

ZB# 83-25

Odis & Debra Morris

15-7-5

Prelim. Meeting

Dec. 13, 1982.

Public Hearing:

July 11, 1983

6/16/83 Notice to Sentinel

Collect Fee -

\$50.00



General Receipt

5358

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Sept. 2 19 83

Received of Odis Morris \$ 50⁰⁰/₁₀₀

Fifty and 00/100 DOLLARS

For Z.B.A. Variance application fee 83-25

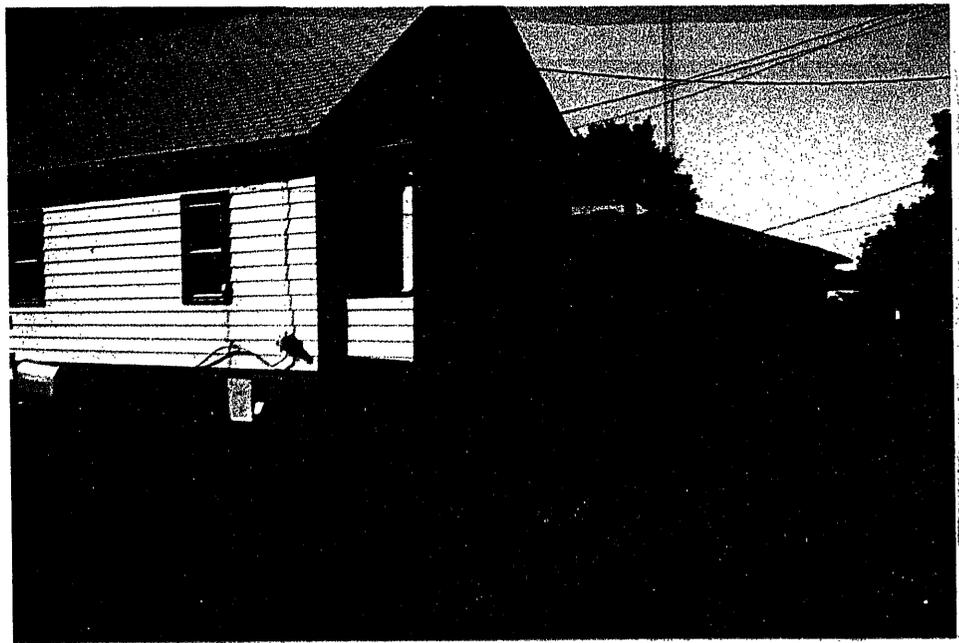
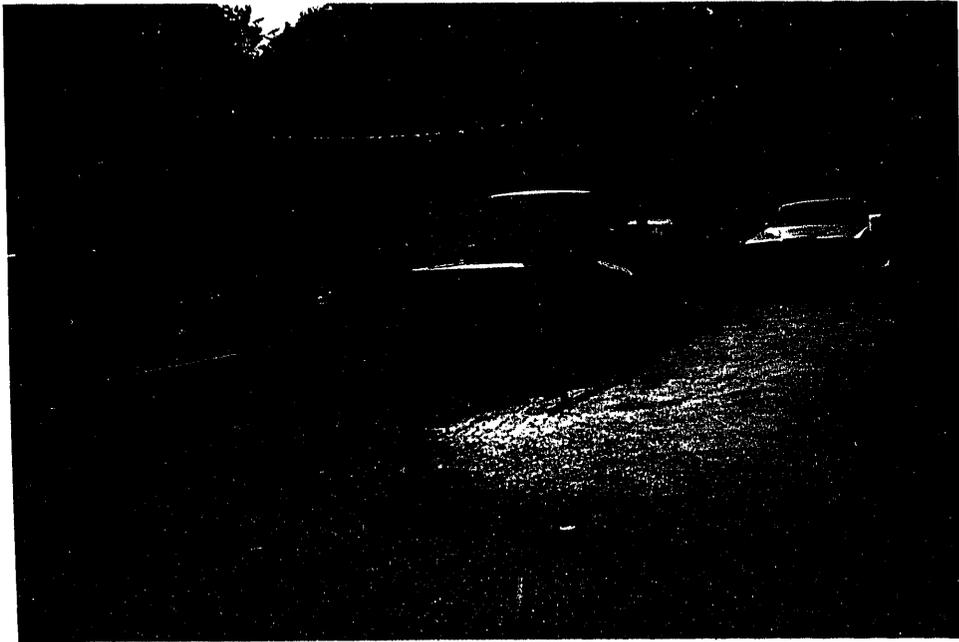
DISTRIBUTION

FUND	CODE	AMOUNT

By Pauline J. Townsend E.C.

Town Clerk
Title

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





Odis / Debra



ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

ODIS MORRIS,

DECISION GRANTING
USE VARIANCE

83-25.

-----x

WHEREAS, ODIS MORRIS of 76 Melrose Avenue,
New Windsor, N. Y. (R-4 zone), has made application before the
Zoning Board of Appeals for a use variance for the purposes of:
operation of a beauty shop in a residential (R-4) zone

and

WHEREAS, a public hearing was held on the 11th day of
July, 19 83 at the Town Hall, 555 Union Avenue, New
Windsor, New York; and

WHEREAS, applicant appeared in his own behalf

_____ ; 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 Sentinel, also
as required by law.

2. The evidence shows: that, although area is zoned
residential, the adjacent properties are saturated with commercial
operations and accessory uses;

3. The evidence shows: applicant intends to have small
operation with daughter being the sole cosmetologist;

4. The evidence shows: that there is plenty of offstreet parking in driveway of residence;

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.

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: September 12, 1983.


Chairman

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. 25

Request of ODIS MORRIS and DEBRA MORRIS

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit beauty shop in residential zone

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

76 Melrose Avenue, Town of New Windsor

Section 15 - Block 7 - Lot 5

SAID HEARING will take place on the 11th day of July 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

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - July 11, 1983
DATE: June 29, 1983

Kindly be advised that there are two (2) public hearings scheduled to be heard before the ZBA on Monday evening, July 11, 1983:

Application of ODIS MORRIS (beauty shop)

Application of STEVE PREKAS (DUNKIN DONUTS);

I have attached hereto copies of the pertinent applications together with public hearing notice which will appear in The Sentinel in accordance with Section 48-34A of Zoning Local Law.

Pat

/pd

cc: Building Inspector Kennedy

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS - Date: July 11, 1983
DATE: July 5, 1983

Please be advised that the following is a schedule of public hearings to be heard before the Zoning Board of Appeals on the above date:

Application for Use Variance - ODIS MORRIS

Application for Area/Sign - STEVE PREKAS (DUNKIN
DONUTS)

I have attached hereto copies of the pertinent application(s) together with public hearing notice(s).

Pat

/pd

Attachments

cc: Town Building/Zoning Officer Kennedy

83-25.

December 13, 1982

* * * *

PRELIMINARY MEETING:

ODIS and DEBRA MORRIS, 76 Melrose Avenue, New Windsor, New York, appeared before the Zoning Board of Appeals with a request to establish a beauty shop in a residential zone (R-4A). Beauty shops are not permitted in residential zone and therefore a use variance would be needed.

Motion followed by Dan Konkol, seconded by Vincent Bivona to schedule a public hearing on this matter upon the return of the completed paperwork.

ROLL CALL: Mr. Pagano - Yes
Mr. Bivona - Yes
Mr. Nugent - Yes
Mr. Konkol - Yes
Mr. Fenwick - Yes

Motion carried 5-0.

* * * *

FELIX ROBLES, P. O. Box 340, Huckleberry Turnpike, Plattekill, N. Y. 12568, appeared before the Zoning Board of Appeals with a request for the installation of a video game room to be located on Route 207 at the former Bivona's Deli. Video game installations are not mentioned in the Zoning Code of the Town of New Windsor and, therefore, are not permitted.

Mr. Robles stated that he would like to install 10-15 machines; there are three at the present moment which have been on the premises for approximately three years. Mr. Robles also stated that he is in the process of purchasing the deli and that the closing of title would be on December 17, 1982.

Motion followed by James Nugent, seconded by Vincent Bivona to schedule a public hearing on the matter upon the return of the completed paperwork.

ROLL CALL: Mr. Pagano - Yes
Mr. Bivona - Yes
Mr. Nugent - Yes
Mr. Konkol - Yes
Mr. Fenwick - Yes

Motion carried 5-0.

* * * *

PUBLIC HEARING on the matter of the Application of HIGHLAND NATIONAL BANK request for sign variance on an accessory building located at the bank's Vails Gate Branch, Route 32 in a C zone.

Prelim. Agenda
Dec. 13th -
7:30 P.M.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Debra Date Nov. 30, 1982

To Edis A. Morris
76 Melrose Ave.
New Windsor NY 12550
561-7708

PLEASE TAKE NOTICE that your application dated Nov 30, 1982
for permit to OPERATE A BEAUTY PARLOR
at the premises located at 76 MELROSE AVE, New Windsor

is returned herewith and disapproved on the following grounds:

Beauty parlors are uses permitted by right
in NC (Neighborhood Commercial), applicant
premises are in R-4A (Suburban Residential)
according to Chapter 48 zoning article III
Use Regulations, 9 Use Table

[Signature]
Building Inspector

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

82-20.

Date: _____

I. Applicant Information:

- (a) ODIS MORRIS 76 MELROSE AVE. 561-7708
(Name, address and phone of Applicant) (Owner)
- (b) DEBRA MORRIS 76 MELROSE AVE 561-7708
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Special Permit

III. ✓ Property Information:

- (a) R-4A 76 MELROSE AVE 15-7-5 160' x 80' ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 9/78.
- (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
- (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) beauty shop in basement of residence.

(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.

Area is saturated with commercial operations,
this is not truly a residential zone.
Business proposal is contiguous with others in this
area.

V. Area variance:

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

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
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. _____.

	<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?

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.

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.)

no outside structural changes. Small sign in conformance w/ zoning laws will be placed on front portion of property. Parking will be in double driveway. Plenty of off-street parking.

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.
- 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 \$ 50.00, payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

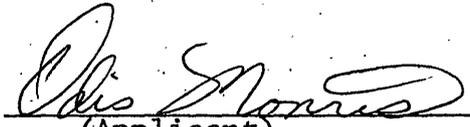
X. AFFIDAVIT

Date 6/16/83.

STATE OF NEW YORK)
COUNTY OF ORANGE)

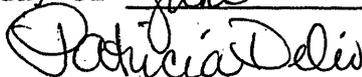
SS.: 408-62-8877

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

16th day of June, 1983.



PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1985.

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.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



1763

*Postmarked by:
July 2*

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May 26, 1983

Mr. Odis Morris
76 Melrose Ave.
New Windsor, N.Y.

Re: 15-7-5

Dear Mr. Morris:

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

The charge for this service is \$70.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

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

PAULA SARVIS
ASSESSOR
Town of New Windsor

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



1763

- X Crudele Michael A & Dorothy
74 Lawrence Ave
New Windsor NY 12550
- Oliver William R
X 141 W Main St
Middletown NY 10940
- Salamotoff Connie
78 Windsor Highway
X New Windsor NY 12550
- Naclerio John & Stephanie
X 87 Merline Ave
New Windsor NY 12550
- X Ryan Walter T & Arlene M
77 Merline Ave
New Windsor NY 12550
- X Ponessi Paul L & Dorina R
73 Merline Ave
New Windsor NY 12550
- X Simanowski Charles & Ann M
MD 23 Bradford Ave
New Windsor NY 12550
- X Riglione Louis & Jennie
58 Melrose Ave
New Windsor NY 12550
- X D'Amico William & Marie c
64 Melrose Ave
New Windsor NY 12550
- X D'Egidio Dominick & Florence
68 Melrose Ave
New Windsor NY 12550
- X Smith Arthur D & Eileen M
76 Melrose Ave
New Windsor NY 12550
- X Dillman Katina
25 Rosemere St
Rye NY 10580
- X Fornal Stanley J Jr
81 Lawrence Ave
New Windsor NY 12550
- X Favata Jennie & Alfred P
77 Lawrence Ave
New Windsor NY 12550
- X Lucas Michael D & Arlene J
c/o Joseph Effron
55 Melrose Ave
New Windsor NY 12550
- X Kissam Dolores
17 Bradford Ave
New Windsor NY 12550
- X Warren Estelle L
113 Blanche Ave
New Windsor NY 12550
- X Baranski Charles & Jane
117 Blanche Ave
New Windsor NY 12550
- X Lombardo Christopher & Lynne
52 Cedar Ave
New Windsor NY 12550
- X Yonnone Carmine J & Jane V
56 Cedar Ave
New Windsor NY 12550
- X Ruscitti Joseph & Ida A
PO Box 227
Walden NY 12586



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

X Short David A & Roberta L
87 Blanche Ave
New Windsor NY 12550

/ Antonelli Joseph A
77 Melrose Ave
New Windsor NY 12550

/ Ortenzo Alfred & Estelle C
75 Melrose Ave
New Windsor NY 12550

/ Hoyer William E & Carol Lee
71 Melrose Ave
New Windsor NY 12550

/ Gerbes Anthony C & Dolores
69 Melrose Ave
New Windsor NY 12550

/ Gerbes John J
59 Melrose Ave
New Windsor NY 12550

/ Freeman III Thomas J & Cathy M
Melrose Ave
New Windsor NY 12550

/ Cherry Allen R & Ruth
118 Cedar Ave
New Windsor NY 12550

/ Gandolfini Lino & Ida
44 Cedar Ave
New Windsor NY 12550

/ Mowery Lawrence & Johanna C
69 Bradford Ave
New Windsor NY 12550

/ Biedekapp Scott & Harriett
63 Blanche Ave
New Windsor NY 12550

/ Orzechowski Zygmunt & Stella
61 Blanche Ave
New Windsor NY 12550

/ Donahue Thomas Patrick & Marie
77 Fifth Ave
Newburgh NY 12550

/ Stanford Leroy & Rosemarie
53 Melrose Ave
New Windsor NY 12550

/ Konrad John & Helen
49 Melrose Ave
New Windsor NY 12550

/ Kirk Frances F. & Jeffery W
45 Melrose Ave
New Windsor NY 12550

/ Mikutis Anthony & Helen
44 Melrose Ave
New Windsor NY 12550

/ Pushman Albert E Jr. & Audrey R
46 Melrose Ave
New Windsor NY 12550

/ Simanoski Edward & Helen B
56 Melrose Ave
New Windsor NY 12550

/ Malinowski Thaddeus E &
Rymaszewski Wanda
39 Lawrence Ave
New Windsor NY 12550

/ Raszcewski Leo & Frances
c/o Frances Lerosé
31 Hilltop Dr
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Rossi Olimpia
52 Balmville Road
Newburgh NY 12550

Laddick John J
68 Merline Ave
New Windsor NY 12550

Yonnone Cosmo & Carmella
78 Merline Ave
New Windsor NY 12550

Yannone Thomas J & Hazel M
80 Merline Ave
New Windsor NY 12550

Yonnone Gus J & Anna
82 Merline Ave
New Windsor NY 12550

Dougherty William F Jr &
Susan M
88 Merline Ave
New Windsor NY 12550

Gilfeather Robert J & Rose H
90 Merline Ave
New Windsor NY 12550

Komar John
96 Merline Ave
New Windsor NY 12550

Carlstrom James J & Anna R
106 Merline Ave
New Windsor NY 12550

Hotaling Richard & Mary Ann
95 Myrtle Ave
New Windsor NY 12550

Jollie Edward L
32 Willow Lane
New Windsor NY 12550

Mott Arthur D & Clara
91 Myrtle Ave
New Windsor NY 12550

Yonnone Cosmo J & Stephanie A
67 Myrtle Ave
New Windsor NY 12550

Linton David S & Frances A
59 Myrtle Ave
New Windsor NY 12550

Homin John F & Frances
91 Merline Ave
New Windsor NY 12550

Hotaling Howard & Josephine
14 Goodman Ave
New Windsor NY 12550

Virgillo Mary R
c/o Lavallee
16 Goodman Ave
New Windsor NY 12550

Smith Donald J & Edith H
24 Goodman Ave
New Windsor NY 12550

Esposito Anthony & Tolanda
MD23 Merline Ave
New Windsor NY 12550

Griener Philip G & Judy A
70 Lawrence Ave
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Mc Dermott Michael & Theresa
57 Merlinè Ave
New Windsor NY 12550

Yonnone Carmine & Fannie
51 Merline Ave
New Windsor NY 12550

Reidulski John
60 Merline Ave
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

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

Date: July 12, 1983

Mr. Odis Morris and Debra Morris
76 Melrose Avenue
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-25 - MORRIS, ODIS & DEBRA

Dear Mr. Morris and Debra:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was Granted
at a meeting held on the 11th day of July, 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.

Yours very truly,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board