

ZB# 79-25

Mapac Realty Corp.

35-1-42.1

Public Hearing

Jan. 28th - 8 p.m.

Section 35-1-42.1.

Notice sent to

Evening News on 1/17/80.

Subdivision?

GENERAL RECEIPT

4218

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

Jan. 29 19 80

RECEIVED OF

Sibney & Plumstead

\$ 50.00

Fifty Dollars

DOLLARS

FOR

Variance Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>Check</i>		<i>50.00</i>
<i># 79-25</i>	<i>Mapas Ready</i>	

BY

Pauline Townsend

Town Clerk (gVV)

TITLE

Legal Notice
PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
 PLEASE TAKE NOTICE that the Zoning Board of Appeals for the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 42-43A of the Zoning Ordinance on the following proposition:
 Appeal No. 25
 Request of MAPAC REALTY CORP. for a VARIANCE of the regulations of the Zoning Ordinance to permit CONSTRUCTION OF PROFESSIONAL OFFICE AND OTHER LIKE USES IN A RESIDENTIAL ZONE. This VARIANCE of Section 42-43A of the Zoning Ordinance is for property situated as follows:
 Route 94, Town of New Windsor, New York adjacent to Parkway Drive.
 SAID HEARING will take place on the 28th day of January, 1980 at the New Windsor Town Hall, 535 Union Avenue, New Windsor, NY beginning at 8 o'clock P.M.
 VINCENT BLANCA
 Chairman
 By: Patricia Della
 Secretary

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

Olga Trachewsky , being duly sworn deposes and says that he is^SPrincipal 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..... 19thday of
 January A.D., 19 80 , and ending on
 the 19th day of January A.D., 19 80

Subscribed and sworn to before me this
 21st day of January 19 80

Olga Trachewsky

Anne E. Tucker

**Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1980**

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
MAPAC REALTY.

DECISION DENYING
USE VARIANCE

#79-25.
-----X

WHEREAS, MAPAC REALTY of 23 Clarkview Road, Town of New Windsor, New York, has made application for a use variance to permit construction of a professional office in an R-4 (residential) zone - Route 32; and

WHEREAS, a public hearing was held on the 11th day of February, 1980 at the Town Hall, Town of New Windsor, New York; and

WHEREAS, applicant was represented by Robert Plumstead of Windsor Realty; and

WHEREAS, the application was opposed by several area residents; 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 subject of premises is comprised of approximately 7.8 acres of vacant land fronting on Route 32 in New Windsor. The parcel of land was created when a larger parcel of approximately 16 acres was subdivided. This represents the front portion of that larger subdivided parcel.

3. The area is presently zoned R-4 and the subject parcel is surrounded by one-family homes. There are commercial zones on Route 32 not too distant from this parcel.

4. The applicant represented that it has owned this parcel for approximately 10 years. During the ownership it has attempted to advance a number of schemes to obtain rezoning and variances for the construction of high rise buildings and other items. All of these previous requests have been denied.

5. The applicant now seeks to have a use variance for the parcel on Route 32 to permit the construction of buildings for professional offices. The applicant has no prospective buyer for the parcel and could not present any sketches, plans, drawings or other documents to indicate how such a building would be constructed.

6. The applicant's representative stated that at the time applicant's purchased the property, it was zoned for one-family residential use and that the applicant was aware of the zoning. The representative further stated that the applicant planned at the time of the purchase of the property to attempt to obtain a rezoning to permit commercial or other similar development.

7. Applicant has attempted to sell the property to a developer or other person interested in the construction of one-family residences but represents that he has had no offers of any kind to purchase the property for such use at any price.

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

1. The evidence fails to show unique circumstances requiring that a use variance be granted to this parcel of land.

It is surrounded by one-family homes and it is not clear that the reason for lack of interest in the development of one-family homes is due to the parcel and not due to economic or other conditions.

2. In addition, also appears that the granting of the variance may in effect rewrite the zoning law. The variance requested is for a large parcel of land (7.8 acres) and no structure exists on the land at present nor were any specific plans advanced for such a structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor deny a use variance as requested by Mapac Realty in the application before the Board.

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 applicant.

Dated: February 25, 1980.

Richard Fenwick
VICE-Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARING BEFORE ZBA -February 11, 1980
DATE: February 5, 1980

Kindly be advised that there ~~are~~ ^{is} ~~one~~ public hearings scheduled for the evening of Monday, February 5, 1980:

8 p.m. - Application of GEORGE CHALEFF/ LESLIE WENGER
for special permit to operate a pizza and sandwich shop in the old Lottie's Liquor Store location.

8:15 p.m. - Application of MAPAC REALTY - adjourned from January 28, 1980.

Attached hereto are Application of Chaleff/Wenger, together with public hearing notice. You have been previously furnished with copies of application of MAPAC with pertinent public hearing notice.

Pat

/pd

Enclosures

cc: Howard Collett, Bldg/Zoning Inspector

1/28/80 - ZBA - Public Hearing - Maple Realty Corp. 8pm

<u>Name</u>	<u>Address:</u>
Anthony J. Modafferi	228 Leslie Ave.
Francis Allen Fitts	239 Leslie Ave.
Robert S. Uebel	235 Parkway Dr.
Mary W. Mc Cabe	223 Leslie Ave.
Michael Levig	225 Leslie Ave.
Tom. F. E. Strange	221 Leslie Ave.
John R. Davidson	239 Garden St.
Lyndine Sacorino	237 Garden St.
Harjo Ruscitti	224 Margo St.
Anthony Billesimo	225, Margo St.
DOO HEARU'S -	223 MARGO ST.
James J. Fleming	236 Leslie Ave.
Ch. A. Biasi	240 Leslie Ave.
Lynna Biasi	240 Leslie Ave.
Alexe Jayne	233 Parkway Drive
John. V. J.	233 PARKWAY DRIVE
Richard M. Hill	259 Vaner Water Hgts Dr.
Herbert H. Bell	244 Parkway Drive.

(914) 565-8550

February 13, 1980

Mr. Robert Plumstead
Windsor Realty
P. O. Box 4325
388 Blooming Grove Tpk.
New Windsor, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE - MAPAC REALTY
#79-25

Dear Bob:

This is to confirm that the above application for a use variance was denied at the February 11, 1980 meeting of the New Windsor Zoning Board of Appeals.

I have enclosed herewith Section 48-34 - I. of the New Windsor Zoning Code which deals with reconsideration and rehearing which may be of interest to you at a future date.

Very truly yours,

PATRICIA DELIO, Secretary
Zoning Board of Appeals

/pd

Enclosure

cc: Town Planning Board
Town Building/Zoning Inspector



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

~~XXXXXXXXXXXX~~

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

*Rec'd. ZBA.
1/23/80. Pd.*

January 8, 1980

Mapac Realty
Mr. Plumstead
23 Clarkview Road
New Windsor, N.Y.

Re: 35-1-42.1

Dear Mr. Plumstead:

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

The charge for this service is \$30.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

PAULA KING
SOLE ASSESSOR
Town of New Windsor

PK/em

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

~~XXXXXXXXXX~~

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

*48 on list
44 rec'd.*



1768

Potts Frederick Jr. & Margaret
233 Leslie Ave.
New Windsor, N.Y. 12550

Hanretta John T & Ruth L
231 Leslie Ave.
New Windsor, N.Y.

Barker Joel C & Nancy A
187 Windsor Highway
New Windsor, N.Y.

Marullo Joseph R & Florence
181 Windsor Highway
New Windsor, N.Y.

Lovejoy John S
179 Windsor Highway
New Windsor, N.Y.

Wood James M & Roselind M
191 Windsor Highway
New Windsor, N.Y.

Evans John S & Mae H
189 Windsor Highway
New Windsor, N.Y.

Schmitt Lena
3047 29th Street
Astoria, N.Y. 11102

Union National Bank
107 Washington Ave.
Albany, N.Y. 12207

Coutant Harrison C
233 Windsor Highway
New Windsor, N.Y.

Frangello Albert & Norma Jean
243 Windsor Highway
New Windsor, N.Y.

Dusenberry Adrienne S
245 Windsor Highway
New Windsor, N.Y.

Bennett Michael T & Eleanor R
239 Windsor Highway
New Windsor, N.Y.

Gibson Ann M
241 Windsor Highway
New Windsor, N.Y.

McDermott William J & Eleanor M
245A Windsor Highway
New Windsor, N.Y.

Consolidated Rail Corp.
Tax Dept. Room 1310
6 Penn Center Plaza
Philadelphia, Pa. 19104

Youngs William A & Johanna A
32 Willow Parkway
New Windsor, N.Y.

Horowitz Robert L & Danita
34 Willow Parkway
New Windsor, N.Y.

Bale Charles & Bonnie Jean
36 Willow Parkway
New Windsor, N.Y.

San Giacomo William & Rina
38 Willow Parkway
New Windsor, N.Y.

Kane Michael D & Marlen C
43 Harth Drive
New Windsor, N.Y.

Fetter Harold Jr & Mary Louise
41 Harth Drive
New Windsor, N.Y.

Conklin Charles E & Marion E
238 Windsor Highway
New Windsor, N.Y.

Pares George
c/o McNicholas Thomas
5 Ivy Lane
Tenefly, N.J. 07670

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
555 Union Avenue

New Windsor, New York 12550

(914) 565-8808



1763

January 8, 1980

Wild Robert H & Anna E
235 Parkway Drive
New Windsor, N.Y. 12550

Levine Steven M & Arlene H
233 Parkway Drive
New Windsor, N.Y.

Masiero Andrew C & Helen L
231 Margo Street
New Windsor, N.Y.

Cavallo Michael & Virginia
229 Margo Street
New Windsor, N.Y.

Selemon Mary
227 Margo Street
New Windsor, N.Y.

Billesimò Anthony J & Gilda J
225 Margo Street
New Windsor, N.Y.

Hearns Donald R & Marilyn J
223 Margo Street
New Windsor, N.Y.

DiDonato Frank A & Dina S
221 Margo Place
New Windsor, N.Y.

Giammarco Jeanne R
222 Leslie Ave.
New Windsor, N.Y.

Feroli Leonard A & Angelina T
224 Leslie Ave.
New Windsor, N.Y.

Skonberg Kenneth M & Lorraine M
226 Leslie Ave.
New Windsor, N.Y.

Madafferi Anthony & Madge
228 Leslie Ave.
New Windsor, N.Y.

Jenne Lloyd & Marilyn
230 Leslie Ave.
New Windsor, N.Y.

Murphy John M & Jane
232 Leslie Ave.
New Windsor, N.Y.

Cosenza Alexander & Rose
234 Leslie Ave.
New Windsor, N.Y.

Fleming James F & Eleanor R
236 Leslie Ave.
New Windsor, N.Y.

Sheridan William H & Rose F
238 Leslie Ave.
New Windsor, N.Y.

Biasi Herbert A & Lenora A
240 Leslie Ave.
New Windsor, N.Y.

Scheitl Anna
PO Box 4138
New Windsor, N.Y.

Manthey Frank A J & Josephine
205 Windsor Highway
New Windsor, N.Y.

Alexander Allana K Pitts
241 Leslie Ave.
New Windsor, N.Y.

Pitts Frances A & Katherine
239 Leslie Ave.
New Windsor, N.Y.

Ferguson Harry J & Veronica
237 Leslie Ave.
New Windsor, N.Y.

Moore Paul P & Greathouse Gladys
235 Leslie Ave.
New Windsor, N.Y.

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. 25

Request of MAPAC REALTY CORP.

for a VARIANCE ~~SPECIAL USE PERMIT~~ of

the regulations of the Zoning Ordinance, to permit
CONSTRUCTION OF
PROFESSIONAL OFFICE AND OTHER LIKE USES
IN A RESIDENTIAL ZONE,

being a VARIANCE ~~SPECIAL USE PERMIT~~ of

Section 48-9-Table of Use Regulations - Col. A-6

for property situated as follows:

Route 32, Town of New Windsor, New York
known and designated as Section 35-Block 1-Lot 42.1

SAID HEARING will take place on the 11th day of February, 1980,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:15 o'clock P. M.

VINCENT BIVONA,
Chairman



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

~~EDMUND~~

~~THOMAS EX WINDSOR~~

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

January 29, 1980

Mapac Realty
Mr. Plumstead
23 Clarkview Road
New Windsor, N.Y.

Re: 35-1-42.1

Dear Mr. Plumstead:

Enclosed find the additional names of property owners within the five hundred (500) feet of the above mentioned property.

Very truly yours,

A handwritten signature in cursive script that reads "Paula King".

PAULA KING
SOLE ASSESSOR
Town of New Windsor

PK/em



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING

SOLE ASSESSOR

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

- ✓ Kelly Herbert & Julia A. ✓
244 Parkway Dr.
New Windsor, NY 12550
- ✓ Ponesse Robert V & Margaret A
246 Parkway Dr.
New Windsor, NY
- ✓ Chidgey Leonard D & Phillyis
248 Parkway Dr.
New Windsor, NY
- ✓ Heuman Wolfgang & Alida A
254 Parkway Dr.
New Windsor, NY
- ✓ Heter Daneil J & Edna L
197 Windsor Highway
New Windsor, NY
- ✓ Schmitt Bertha V
195 Windsor Highway
New Windsor, NY
- ✓ Hughes James F
229 Leslie Ave.
New Windsor, NY
- ✓ Corbett Joseph L & Tighe Barbara K
227 Leslie Ave.
New Windsor, NY
- ✓ Levy Michael & Mary E
225 Leslie Ave. ✓
New Windsor, NY
- ✓ McCabe C James & Mary W
223 Leslie Ave. ✓
New Windsor, NY
- ✓ Lestrangle William F & Mary M.
221 Leslie Ave.
New Windsor, NY ✓

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-25
(Number)

1/7/80
(Date)

I. Applicant information:

- (a) MAPAC REALTY CORP. -
% Edward Massuto, 23 Clarkview Road, New Windsor, N. Y.
(Name, address and phone of Applicant)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) WINDSOR REALTY - 388 Blooming Grove Tpk.,
New Windsor, N.Y. (P. O. Box 4325) - 561-3350
(Name, address and phone of broker)

II. Application type:

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

III. Property information:

- (a) R-4 Route 32 35-1-42.1 7.8 acres
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1971 approx.
- (e) Has property been subdivided previously? yes When? 1975
- (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

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-25
(Number)

1/7/80
(Date)

I. Applicant information:

- (a) MAPAC REALTY CORP. -
% Edward Massuto, 23 Clarkview Road, New Windsor, N. Y.
(Name, address and phone of Applicant)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) WINDSOR REALTY - 388 Blooming Grove Tpk.,
New Windsor, N.Y. (P. O. Box 4325) - 561-3350
(Name, address and phone of broker)

II. Application type:

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III. Property information:

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(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1971 approx.
- (e) Has property been subdivided previously? yes When? 1975
- (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

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table Use Regs., Column A-6, to allow

Construction of professional offices and other like uses
(Describe proposed use)
in a residential zone.

(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 property has been for sale since it was purchased
and has had no offers for residential use.

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

Construction of professional offices and other like uses
(Describe proposed use)
in a residential zone.

- (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 property has been for sale since it was purchased and has had no offers for residential use.

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>/</u>	<u>/</u>	<u>/</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 4 columns: Sign, Requirements, Proposed or Available, Variance Request. Rows for Sign 1-5 and Total with sq.ft. units.

(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.)

We are looking to the Zoning Board of Appeals for guidance in this instance.

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

(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.)

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 - 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

X. AFFIDAVIT

Date January 7, 1980

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)
MAPAC REALTY CORP.
By:

Sworn to before me this
____ day of _____, 19__.

XI. ZBA Action:

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

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

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)

MAPAC REALTY CORP.

By:

Sworn to before me this

_____ day of _____, 19__.

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____

Special Permit is _____

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



Windsor Realty



GIBNEY & PLUMSTEAD

1128180

Robert Plumstead has permission from
Mapac Realty to represent them before
the zoning board of appeals for a use
variance on their property located on
Route 37, New Windsor.

John J. Struth.
Partner

388 BLOOMINGROVE TURNPIKE

P.O. BOX 4325

NEW WINDSOR, N.Y. 12550

914-561-3350

2/11/80 - Public Hearing - Mapac Realty - 8:15 p.m.

Name:	Address:
Michael Kelly ✓	225 Leslie Ave.
Michael Kelly ✓	244 Parkway Dr.
Julia S. Kelly ✓ oppose	244 Parkway Dr.
Aaron Ruscitti ✓ oppose	224 MARGO ST.
Leonard Chidsey	248 Parkway Dr.
Robert V. Popesce	246 Parkway Ave.
W. M. King	233 PARKWAY DR.
W. D. Thompson ✓ opposition	221 LESLIE AVE.
BILL LAHEY ✓	2 KNOX DRIVE
Geraldine Lacovino ✓ oppose	237 Garden St.
Anthony Bellerino	225 Margo St.
James J. Fleming ✓	236 Leslie Ave.
Francis Allen Tette ✓ oppose	239 Leslie Avenue



1763

JAN 28 1980

Recd. 25th 2/11/80.

OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

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

January 24, 1980

Andrew S. Krieger, Esq.
Attorney for the Zoning Board of Appeals
of the Town of New Windsor
P. O. Box 4304
New Windsor, New York 12550

Re: Application for Use Variance--
Lands of Mopac Realty

Dear Andy:

The Planning Board of the Town of New Windsor has asked that I write you to express their opinion on the above referenced application for variance.

The Town Planning Board desires to comment under Town of New Windsor zoning local law Section 48-34E.

It is the respectful recommendation of the Planning Board that the application be denied on the grounds that the applicant has not exhausted its available courses of action by failing to seek subdivision approval for single family residence (R-4) lots; and further, that the requested variance appears to constitute re-zoning of the lands.

There were five members of the Town Planning Board present at the regular meeting on January 23, 1980; and all five requested unanimously that I send you this letter.

Very truly yours,

PHILIP A. CROTTY, JR.
Attorney for the Planning Board

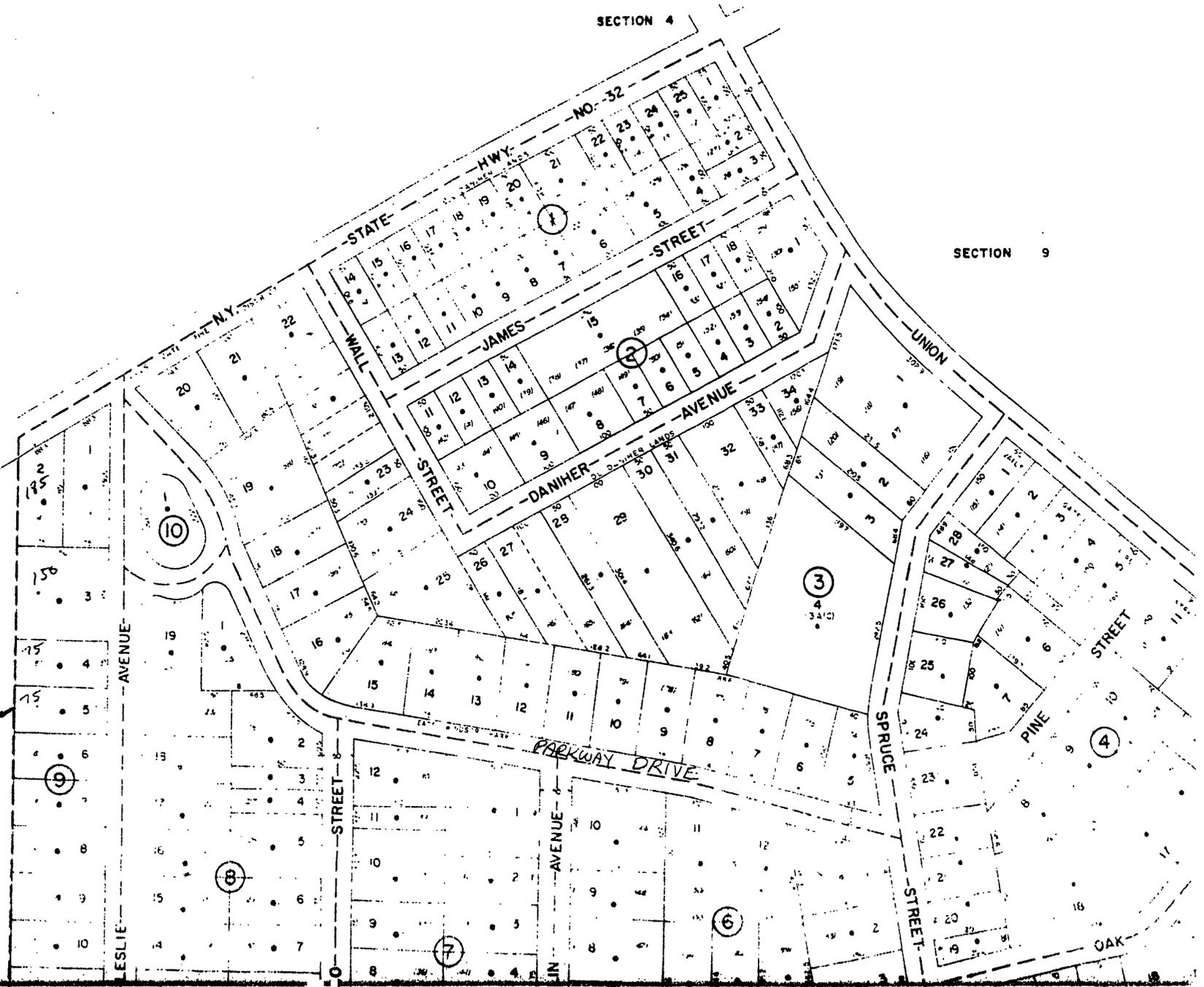
PAC/jl

SECTION 4

SECTION 9

SUBJECT PROPERTY

*APPROX 458'
FROM RT 32*



ZBA-
JAN 23 1980

January 21st, 1980.

Mr. Vincent Bivona, Chairman,
Zoning Board of Appeals,
Town of New Windsor, 12550.

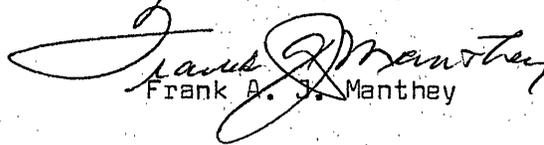
Dear Sir:-

Re- Appeal 25, Request Mapac Realty, for a variance of regulations of the Zoning Ordinance, to permit construction of Professional Office and other like uses in a residential Zone, being a variance of Section 48-9 Table of Use Regulations -Col. A-6 for property situated as follows: Route 94, Town of New Windsor, New York adjacent to Parkway Drive. Said hearing to take place on the 28th day of January, 1980, at the New Windsor Town Hall, 555 Union Ave., New Windsor, N. Y. beginning at 8 o'clock P.M.

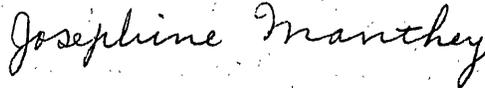
At this time we are not certain whether or not we can attend Said Hearing, however, we wish to make it known to all concerned that we are unalterably opposed to any change in the existing Zoning Ordinance and request that you vote our wishes at this Hearing.

Thanking you and the members of your Board for registering our negative vote on this question

Yours very truly,


Frank A. J. Manthey

Josephine Manthey.



Frank A. Manthey
205 Windsor Highway
New Windsor, NY 12550

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. 25

Request of MAPAC REALTY ~~COMP.~~

for a VARIANCE ~~SPECIAL USE PERMIT~~ of the regulations of the Zoning Ordinance, to permit CONSTRUCTION OF PROFESSIONAL OFFICE AND OTHER LIKE USES IN A RESIDENTIAL ZONE,

being a VARIANCE ~~SPECIAL USE PERMIT~~ of Section 48-9-Table of Use Regulations - Col. A-6 for property situated as follows:

Route 94, Town of New Windsor, New York
adjacent to Parkway Drive.

SAID HEARING will take place on the 28th day of January, 19 80, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 8 o'clock P. M.

VINCENT BIVONA,
Chairman

Memo

FROM:

OFFICE OF THE SUPERVISOR

THEODORE F. MARSDEN

TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

PHONE: 565-6800

TO:

**Orange County Planning Board
County Building
Goshen, New York 10924**

DATE: **Dec. 3, 1971**

ATTN: Mr. Joel Shaw

SUBJECT: **Mapac Realty request**

—FOLD HERE—

Dear Mr. Shaw:

I wish to bring to your attention, a request for a re-zoning application for the property (approximately sixteen acres) owned by Mapac Realty situated on Windsor Highway in the Town of New Windsor. It is my understanding that Mapac requests that the front portion of the land that has recently been subdivided be considered for zoning as a local business district.

Enclosed please find a copy of a letter from their attorney, Mr. Mauriello.

Your prompt attention in this matter will be greatly appreciated.

Respectfully,

THEODORE F. MARSDEN

by

Supervisor

THM:cg

cc: Mr. Mauriello,

MEMO SET
CBF-00345-2

Cromwell Business Forms, Albany, N. Y. 12201

Memo-Set

555 Union Avenue
New Windsor, N. Y.
February 17, 1972

MAYPAC REALTY
12 Windwood Drive
Newburgh, N. Y. 12550

RE: MAYPAC REALTY
Application for Variance

Dear Sir:

This is to confirm that your above application for a variance was denied by the Zoning Board of Appeals on February 7, 1972.

Yours truly,



FRED WYGANT, Chairman

/pd

cc: Howard Collett, Bldg. Inspector
Joseph Tallarico, Chairman
Planning Board

Tape 3 12/2/71

#6

FINKELSTEIN, MAURIELLO, KAPLAN AND LEVINE
COUNSELLORS AT LAW
184 LIBERTY STREET
NEWBURGH, N. Y.
12550

TELEPHONE 562-0203
AREA CODE 914

HOWARD S. FINKELSTEIN
EDWARD D. KAPLAN
JULES P. LEVINE
ANDREW M. MAURIELLO

MICHAEL H. FORRESTER
MAX LEVINSON

IN REPLY-REFER TO OUR FILE # 1981

October 11, 1971

Mr. Theodore Marsden, Supervisor
Town of New Windsor
New Windsor Town Hall
Union Avenue
New Windsor, New York 12550

Re: Maypac Realty

Dear Mr. Marsden:

On behalf of Maypac Realty of 12 Windwood Drive, Newburgh New York, we hereby make a formal written application for zoning change of property owned by Maypac Realty situate on Windsor Highway in the Town of New Windsor consisting of approximately 16 acres of land as set forth in the enclosed deed from Jordan L. Mott to Maypac Realty dated August 5, 1969.

The present zoning is residential and we request a zoning change to light business necessary in keeping with the general trend and development of the area and the location of the property on Windsor Highway.

I have asked my clients to furnish you with any maps or other material you require. If there is any assistance that I can give to expedite and further this application please advise me.

Very truly yours,

FINKELSTEIN, MAURIELLO, KAPLAN
AND LEVINE, P. C.

Andrew M. Mauriello
BY: ANDREW M. MAURIELLO, ESQ.

AMM db

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 5th day of August, nineteen hundred and sixty-nine BETWEEN JORDAN L. MOTT, residing at Cliff Lodge, Harbour Road, Paget, Bermuda (No street #)

as executor of the Estate of EVA THOMSON PURDY, late of the Town of Newburgh, Orange County, New York, party of the first part, and MAPAC REALTY, a partnership duly organized and existing under and virtue of the laws of the State of New York and with an office for the conduct of its business at number 12 Windwood Drive in the Town of Newburgh, County of Orange, State of New York,

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by the issuance of Letters of Administration and in consideration of the sum of Ninety Thousand (\$90,000.00) dollars, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the center of the Windsor Highway (formerly known as Snake Hill Turnpike) at the northeast corner of lands now or formerly of Ann Morton, thence along said Morton lands and a stone wall South 22°13' East 170.6 feet to an angle in said stone wall; thence still along said lands and said wall South 20°38-1/2' East 437.9 feet to the northerly line of lands of the New York and Erie Railroad Company; thence along the curved northerly line of lands of the said New York and Erie Railroad Company 783.24 feet to the south-westerly corner of lands at the junction of stone walls, now or formerly of the Yuess Gardens Company, Inc.; thence along the line of said last mentioned lands and a stone wall North 20°21' West 302.8 feet to an angle in said wall; thence still along said line and wall North 21°07' West 595.1 feet to an angle in said wall; thence still along said line and said wall North 20°35-1/2' West 359.7 feet to the center line of the Windsor Highway; thence along the center line of said highway South 37°44-1/2' West 401 feet; thence still along said center line South 38°27-1/2' West 486.4 feet to the place of beginning. Containing sixteen and five hundred and forty-five thousandths acres of land.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Excepting from the above described premises so much as may have been taken by the State of New York for road-widening in Liber 1521 CP 459.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Handwritten notes: 25, 499.00

as executor of the Estate of ~~the late will and testament of~~

EVA THOMSON PURDY
the Town of Newburgh, Orange County, New York, late of
party of the first part, and **MAPAC REALTY**, a partnership duly organized and
existing under and virtue of the laws of the State of New York and
with an office for the conduct of its business at number 12 Windwood
Drive in the Town of Newburgh, County of Orange, State of New York,

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by ~~the~~
~~will and testament of~~ the issuance of Letters of Administration and
in consideration of the sum of **Ninety Thousand (\$90,000.00)** dollars,
paid by the party of the second part, does hereby grant and
release unto the party of the second part, the heirs or successors and assigns of the party of the second part
forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the **Town of New Windsor, Orange County, New York**, bounded
and described as follows:

BEGINNING at a point in the center of the Windsor Highway
(formerly known as Snake Hill Turnpike) at the northeast corner of
lands now or formerly of Ann Morton, thence along said Morton lands
and a stone wall South $22^{\circ}13'$ East 170.6 feet to an angle in said
stone wall; thence still along said lands and said wall South $20^{\circ}38-1/2'$
East 437.9 feet to the northerly line of lands of the New York and Erie
Railroad Company; thence along the curved northerly line of lands of
the said New York and Erie Railroad Company 783.24 feet to the south-
westerly corner of lands at the junction of stone walls, now or formerly
of the Yuess Gardens Company, Inc.; thence along the line of said last
mentioned lands and a stone wall North $20^{\circ}21'$ West 302.8 feet to an angle
in said wall; thence still along said line and wall North $21^{\circ}07'$ West
595.1 feet to an angle in said wall; thence still along said line and
said wall North $20^{\circ}35-1/2'$ West 359.7 feet to the center line of the
Windsor Highway; thence along the center line of said highway South 37°
 $44-1/2'$ West 401 feet; thence still along said center line South 38°
 $27-1/2'$ West 486.4 feet to the place of beginning. Containing sixteen
and five hundred and forty-five thousandths acres of land.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and
roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances,
and also all the estate which the said decedent had at the time of decedent's death in said premises, and also
the estate therein, which the party of the first part has or has power to convey or dispose of, whether individ-
ually, or by virtue of said will or otherwise; **TO HAVE AND TO HOLD** the premises herein granted unto
the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Excepting from the above described premises so much as may have been
taken by the State of New York for road-widening in Liber 1521 CP 459.

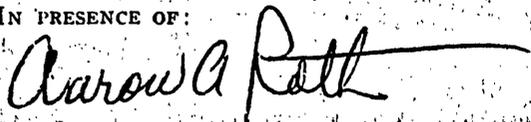
AND the party of the first part covenants that the party of the first part has not done or suffered anything
whereby the said premises have been incumbered in any way whatever, except as aforesaid.

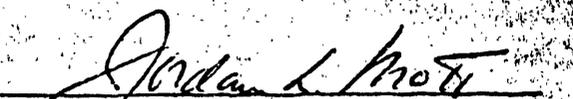
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply
the same first to the payment of the cost of the improvement before using any part of the total of the same for
any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above
written.

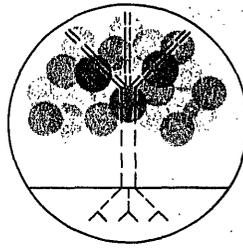
IN PRESENCE OF:




JORDAN L. MOTT, Administrator
of the Estate of Eva Thomson
Purdy

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



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

County of Orange

Louis V. Mills, County Executive

February 7, 1972

Mr. Fred Wygant, Jr., Chairman
Town of New Windsor Zoning Board of Appeals
Forge Hill Road
New Windsor, N. Y. 12550

Re: Use Variance - Maypac Realty
Route 32

Dear Mr. Wygant:

This office is in receipt of the above application. Pursuant to the provisions of Sections 239, L and M, of the General Municipal Law, we have made our review and deny County approval.

In July 1970, and on January 7, 1972, we responded to the Town on the rezoning of this property from RB to LB and RC, and RB to LB, respectively. We noted that we had favored the residential aspect of the project and were opposed to commercial activity which would further accelerate the pressure to complete the strip commercialization of the highway and pose a threat to traffic safety. We suggested, and still favor, a small, convenience-type retail and service component integrated to a larger residential component.

For this area to develop properly, the Town should insist upon a scheme showing the development and use of the entire 16 acres of land. Such a scheme might very well include a small complex of offices, with emphasis on, however, the residential use of the property.

Mr. Fred Wygant, Jr.

-2-

February 7, 1972

We would hope that the Town and applicant consider our suggestions and work at modifying the scheme presented to us in 1970. We would then be willing to review and reconsider the proposal.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG:mj

cc: T. Marsden
J. Tallarico

Enclosure

APPLICATION is hereby made for the following:

Agenda: _____ Service: _____

X

1. Name MAPAC REALTY
 Address 12-WINDWOOD DR., NEWBURGH, N.Y.
 Telephone Number 564-4042 1250
 Are you the owner of the property? YES

X

2. Briefly describe (or attach) intention and location of property: Intention - RA.
RTE 32, WINDSOR HIGHWAY

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 added
- _____ 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 re-

MAPAC REALTY

Date _____

Application No. _____

APPLICATION FOR SUBDIVISION APPROVAL
Town of New Windsor, Orange County, N.Y.

Application is hereby made for subdivision of lands situated in the Town of New Windsor and described as follows:

- 1. Name of subdivision MAPAC REALTY
- 2. Location 12-WINDWOOD DR., NEWBURGH, N.Y. 12550
- 3. Acreage 16.545 4. Number of lots 2 5. Zone RA
- 6. Name & address of subdivider SAME
- 7. Name & address of record owner of land SAME
- 8. Present and intended uses RA

The undersigned applies for subdivision approval of the above described lands under the rules and procedure of the "Land Subdivision Regulations of the Town of New Windsor" as duly authorized by the Town Board of New Windsor, New York. Upon approval of the Preliminary Layout of said subdivision the applicant agrees to install such utilities as are required and to complete the streets as finally approved by the Planning Board or in lieu of this to post a performance bond as set forth and provided in the "Land Subdivision Regulations". Copies of the Preliminary Layout are hereby attached.

Compliance with requirements shall be the sole responsibility of the applicant or his representative and it is suggested a copy of the Subdivision Regulations be obtained to avoid rejection of the plans. Seven (7) copies of the plans are required.

Fees are due and payable upon submission of the preliminary plans. All checks are to be made payable to the Town of New Windsor.

MAPAC REALTY

Signature of applicant Achille P. Antorelli

SECT'4.

Adopted 10/5/70