

**ZB# 85-8**

**James Moroney**

**4-1-9.22**

Prelim. meeting:

2/25/85. ①

Applications sent to  
2/14/85. Shaw Engineering Rd.

Notice to The Sentinel  
on 2/22/85. - T.J.

2<sup>nd</sup> on 2/22/85

DCPD notified on 2/26/85.

Assessor's List ordered  
on 2/21/85.

Public Hearing:

3/1/86.

Variance

Granted 3/11/85.

Maroney, James - Proposed Extension <sup>#65-8</sup>  
(Area Variances)

# General Receipt

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

6272

Feb. 26 19 85

Received of Jim Moroney's Inc. \$ 50<sup>00</sup>/<sub>100</sub>

Fifty and 00/100 DOLLARS

For Z.B.A. Application Fee 85-8

DISTRIBUTION:

FUND	CODE	AMOUNT
Check # 50.00		
# 12820		

By Pauline T. Townend  
Town Clerk  
Title

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

13

## Oxford

RESOLITE

MADE IN U.S.A.

NO. 753 1/3

1-3695 Greg Shaw.

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 28<sup>th</sup> day of February A.D., 1985  
and ending on the 28<sup>th</sup> day of February  
A.D. 1985

Subscribed and shown to before me  
this 31<sup>st</sup> day of May, 1985

Patricia Delio

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

My commission expires 5/30/87

**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 follow-  
ing proposition:  
Appeal No. 8  
Request of JAMES MORONEY  
for a VARIANCE of the regula-  
tions of the Zoning Ordinance  
to permit construction of a 32  
ft. x 68 ft. addition to be located  
on the south side of the existing  
building with insufficient front-  
yard, sideyard, height and floor  
area ratio, being a VARI-  
ANCE of Section 48-12 Table of  
Bulk Regs. Cols. 6, 7, 9 and  
10, for property situated as fol-  
lows:  
Known as Jim Moroney's Cycle  
Shop, located on the wester-  
ly side of Union Avenue, ap-  
proximately 1000 ft. north of  
Route 207, Town of New Wind-  
sor, N.Y., known and desig-  
nated as Tax Map Section 4-  
Blk. 1-Lot 9.22.  
SAID HEARING will take place  
on the 11th day of March, 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  
By: Patricia Delio  
Secretary

PATRICIA DELIO  
NOTARY PUBLIC, State of New York  
No. 5970776  
Qualified in Orange County  
Commission Expires March 30, 1987



1763

# TOWN OF NEW WINDSOR

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

Date: March 12, 1985

Mr. Gregory J. Shaw, P. E.  
SHAW ENGINEERING  
182 Grand Street  
Newburgh, N. Y. 12550

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS  
# 85-8 - MORONEY, JAMES

Dear Greg:

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 March, 1985.

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

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

**THIS INDENTURE**, made the 26<sup>th</sup> day of October, nineteen hundred and **seventy-one**  
**BETWEEN** **HAROLD ADAMS**, residing at Highland Avenue (no number),  
Maybrook, New York,

party of the first part, and **JAMES MARONEY**, residing at R.F.D. #1,  
Drury Lane, Rock Tavern, New York,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of **TEN & 00/100**

**(\$10.00)** - - - - - dollars,

lawful money of the United States and other good and valuable considerations paid  
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

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

BEGINNING at a point on the westerly side of Union Avenue, said point  
of beginning being located 500 feet southerly, as measured along the  
westerly line of Union Avenue, from the southeast corner of lands be-  
longing to the Town of New Windsor, said point of beginning also being  
located 500 feet southerly, as measured along the westerly line of  
Union Avenue, from the northeast corner of lands conveyed by Zaklasnik  
to Patsalos on the westerly side of Union Avenue by deed recorded in  
the Orange County Clerk's Office in Liber 1735 of Deeds at Page 869;  
thence from said point of beginning and through lands of Patsalos,  
North 60° 55' 45" West 217.96 feet to a point in the easterly line  
of the N.Y.S. Thruway; thence along the easterly line of the N.Y.S.  
Thruway, on the next two courses and distances, North 20° 18' 25"  
East 100.10 feet to a concrete monument; thence North 20° 03' 55"  
East 103.30 feet to a point; thence through lands now or formerly  
of James Patsalos, South 60° 42' 30" East 249.93 feet to a point in  
the westerly line of Union Avenue; thence along the westerly line of  
Union Avenue, on the remaining courses and distances, South 29° 17'  
30" West 135.42 feet to an angle point; thence South 29° 04' 15"  
West 64.58 feet to the point of beginning.

Containing 1.08 acres more or less,

EXCEPTING from the above so much as was conveyed to the N.Y.S.  
Thruway Authority and to the Town of New Windsor or County of  
Orange for highway purposes

party of the first part, and JAMES MARONEY, residing at R.F.D. #1,  
Drury Lane, Rock Tavern, New York,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of TEN & 00/100

(\$10.00) - - - - - dollars,

lawful money of the United States and other good and valuable considerations paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at a point on the westerly side of Union Avenue, said point of beginning being located 500 feet southerly, as measured along the westerly line of Union Avenue, from the southeast corner of lands belonging to the Town of New Windsor, said point of beginning also being located 500 feet southerly, as measured along the westerly line of Union Avenue, from the northeast corner of lands conveyed by Zaklasnik to Patsalos on the westerly side of Union Avenue by deed recorded in the Orange County Clerk's Office in Liber 1735 of Deeds at Page 869; thence from said point of beginning and through lands of Patsalos, North 60° 55' 45" West 217.96 feet to a point in the easterly line of the N.Y.S. Thruway; thence along the easterly line of the N.Y.S. Thruway, on the next two courses and distances, North 20° 18' 25" East 100.10 feet to a concrete monument; thence North 20° 03' 55" East 103.30 feet to a point; thence through lands now or formerly of James Patsalos, South 60° 42' 30" East 249.93 feet to a point in the westerly line of Union Avenue; thence along the westerly line of Union Avenue, on the remaining courses and distances, South 29° 17' 30" West 135.42 feet to an angle point; thence South 29° 04' 15" West 64.58 feet to the point of beginning.

Containing 1.08 acres more or less.

EXCEPTING from the above so much as was conveyed to the N.Y.S. Thruway Authority and to the Town of New Windsor or County of Orange for highway purposes.

SUBJECT to such state of facts as an accurate survey and personal inspection may reveal provided same does not render title unmarketable

BEING a portion of the lands conveyed to James Z. Patsalos by Frank A. Zakary, Horace L. Zakary, Walter G. Zakary and Robert F. Zakary by deed dated December 27, 1965 and recorded in the Orange County Clerk's office on January 27, 1966 in Liber 1735 of Deeds at Page 869.

BEING the same premises described in a deed dated June 10, 1969 made by James Z. Patsalos to Harold Adams, recorded in the Orange County Clerk's office on June 23, 1969 in Liber 1822 of Deeds at page 1051.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

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

**IN PRESENCE OF:**

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

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

IN PRESENCE OF:



**Harold Adams**

STATE OF NEW YORK, COUNTY OF Orange ss:

On the 26<sup>th</sup> day of October 1971, before me personally came HAROLD ADAMS

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*[Signature]*  
MILTON M. SCHUSCHWEIM  
Notary Public, State of New York  
Qualified in Orange County  
Orange County No. 544  
Commission Expires March 30, 1973

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he is the \_\_\_\_\_ of \_\_\_\_\_, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he knows \_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITHOUT COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. RD - 33-1144

HAROLD ADAMS

TO

JAMES MARONEY

SECTION \_\_\_\_\_  
BLOCK \_\_\_\_\_  
LOT \_\_\_\_\_  
COUNTY OR TOWN \_\_\_\_\_

*3025*  
*551*

Recorded At Request of The Title Guarantee Company  
RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by  
**THE TITLE GUARANTEE COMPANY**  
  
*10/26/71*

**SCOTT & HOYT & DRAKE**  
Box 511, 233 LIBERTY STREET  
NEWBURGH, N. Y. 12550

RECORDING OFFICE

REAL ESTATE STATE OF NEW YORK

*ffice, s.s.*  
*5th day*  
*10-25*  
*ber 1888*  
*ge 1045*  
*[Signature]*

*Milton M. Schusheim*  
 MILTON M. SCHUSHEIM  
 Notary Public, State of New York  
 Qualified in Orange County  
 Orange County No. 544  
 Commission Expires March 30, 1973

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he is the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he knows \_\_\_\_\_

\_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw \_\_\_\_\_ execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITHOUT COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. RD - 33 - 1144

HAROLD ADAMS

TO

JAMES MARONEY

SECTION

BLOCK

LOT

COUNTY OR TOWN

*30-25  
55-10*

Recorded At Request of The Title Guarantee Company  
 RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**THE TITLE GUARANTEE COMPANY**



*10/26/71*

**SCOTT & HOYT & DRAKE**

Box 511, 233 LIBERTY STREET  
 NEWBURGH, N. Y. 12550

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE COUNTY  
 0 2 3 9 1 9  
 REAL ESTATE TRANSFER TAX STATE OF NEW YORK  
 Dept. of Taxation & Finance OCT 28 '71  
 RR 10951  
 = 30.25  
*TOD*

Orange County Clerk's Office, S.S.  
 Recorded on the 28th day  
 of Oct. 19 71 at 10:25  
 o'clock A. M. in Liber 1888  
 and Examined Dee A at page 1045

*C. N. Winters*

LIBER 1888 PG 1047

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 85-8

Date: 2/21/85

I. Applicant Information:

- (a) JAMES MORONEY, 813 Union Avenue, New Windsor, N. Y. x  
(Name, address and phone of Applicant) (Owner)
- (b) n/a  
(Name, address and phone of purchaser or lessee)
- (c) n/a  
(Name, address and phone of attorney)
- (d) n/a  
(Name, address and phone of broker)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Special Permit

III. Property Information:

- (a) OLI 813 Union Avenue, New Windsor 4-1-9, 22 1.08 acres ±  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? yes When? 1973
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance: n/a

- (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., Cols. 6, 7, 9 & 10.

Requirements	Proposed or Available	Variance Request
Min. Lot Area 80,000 s.f.	47,045 s.f.	-
Min. Lot Width 200 ft.	200 ft.	-
Reqd. Front Yd. 100 ft.	98 ft.	2 ft.
Reqd. Side Yd. 50' / 110'	15' / 68'	35' / 42'
Reqd. Rear Yd. 50 ft.	52 ft.	-
Reqd. Street Frontage*		-
Max. Bldg. Hgt. 5 ft.	17 ft.	12 ft.
Min. Floor Area*		-
Dev. Coverage* %	%	- %
Floor Area Ratio** .20	.26	.06

\* 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 attached Insert I

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VI. Sign Variance: n/a

(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: n/a

(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.)

Presently there exists two concrete block walls which are attached to the building. The applicant wishes to enclose this area by means of the proposed addition which will be of the same character and construction of the existing structure.

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

X. AFFIDAVIT

Date February 25, 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.

S/ \_\_\_\_\_  
(Applicant)  
JAMES MORONEY

Sworn to before me this  
25th day of February, 1985.

S/

PATRICIA DELIO  
NOTARY PUBLIC, State of New York  
No. 6970776  
Qualified in Orange County  
Commission Expires March 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.

INSERT I

V(b) The existing building is situated in the center of a lot which is 59% of the minimum lot size required by the Zoning Local Law. By maintaining the minor setbacks required by the OLI zone, the applicant would not now, or in the future, be able to construct an addition of any size to his business without acquiring additional land.

Therefore, strict compliance with the Zoning Local Law would result in practical difficulties.

Additionally, the proposed request will not result in a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties.

Finally, no efforts have been made by applicant to alleviate this difficulty as there is no relief available other than the granting of the area variances requested.

NEW WINDSOR ZONING BOARD OF APPEALS

-----x  
In the Matter of the Application of

JAMES MORONEY

DECISION GRANTING AREA  
VARIANCES

# 85-8.

-----x  
WHEREAS, JAMES MORONEY of 813 Union Avenue,  
New Windsor, N.Y. (OLI zone), has made application before the  
Zoning Board of Appeals for area variances for the purposes of:  
construction of an addition which will require several area variances ;  
and

WHEREAS, a public hearing was held on the 11th day of  
March, 1985 before the Zoning Board of Appeals at the Town Hall,  
New Windsor, New York; and

WHEREAS, the applicants appeared with his engineer, Gregory J.  
Shaw, Shaw Engineering, Newburgh, N. Y.; 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 applicant has an existing  
building which is situated in the center of a lot which is 59% of  
the minimum lot size required by the Zoning Local Law.

3. The evidence shows that by maintaining the minor set-  
backs required by the OLI zone, the applicant would not now, or in  
the future, be able to construct an addition of any size to his  
business without acquiring additional land.

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

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

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

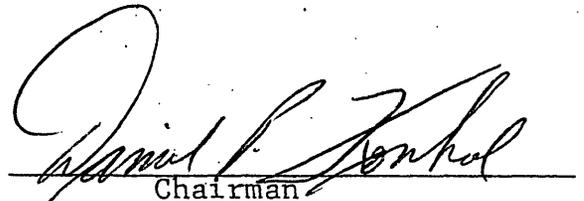
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a 2 ft. frontyard; 42 ft. sideyard; 12 ft. bldg. hgt., and .06% floor area ratio variances in accordance with plans submitted at the public hearing and dated 2/4/85.

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: March 25, 1985.

  
Chairman

3/11/85 -

Public Hearing - Moroney, James.

Name:

Address:

Mrs C James Moroney Newburgh NY

No 1677

APRIL 4, 1979

**BUILDING PERMIT**

FEE: 10.-

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N. Y., for building as described:

Owner's Name ... MORANEY, JAMES

Address ... 525 RIVER RD

Architect's Name .....

Address .....

Builder's Name ... OWNER

Address .....

Location of Building ... 813 UNION AVE ... 4-1-9.22

Material ... MASONRY ... Number of Stories ... Number of Families ...

Dimensions of Building ... 30 x 75 ... Dimensions of Lot ... 200 x 200

Use of Building ... ENCLOSE PARKING AREA ... Number of Bedrooms ...

Number of Toilets ... Number of Baths ...

Heating Plant .....

I am familiar with the Zoning Ordinance of the Town of New Windsor.

Remarks: .....

Signature of Applicant ... James Moroney

Approximate Cost \$ ... 2000.-

- Action of -
- Planning Board .....
- Highway .....
- Water .....
- Sewer .....
- Zoning Board of Appeals .....

*Howard R. Cavett*  
Zoning Officer

**IMPORTANT**

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

It is the responsibility of the owner and/or the contractor to comply with all applicable township ordinances and to call for the required inspections one day in advance.

1

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date February 25, 1985

To James Moroney 564-5400  
813 Union Ave.  
New Windsor, N.Y. 12550

Represented by:  
Greg Shaw, P.E.  
561-3695

PLEASE TAKE NOTICE that your application dated February 13, 1985

for permit to Construct a concrete block addition  
at the premises located at N. side Union Ave. (Moroney's Cycle Shop)  
Tax Map Section 4 Block 1 Lot 9.22

is returned herewith and disapproved on the following grounds: OLI zone variance required

	min req. provided	variance required
Front yd 100'	98'	2'
Side yd 53/100	53/68.2	41.8
max ht. 6' (5' this application)	17	12'

Note:

Applicant received a use variance on 3/5/73 for this site. However, no yard or Hgt variances were granted at that time.

Although applicant did receive a site plan approval on 6/27/73, the bldg. was not set per the approved plan.

*[Signature]*  
Building Inspector

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. 8

Request of JAMES MORONEY

for a VARIANCE ~~SPECIAL PERMIT~~ of  
the regulations of the Zoning Ordinance to

permit construction of a 32 ft. x 68 ft.  
addition to be located on the south side of  
the existing building with insufficient frontyard,  
sideyard, height and floor area ratio,  
being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 - Table of Bulk Reqs., Cols.6,7,9 & 10,  
for property situated as follows:

known as Jim Moroney's Cycle Shop, located on  
the westerly side of Union Avenue, approximately  
1000 ft. north of Route 207, Town of New Windsor, N.Y.,  
known and designated as Tax Map Section 4-Blk.1-Lot 9.22.

SAID HEARING will take place on the 11th day of  
March, 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



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

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

ZETA HOLDING CORP.  
P. O. Box 2175  
Newburgh, N. Y. 12550

UNION AVENUE ENTERPRISES  
P. O. Box 87  
Newburgh, N. Y. 12550

EDWARD L. GOLDIN  
% David Goldin & Son  
46 William Street  
Newburgh, N. Y. 12550

CITY OF NEWBURGH  
City Hall  
Broadway  
Newburgh, N.Y. 12550

FRANK and ANNA SCHAFFNER  
Route 207 - M. D. 29  
New Windsor, N.Y. 12550

JOHN J. O'NEILL, JR.  
101 Chestnut Drive  
New Windsor, N. Y. 12550

FENELON PROPERTIES INC.  
600 Route 46  
Clifton, N. J. 07017

INHALATION THERAPY CO., INC.  
600 Route 46  
Clifton, N. J. 07017

MOBIL OIL CORP.  
670 White Plains Road  
Scarsdale, N. Y. 10583

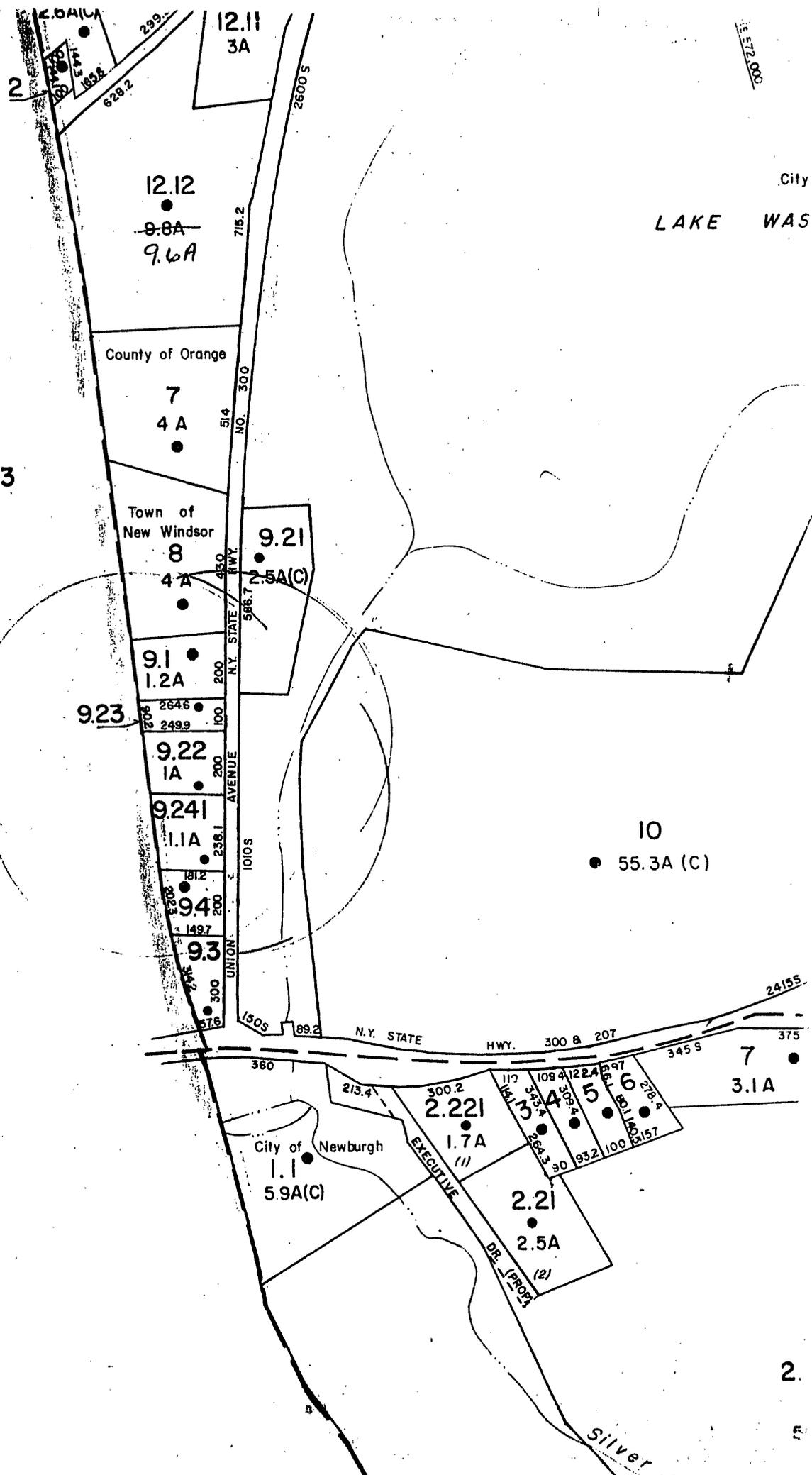
STATE OF NEW YORK  
Department of Public Works  
Union Avenue  
New Windsor, N. Y. 12550

HENRY A. & HELENE STELLWAG  
79 D'Alphonso Road  
Newburgh, N. Y. 12550

ANTHONY M. & MARY PAVLIK  
Silver Stream Road  
R. D. 1  
Newburgh, N. Y. 12550

SECTION 3

City  
LAKE WAS



SECTION 3

County of Orange

7

4 A

Town of  
New Windsor

8

4 A

9.1

1.2A

9.23

9.22

1A

9.24

1.1A

9.4

9.3

9.21

2.5A(C)

10

55.3A (C)

N.Y. STATE

HWY. 300 & 207

7

3.1A

City of Newburgh

1.1

5.9A(C)

2.221

1.7A

(1)

2.21

2.5A

(2)

Silver  
HELMER - CRONIN

1.2

43.3A (C)

State of New York

SECTION 32

2

5

2

10

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-2  
Date: January 2, 1973

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) JAMES MORONEY of River Road  
(Street & Number)

Newburgh New York HEREBY MAKE  
(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property Union Avenue (no number) OLI  
(Street & Number) (Zone)

B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article III §48-12

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: \_\_\_\_\_

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

2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Applicant's use is not inconsistent with other uses permitted in an OLI district nor is the use specifically prohibited in the OLI district

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

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicant owned the lot prior to the change in zoning on Union Avenue.

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

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The variance being sought between the OLI zone and the general business district is one of degree and would not change the character of the area, which is largely commercial and in which other variances have been granted.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: Other variances have been granted on Union Avenue for commercial uses, which are slightly different from those permitted in the zoned district but do not vary in such a degree as to constitute a frustration of the intent of the ordinance. In addition, the building when completed would constitute a desirable tax ratable for the Town.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The property is to be used for a cycle shop according to plans submitted herewith.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: January 2, 1973

James Moroney  
Signature of Applicant

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

Sworn to on this 2nd day of January, 1973.

River Road, Newburgh, New York

Address

562-1474

Telephone Number

Richard J. Drake  
(Notary Public)

J. DRAKE  
NOTARY PUBLIC IN THE STATE OF NEW YORK  
AND FOR ORANGE COUNTY

(DO NOT WRITE IN THIS SPACE)

Application No. 73-2

Date of Hearing 2/15/73

Date of Decision 2/5/73

Date Received 1/2/73

Notice Published 1/5/73

DECISION:

granted subject to rec. of O.C.P.D. site

**PUBLIC NOTICE OF HEARING BEFORE THE 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 48-33 A. of the Zoning Ordinance on the following proposition:

Appeal No. 2  
 Request of JAMES MORONEY for a Variance of the regulations of the Zoning Ordinance, to permit the construction and erection of a cycle center, this being a Variance of Article III, Section 48-12, for property owned by him situated as follows: on the westerly side of Union Avenue on premises near the Town of New Windsor Garage.

SAID HEARING will take place on the 15th day of Jan., 1973, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y., beginning at 8:30 o'clock P.M.

FRED WYGANT  
 Chairman  
 By Patricia Dello, Sec'y.  
 Jan. 5

State of New York  
 County of Orange, ss:  
 Olga Trachewsky  
 she , being duly sworn deposes and says that he is Principal Clerk of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published One Time in said newspaper, commencing on the 5th day of January A.D., 1973, and ending on the 5th day of January A.D., 1973

Subscribed and sworn to before me this 8th day of January 1973

*Olga Trachewsky*

*Robert J. Wachs*

Notary Public of the State of New York, County of Orange.  
 MY COMMISSION EXPIRES MARCH 30, 1974

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. .... Date JAN 10, 1972

To JAMES MORANEY

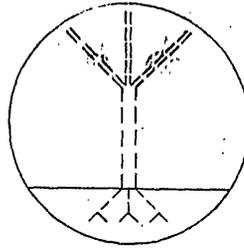
PLEASE TAKE NOTICE that your application dated JAN 3, 1972  
for permit to A CYCLE CENTER - FOR SALE OF MOTORCYCLES & REPAIR  
at the premises located at UNION AVENUE

is returned herewith and disapproved on the following grounds:  
NOT PERMITTED IN AN OLI ZONE

Howard R. Cozzit  
Building Inspector

# Department of Planning

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



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

# County of Orange

Louis V. Mills, County Executive

(Our File No. 73-19-M)

February 2, 1973

Mr. Fred Wygant, Jr., Chairman  
% Mrs. Patricia Delio, Secretary  
New Windsor Town Zoning Board of Appeals  
7 Franklin Avenue  
New Windsor, New York 12550

Re: Area and Use Variances - Moroney -  
County Road 38 (Union Avenue)

Dear Mr. Wygant:

We are in receipt of the above application to build a cycle center. Previously, we reviewed and denied the request. This renewed submission has been reviewed by us in accordance with the provisions of Sections 239, L and M, of the General Municipal Law. The following are our comments:

1. At the present time, the applicant owns and operates a shop on Route 9W (bicycles, motorcycles, and camping trailers are sold and serviced). We assume that the cycle shop will sell and service the same.
2. Our Department, in conjunction with the Zoning Commission, has tentatively designated Union Avenue as an office-service type district which will probably be a combination of selected OLI, LB, and GB uses. The proposed use could be included in this category provided that certain criteria are met; such as, prohibiting the outside storage of vehicles, equipment and supplies and requiring repairs to be done entirely on the inside of the building, so as to have a minimal effect on the adjoining office building.
3. On the basis of a field inspection, most of the site is wet. The septic tank and absorption field, upon installation, may not function properly because of this condition and could add to the possible contamination of Lake Washington. This problem should, in all likelihood, be lessened significantly when the area is connected to public sewers. As far as the wetness is concerned, it would be quite possible to erect a building on the site provided that fill material is suitable and drainage improvements are adequate. The applicant should consult with both the Orange

February 2, 1973

County Department of Public Works and the Soil Conservation Service regarding recommendations on needed improvements.

4. Although minimal, the applicant uses a certain amount of gasoline, grease, oil, etc. The applicant should indicate how such materials will be disposed of.
5. The plot plan should be revised to include a single entrance and exit, landscaping along both sides and in the front of the building, wider access drive to the service area (particularly for deliveries and maneuverability), and demarcation of parking stalls in the customer parking area.

Although the applicant has not substantiated the requirements for the granting of a use variance, it is our belief that the cycle center would not be inconsistent with the type of uses envisioned in the office-service district and would not be detrimental to this area. We, therefore, have no objection to the granting of both the area and use variances provided that the following criteria are complied with:

1. Should the Zoning Board approve the requests, site plans (with revisions) should eventually be submitted to us, the County Department of Public Works, and others for review.
2. Connection into the public sewerage system is essential since the soils have severe limitations for septic systems and the site is adjacent to Lake Washington. Final approval should be granted only when the area is serviced by public sewers.
3. Drainage improvements are also essential. The Soil Conservation Service, Department of Public Works, and Town Engineer should provide assistance in this regard.

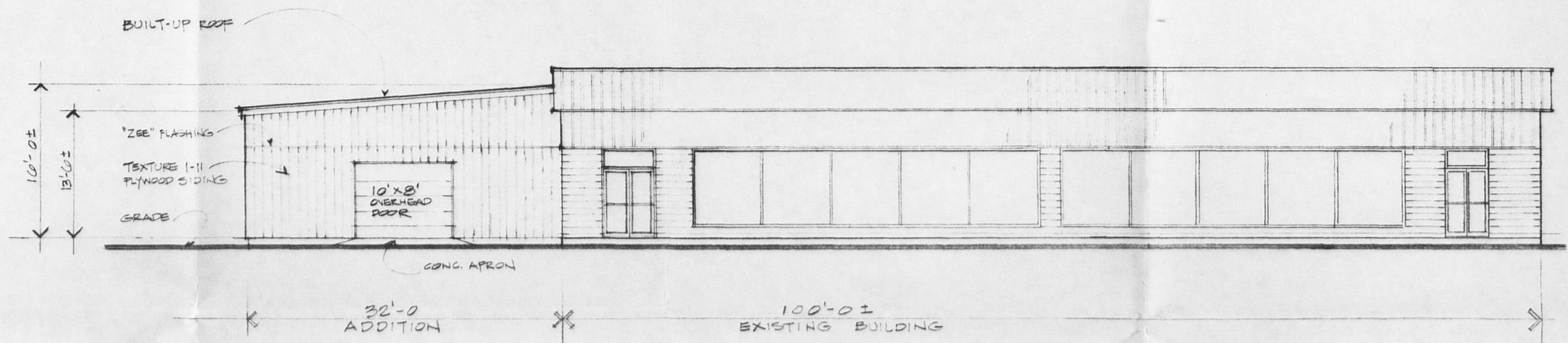
Very truly yours,

  
Peter Garrison  
Commissioner of Planning

PG:mj

cc: T. Marsden, Supervisor  
J. Tallarico, Pl. Bd.  
D. Lisack, DPW  
L. Wright, SCS  
B. Kessler, Tn.Eng.  
H. Hug, Nbg. City Mgr.  
R. Drake, Esq.

Reviewed by:  
Joel Shaw,  
Sr. Planner



PROPOSED ELEVATION 1/8" = 1'-0

PROPOSED ADDITION to:  
 JIM MORONEY CYCLE SHOP  
 UNION AVE. NEW WINDSOR, N.Y.  
 4 MAR 85

APPROVAL GRANTED  
 OF NEW WINDSOR PLANNING BOARD  
 -27-73  
 BY *[Signature]*

PATSALOS

SYMBOLS

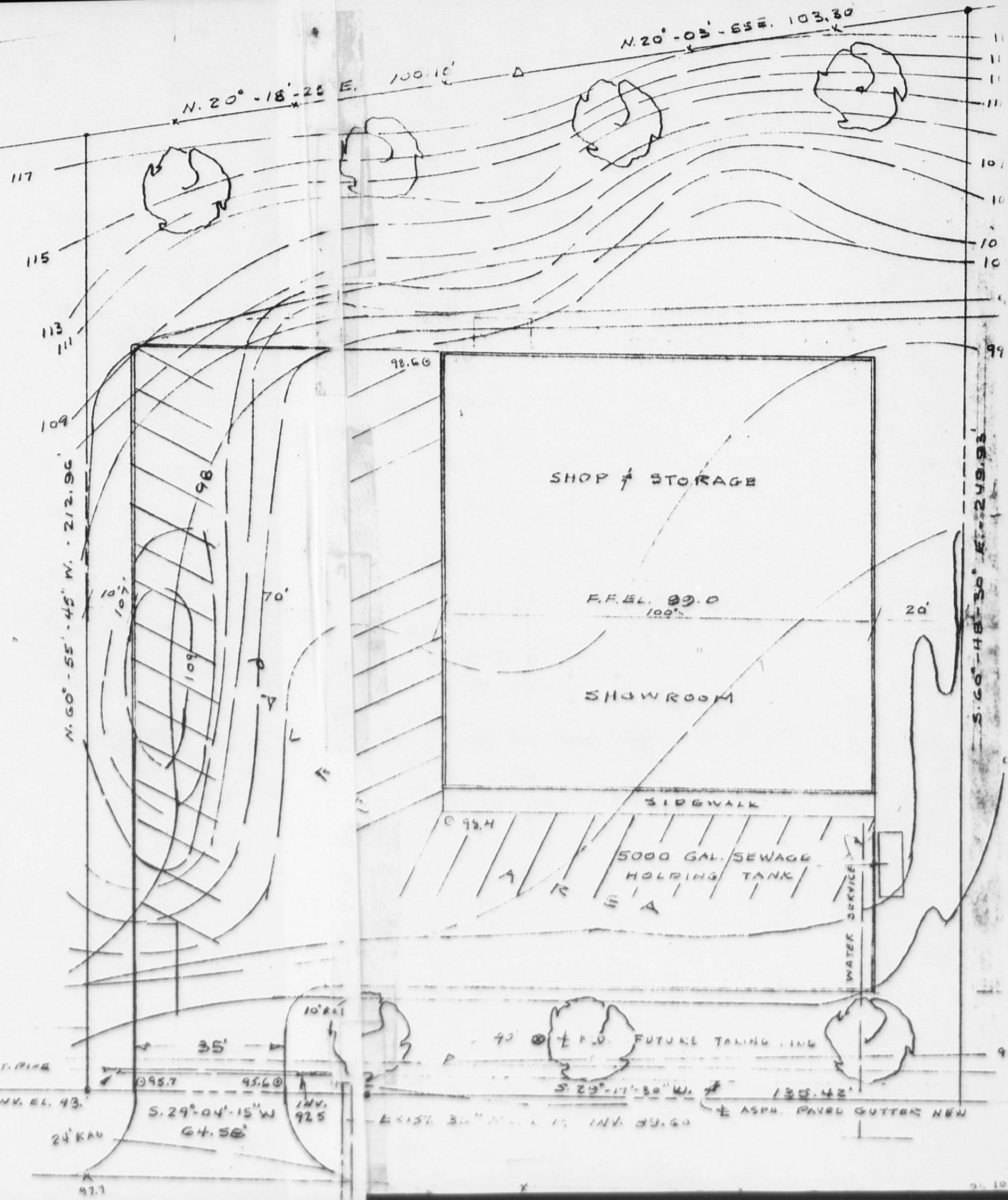
- EXIST. CONTOUR
- EXIST. ELEV.
- NEW CONTOUR
- NEW ELEV.
- NEW TREE

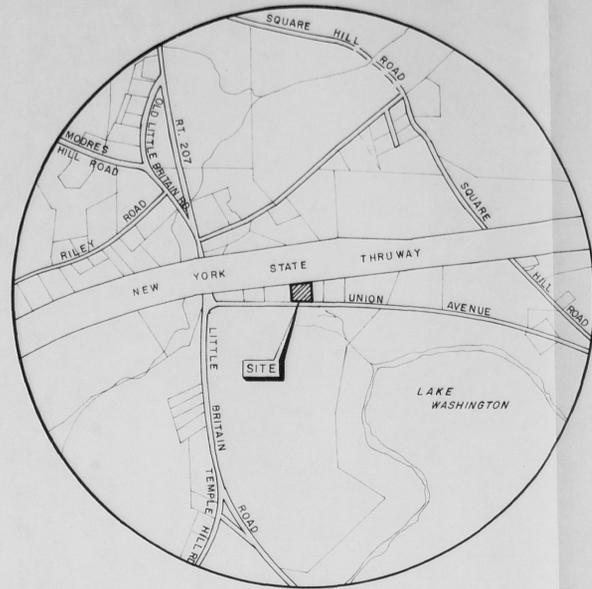


2132 ELEV. TO AT 100'

NEW 15" CUR. MET. PIPE

FIRE HYDRANT  
 TOP OF CUR. MET. PIPE  
 S.M. ELEV. 100.  
 ASSUMED DATA





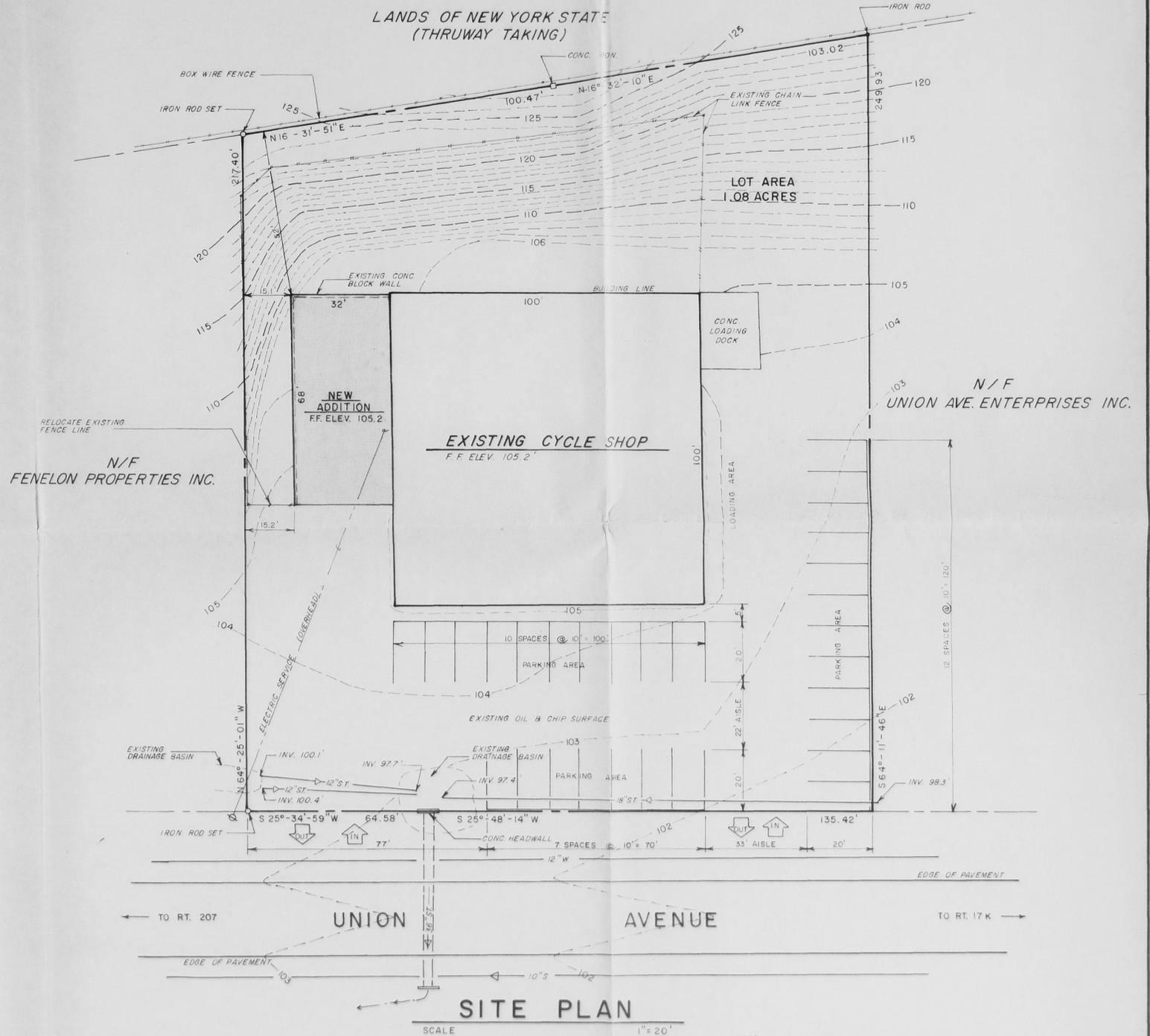
VICINITY MAP  
NOT TO SCALE

SITE PLAN ZONING SCHEDULE

ITEM (ZONE OLI)	REQUIRED	PROVIDED
Lot Area	80,000 S.F.	47,045 S.F.
Lot Width	200 FT.	200 FT.
Front Yard Depth	100 FT.	98 FT.
Side Yard Width-One	50 FT.	15 FT.
Side Yard Width-Both	110 FT.	68 FT.
Rear Yard	50 FT.	52 FT.
Floor Area Ratio	.20	.26
Max. Bldg. Hgt.	5 FT.	17 FT.
Off Street Parking:		
1. One Space For Every 200 S.F. Of Retail Area (4600 S.F.)	23 Spaces	23 Spaces
2. One Space For Every Employee	6 Spaces	6 Spaces
Total Spaces	29 Spaces	29 Spaces

LEGEND

EXISTING	NEW
100 CONTOUR LINE	100 FINAL GRADE
C.B. CATCH BASIN	C.B. CATCH BASIN
+ 101.5 SPOT ELEVATION	101.5 SPOT ELEVATION
6" W WATER MAIN	15" ST STORM SEWER
15" ST STORM SEWER	SWALE
UTILITY / LIGHT POLE	
E ELECTRIC	



SITE PLAN

SCALE 1" = 20'

NOTES

1. Site Plan information taken from drawing entitled "Survey Plat Of The Lands Of James Maroney, Situated In The Town Of New Windsor, Orange County, New York"; prepared by Gary C. Hoff P.L.S. and dated January 15, 1985.

**Shaw Engineering**  
Consulting Engineers  
162 Grand Street Newburgh N.Y. 12550

ISSUE	REVISION	DATE

Drawn By: *[Signature]*  
Checked By: *[Signature]*  
Scale: 1" = 20'  
Date: 2/4/85

Drawing: **SITE PLAN**  
Project: **ADDITION TO JIM MORONEY CYCLE SHOP**  
UNION AVE. NEWBURGH, N.Y.

Project No: **8430**