

ZB# 88-10

Karl Kullberg

67-3-1

#88-10 - Kullberg, Karl - 2 lots (lot area)

Kulm.

Feb. 23, 1988

Public Hearing:

Sept. 26, 1988.

Notice to
Sentinel - 9/8/88.

Collect fee
\$25.00

James
Dennis
9/26/88

General Receipt

10195

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

Sept. 27 19 88

Received of Kate Kullberg \$ 25.00

Twenty five and 00 DOLLARS
100

For ZBA App. Dec. #88-10

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP # 1331</u>		<u>25.00</u>

By Pauline M. Townsend
ES

Town Clerk
Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----x
In the Matter of the Application of
KARL H. KULLBERG.

DECISION DENYING
AREA VARIANCE

#88-10.
-----x

WHEREAS, KARL H. KULLBERG, Riley Road, Vails Gate, N. Y. 12584, has made application before the Zoning Board of Appeals to subdivide two lots thereby creating two undersigned lots, said lots located off Ash Street in an R-3 zone; and

WHEREAS, a public hearing was held on the 26th day of September, 1988 before the Zoning Board of Appeals at the Town Hall, 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 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 permission to subdivide two lots located in an R-3 zone, thereby creating two non-conforming undersized lots.

3. The evidence presented by Applicant substantiated the fact that a lot area variance of 4,530 s.f. would be required for lot #1 and 4,400 s.f. for lot #2.

4. The Applicant could not substantiate the fact that he would encounter practical difficulty if the variances requested were not granted.

5. The requested variances will result in substantial detriment to adjoining properties and change the character of the neighborhood since granting of the area variances would create two undersized lots.

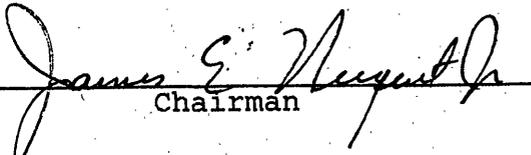
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY area variances requested by Applicant.

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: October 24, 1988.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

September 27, 1988

Mr. Karl Kullberg
P. O. Box 282
Vails Gate, NY 12584

RE: APPLICATION FOR AREA VARIANCES
#88-10

Dear Mr. Kullberg:

This is to confirm that the Zoning Board of Appeals at its September 27, 1988 meeting voted to deny the above application for area variances.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab

Enclosure

cc: Town Planning Board
Michael Babcock, B. I.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

88-10

Date: 9/8/88

I. ✓ Applicant Information:

- (a) Karl H. & Alice M. Kullberg, Riley Rd., Vails Gate, NY 12584
(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) R-3 Ash Street 67-3-1 1.295+/-Acre
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? July 18, 1969
- (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: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

- (b) N/A 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.

V. Area variance: "R-3" Zone

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

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>32,670 sq.ft.</u>	<u>28,140/28,270</u>	<u>4,530/4,400</u>
Min. Lot Width <u>100 ft.</u>	<u>100</u>	<u>-</u>
Reqd. Front Yd. <u>35 ft.</u>	<u>50</u>	<u>-</u>
Reqd. Side Yd. <u>15ft / 15ft</u>	<u>24 / 34</u>	<u>- / -</u>
Reqd. Rear Yd. <u>40 ft.</u>	<u>120</u>	<u>-</u>
Reqd. Street Frontage* <u>60 ft</u>	<u>67.9 ft</u>	<u>-</u>
Max. Bldg. Hgt. <u>35 ft</u>	<u>35</u>	<u>-</u>
Min. Floor Area* <u>1000 sq.ft.</u>	<u>1000</u>	<u>-</u>
Dev. Coverage* <u>15 %</u>	<u>3.5 %</u>	<u>- %</u>
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.

My lot is twice as large as almost all other lots in neighborhood. I have approached the neighbor to the west who owns vacant land, but he refuses to sell.

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) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) ^{N/A} 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.)

GRANTING OF THE VARIANCE WILL NOT ALTER THE GENERAL CHARACTER OF THE NEIGHBORHOOD NOR WILL IT CREATE A LOT WHICH IS NOT IN KEEPING WITH THE SIZE OR TOPOGRAPHY OF NEIGHBORING LOTS. GRANTING OF THE VARIANCE WILL NOT HAVE A NEGATIVE EFFECT ON THE VALUES OF NEIGHBORING PROPERTIES.

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 Sept. 8, 1988.

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.

Karl H. Kullberg
(Applicant)

Sworn to before me this
8th day of Sept., 1988.
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1989.

XI. ZBA Action:

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

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

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

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

Appeal No. 10

Request of Karl H. Kullberg

for a VARIANCE of

the regulations of the Zoning Local Law to

permit Subdivision of two (2) substandard lots;

being a VARIANCE of

Section 48-12- Table of Use/Bulk Regs. - Col. C.

for property situated as follows:

Ash Street, New Windsor, N.Y. - known and designated as Tax Map Section 67- Block 3 - Lot 1.

SAID HEARING will take place on the 26th day of Sept., 1988, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

James Nugent
Chairman

(3)

9/20/86 Public Hearing: Kullberg, Karl - #88-10

Name:	Address:
✓ Lisa Baird	272 Riley Rd.
✓ Jack Morino	Oak Drive
✓ Clayton W. Sun	Oak Drive

No Objections



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

24

March 21, 1988

Karl Kullberg
PO Box 282
Vails Gate, New York 12584

Re: 67-3-1 Variance List 500'

Dear Mr. Kullberg:

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

The charges for this service is \$45.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Christian E. Jahrling

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/cp
Attachment

OMAT, Inc. ✓
RD #1, Box 673D
Monroe, NY 10950

Petrone, Michael ✓
PO Box 673D
Monroe, NY 10950

Satterly, Charles ✓
RD 2 Riley Rd.
Box 277
New Windsor, NY 12550

Graham, Eleanor C.
RD 2 Box 145
New Windsor, NY 12550

McDonnell, William & Margaret ✓
17 Ethan Allen Dr.
Stoney Point, NY 10980

Gatto, Anthony J. & Eileen K. ✓
RD 2 Box 267A Riley Rd.
New Windsor, NY 12550

Sayegh, Joseph ✓
RD #2 Riley Road
New Windsor, NY 12550

Barasky, /David & Helen
RD #2 Riley Road
New Windsor, NY 12550

Mula, Alice Mary ✓
Box 282
Vails Gate, NY 12584

Cirelli, Ursula
& Foster, Patricia
66 Forge Hill Gardens
New Windsor, NY 12550

Gambino, Rose Marie
Box 271 Birch Drive
New Windsor, NY 12550

DeClemente, Sam ✓
PO Box 571
Vails Gate, NY 12584

Baird, Scott R. & Lisa K. ✓
c/o Lederle Labs
Middletown Rd.
Pearl River, NY

Distefano, Frances ✓
c/o John Stallone
41 Knox Drive
New Windsor, NY 12550

Morin, John C. Jr. & Elizabeth P. ✓
Ash Street
New Windsor, NY 12550

County of Orange ✓
255-275 Main St.
Goshen, NY 10924

Gadbois, John ✓
PO Box 164
Vails Gate, NY 12584

Mock, George C. & Delores N. ✓
RD #2 Riley Rd.
New Windsor, NY 12550

McCaster, Rufus & Beulah ✓
RD #2 Riley Rd.
New Windsor, NY 12550

Miele, Oneillo ✓
3 Allen Lane
Sloatsburg, NY 10974

Maceli, Mae ✓
RD #2 Riley Rd.
New Windsor, NY 12550

Rieber, Kay ETAL. ✓
43 Knox Drive
New Windsor, NY 12550

Beltempo, Saverio & Anastasia ✓
Box 163C
RD #2 Riley Rd.
New Windsor, NY 12550

Messina, Angela ✓
Box 25
Rock Tavern, NY 12575

RECEIVED
TOWN OF NEW WINDSOR

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

104 50
Prelim.
Feb. 22nd
7:30 p.m.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 87-54

Date 1-29-88

To: KARL H. Kullberg
P.O. BOX 282
Vails Gate, New York 12584

PLEASE TAKE NOTICE that your application dated _____
for (Subdivision - ~~Site Plan~~) _____
located at ASH STREET

is returned herewith and disapproved for the following reasons.

R 3 ZONE LOT AREA REQUIREMENTS ARE
32,670 WITH CENTRAL SEWER
THIS LAND HAS NO CENTRAL WATER

Henry Scheible
Planning Board Chairman

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>LOT 1 32,670</u>	<u>28,140</u>	<u>4,530</u>
Min. Lot Area <u>LOT 2 32,670</u>	<u>28,270</u>	<u>4,400</u>
Min. Lot Width _____	_____	_____
Reqd Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street _____	_____	_____

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 87-54

Date 1-29-88

To: KARL H. Kullberg
P.O. Box 282
Vails Gate, New York 12584

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 for (Subdivision - ~~Site Plan~~) _____
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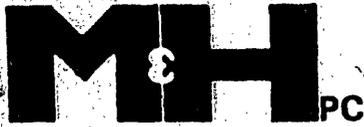
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THIS LAND HAS NO CENTRAL WATER.

Henry Scheible
 Planning Board Chairman

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>LOT 1 32,670</u>	<u>28,140</u>	<u>4,530</u>
Min. Lot Area <u>LOT 2 32,670</u>	<u>28,270</u>	<u>4,400</u>
Min. Lot Width _____	_____	_____
Reqd Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio <u>**</u> _____	_____	_____

* Residential Districts only

** Non-residential Districts only



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

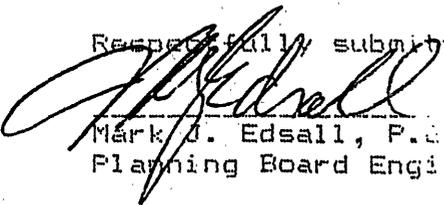
Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Kullberg Minor Subdivision
PROJECT LOCATION: Off Ash Street
NEW WINDSOR #: 87-54
9 December 1987

1. The Applicant has submitted a Plan for the minor subdivision of a 1.3 +/- acre parcel into two (2) lots. The Plan was previously reviewed at the 18 November 1987 Planning Board Meeting.
2. In the comments prepared for the 18 November 1987 Planning Board Meeting, it was indicated that it appears that variances would be required for the lot area of both proposed lots and the lot width for Lot No. 2. Also, the status of Ash Street was questioned.
3. The Board should take some type action, or have the Applicant waive the thirty (30) day Sketch Plan action requirement, such that compliance with the subdivision regulations occurs.
4. The Board should note that a Proxy Statement had not previously been filed for this Application.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer

MJEnJE

RECEIVED
ATTORNEYS OFFICE
TOWN OF NEW WINDSOR

JAN 29 1988

BY: _____

12-9-87

Mr. Carroll Kullberg came before the Board.

Mr. Mc Carville: We cannot create two lots on this road. If you had one big house you can proceed to create a lot.

Mr. Scheible: We cannot create a sub-standard lot in the Town and this is exactly what you are asking us to do. Create a sub-standard lot which is illegal for us to do. I was there to look at it. That is quite a road going up there. This road that is another paper street deal?

Mr. Babcock: Yes, it is.

Mr. Scheible: Ash Street?

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

JAN 29

BY: _____

Mr. Babcock: Yes.

Mr. Mc Carville: If you came in and said you wanted to build a house on this lot as the lot exists Mike has to issue a building permit. We cannot create two lots out of this lot.

Mr. Kullberg: It is just a matter of timing, I explained before I hve been working out of state for five years and this came up only a year ago so I am not going to cry and beg but there is a situation here that I would like you people to consider why am I punished because I work out of state to feed my family. Then now I can't have that for my retirement.

Mr. Jones: We are not punishing you.

Mr. Kullberg: When I bought it it was ok for two lots.

Mr. Jones: It is no good now.

Mr. Scheible: All the circumstances that have fallen in p. ce may be when you bought the lot it would have been possible at the time but you know there is an old saying that zoning is not carved in stone it never remains the same. It changes as the years go by to meet the needs of the Town and this is a situation where it has been changed and if for you to come before us and request something that is illegal we cannot act on it.

Mr. Roncs: You can discuss it with the Zoning Board of Appeals to see if they'd give you a variance. I don't think they will because, well that is up to them. But you are entitled to make an application to discuss it with the Zoning Board. But this Planning Board just has no power to do it without you first getting a variance. Whether you do get it or not I don't know.

Mr. Schiefer: Would you like to do it?

Mr. Mc Carville: Are you the owner of this property?

Mr. Kullberg: Yes.

Mr. Mc Carville: Your name is?

Mr. Kullberg: Carroll Kullberg.

Mr. Schiefer: I make a proposal we approve the Kullberg minor subdivision off Ash Street.

Mr. Lander: I will second that.

MR. MC CARVILLE	NAY
MR. SCHIEFER	NAY
MR. LANDER	NAY
MR. JONES	NAY
MR. REYNS	NAY
MR. SCHEIBLE	NAY

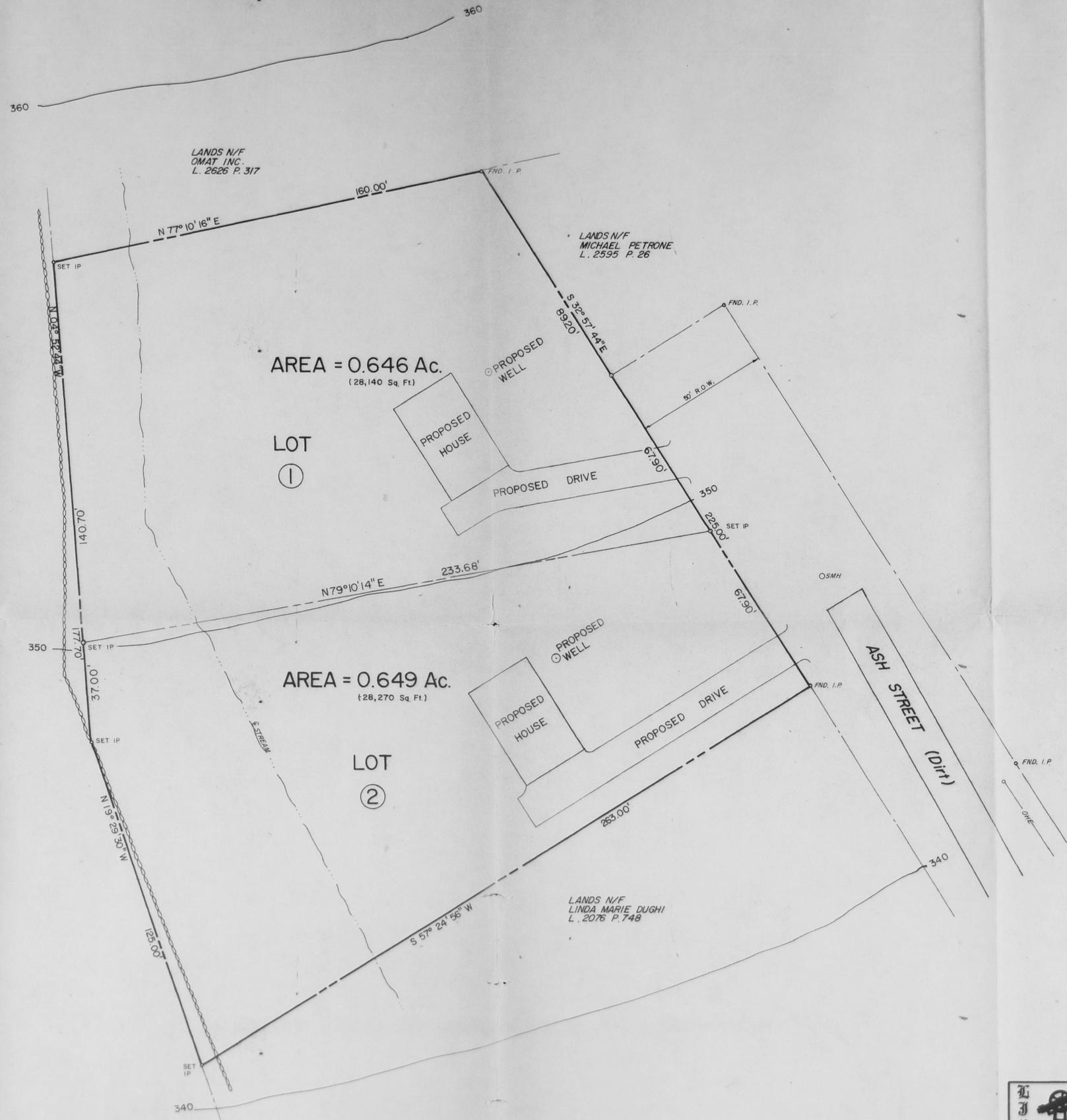
Mr. Scheible: Do you understand what we have done?

Mr. Kullberg: Yes.

Mr. Romes: So it is set forth in the record that the reason for the denial is that the Planning Board cannot create a sub-standard lot. The minimum required lot area in the zone is 32,670 square feet and the proposed subdivision creates two lots that are smaller than that.

Mr. Scheible: If you do go to the Zoning Board of Appeals and they grant you this variance, this variance will not give you, correct me if I am wrong Joe that variance does not give you the right to go ahead and start building. You then after you get the variance from the Zoning Board of Appeals you would have to come back before the Planning Board to get subdivision approval. The Zoning Board of Appeals may or may not give you this, if they find to give you the variance I am giving you the hypothetical that does not give you the permission to go on and start building. You still have to come back before this Board to receive our approval.

Mr. Kullberg: I understand.



RECORD OWNER:
KARL H. & ALICE M. KULLBERG
RILEY ROAD
NEW WINDSOR, NEW YORK

SUBURBAN RESIDENTIAL (R-3)

ZONING REQUIREMENTS:
 MINIMUM LOT AREA = 32,670 Sq. Ft.
 MINIMUM LOT WIDTH = 100 Ft.
 FRONT YARD DEPTH = 35 Ft.
 SIDE YARD DEPTH (MIN.) = 15 Ft.
 REAR YARD DEPTH (MIN.) = 40 Ft.
 STREET FRONTAGE (MIN.) = 60 Ft.
 BUILDING HEIGHT (MAX) = 35 Ft.
 LIVABLE FLOOR AREA (MIN) = 1,000 Sq. Ft.
 DEVELOPMENT COVERAGE (MAX) = 15%

TAX MAP REFERENCE:
TOWN OF NEW WINDSOR,
SECTION 67, BLOCK 3,
LOT NO. 1.

NOTE:
TOPOGRAPHY TAKEN FROM U.S.G.S.
MAP CORNWALL QUADRANGLE

APPROVED LAND SURVEY
 APR 15 1987
 I HEREBY CERTIFY TO KARL H. & ALICE M. KULLBERG
 AND THE TOWN OF NEW WINDSOR THAT THIS IS A TRUE
 AND ACCURATE SURVEY PERFORMED IN THE FIELD,
 AND THAT NO VISIBLE ENCROACHMENTS EXIST.
 LEO J. CARROLL
 LEO J. CARROLL N.Y.S.L.S. NO. 48997

	LEO J. CARROLL P.E., L.S. 53 HIGHLAND AVENUE (914) 343-7994 MIDDLETOWN N.Y. 10940		REF.	REVISED:
	MINOR SUBDIVISION		SCALE: 1" = 20'	
LANDS OF KARL H. & ALICE M. KULLBERG ASH STREET TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK		DATE: 4-13-87	DRAWN: K.J.A.L.	SHEET NO. 1 of 1
		CHECKED: L.J.C.		