

**ZB# 83-3**

**Anton & Lucia Cech**

**4-1-40.1**

Public Hearing:

February 14, 1983  
7:30 pm.

OCPD - does not apply

1/31/83 - Notice sent to ✓  
The Sentinel.

2/8/83 - Notice to Town Planning Bd.

Approved - 2/14/83.

File with Town Clerk

# General Receipt

5096

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

March 2 19 83

Received of

Lucian Anton Cech

\$ 25<sup>00</sup>/<sub>100</sub>

Twenty Five and <sup>00</sup>/<sub>100</sub>

DOLLARS

For

Zoning Board

83-3

DISTRIBUTION:

FUND	CODE	AMOUNT
\$25.00	check.	

By

Pauline G. Townsend

cc.

Town Clerk

Title

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

ANTON & LUCIA CECH,

AMENDED  
DECISION GRANTING  
USE VARIANCE

# 83-3.

-----x

WHEREAS, ANTON & LUCIA CECH of Steele Road, New Windsor, New York, have made application before the Zoning Board of Appeals for a use variance for the purposes of: additional apartment at their residence located in R-4 (one-family) zone and

WHEREAS, a public hearing was held on the 14th day of February, 19 83 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicant appeared with his attorney, Alan J. Axelrod, Esq. of Greenblatt & Axelrod, 369 Fullerton Ave., Newburgh; and

WHEREAS, the application was granted; 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 Sentinel, also as required by law.

2. The evidence shows: that property was advertised and sold as a two-family dwelling; property has been used as a two-family residence since its construction.

3. The evidence shows: that property has been taxed by the Town of New Windsor as a two-family construction since 1979.

4. The evidence shows: that since it was always used as a two-family residence, there will be no change in the concept of the neighborhood

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

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a use variance as applied for and in connection with plans presented at the public hearing, said variance to be conditionally applied to OWNER OCCUPANCY ONLY.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: February 28, 1983.

Amended: March 28, 1983

cc: GREENBLATT & AXELROD  
Attn: Alan J. Axelrod, Esq.

\_\_\_\_\_  
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

ANTON & LUCIA CECH,

DECISION GRANTING  
USE VARIANCE

# 83-3 .

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as required by law.

2. The evidence shows: that property was advertised and  
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residence since its construction.

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1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

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3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a use variance as applied for and in connection with plans presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: February 28, 1983.

cc: GREENBLATT & AXELROD  
Attn: Alan J. Axelrod, Esq.

  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
(914) 565-8550

Date: February 15, 1983

Alan Axelrod, Esq.  
GREENBLATT & AXELROD  
369 Fullerton Avenue  
Newburgh, N. Y. 12550

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS  
# 83-3 - CECH, ANTON & LUCIA

Dear Alan:

This is to confirm that your above application before the  
New Windsor Zoning Board of Appeals was granted  
at a meeting held on the 14th day of February, 1983.

A formal decision will be drafted and acted upon at a later  
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do  
not hesitate to call me.

Very truly yours,

PATRICIA DELIO, Secretary  
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector  
Town Planning Board

2/14/83 Public Hearing - Cech, Anton & Lucia

Name:

Address:

Lucia Cech

53 Steele Rd

Anton Cech

37 Steele Rd.

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK



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- 47
- |           |   |           |   |
|-----------|---|-----------|---|
| 5955650 ✓ | Samuels Leonard & Bonnie<br>338 Nina St<br>New Windsor NY 12550           | 5955662 ✓ | Sousa Ian J & Filomena<br>456 Philo St<br>New Windsor Ny 12550            |
| 5955651 ✓ | Farrell Richard & Roslyn<br>336 Nina St<br>New Windsor NY 12550           | 5955663   | Mc Keon Donald S & Diana M<br>339 Nina St<br>New Windsor NY 12550         |
| 5955652 ✓ | Wallace Marilyn<br>334 Nina St<br>New Windsor NY 12550                    | 5955664 ✓ | Hughey Janice E<br>337 Nina St<br>New Windsor NY 12550                    |
| 5955654 ✓ | Cabasin Joseph J Jr & Dorothy C<br>349 Nina St<br>New Windsor NY 12550    | 5955665 ✓ | Bernstein Ellen S<br>335 Nina St<br>New Windsor NY 12550                  |
| 5955655 ✓ | Sloan Leslie G & Dale V<br>347 Nina St<br>New Windsor NY 12550            | 5955666 ✓ | Wolfe Gerald & Eva Maria<br>97 Keats Dr<br>New Windsor NY 12550           |
| 5955656   | Mangrelli John A & Ellen L<br>345 Nina St<br>New Windsor NY 12550         | 5955667 ✓ | Schaefer Warren L & Marion Knox<br>95 Keats Dr.<br>New Windsor NY 12550   |
| 5955657 ✓ | Ustick George Michael & Kathleen M<br>343 Nina St<br>New Windsor NY 12550 | 5955668 ✓ | George Charles & D'Esposito Victor<br>93 Keats Dr<br>New Windsor NY 12550 |
| 5955658 ✓ | Bogush Richard M & Virginia<br>437 Philo St<br>New Windsor NY 12550       | 5955669 ✓ | Eng Ben & Irena<br>91 Keats Dr<br>New Windsor NY 12550                    |
| 5955659 ✓ | Cestari Alfred & Maureen<br>435 Philo St<br>New Windsor NY 12550          | 5955670 ✓ | Grieco Stephen & Donna M<br>89 Keats Dr<br>New Windsor NY 12550           |
| 5955660 ✓ | Roberts Dennis & Joan E<br>452 Philo St<br>New Windsor NY 12550           | 5955671   | Diaz Rodolfo & Vivian<br>87 Keats Dr<br>New Windsor NY 12550              |
| 5955661 ✓ | Toback Irwin & Mary<br>454 Philo St<br>New Windsor NY 12550               | 5955672 ✓ | Rubenstein Mona C & Burt D<br>94 Keats Dr<br>New Windsor NY 12550         |



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

5955673 ✓ Mac Nary Lawrence F Jr  
RR 1 Box 147-T  
Hardeeville SC 29927

5955683 ✓ Griffen Thomas J Jr & Kathleen L  
Griffen Thomas J Sr & Dorothy A  
356 Nina St  
New Windsor NY 12550

5955674 ✓ Steele Lois  
PO Box 2181  
Newburgh NY 12550

5955684 Lepora Carmine & Frances  
354 Nina St  
New Windsor NY 12550

5955675 ✓ Geraci Joseph P & Myra Jean  
Steele Road  
New Windsor, NY 12550

5955685 ✓ Ahern John I & Judith A  
352 Nina St  
New Windsor NY 12550

5955676 ✓ Langanke Herbert E  
Steele Road  
New Windsor NY 12550

5955686 App Howard L & Elsa  
350 Nina St  
New Windsor NY 12550

5955677 Langanke Herbert  
435 Little Britain Road  
New Windsor NY 12550

5955687 ✓ Mc Crossen John C & Kathryn  
348 Nina St  
New Windsor NY 12550

5955678 ✓ Macbeth Corp The  
PO Box 950  
Newburgh NY 12550

5955688 Inbro Development Corp  
2375 Hudson Terrace  
Fort Lee NJ 07024

5955679 ✓ The Sigma Dexter Group  
c/o Kenneth Besen  
150 E 69 St  
New York NY 10021

5955689 Mostafa Khaled & Laura E  
346 Nina St  
New Windsor NY 12550

5955680 Shumskis William M  
48 Steele Road  
New Windsor NY 12550

5955690 ✓ Form Ronald W & Ida  
344 Nina St  
New Windsor NY 12550

5955681 ✓ Williams Frederick & Dorothy  
52 Steele Road  
New Windsor NY 12550

5955691 ✓ Stiller James & Jeanne  
342 Nina St  
New Windsor NY 12550

5955682 ✓ Dept of Housing & Urban Dev  
Case No 374-072653-203  
Attn Single Family Loan Mgt  
26 Federal Plaza  
New York NY 10278

5955692 ✓ Weber Arthur & Gabriella  
184 S Pascack Rd  
Spring Valley NY 10977

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK



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- 5955693 ✓ Kelliher Michael J & Eileen T  
372 Byron Lane  
New Windsor NY 12550
- 5955694 ✓ Diker Larry & Charlotte  
370 Byron Lane  
New Windsor NY 12550
- 5955697 ✓ Richards Peter A & Vera M  
354 Shelly Rd  
New Windsor NY 12550
- 5955695 ✓ Duffy Stephen M & Annette  
375 Byron La  
New Windsor NY 12550
- 5955696 ✓ Filipkowski Raymond R & Elizabeth E  
373 Byron La  
New Windsor NY 12550

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 83-3

Date: 1/31/83

I. Applicant Information:

- (a) Anton & Lucia Cech 53 Steele Road, New Windsor, NY 561-3920  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) Greenblatt and Axelrod, 369 Fullerton Avenue, Newburgh, NY  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- Use Variance  Sign Variance  
 Area Variance  Special Permit

III. ✓ Property Information:

- (a) R-4 53 Steele Road 4-1-40.1 Approx. 100' x 200'  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? OLI
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 7/1/81
- (e) Has property been subdivided previously? 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
- (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 of Use \_\_\_\_\_ Regs., Col. A, to allow:  
(Describe proposal) Use as a two-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.

Property advertised and sold as a two-family dwelling. Applicants are dependant on rental income from downstairs apartment to pay expenses of this property. Property has been used as a two-family dwelling since its construction. Applicants require permission to use as two-family dwelling to obtain FHA mortgage loan to pay off balance owed to Sellers.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd.	_____ / _____	_____ / _____
Reqd. Rear Yd.	_____	_____
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. 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 of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
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.

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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?

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VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.
- (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.)

Property has been used as two-family dwelling since its construction in 1973. There are other residences on street that are not one family dwellings. No neighbors have ever complained.

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IX. Attachments required:

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- N/A 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.
- N/A Copy(ies) of sign(s) with dimensions.
- Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 1/31/83

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.

X *Lucia Cole*  
(Applicant)

Sworn to before me this

31st day of January, 1983

*Patricia Delio*

PATRICIA DELIO  
Notary Public, State of New York  
Appointed in Orange County  
My Commission expires Mar. 30, 1984.

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.



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 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 3

Request of Anton and Lucia Cech

for a VARIANCE ~~SPECIAL PERMIT~~ of  
the regulations of the Zoning Ordinance to  
permit a two-family dwelling

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

53 Steele Road

New Windsor, New York

SAID HEARING will take place on the 14th day of  
February, 1983, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

Richard Fenwick

Chairman

INTER-OFFICE CORRESPONDENCE

TB: TOWN PLANNING BOARD  
FROM: ZONING BOARD OF APPEALS  
SUBJECT: PUBLIC HEARING BEFORE ZBA - February 14, 1983  
DATE: February 4, 1983

Please be advised that there is a public hearing scheduled before the New Windsor Zoning Board of Appeals on Monday evening, February 14, 1983 in the matter of the Application of ANTON & LUCIA CECH.

I have attached hereto copy of the pertinent application together with the public hearing notice which was published in The Sentinel.

Pat

/pd

Attachments

cc: Town Building/Zoning Inspector Kennedy



# TOWN OF NEW WINDSOR

83-3

555 UNION AVENUE  
NEW WINDSOR, NEW YORK  
January 26, 1983

1763 GREENBLATT & AXELROD  
P. O. Box 2275  
Newburgh, N. Y. 12550

Attn: Alan Axelrod, Esq.

RE: LANDS OF CECH, ANTON & LUCIA  
52 Steele Road  
New Windsor, N. Y. 12550

Dear Mr. Axelrod:

It has come to my attention that the Certificate of Occupancy issued on the above-referenced dwelling was for a one-family use only. It therefore appears that any two-family use of the dwelling would be, and is, illegal.

If you want to apply for a variance in order to permit two-family use, please advise.

Very truly yours,

*Andrew S. Krieger*

ANDREW S. KRIEGER  
Attorney for Zoning Board of Appeals

ASK:pd

cc: Town Building Inspector Kennedy  
Town Assessor Sarvis

*Applications submitted on 1/26/83.*

Prelim. ①  
1/24/83-

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

Action needed.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date December 20, 1982

To Anton & Luain Cech  
53 Steele Road  
New Windsor, New York 12550

PLEASE TAKE NOTICE that your application dated December 20, 1982  
for permit to Add apartment  
at the premises located at 53 Steele Rd

is returned herewith and disapproved on the following grounds:

Area zoned R-4 single family dwelling

[Signature]  
Building Inspector

Obtain  
Copy of letter  
from B2 to  
A. Axelrod.

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

December 14, 1982



1763

GREENBLATT & AXELROD  
P. O. Box 2275  
Newburgh, N. Y. 12550

Attn: Mr. Alan Axelrod

Re: Lands of Cech--53 Steele Road

Dear Mr. Axelrod:

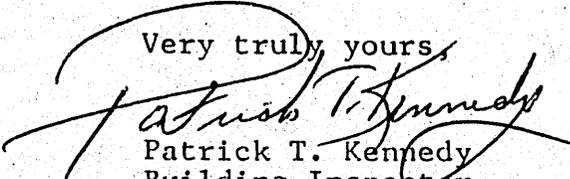
The property at the above referenced location is in an R-4 Suburban Residential Zone (single family dwellings) and was zoned for single family dwellings when it was built. The Certificate of Occupancy was issued in 1973 as a single family dwelling.

If it is intended to continue as a two family dwelling, a zoning variance will be required.

The property is located in the Town of New Windsor sewer district no. 18.

If you have any questions, please contact me at your earliest convenience.

Very truly yours,

  
Patrick T. Kennedy  
Building Inspector

PTK/mfb