

**ZB# 85-1**

**Lawrence Mowery**

**13-9-17**

#85-1 - Mowery, Lawrence D.

Prelim. meeting:

12/10/84

Public Hearing:

5/13/85.

Copies of Ap.  
4/12/85 - given to Pat Kennedy  
for review.  
Requested that he touch  
base w/ Mrs. Duff

5/13/85 -

Denied  
(over Lawrence)

~~Hold for \$25.00 fee~~

file

# General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

6566

May 23 1985

Received of Andrea M. Neubroff \$ 25.00

Twenty-Five and 0/100 DOLLARS

For J. Mowery ZBA #85-1 Application

DISTRIBUTION:

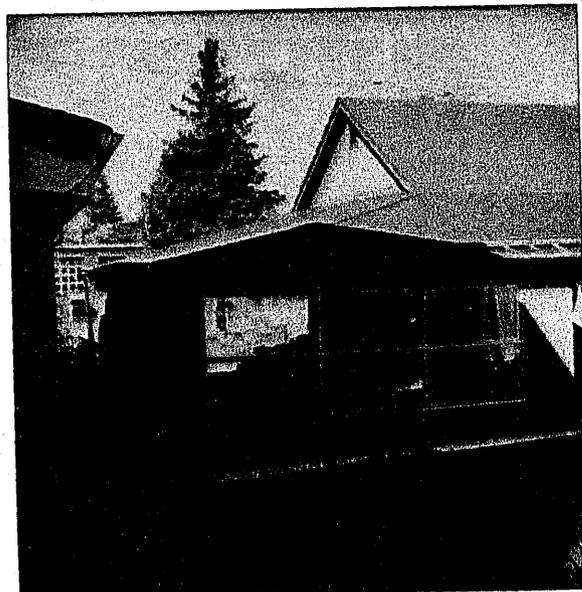
FUND	CODE	AMOUNT
ck# 179		\$25.00

By Pauline G. Toonseed

Toon Clerk

Title

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



DISTRIBUTION

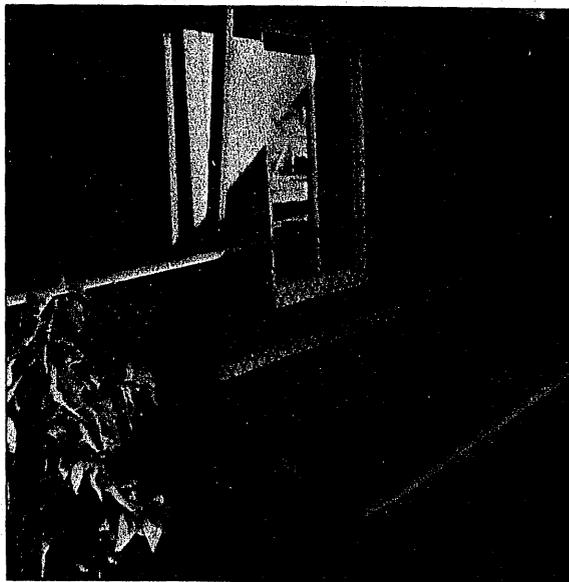
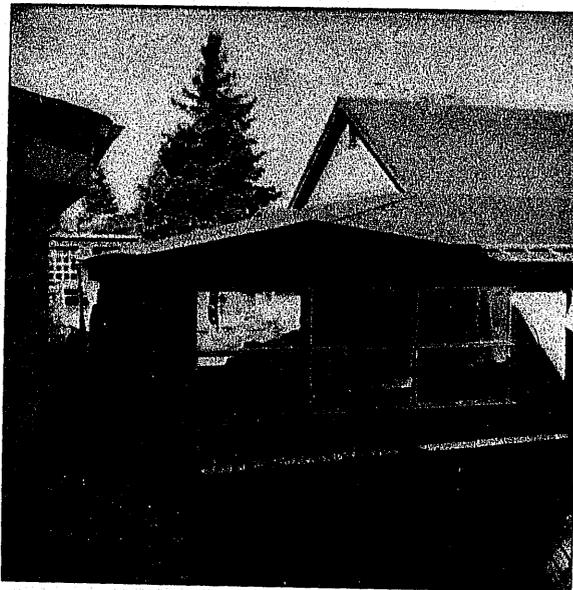
FUND	CODE	AMOUNT
ck# 179		\$25.00

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

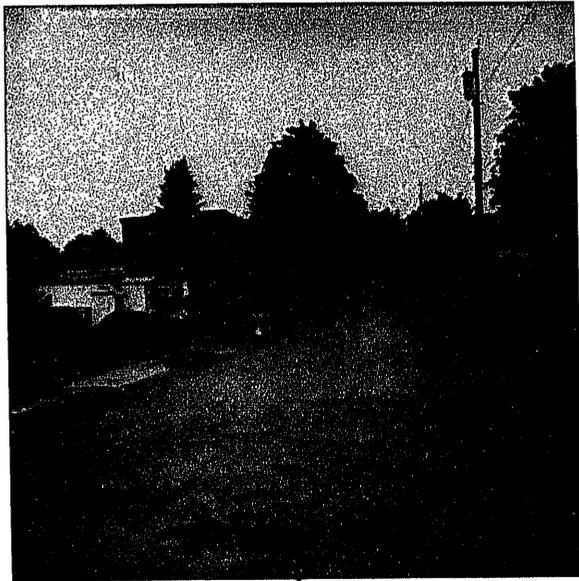
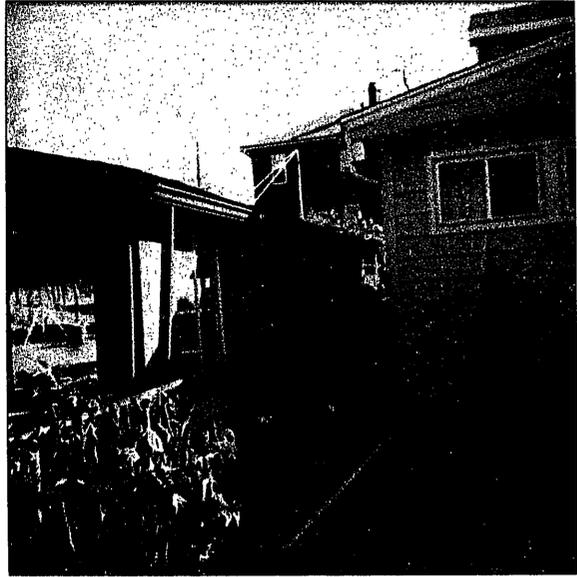
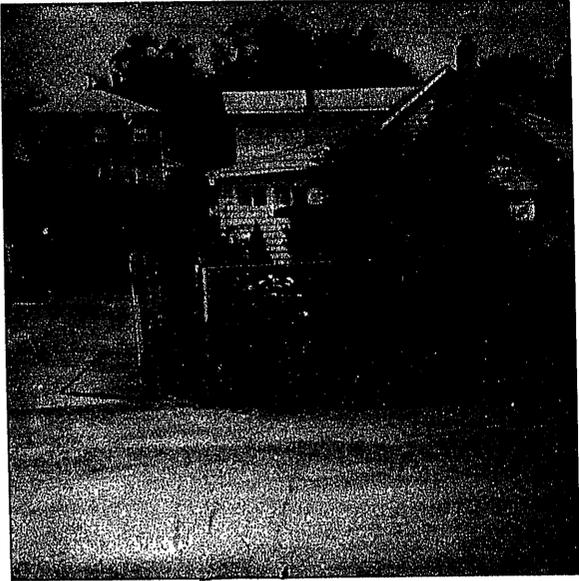
By *Pauline G. Townsend*

*Town Clerk*

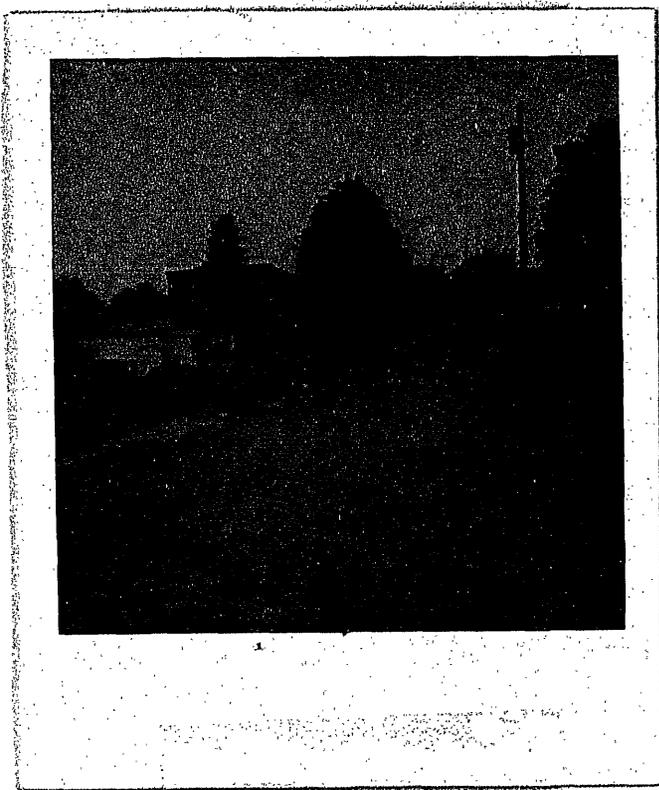
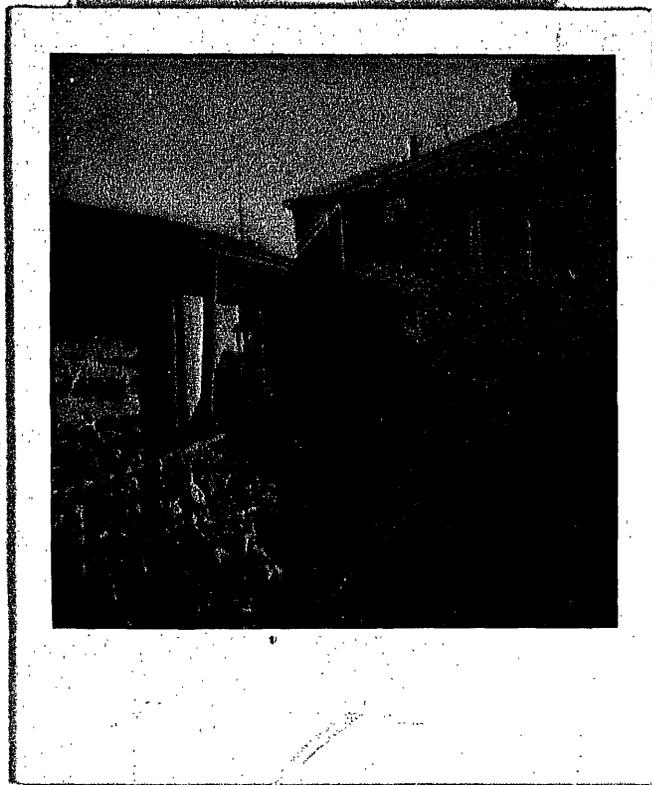
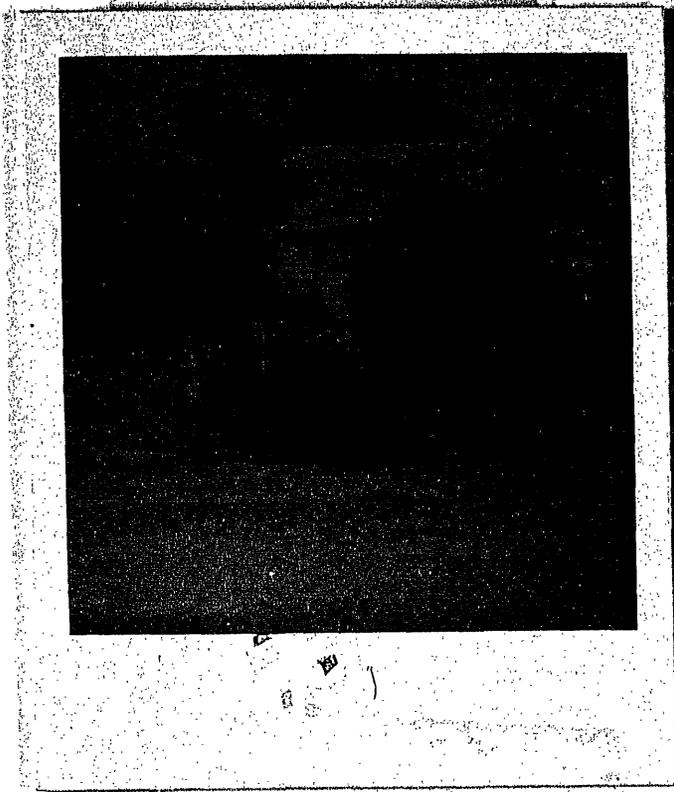
Title



*Handwritten scribbles and illegible text.*



1185-1 - Mowery, Lawrence J.



9  
Certs 41

85-1 Mowery, Johanna 5/13/85 P.H.

Name:

Address:

objection

Arthur W Moore

63 Black Oak Street Under

Cathy Moore

"

objection

Olychenski Stella

61 Black Oak St W.

"

Nolan Russo

36 Cedar Ave

Penny Alpen

34 Cedar Ave

no objection

Robert J. Fetzer

James Mowery

69 Bradford Ave NW

Johanna Mowery

69 Bradford Ave

May 13, 1985

To Whom it may Concern:

We, David A. Short +  
Roberta L. Short of  
87 Blanche Ave; New Windsor,  
NY, have no objection  
to the building of a  
garage at 69 Bradford  
St. by Johanna Mowley.

Sincerely,

Roberta L. Short  
David A. Short

*Clerk Town  
Clerk*

**ANDREA M. DUBROFF**

ATTORNEY AT LAW

1 DOGWOOD HILLS ROAD  
NEWBURGH, NEW YORK 12550

(914) 562-6664

(914) 562-1888

May 17, 1985

Zoning Board of Appeals  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12550

Attention : Patricia Delio

RE : Mowery Application for Variances

Dear Pat:

Enclosed please find a check in the amount of \$25.00 to cover the filing fee required of the Mrs. Mowery, as per Mr. Krieger's letter of May 14, 1985. I would appreciate being sent a copy of the written decision of the Zoning Board, stamped to indicate the date of its filing with the Town Clerk.

Thank you again for your assistance in this matter.

Very truly yours,

*Andrea M. Dubroff*  
Andrea M. Dubroff, Esq.

AMD:vc

Enclosure

RECEIVED  
ATTORNEY'S OFFICE  
TOWN OF NEW WINDSOR  
MAY 20 1985  
by: *Patricia Delio*



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Date: 5/14/85

*file*

Andrea Dubroff, Esq.  
1 Dogwood Hills Road  
Newburgh, N. Y. 12550

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS  
#85-1 - MOWERY, JOHANNA

Dear Mrs. Dubroff:

This will confirm that the Zoning Board of Appeals voted to deny your client's application at its regular meeting on 5/13/85. A formal decision will be prepared and filed with the Town Clerk, thus commencing your time in which to file an Article 78 petition, if you wish.

A review of the file indicates that the filing fee for this application of \$25.00 has not been paid. The formal decision cannot be filed with the Town Clerk until this filing fee is paid.

Please give this matter your prompt attention.

Thank you.

Very truly yours,

ANDREW S. KRIEGER, ESQ.  
Attorney for ZBA

ASK:pd  
cc: Town Planning Board  
Acting Building/Zoning Officer

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. 1

Request of MRS. JOHANNA MOWERY

for a VARIANCE ~~SPECIAL PERMIT~~ of  
the regulations of the Zoning Ordinance to  
permit construction of a building to garage one  
vehicle and store personal property with insufficient  
rear and sideyard setbacks from the road.

being a VARIANCE ~~SPECIAL PERMIT~~ of

Sections 48-14 (A) (1) ~~(b)~~, 48-14 (A) (1) ~~(a)~~, 48-14(B) (1),  
48-14(B) (2), 48-14 (C) (4) and 48-12. & Bulk Tables for  
for property situated as follows: R-4, Col.6.

Mrs. Johanna Mowery, Owner

69 Bradford Avenue

New Windsor, New York 12550

SAID HEARING will take place on the 13th day of  
May, 1985, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

*No objection to the above building*  
*Nileen Mikutis*  
*Anthony Mikutis*

Daniel P. Konkol

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. 1

Request of MRS. JOHANNA MOWERY

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit construction of a building to garage one vehicle and store personal property with insufficient rear and sideyard setbacks from the road.

being a VARIANCE ~~SPECIAL PERMIT~~ of Sections 48-14 (A) (1) (b), 48-14 (A) (1) (a), 48-14 (B) (1), 48-14 (B) (2), 48-14 (C) (4) and 48-12. & Bulk Tables for for property situated as follows: R-4, Col.6.

Mrs. Johanna Mowery, Owner  
69 Bradford Avenue  
New Windsor, New York 12550

SAID HEARING will take place on the 13th day of May, 1985, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

*To Whom It May Concern:*  
*We definitely do not object*  
*to Mrs. Mowery + Son, continuing with construction*  
*of above said building.*

Daniel P. Konkol  
Chairman  
Mrs. James B. Rapp  
Mr. James B. Rapp

May 10, 1985

To Whom it may concern.  
Thomas Donahue & Marie  
Donahue do not object  
to a garage being built  
at this address 69  
Broadway & block of  
Johanna Mowery home.

Marie Donahue  
Tom Donahue

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

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Appeal No. 1

Request of MRS. JOHANNA MOWERY

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the regulations of the Zoning Ordinance to permit construction of a building to garage one vehicle and store personal property with insufficient rear and sideyard setbacks from the road.

being a VARIANCE ~~SPECIAL PERMIT~~ of

Sections 48-14 (A) (1) (b), 48-14 (A) (1) (a), 48-14 (B) (1), 48-14 (B) (2), 48-14 (C) (4) and 48-12. & Bulk Tables for for property situated as follows: R-4, Col.6.

Mrs. Johanna Mowery, Owner

69 Bradford Avenue

New Windsor, New York 12550

SAID HEARING will take place on the 13th day of May, 1985, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

Daniel P. Konkol

Chairman

*We do not object to Mowery's building a garage.*  
*Mr & Mrs Charles Simonochi*

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. 1

Request of MRS. JOHANNA MOWERY

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Ordinance to  
permit construction of a building to garage one  
vehicle and store personal property with insufficient  
rear and sideyard setbacks from the road.

being a VARIANCE ~~SPECIAL PERMIT~~ of

Sections 48-14 (A) (1) ~~(b)~~, 48-14 (A) (1) ~~(a)~~, 48-14 (B) (1),  
48-14 (B) (2), 48-14 (C) (4) and 48-12. & Bulk Tables for  
for property situated as follows: R-4, Col.6.

Mrs. Johanna Mowery, Owner

69 Bradford Avenue

New Windsor, New York 12550

SAID HEARING will take place on the 13th day of  
May, 1985, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

Daniel P. Konkol

Chairman

5/10/85

No objection

objection to above

D.P. Mans

PAT

State of New York  
County of Orange, ss:

Everett W. Smith, being duly sworn  
disposes and says that he is  
Publisher of the E.W. Smith  
Publishing Company, Inc. publisher  
of The Sentinel, a weekly newspaper  
published and of general circulation  
in the Town of New Windsor, and that  
the notice of which the annexed is  
a true copy was published ONCE  
in said newspaper, commencing on  
the 2nd day of MAY A.D., 1985  
and ending on the 2nd day of MAY  
A.D. 1985

Subscribed and shown to before me  
this 31st day of May, 1985

Patricia Delio

Notary Public of the State of New York  
County of Orange.

My commission expires 3/30/87

PATRICIA DELIO  
NOTARY PUBLIC, State of New York  
No. 5970775  
Qualified in Orange County  
Expires March 30, 1987

**PUBLIC NOTICE OF HEARING  
BEFORE ZONING BOARD OF  
APPEALS**  
PLEASE TAKE NOTICE that the  
Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New  
York, will hold a Public Hearing  
pursuant to Section 48-34A of the  
Zoning Ordinance on the follow-  
ing proposition:  
Appeal No. 1  
Request of MRS. JOHANNA  
MOWERY for a VARIANCE of  
the regulations of the Zoning  
Ordinance to permit construc-  
tion of a building to garage one  
vehicle and store personal prop-  
erty with insufficient rear and  
sideyard setbacks from the  
road being a VARIANCE of  
Sections 48-14 (A) (1) (b), 48-  
14 (A) (1) (c), 48-14 (B) (1),  
48-14 (B) (2), 48-14 (C) (4) and  
48-12 & Bulk Tables for R-4,  
Col. 6, for property situated as  
follows:  
Mrs. Johanna Mowery, Owner  
69 Bradford Avenue  
New Windsor, New York 12550  
SAID HEARING will take place  
on the 13th day of May, 1985, at  
the New Windsor Town Hall, 555  
Union Avenue, New Windsor,  
N.Y. beginning at 7:30 o'clock  
p.m.  
Daniel P. Konkol  
Chairman

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 85-1

Date: 3/18/85

I. Applicant Information:

- (a) Mrs. Johanna Mowery, 69 Bradford Ave., T/O New Windsor, NY 562-4883  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) Andrea M. Dubroff, Esq., 1 Dogwood Hills Rd., Newburgh, NY 562-1888  
(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) R4 69 Bradford Avenue 13-9-17 90 X 40  
(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? 1963
- (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 \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(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.

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V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 6.

48-14 (A) (1) (B), (A) (1) (C), (B) (1) (B) (2), (C) (4)

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. 35'	10'3"	24'9"
Reqd. Side Yd. 7	7	7
Reqd. Rear Yd.	7'6"	2'6"
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.

See Page annexed hereto.

See also Second Page (Paragraphs introduced by \*\*)

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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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.)

See Page Annexed Hereto.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IX. Attachments required:

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

X. AFFIDAVIT

Date MARCH 18, 1985

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.

*J. Hanna Mocerrey*  
(Applicant)

Sworn to before me this

18<sup>th</sup> day of MARCH, 1985.

ANDREA M. DUBROFF  
Notary Public, State of New York  
4688683  
Qualified in Orange County  
My Commission Expires Mar. 30, 1985

*Andrea M. Dubroff*

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.

Application of Johanna Mowery

March 18, 1985

V. (b) Mrs. Mowery has no attic in her residence at 69 Bradford Avenue. She has many seasonal objects, like Christmas ornaments and clothes, and special pieces of furniture which she has stored in her basement. Since the construction of the Cedar Avenue sewer system by the Town of New Windsor near her home, she has had numerous severe floods in her basement, especially in the years 1972, 1983 and 1984, and her basement, which was previously dry, has remained wet and unsuited to storage. She has expended considerable monies in efforts to alleviate this problem and is hampered in her attempts, because her contractor has limited access to the cellar floor where many objects are stored on shelves which Mrs. Mowery has been forced to install in order to store things off of the basement floor. Approximately one-third of the space in the garage for which Mrs. Mowery seeks a variance to construct is intended to be used for storage of those things which are presently in her (wet) basement.

Mrs. Mowery, a widow, resides in her home with her son, Lawrence Mowery, Jr., a Vietnam veteran, who received serious injuries while serving in Vietnam, resulting in his permanent disability. He receives both V.A. and Social Security Disability benefits and is quite unable to work at any gainful employment. He has acquired and uses for recreational purposes (camping out with friends) a 4 Wheel drive vehicle which has been stored outside in the yard of the family residence. There have been numerous incidents of theft and vandalism of objects stored outside in the neighborhood of the residence and both Mrs. Mowery and Lawrence Mowery are concerned with the security of the 4 Wheel drive vehicle. Approximately two-thirds of the enclosed space of the garage for which construction Mrs. Mowery seeks a variance will serve to properly house in inside storage this vehicle, securing it from potential vandalism and theft, as well as from the elements.

Application of Johanna Mowery

March 18, 1985

VIII. (a) Mrs. Mowery, who has always maintained her property at a high level, with attractive landscaping and constant seasonal attention to the grounds, will landscape the proposed structure in a manner to conform with her previous residential landscape. A pre-existing fence around the property will remain intact with the exception of an entry way into the proposed garage from Blanche Avenue. Drainage in the general vicinity of the proposed garage will not be affected by this construction. The proposed structure is to be constructed so as not to interfere with any existing utilities.

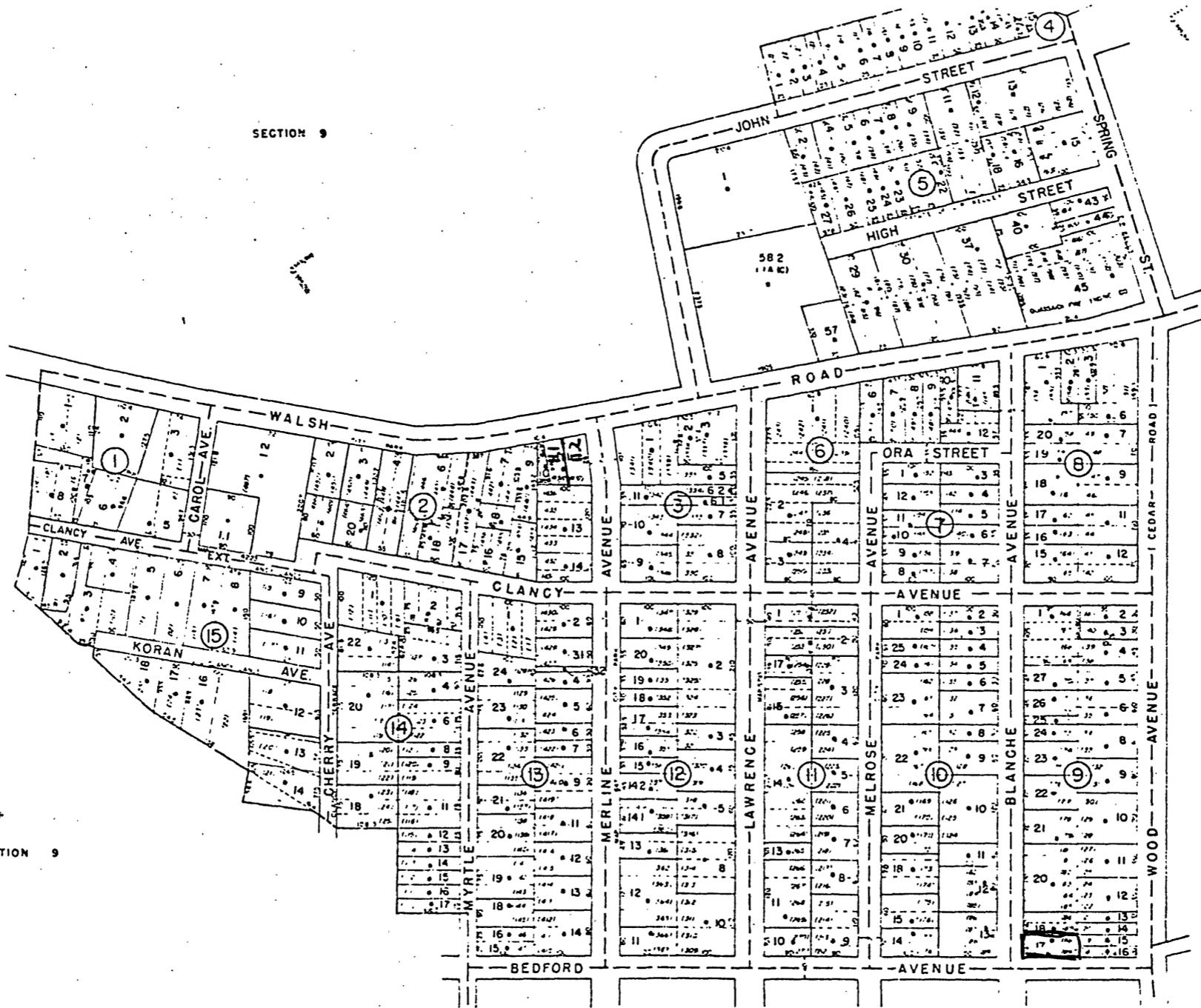
It should be noted that many of the structures in this area of New Windsor pre-date the present Zoning Ordinance and that the immediate neighborhood presents at the present time a wide variety of structures, ranging from trailers to substantial homes, and including, diagonally across from Mrs. Mowery's house, on Blanche Avenue, a large three-door storage garage (non-residential). Some of these structures are very well maintained; others are not.

Application of Johanna Mowery

\*\* It should also be noted that although Mrs. Mowery is presently seeking a variance for construction of a garage, construction of said structure was, in fact, commenced at an earlier date. Pursuant to a building permit issued to Mrs. Mowery on August 23, 1984 by the Town of New Windsor Building Inspector, Mrs. Mowery entered into a building contract with a contractor, materials for the entire structure were purchased, the land was cleared and prepared, a foundation was poured and the cement block walls were erected. All of this was accomplished prior to the issuance of a Stop Order on the Building Permit on October 30, 1984, at which time all work on the project ceased.

The materials for the roof, previously purchased, have been stored in part on Mrs. Mowery's property and in part by the contractor. Mrs. Mowery has incurred, in good faith and in reliance on the building permit originally issued, considerable expense. As a result of the previous construction entered into, her property has been considerably altered and could not be returned to its former state without considerable additional expense

SECTION 9



SECTION 14

SECTION 9

SECTION 15

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

*Prelim. meeting:  
added to agenda by motion.  
12/10/84.*

85-1

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. .... (Revised)  
Date *November 15*, 19*84*  
To *Lawrence C. & Johanna C. Mowery* *562-4883*  
*69 Bradford Ave.*  
*New Windsor, N.Y. 12550*

PLEASE TAKE NOTICE that your application dated *August 24*, 19*84*  
for permit to *Construct a Concrete Block Garage*  
at the premises located at *69 Bradford Ave (NE corner of Bradford  
Ave and Blanche Ave.)*

is returned herewith and disapproved on the following grounds:

*Reference: Inter-Office Correspondence from Tad Seaman,  
Town Attorney, dated November 6, 1984 (Area variances  
being sought.)*

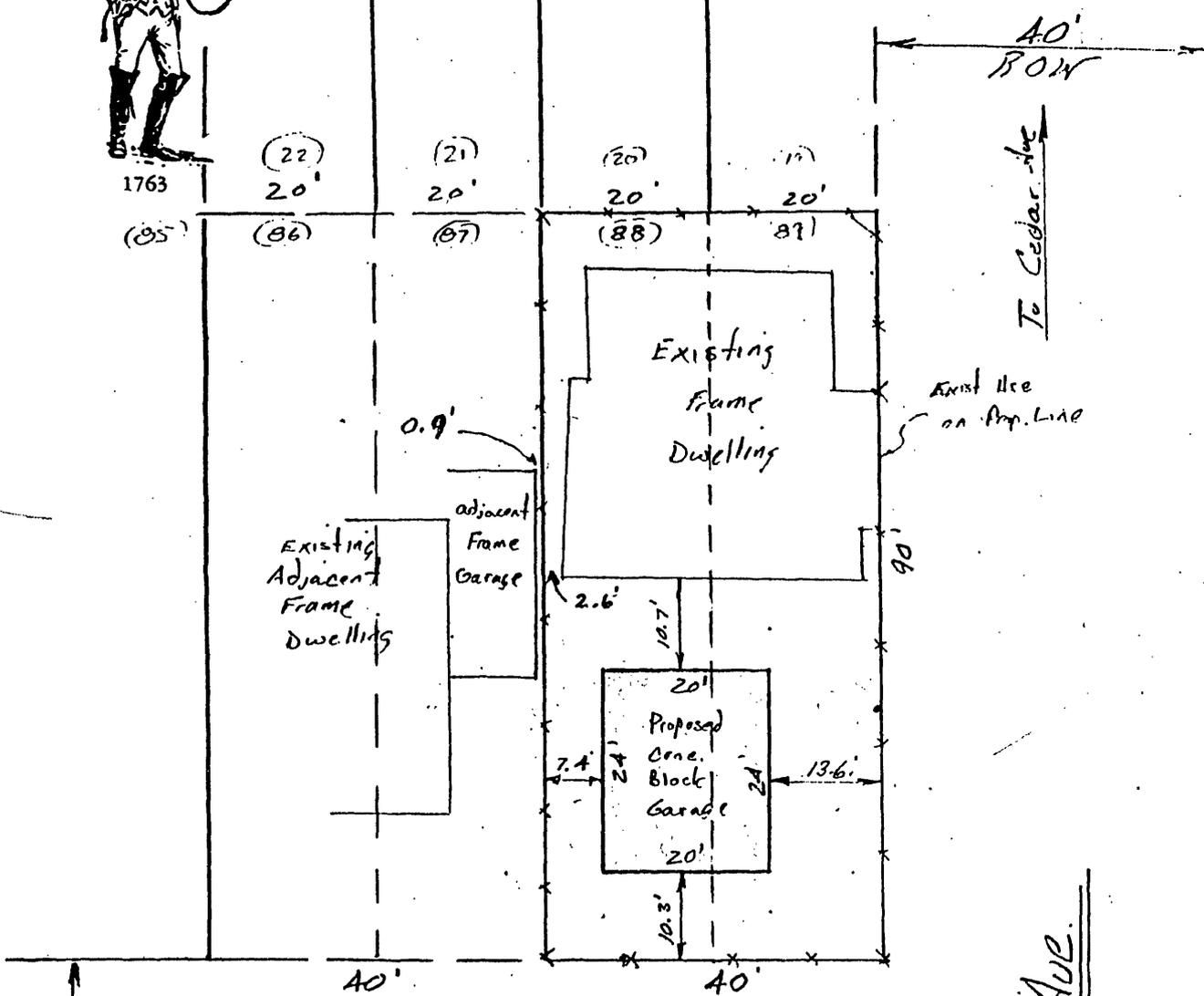
*[Signature]*  
Building Inspector



# TOWN OF NEW WINDSOR

*Retired J. Kennedy  
R.D. / Planning Dept.*

555 UNION AVENUE  
NEW WINDSOR, NEW YORK



To Walsh Ave.

Blanche Ave.

Bradford Ave.

Plot Plan of Lands of Minervy  
69 Bradford Ave  
Tax Map: Section 13, Block 9, Lot 17  
Map Ref: "City Park" Map #647  
date: Nov. 15, 1991

Amended plan #85-1.



1763

# TOWN OF NEW WINDSOR

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

October 11, 1984

Mr. Patrick Kennedy  
Building/Zoning Officer  
TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

RE: MOWERY, LAWRENCE & JOHANNA  
Application #84-10

Dear Mr. Kennedy:

It has come to the attention of our Board that you have issued a building permit under number 2573 to LAWRENCE and JOHANNA MOWERY, 69 Bradford Avenue, New Windsor, New York, for the construction of a garage and storage building. You are aware that a previous request for a variance by these applicants had been denied by the Zoning Board of Appeals at a public hearing held on August 13, 1984. Formal decision is attached hereto.

Some of the neighbors of the adjoining properties are deeply concerned over the issuance of this permit and subsequent construction and are requesting the validity of this permit since there has been a denial of a variance by this Board.

At this time, the Board is requesting your presence at the next meeting of October 22, 1984 to render an explanation of the actions taken. It is further advised that a stop order be issued on this project until the matter is resolved.

Very truly yours,

*Daniel P. Konkol*

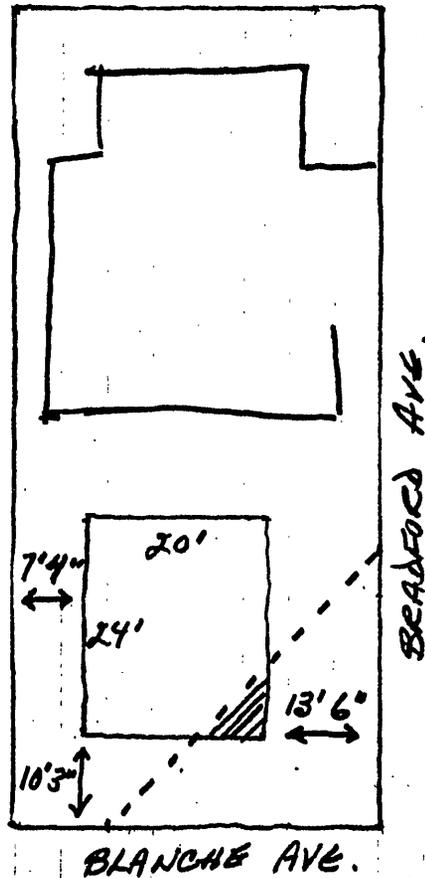
DANIEL P. KONKOL, Chairman  
New Windsor Zoning Board of Appeals

DPK/pd

Enclosure: Formal Decision

cc: Town Board Members  
Andrew S. Krieger, Esq.  
Mrs. Stella Orzechowski

MCOWERY



SECTION 48-14(A)(1)(b) REAR YARD SETBACK  
REQUIREMENT = 10'

VARIANCE SOUGHT 7'4" = 74% OF REQUIREMENT

SECTION 48-14(A)(1)(c) ACCESSORY BUILDING

REQUIREMENT = 10% OF SIDE YARD

VARIANCE SOUGHT 480 SQ. FT. GARAGE = 37% OF 1800 SQ. FT. SIDE YARD

SECTION 48-14(B)(1) SEE DIAGRAM ABOVE

NEW WINDSOR ZONING BOARD OF APPEALS

-----x  
In the Matter of the Application of  
LAWRENCE C. MOWERY,

DECISION DENYING  
VARIANCE

# 84-10 .  
-----x

WHEREAS, LAWRENCE MOWERY of 69 Bradford Avenue,  
New Windsor, N. Y. (R-4 zone), has made application before the  
Zoning Board of Appeals for ares variances for the purposes of:  
construction of a garage at premises above;  
and

WHEREAS, a public hearing was held on the 13th day of  
August, 1984 before the Zoning Board of Appeals at the Town Hall,  
New Windsor, New York; and

WHEREAS, the applicants appeared in behalf of himself;  
\_\_\_\_\_ ; and

WHEREAS, the application was opposed ; 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 applicant intends to construct a garage on residential premises, within 5 feet from neighbor's rearyard.
3. The evidence shows that applicant has ample room to construct a garage if he locates said garage closer to the residence and further away from neighboring rearyard.

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

1. The evidence shows that the applicant will <sup>not</sup> encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will ~~not~~ result in substantial and detriment to adjoining properties ~~or~~ change the character of the neighborhood.

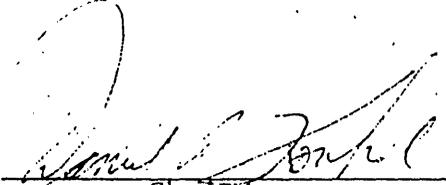
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENIES 35 ft. rearyard and 10 ft. sideyard variance in accordance with plans submitted 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 applicant.

Dated: September 24, 1984.

  
Chairman

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

JOHANNA MOWERY,

#85-1.

DECISION TO DENY  
AREA VARIANCE

-----x

WHEREAS, JOHANNA MOWERY of 69 Bradford Avenue, New Windsor, New York, has made application before the Zoning Board of Appeals for several area variances for the purpose of:

Construction of a building to garage one vehicle and store personal property, with insufficient rear and sideyard setbacks from the road.

WHEREAS, a public hearing was held on the 13th day of May, 1985 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared with her attorney, Andrea M. Dubroff, Esq. of 1 Dogwood Hills Road, Newburgh, N.Y.; and

WHEREAS, the application was opposed by several of the spectators in attendance; 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 the variance is too substantial in relation to the requirements of the Zoning Local Law.
3. The evidence as presented failed to provide proof of loss in terms of dollars and cents.

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

1. The evidence shows that the applicant will not encounter practical difficulty if the area variance requested is not granted.
2. The proposed variance will result in substantial detriment to adjoining properties and change the character of the neighborhood.

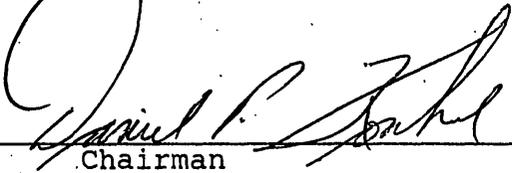
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY the application for area variances as requested at the public hearing of 5/13/85.

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 applicant.

Dated: June 10, 1985.

  
Chairman

cc: Andrea M. Dubroff, Esq.  
Attorney for Applicant, MOWERY



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

- 1 ✓ X Caesar Joseph & Cecelia  
25 Clancy Ave  
New Windsor NY 12550
- 2 ✓ X Baranski Charles & Jane H  
30 Cedar Ave  
New Windsor NY 12550
- 3 ✓ X Scott William & Dorothy  
8 Cedar Lane  
New Windsor NY 12550
- 4 ✓ X 3D Realty Inc  
c/o Da Mario Carmine & Louise  
61 Clancy Ave  
New Windsor NY 12550
- 5 ✓ X Fetzer Robert N  
34 Cedar Ave  
New Windsor NY 12550
- 6 ✓ X Russio Anthony L & Helen M  
36 Cedar Ave  
New Windsor NY 12550
- 7 ✓ X Leary John A  
6 Clarkwood Dr  
Cornwall NY 12518
- 8 ✓ X Maley Lillian K  
40 Cedar Ave  
New Windsor NY 12550
- 9 ✓ X Gandolfini Lino & Ida  
44 Cedar Ave  
New Windsor NY 12550
- 10 ✓ X Moore Arthur W & Patricia  
63 Blanche Ave  
New Windsor NY 12550
- 11 ✓ X Orzechowski Zygmunt & Stella  
61 Blanche Ave  
New Windsor NY 12550
- 12 ✓ X Mans Clarence P  
Box 247  
Vails Gate NY 12584
- 13 ✓ X Robinson Gordon L Jr & Bernice L  
43 Blanche Ave  
New Windsor NY 12550
- 14 ✓ X Connor Robert L & Kruleski Kathleen  
PO Box 4112  
New Windsor NY 12550
- 15 ✓ X Detz Frank & Dorothy  
37 Blanche Ave  
New Windsor NY 12550
- 16 ✓ X Irwin Albert & Stella  
35 Blanche Ave  
New Windsor NY 12550
- 17 ✓ X Conklin Joseph H & Agnes  
28 Blanche Ave  
New Windsor NY 12550
- 18 ✓ X Grossholz Rose  
19 Windsor Dr  
New Windsor NY 12550
- 19 ✓ X Rahemba Joseph C & Joyce M  
40 Blanche Ave  
New Windsor NY 12550
- 20 ✓ X Simanoski Charles & Anna  
Bradford Ave MD 23  
New Windsor NY 12550
- 20 ✓ X Donahue Thomas Patrick & Marie  
77 Fifth Ave



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

- |                |   |             |           |   |             |
|----------------|---|-------------|-----------|---|-------------|
| ✓<br>21 ✓<br>X | Stanford Le Roy & Rosemarie<br>53 Melrose Ave<br>New Windsor NY 12550                       | ✓<br>✓<br>✓ | 31 ✓<br>X | Kulik Amelia<br>38 Melrose Ave<br>New Windsor NY 12550                                  | ✓<br>✓<br>✓ |
| ✓<br>22 ✓<br>X | Konrad John & Helen<br>49 Melrose Ave<br>New Windsor NY 12550                               | ✓<br>✓<br>✓ | 32 ✓<br>X | Mikutis Anthony & Helen<br>44 Melrose Ave<br>New Windsor NY 12550                       | ✓<br>✓<br>✓ |
| ✓<br>23 ✓<br>X | Kirk Frances F & Jeffery W<br>45 Melrose Ave<br>New Windsor NY 12550                        | ✓<br>✓<br>✓ | 33 ✓<br>X | Pushman Albert E Jr & Audrey R<br>46 Melrose Ave<br>New Windsor NY 12550                | ✓<br>✓<br>✓ |
| ✓<br>24 ✓<br>X | Brink Angela<br>37 Melrose Ave<br>New Windsor NY 12550                                      | ✓<br>✓<br>✓ | 34 ✓<br>X | Simanoski Edward & Helen B<br>56 Melrose Ave<br>New Windsor NY 12550                    | ✓<br>✓<br>✓ |
| ✓<br>25 ✓<br>X | Starr Edward P & Pauline<br>MD23 Melrose Ave<br>New Windsor NY 12550                        | ✓<br>✓<br>✓ | 35 ✓<br>X | Simanoski Charles Sr & Anna<br>Bradford Ave MD 23<br>New Windsor NY 12550               | ✓<br>✓<br>✓ |
| ✓<br>26 ✓<br>X | Coyendall Roy W<br>25 Melrose Ave<br>New Windsor NY 12550                                   | ✓<br>✓<br>✓ | 36 ✓<br>X | Malinowski Thaddeus E & Rymaszewski<br>Wanda<br>39 Lawrence Ave<br>New Windsor NY 12550 | ✓<br>✓<br>✓ |
| ✓<br>27 ✓<br>X | Ramos William<br>17 Melrose Ave<br>New Windsor NY 12550                                     | ✓<br>✓<br>✓ | 37 ✓<br>X | Calvarary Cemetary<br>c/o St Patrick's Church<br>45 Grand St<br>Newburgh NY 12550       | ✓<br>✓<br>✓ |
| ✓<br>28 ✓<br>X | Gaydos Pauline<br>26 Melrose Ave<br>New Windsor NY 12550                                    | ✓<br>✓<br>✓ | 38 ✓<br>X | Olympia Susan C<br>58 Melrose Ave<br>New Windsor NY 12550                               | ✓<br>✓<br>✓ |
| ✓<br>29 ✓<br>X | Pacione Tobio & Susan<br>Melrose Ave<br>New Windsor NY 12550                                | ✓<br>✓<br>✓ | 39 ✓<br>X | D'Amico William & Marie C<br>64 Melrose Ave<br>New Windsor NY 12550                     | ✓<br>✓<br>✓ |
| ✓<br>30 ✓<br>X | Rumsey Mira Ellen<br>Meadowbrook Gardens<br>1103 Pompton Ave Apt 2C<br>Cedar Grove NJ 07009 | ✓<br>✓<br>✓ | 40 ✓<br>X | D'Egidio Dominick & Florence<br>68 Melrose Ave<br>New Windsor NY 12550                  | ✓<br>✓<br>✓ |



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

41 Smith Arthur D & Eileen M ✓  
X 76 Melrose Ave  
X New Windsor NY 12550

42 Fornal Stanley J Jr ✓  
X 81 Lawrence Ave ✓  
X New Windsor NY 12550 ✓

43 Favata Jennie & Alfred P. ✓  
X 77 Lawrence Ave ✓  
X New Windsor NY 12550 ✓

44 Lucas Michael D & Arlene J ✓  
15 c/o Joseph Effron ✓  
X 55 Melrose Ave ✓  
X New Windsor NY 12550 ✓

45 Kissam Dolores ✓  
17 Bradford Ave ✓  
X New Windsor NY 12550 ✓

46 Warren Estelle L ✓  
16 113 Blanche Ave ✓  
X New Windsor NY 12550 ✓

47 Baranski Charles & Jane ✓  
117 Blanche Ave ✓  
X New Windsor NY 12550 ✓

48 Lombardo Christopher & Lynne ✓  
52 Cedar Ave ✓  
X New Windsor NY 12550 ✓

49 Yonnone Carmine J & Jane V ✓  
X 56 Cedar Ave ✓  
X New Windsor NY 12550 ✓

50 Ruscitti Joseph & Ida A ✓  
+ PO Box 227 ✓  
Walden NY 12586 ✓

51 Short David A & Roberta L ✓

*Returned  
do not list  
here anymore*

52 Antonelli Joseph A ✓  
X 77 Melrose Ave ✓  
X New Windsor NY 12550 ✓

53 Ortenzo Alfred & Estelle C ✓  
X 75 Melrose Ave ✓  
X New Windsor NY 12550 ✓

54 Hoyer William E & Carol Lee ✓  
X 71 Melrose Ave ✓  
X New Windsor NY 12550 ✓

55 Gerbes Anthony C & Dolores ✓  
69 Melrose Ave ✓  
X New Windsor NY 12550 ✓

56 Gerbes John J ✓  
X 59 Melrose Ave ✓  
X New Windsor NY 12550 ✓

57 Critelli Franklin P & Rachelle A ✓  
X 2 Bradford Terrace ✓  
X New Windsor NY 12550 ✓

58 D'Alissandro Nicola & Annina ✓  
X 6 Bradford Terrace ✓  
X New Windsor NY 12550 ✓

59 Friedle George R ✓  
X 8 Bradford Terrace ✓  
X New Windsor NY 12550 ✓

60 Rapp James B & Isabel ✓  
X 10 Bradford Terrace ✓  
X New Windsor NY 12550 ✓

61 Dalton Edmund & Irma J ✓  
X 9 Veronica Ave ✓  
X New Windsor NY 12550 ✓

62 Nahow Alexander & Louise ✓  
X 7 Veronica Ave ✓



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

X <sup>63</sup><sub>19</sub> Casey Thomas J & Cathy  
55 Cedar Ave  
New Windsor NY 12550

X <sup>64</sup><sub>20</sub> Witschard Willy & Vera ✓  
59 Cedar Ave ✓  
New Windsor NY 12550 ✓

X <sup>65</sup> Budney Clifford J & Patricia M ✓  
12-14 Veronica Ave ✓  
New Windsor NY 12550 ✓

X <sup>66</sup> Mc Quiston Hubert A & Susanna ✓  
63 Cedar Ave ✓  
New Windsor NY 12550 ✓

INTER-OFFICE CORRESPONDENCE

*file*

TO: TOWN SUPERVISOR PETRO  
COUNCILWOMAN DONACHIE  
COUNCILMAN HEFT  
COUNCILMAN MARSDEN  
COUNCILMAN ROSSINI  
BUILDING INSPECTOR KENNEDY

FROM: ZONING BOARD OF APPEALS

SUBJECT: FILING OF AMENDED APPLICATION - MOWERY.

DATE: March 18, 1985

Lawrence D. Mowery and Johanny Mowery of 69 Bradford Avenue, New Windsor, N. Y. will be appearing before the Zoning Board of Appeals at a future date to seek approval of area variances concerning the construction of an accessory structure.

You may recall that the Mowery's were issued a building permit to proceed with construction of the building and, shortly thereafter, a stop order was issued.

Due to the fact that the building permit was issued in error, and the Mowery's went ahead and proceeded with construction based on the building permit that was issued, the attorney for the Mowery's feels that all fees should be waived and that the Town should reimburse the Mowery's for the necessary publication and certified mailing that must be met in conformance with the Zoning Local Law.

May I please have your feelings concerning the above.

Patricia Delio, Secretary

/pd

cc: ZBA

11/2/84

Pat's statement at public hearing there is no valid reason for granting variances.

There was a shed built by poles, shed roof w/ fence around it.

Bd said why not keep 5' off Blanch as existing shed is.

Bd suggested come in toward Bradford all of which were rejected.

Post Bd discussion after mtg was that he ~~or~~ should be auth to do it if it is 5' off Blanch Ave.

Mowry finally said he would put bldg 15' back, as suggested.

With this understanding Pat issued Bldg permit.

communication  
interpretation

June 11, 1984

PRELIMINARY MEETING:

MOWERY, LAWRENCE - Request for 35 ft. rear yard and 10 ft. sideyard variances on property located at 69 Bradford Avenue in an R-4 zone. The purpose of the variance is to construct a garage and/or storage shed. After reviewing the sketch submitted with the Notice of Disapproval submitted by Mr. Kennedy, motion followed by John Pagano, seconded by Jack Babcock to schedule a public hearing upon the return of the completed paperwork. Roll call: 6-0.

Chairman Konkol advised the applicant to review the plan with his adjacent neighbors since it will be an encroachment within 5 ft. of the rearyard.

\* \* \* \* \*

## PUBLIC HEARING - Application of FREDERICK KASS, JR. (ACTION AUDIO)

The applicant, Frederick Kass, Jr., appeared with his consulting engineer, William Hauser of McGoey & Hauser. Applicant presented the application, list from Town Assessor's office containing 136 names and addresses of adjacent property owners, 124 return receipts (12 unclaimed), Affidavit of Publication of legal notice in The Sentinel, site plan with latest revision date of 5/3/84, and check in the amount of \$50.00, application fee.

Correspondence: Hearing no objection, the ZBA received and filed a letter with no date thereon from Agnes Cavalari, expressing her support for approval of the application before the Board.

Mr. Kass stated that the property is located on Route 32 and Old Forge Hill Road in both an R-4 and C zone. Mr. Kass is requesting conversion of existing warehouse into 12 retail store locations, no restaurants, but just clothing, real estate, insurance broker type of stores; a professional office building to the rear between Rts. 94 and 32; and demolition of small warehouse to be replaced by 6,000 sq. ft. warehouse. Use and area variances would be required in order to accomplish this. Parking would be ample. (101 spaces.)

There were 4 spectators in attendance. No objections were voiced.

Public hearing was recorded on Tapes #128 and 129 on file in Secretary's office.

After the close of the hearing, Board members decided to act upon this application in three (3) separate motions:

1. Proposed new warehouse (6,000 sq. ft.):  
USE (R-4 portion) & 35 ft. REAR YARD VARIANCE required -

Motion was made by Rich Fenwick, seconded by John Pagano. Roll call 4 ayes - 2 nays (Pagano & Konkol). This portion

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. 10

Request of Lawrence C. Mowery

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Ordinance to

permit Building a garage

and storage building with insufficient rear and sideyard

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12- Table of Bulk Regs. - Cols. 7 & 8

for property situated as follows:

Lawrence C. Mowery

69 Bradford Ave.

New Windsor, N.Y. 12550

SAID HEARING will take place on the 13<sup>th</sup> day of

August, 1984, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Daniel P. Konkol  
Chairman

August 13, 1984

PUBLIC HEARING in the matter of the Application of LAWRENCE MOWERY for 35 ft. rear yard and 10 ft. sideyard variances for construction of a garage at premises located at 69 Bradford Avenue in an R-4 (residential) zone.

Mr. Mowery presented his applications, list from Town Assessor's Office containing approximately 66 names and addresses of adjacent property owners; 66 return receipts from adjacent property owners; Affidavit of Publication which was published in The Sentinel on 7/26/84; Fees also collected in the amount of \$25.00. Sketch of the proposal was also accepted. Secretary reported the receipt of a communication dated 7/26/84 from Mr. and Mrs. Arthur Moore who reside at 63 Blanche Avenue, expressing opposition to the application of Mowery. Said correspondence was received and filed.

There were four spectators present for this hearing. Two were in opposition to the application before the Board.

Public hearing was recorded on Tape #130 on file in Secretary's Office.

After the close of the public hearing, motion was made by James Nugent, seconded by Richard Fenwick to grant the application of MOWERY as applied for. ROLL CALL: 6 nays - 1 abstention (Babcock). Motion denied. Application denied.

Formal decision would be drafted and acted upon by the ZBA at a later date.

\* \* \* \* \*

PUBLIC HEARING in the matter of the Application of the ESTATE OF DOUGLAS THORNE/WENDY'S OLD FASHIONED HAMBURGERS, for area, height and sign variances to locate Wendy's operation at the corner of Rt. 32 and Old Temple Hill Road in a C (Design/ Shopping) zone.

Elias Grevas, L.S., consulting engineer, was present along with Mr. Arthur Johnson of Wendy's. Mr. Grevas presented the site plans for the above application together with the applications, Affidavit of Publication which appeared in The Sentinel on 8/2/84; List from Town Assessor's Office containing approximately 26 names and addresses from adjacent property owners; 25 return receipts (1 unclaimed) from adjacent property owners; \$50.00 check for the application fee.

Mr. Grevas made his presentation recorded on Tape #129/130 on file in Secretary's office.

There were approximately two spectators present at the hearing. None in opposition. Discussion followed concerning screening and water run-off. (On Tape #129/130). Mr. Skopin spoke in depth regarding ingress and egress to the parcel. This has been in the hands of the NYS DOT but no decisions have been made to date.

To: Daniel P. Konkol, Chairman  
Zoning Board of Appeals ✓  
and  
Zoning Board Members

RECEIVED  
ACCOUNTS OFFICE  
TOWN OF NEW WINDSOR

OCT 18 1984

From: Patrick T. Kennedy, L. S.  
Bldg./Zoning Inspector

BY: Patricia Delio

Subject: Accessory Structure being Built on the Premises owned by  
Lawrence and Johanna Mowery; 69 Bradford Avenue  
New Windsor, N. Y.

Date: October 16, 1984

I am well aware of the denial of the variance request to Mrs. Mowery on August 13, 1984. I was the person who denied her original permit and my comments at the preliminary meeting and Public Hearing to the board was that she did not meet any requirements for a variance. However, please remember it was described to her by your board along with me during the Public Hearing and in more detail immediately after the Public Hearing, how she could legally put up said accessory structure. She was told that she could construct it no closer to the lot line than was her existing accessory structure. She was also told she could attach it directly to her existing main structure which sits right on the property's front line on Bradford Avenue. This second suggestion was not to her liking because her utility services come in there.

The complaints being made are by her immediate neighbor to the north on Lawrence Avenue and by Stella Orzechowski, the realtor who sold the neighbor their house. Their complaint is that they have lost their view across Mowery's property.

I am sorry, but I can't help it if someone loses their view across someone else's property, be it by an accessory structure, a fence or trees.

The new structure was not placed any closer to the lot line than the existing accessory structure and definitely not in nonconformance with the remainder of the neighborhood.

It is then to be noted that the neighbors have enclosed an existing car port which by the New York State Uniform Fire Prevention and Building Codes makes it a legal accessory structure which as a garage is not constructed in accordance with the codes for an attached garage. This garage is also one (1) foot, plus or minus, from the Mowery's property line which Mrs. Mowery brought to the attention of the Z.B.A. at the Public Hearing. When I contacted the neighbors on this, they came into my office with their attorney to complain. I reviewed both our Zoning laws and the Building codes with their attorney who in turn explained it to his clients.

The neighbors then went and complained to Stella Orzechowski who sold them their house.

I do realize that this structure is larger looking than your Board possibly anticipated, however, please note that the plans for construction with the sizes was submitted to the Z.B.A. and that I

page 2

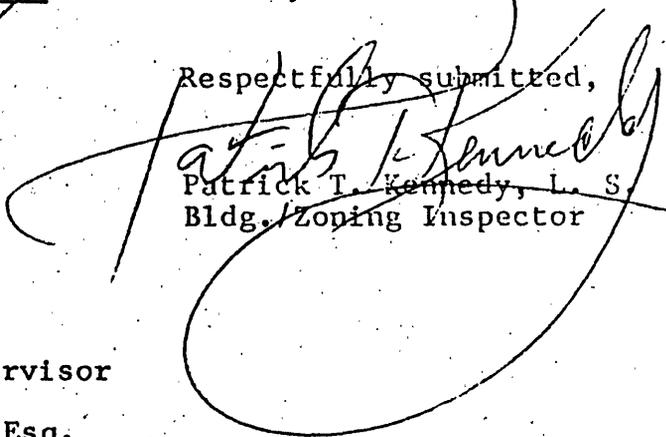
To: Mr. Daniel P. Konkol, Chairman Zoning Board of Appeals

October 16, 1984

brought it to your attention personally, Mr. Chairman, after your complaining about what I accepted as plot plans, that what you were reviewing for the Mowery's was in no way, shape or form, a proper site plan. If it had been, when you reviewed with the Mowery's where they could legally build it, you would have been more aware of what it would look like.

The only violations out there right now are those of the neighbors, who have been contacted on such and I, at this time, will not issue a Stop Order to the Mowery's.

Respectfully submitted,

  
Patrick T. Kennedy, L. S.  
Bldg./Zoning Inspector

PTK/mfb

cc: John A. Petro, Supervisor  
Town Board Members  
Andrew S. Krieger, Esq.  
Mrs. Mowery

*Memo*

FROM: ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550

TO: TOWN BUILDING/ZONING OFFICER

DATE: 10/10/84

SUBJECT: ZONING VIOLATIONS

---FOLD HERE---

It has come to the attention of this Board that the following items may be in violation of the Zoning Local Law:

- (1) Windsor Highway Sunoco - Installation of canopy
  - (a) Did applicant receive approval for this canopy? Was a building permit issued requesting height variance and how come this was never referred to ZBA?
- (2) Honda Motorcycles - Signs
  - (a) There are more signs on premises than were approved by ZBA.
- (3) European Auto - Sign - Union Avenue
  - (a) This sign never received approval of ZBA.

/pd

by Daniel P. Konkol, Chairman



# TOWN OF NEW WINDSOR

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

October 29, 1984

1763

Supervisor John A. Petro  
Town Board Members  
555 Union Avenue  
New Windsor, N. Y. 12550

RE: BUILDING PERMIT #2573 - MOWERY

Gentlemen:

The Board has knowledge of the situation pertaining to the above building permit and the Zoning Board of Appeal's letter request to the Building Inspector to attend the meeting of October 22, 1984 for purposes of explanation. This is to advise that Mr. Kennedy did not attend and his reply was in the form of a letter dated October 16, 1984, which I have attached hereto. I find this explanation totally unacceptable and incoherent.

Accordingly, the permit was issued on the basis that it was an accessory building. From reports rendered to this Board, the previous existing structure was a fenced-in dog pen with a canvas roof. The structure that is now being constructed is substantial and appears to be in violation of Section 48-14 of the New Windsor Zoning Local Law.

At the October 22, 1984 meeting there were several disturbed taxpayers in attendance relative to the Mowery project. Even though our Board had a very heavy agenda for that evening, we extended the courtesy and time to allow these people to express themselves. We also had our Attorney, Andrew S. Krieger, explain the functions and duties of the Zoning Board and what remedies could be sought under Article 78 proceedings.

The matter of Mowery and the hideous building that he continues to construct with the sanction of the Building Inspector, is a very serious problem that could result in legal ramifications. Accordingly, the Zoning Board of Appeals is referring the matter to the Town Board for resolution. The Town Board is advised to be very cognizant of the effect that their decision will have on the Zoning Code and its enforcement in the future.

This Board has also requested information on other zoning violations and has not had the courtesy of a reply. Word has filtered back to this Board on other projects that the Building Inspector has stated that he is not answerable to the ZBA or Town Board. It is apparent that the Building Inspector must

October 29, 1984

RE: Building Permit #2573 - MOWERY

have his duties and obligations explained to him as a Town Employee. He should also be admonished for his actions which are not commensurate with the office that he is representing and which could subject the Town to exposure to possible litigation.

Very truly yours,



DANIEL P. KONKOL, Chairman  
NEW WINDSOR ZONING BOARD OF APPEALS

DPK/pd

Enclosures: 2

cc: ZBA Members  
Henry Reynolds, Chairman - Town Planning Board  
J. Tad Seaman, Esq., - Attorney's Office  
Andrew S. Krieger, Esq., Attorney for ZBA



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

October 30, 1984

1763

Lawrence Mowery  
and  
Mrs. Johanna Mowery  
69 Broad Street  
New Windsor, N. Y. 12550

Re: Stop Order on Building Permit #2573

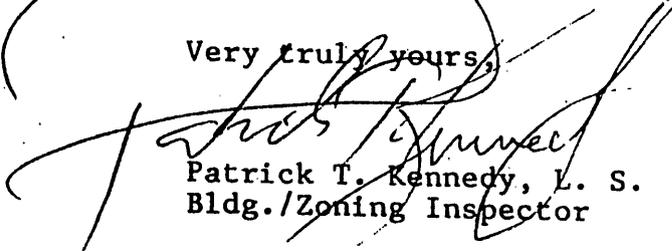
Dear Mrs. Mowery:

Please find enclosed a Stop Order on your Building Permit #2573 to construct your proposed garage.

This Order comes by way of an order from the Town Board whose direction I must follow.

I hope to have this matter resolved very soon.

Very truly yours,

  
Patrick T. Kennedy, L. S.  
Bldg./Zoning Inspector

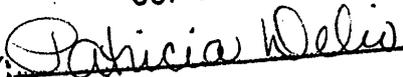
PTK/mfb

encl.

CC: John A. Petro, Supervisor  
Town Board Members  
Zoning Board of Appeals

RECEIVED  
ATTORNEY'S OFFICE  
TOWN OF NEW WINDSOR

OCT 31 1984

BY: 

10 Lawrence, ...  
69 Bradford Ave.  
New Windsor, N.Y. 12551

No. ....

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

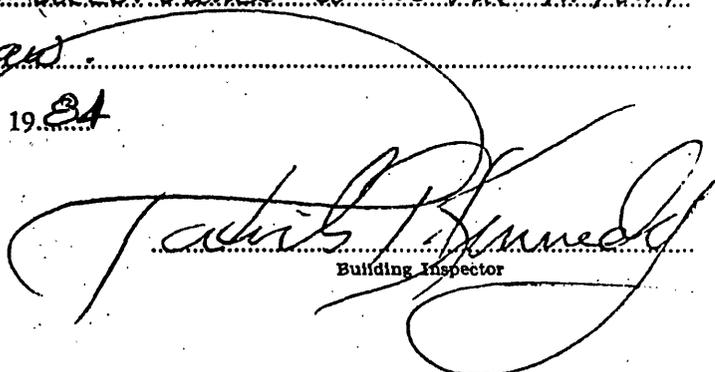
STOP ORDER

All work contemplated to be done under Building Permit No. 2573 shall be forthwith suspended and all persons shall stop work thereon until this STOP ORDER has been rescinded.

This Order will be rescinded upon the following conditions:

*Determination by The Town Board that the structure proposed under the Building Permit is not being constructed in accordance with the intent of the zoning Law.*

Dated: *October 30*, 19*84*



Building Inspector

STOP ORDER RESCINDED

Dated: ....., 19.....

.....  
Building Inspector

Name of Owner of Premises ..... **LAWRENCE C. MCWERY and JOHANNA C. MCWERY** .....  
 Address ..... **69 BRADFORD AVENUE, NEW WINDSOR, NY** ..... Phone ..... **914-562-4883** .....  
 Name of Architect .....  
 Address ..... Phone .....  
 Name of Contractor ..... **MARIO CANOVA** .....  
 Address ..... **81 MAPLE STREET, NEWBURGH, NY** ..... Phone ..... **914-562-5422** .....  
 State whether applicant is owner, lessee, agent, architect, engineer or builder: ..... **OWNER** .....  
 If applicant is a corporation, signature of duly authorized officer: .....

.....  
 (Name and title of corporate officer)

1. On what street is property located? On the **NORTH** side of **BRADFORD AVENUE**  
 and **34'** feet from the intersection of **(N. S. E. or W.)** **BLANCHE AVENUE**
2. Zone or use district in which premises are situated ..... **R4** .....
3. Tax Map description of property: Section..... **13** ..... Block..... **9** ..... Lot..... **17** .....
4. Size of lot: Front..... **90** ..... Rear..... **90** ..... Depth..... **40** ..... Front Yard..... --- ..... Rear Yard..... **3'6"** ..... Side Yard..... **EAST 12'**  
**WEST 41' 10"**  
 Is this a corner lot?..... **YES** .....
5. State existing use and occupancy of premises and intended use and occupancy of proposed construction:  
 a. Existing use and occupancy..... **RESIDENTIAL** ..... b. Intended use and occupancy..... **GARAGE and STORAGE** .....
6. Nature of work (check which applicable): New Building.....  ..... Addition..... Alteration..... Repair.....  
 Removal..... Demolition..... Other.....
7. Dimensions of entire new construction: Front..... **24'** ..... Rear..... **24'** ..... Depth..... **20'** ..... Height..... **10'** ..... Stories..... **1** .....
8. Material of new construction..... **BLOCK** .....
9. If dwelling, number of dwelling units..... --- ..... Number of dwelling units on each floor..... ---  
 Number of bedrooms..... --- ..... Baths..... --- ..... Toilets..... ---  
 Heating Plant: Gas..... --- ..... Oil..... --- ..... Electric..... --- /Hot Air..... --- ..... Hot Water..... ---  
 • If Garage, number of cars..... **1** .....
10. If business, commercial or mixed occupancy, specify nature and extent of each type of use..... **GARAGE and STORAGE** .....
11. Estimated cost ..... Fee .....  
 (to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

### IMPORTANT

#### REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

#### CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-When excavating is complete and footing forms are in place (before pouring).
- 2-Foundation Inspection - check here for waterproofing and footing drains.
- 3-Inspect gravel base under concrete floors, and underslab Plumbing.
- 4-When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5-Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.

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

9/11/84  
84-10 Previous file

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. .... Date May 25, 1984

To Lawrence C. & Johanna C. Mowery 562-4883  
69 Bradford Ave.  
New Windsor, New York 12550

PLEASE TAKE NOTICE that your application dated May 25, 1984  
for permit to Construct a concrete Block Garage  
at the premises located at 69 Bradford Ave.

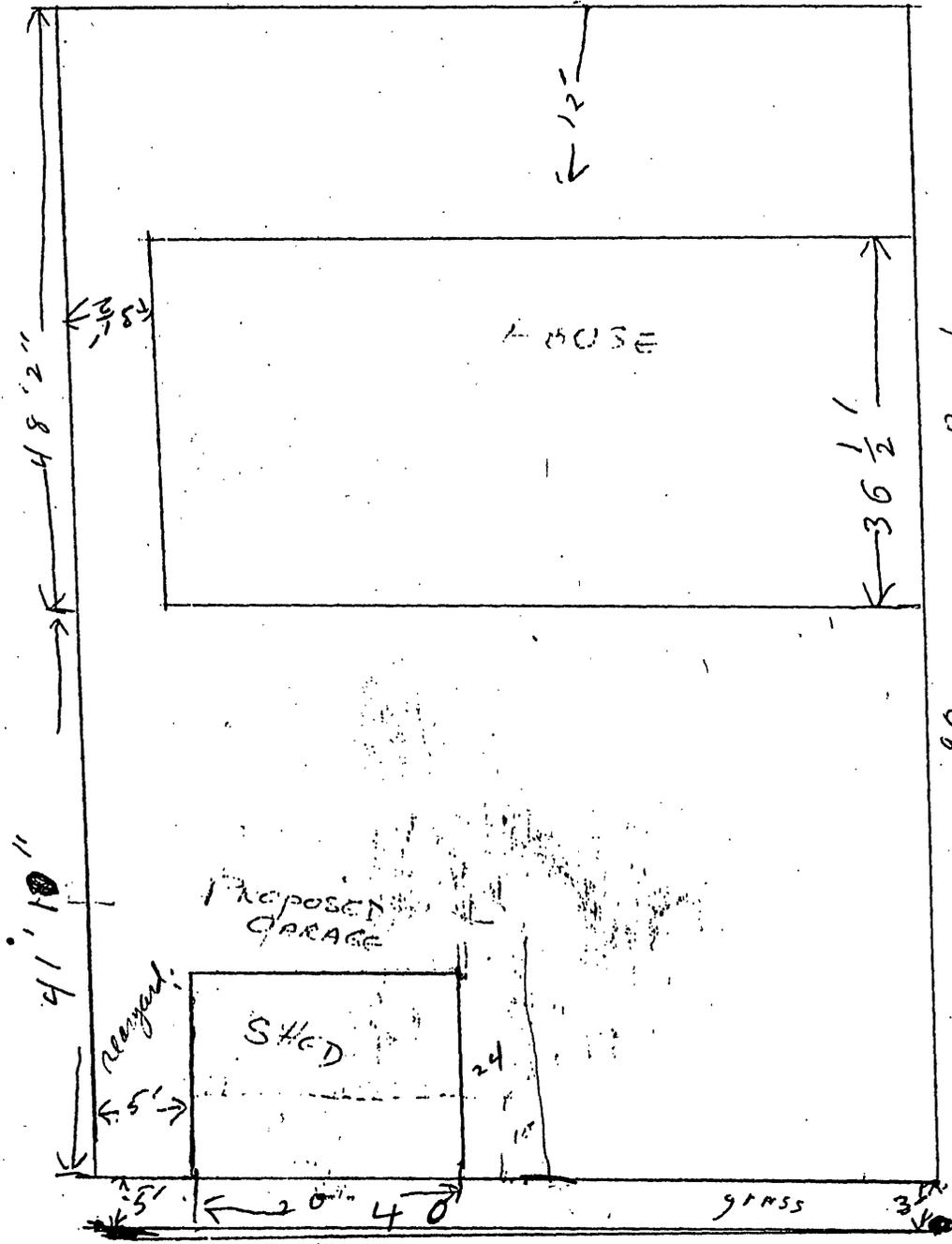
is returned herewith and disapproved on the following grounds:

Does not meet required <sup>rear</sup> front side yard requirements  
for R-4 zone.

35' rear yard  
10' side yard

James P. Kennell  
Building Inspector

E



N

90' 5" Road

BRADFORD

Road

W Blanch Ave

INTER-OFFICE CORRESPONDENCE

TO: TOWN SUPERVISOR PETRO  
COUNCILWOMAN DONACHIE  
COUNCILMAN HEFT  
COUNCILMAN MARSDEN  
COUNCILMAN ROSSINI  
ZONING BOARD OF APPEALS  
TOWN PLANNING BOARD  
BUILDING/ZONING OFFICER KENNEDY  
TOWN ENGINEER CUOMO

FROM: ATTORNEY FOR THE TOWN SEAMAN

SUBJECT: MOWERY BUILDING PERMIT #2573

DATE: November 2, 1984

I have been requested to review the circumstances surrounding the issuance of a building permit for the construction of a 20' x 24' garage and storage building as requested by Lawrence C. and Johanny C. Mowery of 69 Bradford Avenue, New Windsor, N. Y.

After application to the Building/Zoning Officer for a building permit, a disapproval was issued on May 25, 1984. On June 11, 1984, Lawrence C. Mowery appeared before the ZBA to explain his proposed structure and a public hearing was authorized to be scheduled. On August 12, 1984, Mr. Mowery again appeared before the ZBA at a public hearing for an application for a variance. Allegedly, the ZBA discussed alternatives to the plan of construction, all of which were rejected by Mr. Mowery. After the ZBA denied the variance, apparently Mr. Mowery came back with an amended plan which, in the opinion of the Building/Zoning Officer, conformed to one of the recommended alternatives that the ZBA discussed with Mr. Mowery at either the public hearing or the preliminary meeting held on June 11, 1984. The Building/Zoning Officer has stated that he issued the building permit because he thought the plan as modified conformed with a plan that would be accepted by the ZBA.

It appears that, notwithstanding that the amended plan that was presented to Mr. Kennedy, may have been acceptable to the ZBA, it still requires a variance to be authorized by the Town of New and, therefore, the issuance of a building permit was improper.

It appears that the problem arose not through wilful disregard of the authority of the Building/Zoning Officer or the ZBA, but rather the existence of a lack of communication between the Building Inspector/Zoning Officer and the ZBA. The Building/Zoning Officer, and especially Mr. Kennedy, due to his surveying background, probably has more direct contact with the history of the case and the particular property involved than anyother person in Town.

November 2, 1984

RE: MOWERY BUILDING PERMIT #2573

It seems that the Building/Zoning Officer should be in attendance at the ZBA meetings so as to give this valuable input to the Zoning Board and be available to answer questions that the ZBA may have concerning the proposed variances and the situation existing on the subject property and the surrounding properties. It is a common practice with neighboring municipalities to have the Building/Zoning Officer present at ZBA meetings. I believe the Building/Zoning Officer can also better monitor the intentions of the ZBA if he is exposed to their discussions and reasoning when rendering decisions.

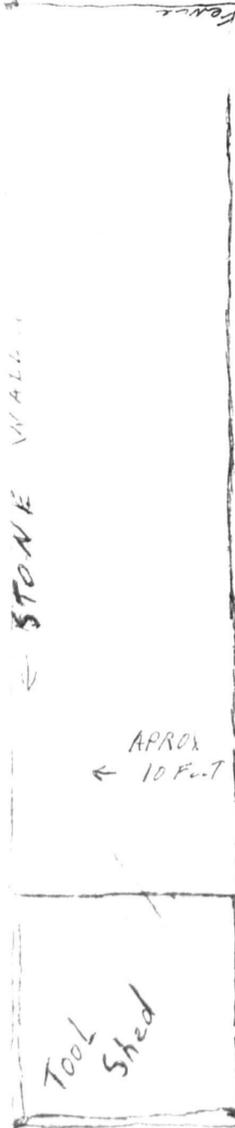
The Town Board employs the Building/Zoning Officer and he is directly responsible to the Town Board for his actions. In the event the Town Board deems it necessary or advisable to have the Building/Zoning Officer attend all ZBA meetings, they should so direct him to attend these meetings on a regular basis. The Building/Zoning Officer is not under the jurisdiction of the ZBA, pro se, however, once the ZBA has rendered a decision or interpretation of the Zoning Local Law, the Building/Zoning Officer is bound by its decision. In the instant situation, an error was made in the issuance of the building permit. Since a stop order has been issued, Mr. Mowery should come before the ZBA with an amended plan (which I presume will be the current construction plan) and seek approval from the ZBA. If approval is granted, the stop order should be terminated. If the approval is denied, Mr. Mowery can either do nothing or present other plans to the ZBA for approval. If no plans are ever approved (or presented to the ZBA), or if a modification of the proposed building is necessary, the Town will be liable to Mr. Mowery for the money expended in constructing the portion of the garage or for materials purchased for the construction of the garage as anticipated pursuant to the improperly issued building permit.

J. Tad Seaman

JTS:pd

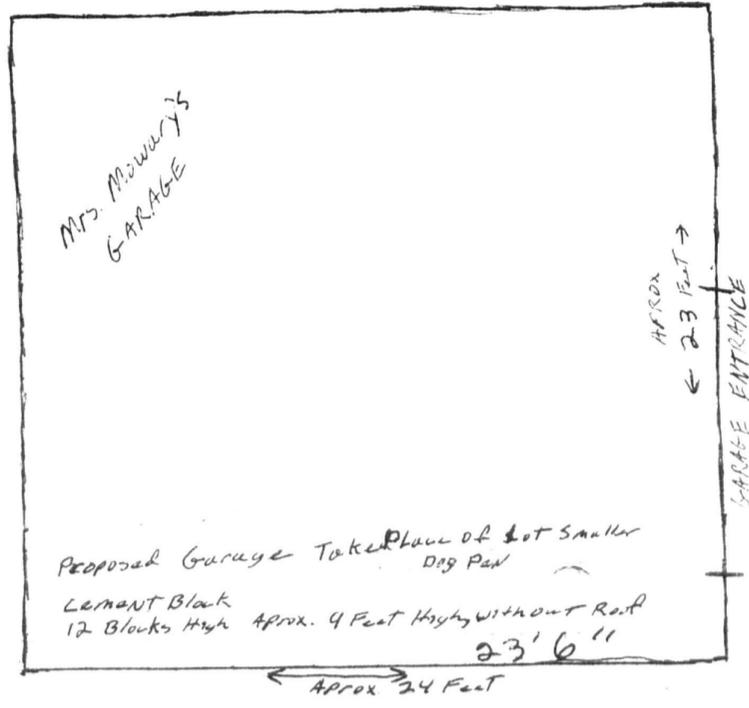
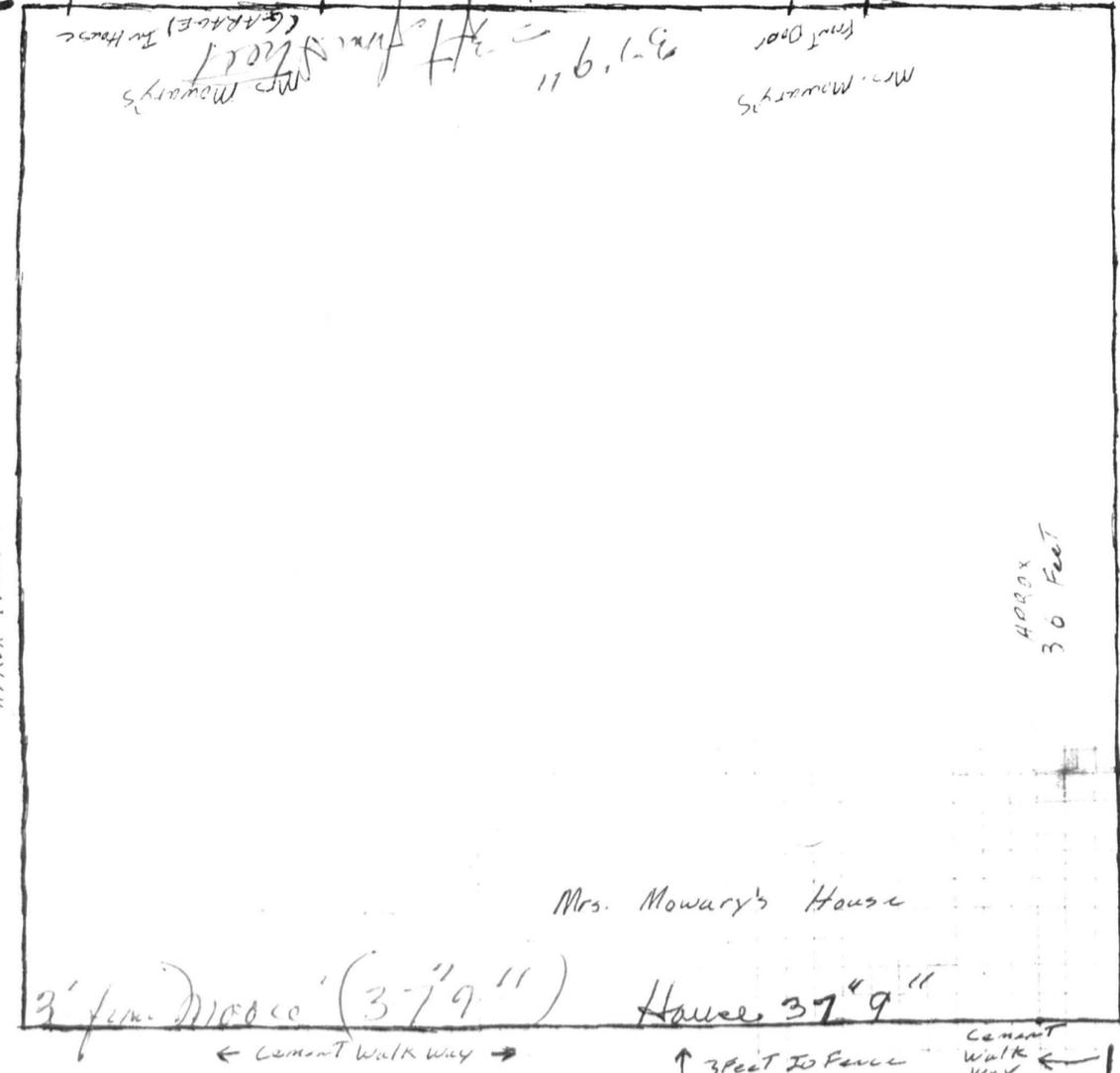
STONE WALL

STONE WALL



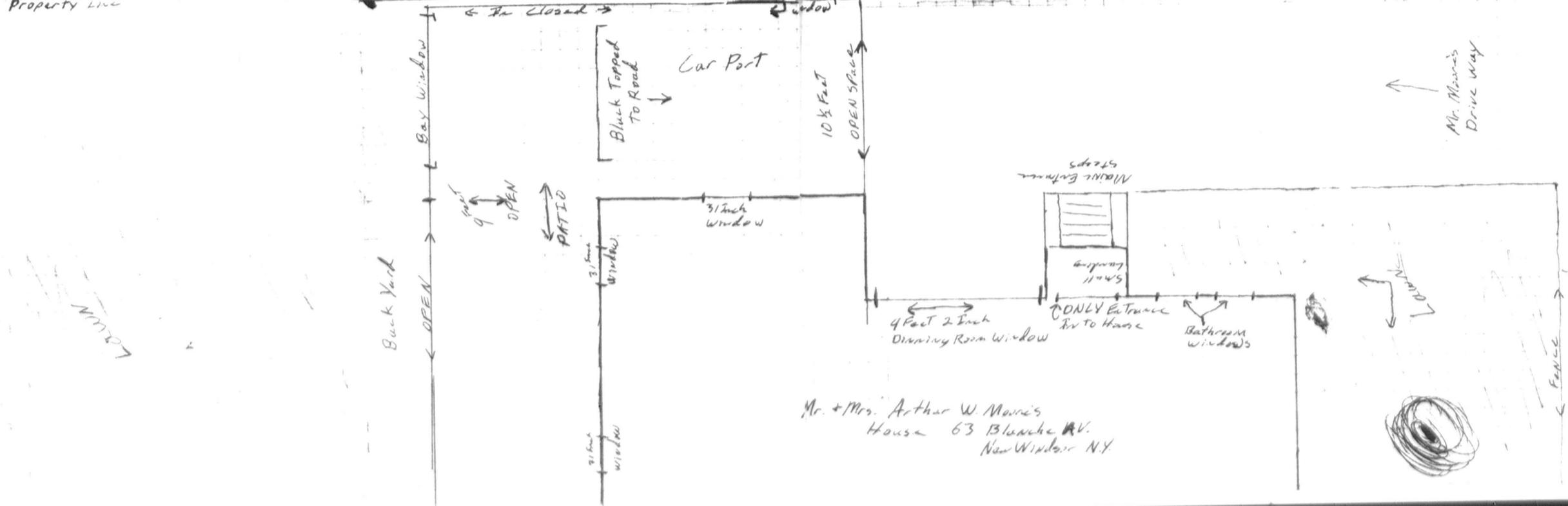
← BRADFORD AVE. →

← BRADFORD AVE. →



Property Line

PROPERTY LINE



BLANCHE AVE.