scheer

13-5-29

Public Hearing
Sept. 11, 1978

8 p.m.

(July 24th Applications
sent out)

(1) Application
(2) Public Hearing Notice

- Hearing on
September 11, 1978
8 p.m.

Special Permit -
~~Due a later date~~

45-9-
Table of Use Regs.
Column B-4.

GENERAL RECEIPT 3790

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF Carlos Scheer (Mid-Valley Vinyl Top) Sept. 6 1978
Fifty and 00/100 \$ 50.00 DOLLARS

FOR Variance App Fee # 78-23 (3BA)

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>30.00</u>		
<u>ck</u>		

BY Charlotte Marcantonio
Deputy
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

Vinyl Auto Top Company Needs Walsh Rd. Variance ^{Carlos}

NEW WINDSOR — A public hearing on an application of Carlos Scheer for use of the former Monroe Armature Building on Walsh Road for the manufacturing and installation of vinyl automobile tops has been scheduled by the Zoning Board of Appeals for Sept. 11. The area is a planned industrial zone and the use is not permitted without a variance, Patricia DeLo, zoning board secretary, said.

In public hearings, Dwight Townsend and James Husted were granted a variance for two additional trailers at their park on Reilly Road. They had requested three trailers but the board can only grant 50 percent

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of
CARLOS SCHEER

DECISION GRANTING
SPECIAL PERMIT

Application #78-23.
-----x

WHEREAS, CARLOS SCHEER of Balsam Lane, Town of Newburgh, New York has made application for a special permit for the manufacturing and installation of vinyl automobile tops in an area designated as PI (Planned Industrial) to be located on Walsh Road in the Town of New Windsor; and

WHEREAS, a public hearing was held on the 11th day of September, 1978 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented by Arnold A. Bernstein, Esq. of 295 Broadway, Newburgh, N. Y. 12550; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the issuance of a special permit will not be injurious to the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The requested use will not be detrimental to the character

of the neighborhood and will not be injurious to the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular.

NOW THEREFORE, BE IT

RESOLVED that the Zoning Board of Appeals of the Town of New Windsor hereby grants the special permit requested by Carlos Scheer in his application with the following restrictions:

1. There is to be no outside storage of vehicles and no parking in front of the building from 6 p.m. to 6 a.m.
2. All work is to be done inside the building.
3. Hours of operation of business are: From 8 a.m. to 6 p.m. only.

BE IT FURTHER

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

Dated: October 23, 1978.


Chairman

LAW OFFICES
OF
ARNOLD A. BERNSTEIN

(914) 565-8990

295-299 BROADWAY, P. O. BOX 2727
NEWBURGH, NEW YORK 12550

November 2, 1978

Patricia Delio, Secretary
Zoning Board of Appeals
Town of New Windsor,
New York 12550

Re: Carlos Scheer 78-23

Dear Ms. Delio:

When can we expect to receive copy of the formal decision of the Zoning Board of Appeals on approval of Carlos Scheer's permit No. 78-23?

Very truly yours


Arnold A. Bernstein

AAB/sp

decision
Rec'd. on 11/6/78 -
crossed in mail

9/11/78 -

Public Hearing

Carlos Scheer -

8 p.m. - Special Use Permit

Name

Address

Agnes Hayes ✓

no objection -
(too much trash)

165 Walsh Ave

Charles J. Babcock ✓

no objection

155 Walsh Ave

Alfred J. Conry

no objection

178 Walsh Ave

Paul H. Vesely

172 Walsh Rd.

Joseph F. V. [unclear]

172 Walsh Rd

INTER-OFFICE CORRESPONDENCE

TO: BUILDING INSPECTOR
PLANNING BOARD

FROM: ZONING BOARD OF APPEALS

SUBJECT: DECISIONS - ZBA HEARINGS - September 11, 1978

DATE: September 12, 1978

Please be advised that the following applications were approved at the September 11, 1978 meeting of the Zoning Board of Appeals:

Application for Special Use Permit of CARLOS SCHEER, and

Application for 8 ft. front yard variance of DAGNY LUNDSTROM.

Pat

/pd

78-23

2

(914) 565-8550

555 Union Avenue
New Windsor, N.Y. 12550
July 24, 1978

Arnold A. Bernstein, Esq.
295 Broadway
Newburgh, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE - CARLOS SCHEER - #78-23.

Dear Mr. Bernstein:

In accordance with our telephone conversation of this morning and a further conversation with the Zoning Inspector, Mr. Collett, kindly find enclosed herewith the following:

1. Application for variance;
2. Public Hearing Notice; and
3. Procedure for Public Hearing

Also be advised that the Zoning Board of Appeals will meet on Monday evening, August 14, 1978 at 7:30 p.m. If you wish to be placed on the agenda for a preliminary meeting, please call. We also have meetings in September on the second and fourth Monday evenings.

Very truly yours,

PATRICIA DELIO, Secretary

/pd

Enclosures



1763

OFFICE OF THE BUILDING & ZONING INSPECTOR
TOWN OF NEW WINDSOR

Howard R. Collett
555 Union Avenue
New Windsor, New York 12550

July 19, 1978

Mr. Arnold A. Bernstein
295-299 Broadway
P. O. Box 2727
Newburgh, N. Y. 12550

RE: Your File No. 2722

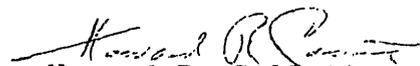
Dear Sir:

The building occupied by the Monroe Armature Co. is identified on the Tax map as Section 13, Block 5, Lot 29. It was constructed about 1959 which preexists the Zoning Ordinance adopted in 1965 and therefore building set backs would not be affected by current regulations.

The property is located in a Planned Industrial Zone which does not permit auto service, garages or retail sales.

If Mr. Scheer would like to locate his business at this location, a variance would be required.

Yours truly,


Howard R. Collett
Bldg;/Zoning Inspector

HRC/mfb

13-5-29
1959

LAW OFFICES
OF
ARNOLD A. BERNSTEIN

(914) 565-8990

295-299 BROADWAY, P. O. BOX 2727
NEWBURGH, NEW YORK 12550

July 17, 1978

Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

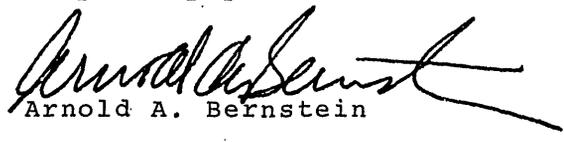
Re: Scheer from Palamaro
Our File No. 2722

Dear Sir:

I represent Carlos Scheer who is desirous of purchasing certain property on Walsh Road owned by Marie Palamaro and Estate of Frank Barbata and formerly used by Monroe Armature Co. Mr. Scheer intends to use the property for the manufacture and installation of vinyl auto tops and roofs and for the retail sale of related auto accessories.

Please let me know if the zoning in the area permits this use and also let me know if there are any violations listed against the premises and whether or not the premises comply with applicable set-back restrictions and other ordinances affecting the property.

Very truly yours,


Arnold A. Bernstein

AAB/sp

near mid-Hudson Oxygen
13-5-29

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-23
(Number)

August 30, 1978
(Date)

I. Applicant information:

- (a) Carlos Scheer, Balsam Lane, Town of Newburgh, New York
(Name, address and phone of Applicant) 564-3946
- (b) Carlos Scheer, Balsam Lane, Town of Newburgh, New York
(Name, address and phone of purchaser or lessee) 564-3946
- (c) Arnold A. Bernstein, 299 Broadway, Newburgh, New York
(Name, address and phone of attorney) 565-8990
- (d) John J. Lease, 313 Broadway, Newburgh, New York - 565-2800
(Name, address and phone of broker)

II. Application type:

- Use variance
 Area variance
 Sign variance
 Special permit

III. Property information:

- (a) PI 13-5-29
(Zone) 161 Walsh Road, New Windsor (Address) New York (\$1 B L) (Lot size) 75 x 180
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 12/20/77
- (e) Has property been subdivided previously? no 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 _____

78-23
(Number)

August 30, 1978
(Date)

I. Applicant information:

- (a) Carlos Scheer, Balsam Lane, Town of Newburgh, New York
(Name, address and phone of Applicant) 564-3946
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(Name, address and phone of purchaser or lessee) 564-3946
- (c) Arnold A. Bernstein, 299 Broadway, Newburgh, New York
(Name, address and phone of attorney) 565-8990
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- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 12/20/77
- (e) Has property been subdivided previously? no 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 48.9, Table PI, Column A, to allow

Assembly of vinyl tops from prepared materials and sale
(Describe proposed use)
and installation of sun roofs and other accessories such as
stripping and moldings.

- x (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.

The structure on the premises was erected prior to zoning
and its design is not suitable for uses permitted under
present zoning and the structure is well suited for the
intended use which is not dangerous or injurious to
health and is not noxious or objectionable.

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

and installation of sun roofs and other accessories such as stripping and moldings.

- X (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.

The structure on the premises was erected prior to zoning and its design is not suitable for uses permitted under present zoning and the structure is well suited for the intended use which is not dangerous or injurious to health and is not noxious or objectionable.

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* <u>8</u>	<u>8</u>	<u>8</u>
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 _____.

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

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/>			
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.

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.)

applicant plans to construct an addition to the rear of existing building so that cars will not be exposed.

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 \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present structures.

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

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.)

applicant plans to construct an addition to the rear of existing building so that cars will not be exposed.

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 \$ 50.00 payable to Town of New Windsor.
- 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

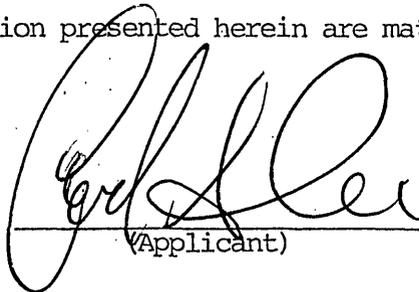
(Official Use Only)

X. AFFIDAVIT.

Date August 30, 1978

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

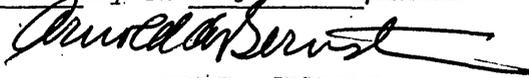
The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning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



(Applicant)

Sworn to before me this

30th day of August, 1978, ~~1975~~



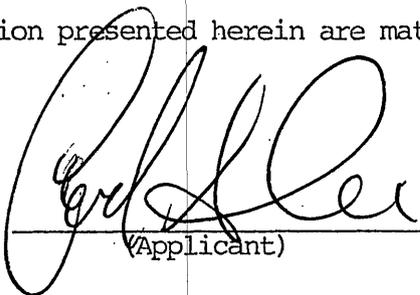
ARNOLD A. BERNSTEIN
Notary Public, State of New York
No. 6270126
Qualified in Orange County
My Commission Expires March 30, 1979

XI. ZBA Action:

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

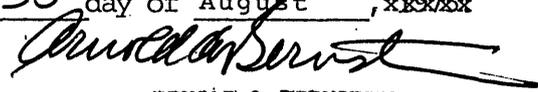
A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

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.



(Applicant)

Sworn to before me this _____ 1978
30th day of August, ~~1975~~


ARNOLD A. BERNSTEIN
Notary Public, State of New York
No. 0270100
Qualified in Orange County
My Commission Expires March 30, 1979

XI. ZBA Action:

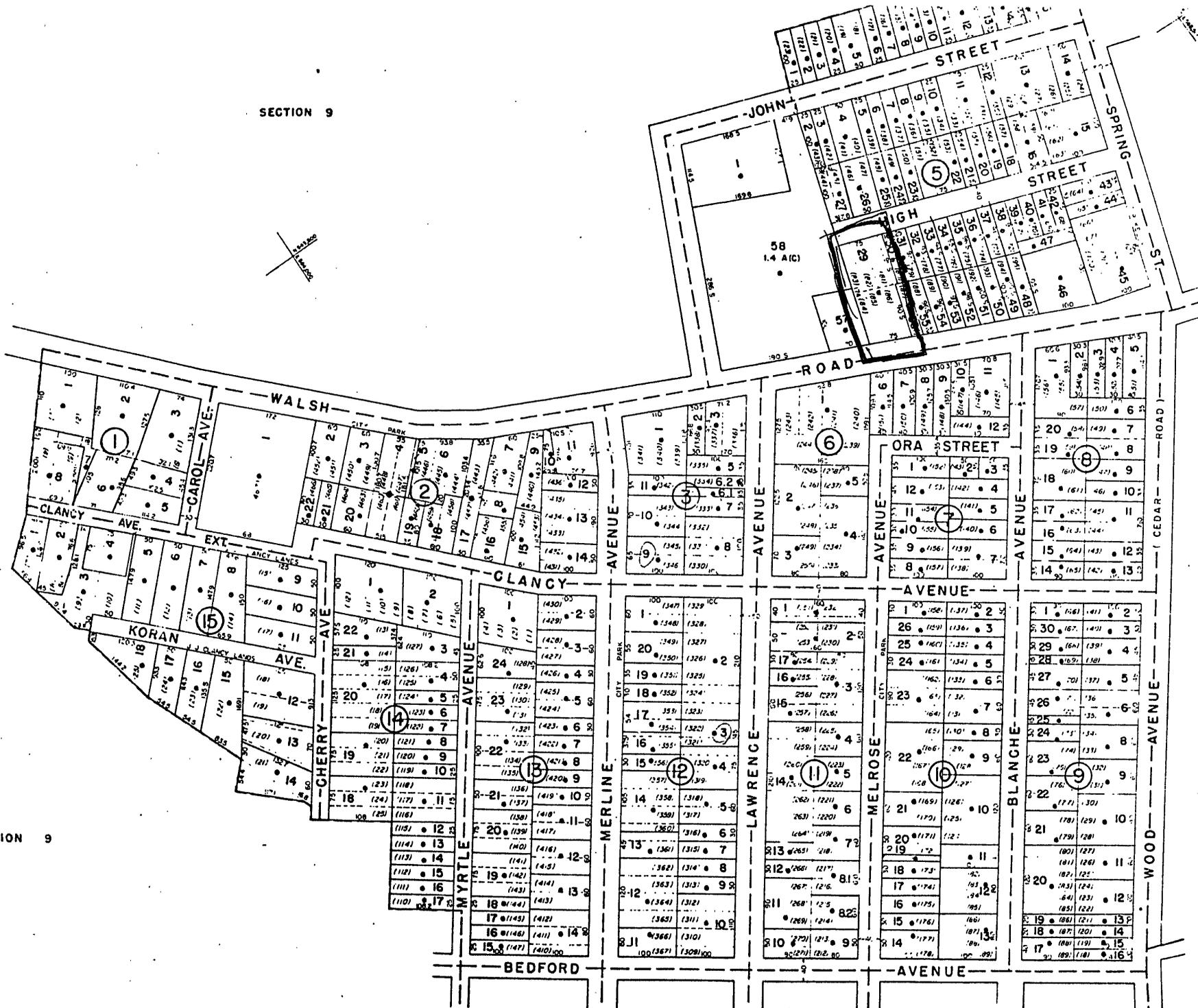
- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____

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

SECTION 9

SECTION 14

SECTION 9



58
1.4 A/C

JOHN

STREET

STREET

SPRING

ST

ROAD

WALSH

CLANCY AVE.

CAROL AVE.

KORAN AVE.

CLANCY AVE.

CHERRY AVE.

MYRTLE AVE.

MERLINE AVE.

LAWRENCE AVE.

MELROSE AVE.

BLANCHE AVE.

WOOD AVE.

BEDFORD AVE.

AVENUE

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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. 23

Request of CARLOS SCHEER

for a SPECIAL USE PERMIT of

the regulations of the Zoning Ordinance, to permit
the manufacture and installation of vinyl
auto tops and roofs and for the retail sale
of related auto accessories.

being a SPECIAL USE PERMIT of

Section 48-9-Table of Use Regulations, Column B-4

for property situated as follows:

161 Walsh Road, Town of New Windsor, New York

(the former Monroe Armature building).

SAID HEARING will take place on the day of September, 19 78,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 8 o'clock P. M.

MARK STORTECKY
Chairman



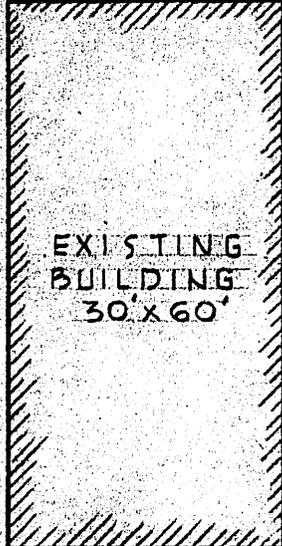
75'-0"

CONTAINS APPROX.
.31± ACRES

LANDS OF OTHERS

180'-0"

8'x12'



EXISTING
BUILDING
30'x60'

EXISTING
DRIVEWAY

180'-0"

LANDS OF OTHERS

30'-0"

PARKING
AREA

75'-0"

EDGE OF
PAVEMENT

W A L S H ' S

R O A D

CONTAINS APPROX.
.31± ACRES.

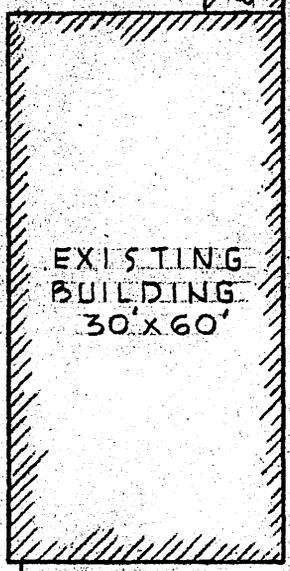
LANDS OF OTHERS

LANDS OF OTHERS

180'-0"

180'-0"

8'x12'



EXISTING BUILDING
30'x60'

EXISTING DRIVEWAY

30'-0"

PARKING AREA

EDGE OF PAVEMENT

75'-0"

W A L S H ' S

R O A D

PROPOSED

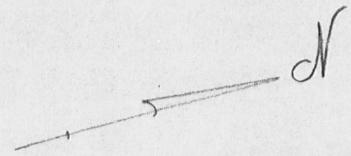
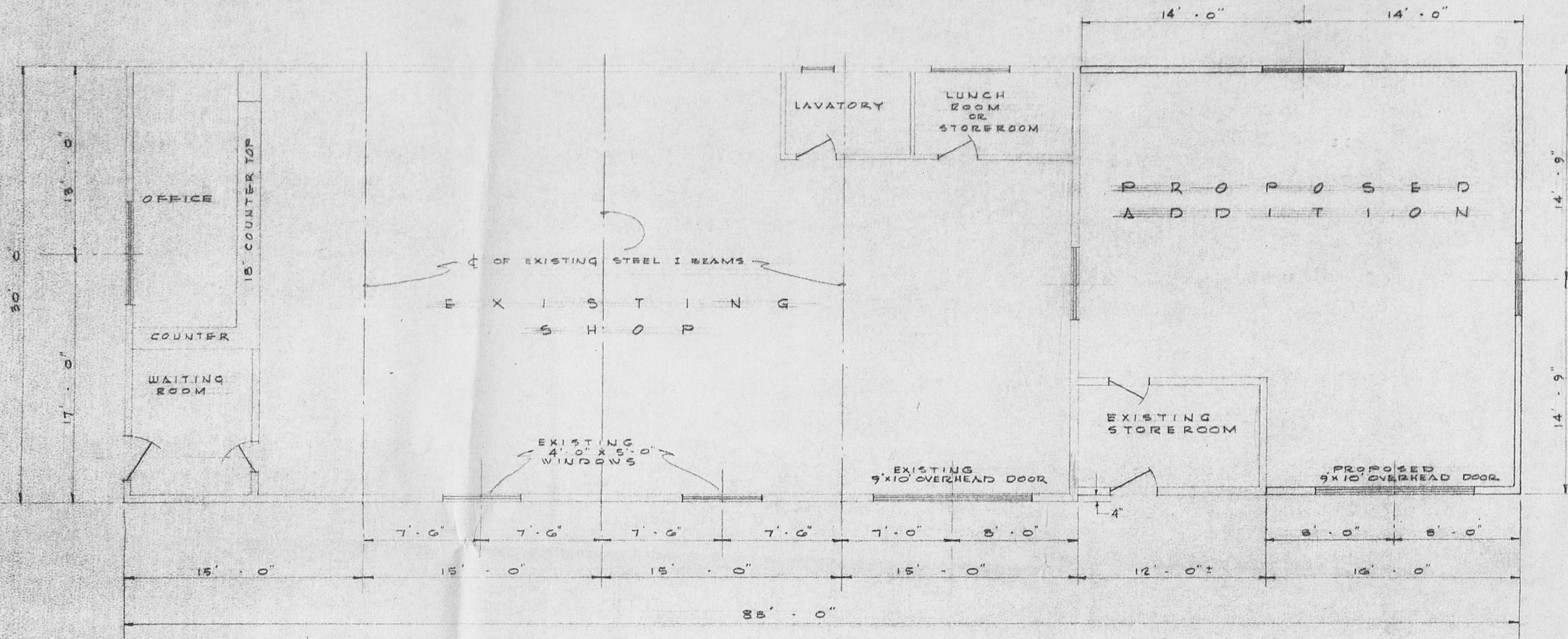
MID VALLEY VINYL TOPS

161 WALSH'S ROAD

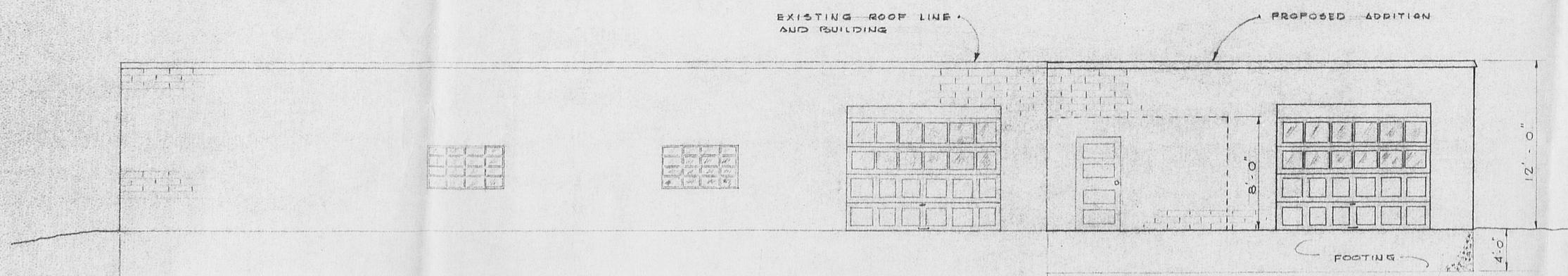
NEW WINDSOR, NEW YORK

AUGUST 12, 1978

SCALE: 1" = 20'-0"±



PLAN of
 EXISTING AND PROPOSED
 ADDITION
 SCALE: 1/4" = 1'-0"



ELEVATION
 SCALE: 1/4" = 1'-0"

EXISTING BUILDING & PROPOSED ADDITION
 MID VALLEY VINYL TOPS
 WALSH AVENUE
 NEW WINDSOR, NEW YORK
 DATE: AUG 25-1978
 SCALE: AS NOTED