

ZB# 85-48

Herbert Langanke

4-1-32.21

Fellen:

12/9/85.

Public Hearing:

Jan. 27th - 7:30 pm

Notice to Sentinel

on 4/6/86.

Pat. Collect \$25.00 fee

Use Variance

Granted -

1/27/86

General Receipt

7274

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Feb 6 19 86

Received of Herbert Langanke \$ 25⁰⁰/₁₀₀

Twenty Five and 00/100 DOLLARS

For Zoning Variance Fee 85-48

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Check</u>	<u>25.00</u>	
<u># 2740</u>		

By Pauline H. Townsend

Town Clerk
Title

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

*App. furnished
to H.L. on 12/12/85.*

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X

In the Matter of the Application of
HERBERT LANGANKE,
#85-48.

DECISION: GRANTING
USE/AREA VARIANCES

-----X

WHEREAS, HERBERT LANGANKE, 27 Steele Road, New Windsor, N. Y., has made application before the Zoning Board of Appeals for use and area variances for the purpose of construction of a one-family residential dwelling in a PI zone; and

WHEREAS, a public hearing was held on the January 27, 1986 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself; 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 is seeking a use variance to allow the construction of a residential dwelling in a PI zone.

3. The evidence shows that applicant intends utilize a building lot which he purchased in 1973 which has insufficient rear yard in order to construct the dwelling.

4. The evidence shows that the building lot is located in a wooded area on Steele Road which has single family homes on both

sides of the road and that the lot slopes steeply down to Steele Road.

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

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

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

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

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

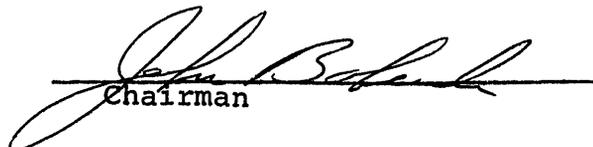
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANTS the following variances in accordance with plans submitted at the public hearing. (1) Use variance to allow one-family residential dwelling to be constructed in a PI zone; (2) 20 ft. rearyard variance.

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 and/or attorney.

Dated: February 10, 1986.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-48.

Date: 12/30/85

I. ✓ Applicant Information:

- (a) Herbert E LANGANKE 27 Steele Rd N.W.
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Special Permit

III. ✓ Property Information:

- (a) PI 26 Steele Road 4-1-32.21 20,158'
(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? 1973
- (e) Has property been subdivided previously? No When?
- (f) Has property been subject of variance or special permit previously? No When?
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use Regs., Col. A, to allow:
(Describe proposal) a single family residence to be constructed on Steele Road with a 20' rear yard.

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The building lot is located in a wooded area on Steele Road which has single family homes on both sides. This is the only possible use for this lot due to its location.

V. Area variance:

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

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>15,000</u>	<u>21,990</u>	
Min. Lot Width <u>100</u>	<u>224.7</u>	
Reqd. Front Yd. <u>35</u>	<u>60+</u>	
Reqd. Side Yd. <u>15/30</u>	<u>35/40</u>	<u>1</u>
Reqd. Rear Yd. <u>40</u>	<u>20</u>	<u>need 20</u>
Reqd. Street Frontage*	<u>204.7</u>	
Max. Bldg. Hgt. <u>35</u>	<u>24</u>	
Min. Floor Area* <u>1000</u>	<u>1980</u>	
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.

The building lot slopes steeply down to Steele Road. The top is level allowing for the possibility of construction AND ALSO a good view.

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.)

Allowing this variance will make it possible for me to construct a family house in harmony with the neighborhood. By keeping our backyard at 20 feet we will have a nice view and will be able to preserve the trees on the lower slopes.

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 \$25.00. payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 1/6/86.

STATE OF NEW YORK)
COUNTY OF ORANGE)

SS.:

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.

Herbert E Langoske
(Applicant)

Sworn to before me this

6th day of January, 1986.

Patricia Delio

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

XI. ZBA Action:

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

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



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

January 28, 1986

1763

Mr. Herbert Langanke
27 Steele Road
New Windsor, N. Y. 12550

RE: APPLICATION FOR USE VARIANCE
#85-48

Dear Mr. Langanke:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to grant the above request for a use variance. This decision was made at the January 27, 1986 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia Delio".

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector
Planning Board

Pat. 1/4/86

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 9th day of JANUARY A.D., 1986
and ending on the 9th day of JANUARY
A.D. 1986

**PUBLIC NOTICE OF HEARING
BERG ZONING BOARD
OF APPEALS
TOWN OF NEW WINDSOR**
PLEASE TAKE NOTICE that
the Zoning Board of Appeals
of the TOWN OF NEW WIND-
SOR, New York, will hold a
Public Hearing pursuant to
Section 48-34A of the Zoning
Local Law on the following pro-
position:
Appeal No. 48
Request of Herbert E.
Langanke for a VARIANCE of
the regulations of the Zoning
Ordinance to permit construc-
tion of single family residence
in a P1 zone with insufficient
rear yard
being a VARIANCE of Sec-
tion 48-9 Table of Use
Regs. Col. A and Section
48-12 Table of Bulk Regs. Col.
8 for property situated as
follows:
26 Steele Road, Town of
New Windsor, NY, known and
designated as Tax Map Sec-
tion 4, Block 1, Lot 32.21.
SAID HEARING will take
place on the 27th day of
January 1986 at the New
Windsor Town Hall, 555 Union
Avenue, New Windsor, NY,
beginning at 7:30 o'clock P.M.
DANIEL P. KONKOL
Chairman
By: Patricia Delio
Secretary

Subscribed and shown to before me
this 29th day of Jan., 1986.

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
Commission Expires March 30, 1987.

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

RE: PUBLIC HEARING BEFORE THE ZBA - January 27, 1986

DATE: January 16, 1986

Please be advised that the following public hearings will be heard before the Zoning Board of Appeals on the above date:

VON HALLE, DOROTHY - Area Variance
LANGANKE, HERBERT - Use Variance
SHIRMER/SCHMITZGER - Area Variance

I have attached hereto copies of the pertinent applications together with public hearing notices which were published in The Sentinel.

Patricia Delio, Secretary
Zoning Board of Appeals

/pd

Attachments

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

Prelim.
 12/9/85 7:30.
 (6)

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date 12 - 2 1985

To MR. Haribert E LANGANKE
 27 Steele Rd.
 New Windsor, N.Y.

PLEASE TAKE NOTICE that your application dated 12-2 1985
 for permit to Build Home
 at the premises located at 27 Steele Rd

is returned herewith and disapproved on the following grounds:
 Needs ^{Use} VARIANCE to put Home - Single Family in P.I
 ZONE Also Need 20' REAR YARD VARIANCE

John Finnegan Zoning Inspector
 Building Inspector

Requirements		Proposed or Available	Variance Request
Min. Lot Area	15,000	21,990	
Min. Lot Width	100	204.7	
Reqd. Front Yd.	35	60	
Reqd. Side Yd.	15/30	35/40	
Reqd. Rear Yd.	40F	20F	Need 20'
Reqd. Street Frontage*			

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 12-2, 1985

To MR. HERBERT E. LANGANKE
27 Steele Rd.
New Windsor N.Y.

PLEASE TAKE NOTICE that your application dated 12-2, 1985
 for permit to Build Home
 at the premises located at 27 Steele Rd

is returned herewith and disapproved on the following grounds:

Needs Use VARIANCE to put Home - Single Family in P.I
Zone Also Need 20' Rear Yard VARIANCE

John Finnegan zoning Inspector
 Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>15,000</u>	<u>21,990</u>	
Min. Lot Width <u>100</u>	<u>204.7</u>	
Reqd. Front Yd. <u>35</u>	<u>60</u>	
Reqd. Side Yd. <u>15/30</u>	<u>35/40</u>	
Reqd. Rear Yd. <u>40F</u>	<u>20F</u>	<u>Need 20'</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>35F</u>	<u>24'</u>	
Min. Floor Area* <u>1,000F</u>	<u>1,980</u>	
Dev. Coverage* <u>7%</u>	<u>7%</u>	
Floor Area Ratio**		

* Residential Districts only
 ** Non-residential districts only

Copy.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



11

December 17, 1985

1763

Mr. Herbert E. Langanke
7 Steele Rd
New Windsor NY 12550

Re: 4-1-32.21

Dear Mr. Langanke:

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

The charge for this service is \$35.00. Please remit the same to the Town Clerk, Town of New Windsor.

Very truly yours,

Christian E. Jahrling
(K)

CHRISTIAN E. JAHRLING, TAO
SOLE ASSESSOR
Town of New Windsor



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(11)

1763

✓ Macbeth Corporation
PO Box 950
Newburgh NY 12550

✓ Owegan Peter M
& Sharon L
419 Little Britain Rd
New Windsor NY 12550

✓ Smiley William H
& Winifred H
& Orié W & Ralph O
c/o Gertrude Smiley
421 Little Britain Rd
New Windsor NY 12550

✓ Scheible Otto
& Nadle Harold
439 Little Britain Rd
New Windsor NY 12550

✓ Langanke Herbert
435 Little Britain Rd
New Windsor NY 12550

✓ Geraci Joseph P
& Myra Jean
Steele Rd
New Windsor NY 12550

✓ Steele Lois
PO Box 2181
Newburgh NY 12550

✓ Griffin Thomas J Jr
& Kathleen
& Thomas J Sr
& Dorothy A.
356 Nina St
New Windsor NY 12550

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

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

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

✓ McCrossen John C
& Kathryn
348 Nina St
New Windsor NY 12550

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 48

Request of HERBERT E. LANGANKE

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit construction of single-family residence in a PI zone with insufficient rear yard,

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-9 - Table of Use Regs.-Col. A and Section 48-12 - Table of Bulk Regs.-Col.8 for property situated as follows:

26 Steele Road, Town of New Windsor, N. Y.

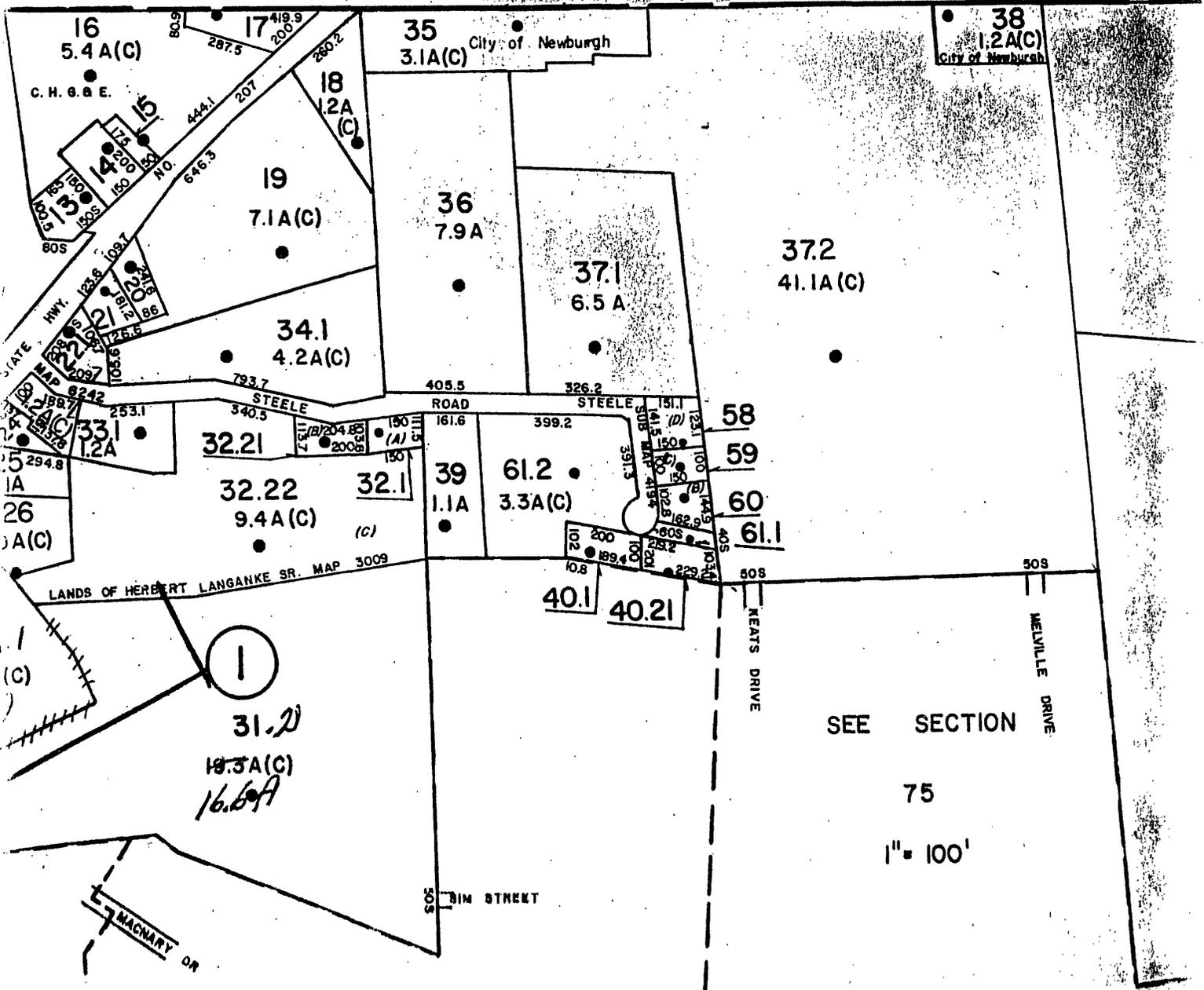
known and designated as Tax Map Section 4,

Block 1 - Lot 32.21.

SAID HEARING will take place on the 27th day of January, 1986, 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

NEWBURGH

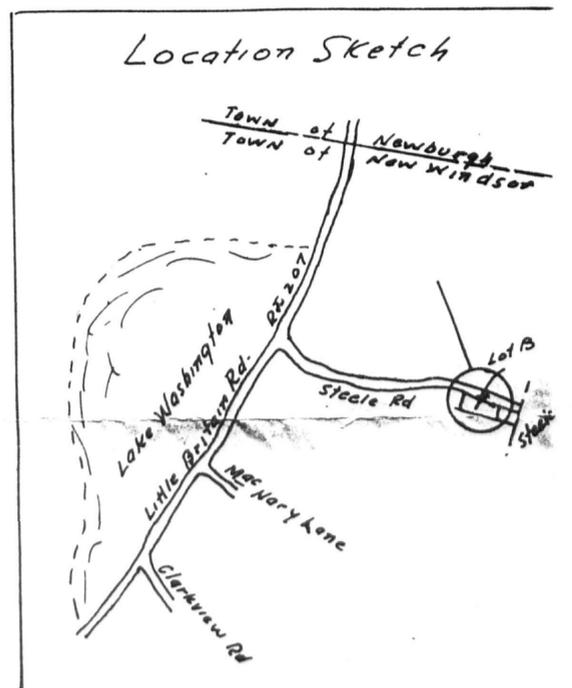
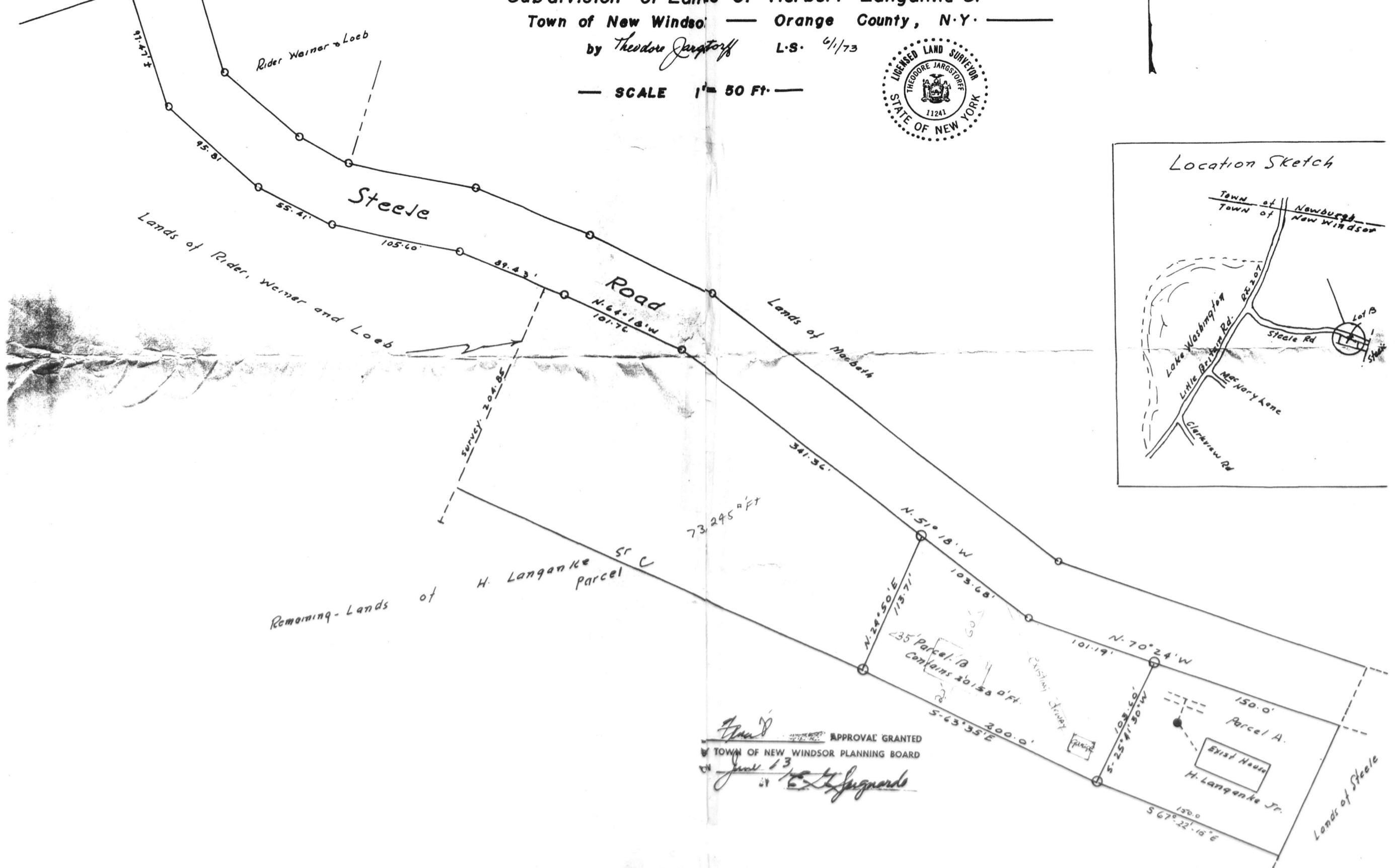


Lake Washington
 Little Britain
 To Newburgh
 Road. Route # 207

Survey of Parcel "B"
 Subdivision of Lands of Herbert Langanke Sr.
 Town of New Windsor — Orange County, N.Y.

by Theodore Jargstorff L.S. 6/1/73

SCALE 1" = 50 FT.



APPROVAL GRANTED
 TOWN OF NEW WINDSOR PLANNING BOARD
 June 13
 Theodore Jargstorff