

ZB# 89-36

Hogan's Heroes

34-2-5

89-36 - Hogan's
Heroes - front yd.

Helms

June 12th.

Public Hearing:

July 10th 1989.

Notice to Sentinel

on 6/22/89 ✓

Fee Paid

Area
Variance
Granted
7/10/89.

10/19/89

Small
17

General Receipt

10732

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

July 13 19 89

Received of Hogan's Realty Services Inc. \$ 50⁰⁰/₁₀₀

Fifty and 00/100 DOLLARS

For Z.B.A. Application Fee 89-36

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>\$50.00</u>	<u>Check</u>	
<u>#1215</u>		

By Pauline J. Townsend
ec

Town Clerk
Title

file

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

DANIEL J. HOGAN

#89-36.

-----x

WHEREAS, DANIEL J. HOGAN, residing at Shelly Road, New Windsor, N. Y. 12550, has made application before the Zoning Board of Appeals for a 2.9 ft. front yard variance for an existing structure located at 589 Little Britain Road in an NC zone; and

WHEREAS, a public hearing was held on the 10th day of July, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared by his surveyor, William Hildreth, L. S. of Grevas and Hildreth; 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 vary the bulk regulations with regard to front yard in order to allow an office in an existing one-family structure.

3. The evidence presented by Applicant substantiated the fact that a variance for less than the allowable front yard would be required in order to allow an office within the bulk regulations contained in the NC zone and rejection of same would cause practical difficulty to Applicant since relief sought by Applicant is not substantial in relation to the required bulk regulations.

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

5. The requested variance will produce no effect on the population density or governmental facilities.

6. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

7. The interest of justice would be served by allowing the granting of the requested variance.

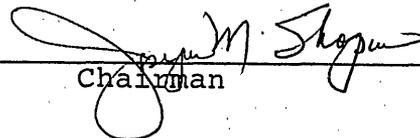
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 2.9 ft. front yard variance sought by Applicant in accordance with the site plan filed with the Building Inspector, dated 8/31/89 and revised on 4/6/89.

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: August 14, 1989.


Chairman



Louis Holmbach
County Executive

Rec'd 7/11/89 - (PAB)

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by TOWNSHIP OF NEW WINDSOR ZBA D P & D Reference No. NW 23-89M
County I.D. No. 34 1 2 15

Applicant DANIEL J. HOGAN

Proposed Action: AREA VARIANCE - FRONT YARD (PRE-EXISTING)

State, County, Inter-Municipal Basis for 239 Review FRONTAGE/ACCESS NYS 207

Comments: _____

Related Reviews and Permits _____

County Action: Local Determination Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

July 6, 1989
Date

Peter Garrison
Commissioner



1765

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

June 14, 1989

Hogans Realty
342 Shelly Road
New Windsor, N.Y. 12550

Re: Tax Map 34-2-5 Variance List- 500 ft.

Dear Sir:

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

The charge for this service is \$45.00, minus your desposit of \$25.00.

Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Leslie Cook/kc

LESLIE COOK
Sole Assessor

LC/kf

cc: P. Barnhardt

Acunzo, Thomas G. & Janice A.
37 Keats Drive
New Windsor, N.Y. 12550

Palozzo, Chester R. & Clementina
Sliver Stream Rd., MD 29
Newburgh, N.Y. 12550

Craft, Charles W. & Carol L.
557 Little Britain Rd.
New Windsor, N.Y. 12550

Mt. Airy Trailer Court Inc.
Box 324, RD 1
Walden, N.Y. 12586

Rowell, Raymond A
P.O. Box 7044
Newburgh, N.Y. 12550

Newburgh Society for the Prevention of
Cruelty to Animals
564 Little Britain Rd.
New Windsor, N.Y. 12550

Dantas, Allen & Kitty
590 Little Britain Road
New Windsor, N.Y. 12550

Peak Technical Corp.
594 Little Britain Rd.
New Windsor, N.Y. 12550

Herschel, Herman
Rte. 209
Wurtsboro, N.Y. 12790

New Windsor Power Equipment Corp.
602 Little Britain Road
New Windsor, N.Y. 12550

Filladitis, Victoria
c/o Stephen Sakadelas
87 S William St.
Newburgh, N.Y. 12550

V.S.H. Realty Inc.
777 Dedham St.
Canton. Mass. 02021

Sakadelis, Angelo
606 Little Britain Road
New Windsor, N.Y. 12550

Vails Gate Fire Company Inc.
Route 94,
New Windsor, N.Y. 12550

Rizzo, Angelo
601 Little Britain Rd.
New Windsor, N.Y. 12550

Bauco, Lino &
Paladino, John &
Bauco, Frank &
Rescigno, Joseph
c/o Richard Copland, Esq.,
3475 Boston Rd.
Bronx, N.Y. 10469

Orr, Howard A. & Terry L.
595 Little Britain Rd.
New Windsor, N.Y. 12550

Christie, Anthony J. & Sandra L.
593 Little Britain Rd.
New Windsor, N.Y. 12550

Ambury, John P. & Frances L.
591 Little Britain Rd.
New Windsor, N.Y. 12550

Moore's Hill Estates Inc.
c/o Jacob Deutsch
1 Kennedy Court
Monroe, N.Y. 10950

Rotwein, Perry & Franke
583 Little Britain Rd.
New Windsor, N.Y. 12550

Sarinsky, David
298 Union Ave.
New Windsor, N.Y. 12550

Gladstone, Donald W. & Georgene M.
28 Brown's Drive
New Windsor, N.Y. 12550

Mehmed, Paul M. & Cecelia M.
5 Weather Oak Hill
New Windsor, N.Y. 12550

Ladrick, Bruce C. & Linda S.
7 Weather Oak Hill Drive
New Windsor, N.Y. 12550

Klinge, Karl & Myrtle
9 Weather Oak Hill
New Windsor, N.Y. 12550

Kent, George, F. Jr. & Patricia A.
11 Weather Oak Hill
New Windsor, N.Y. 12550

OK CO. PL. DEP. PLUS 3 COPIES of PLAN

28 TOTAL

3 NO RETURNS

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-36

Date: 6/22/89

DANIEL J. HOGAN 561-4743

I. Applicant Information:

- (a) 342 SHELLY ROAD NEW WINDSOR N.Y. 12550
(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 Interpretation

III. Property Information:

- (a) NC 589 LITTLE BRITAIN ROAD 3A-2-5 0.6 ± AC.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-3
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1989
- (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: NA

- (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:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48, Table of ^{USE}/BULK Regs., Col. G, No. 9.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>10,000 SF</u>	<u>26,003 SF</u>	<u>—</u>
Min. Lot Width <u>100 FT</u>	<u>100 FT</u>	<u>—</u>
Reqd. Front Yd. <u>40 FT.</u>	<u>37.1'</u>	<u>2.9 FT.</u>
Reqd. Side Yd. <u>15 FT/35 FT</u>	<u>29.4 FT/115.7 FT</u>	<u>— / —</u>
Reqd. Rear Yd. <u>15 FT</u>	<u>112 FT</u>	<u>—</u>
Reqd. Street Frontage*	<u>N/A</u>	<u>166.1</u>
Max. Bldg. Hgt. <u>35 FT</u>	<u>17 FT</u>	<u>—</u>
Min. Floor Area*	<u>N/A</u>	<u>—</u>
Dev. Coverage*	<u>N/A %</u>	<u>— %</u>
Floor Area Ratio**	<u>1</u>	<u>.03</u>

* 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 CURRENT NON-CONFORMANCE IS A PRE-EXISTING CONDITION. PRACTICAL DIFFICULTY WOULD BE ENCOUNTERED IN REMOVING THAT PORTION OF THE EXISTING BUILDING LYING WITHIN THE REQUIRED FRONT YARD.

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. Interpretation:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

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.)

ALL OTHER ASPECTS OF PROPOSED PROJECT MEET OR EXCEED ALL ZONING REQUIREMENTS.

IX. Attachments required:

- X Copy of letter of referral from Bldg./Zoning Inspector.
- X Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- N/A Copy(ies) of sign(s) with dimensions.
- X Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
- X Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date June 22, 1989

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.

David J. Hoy
(Applicant)

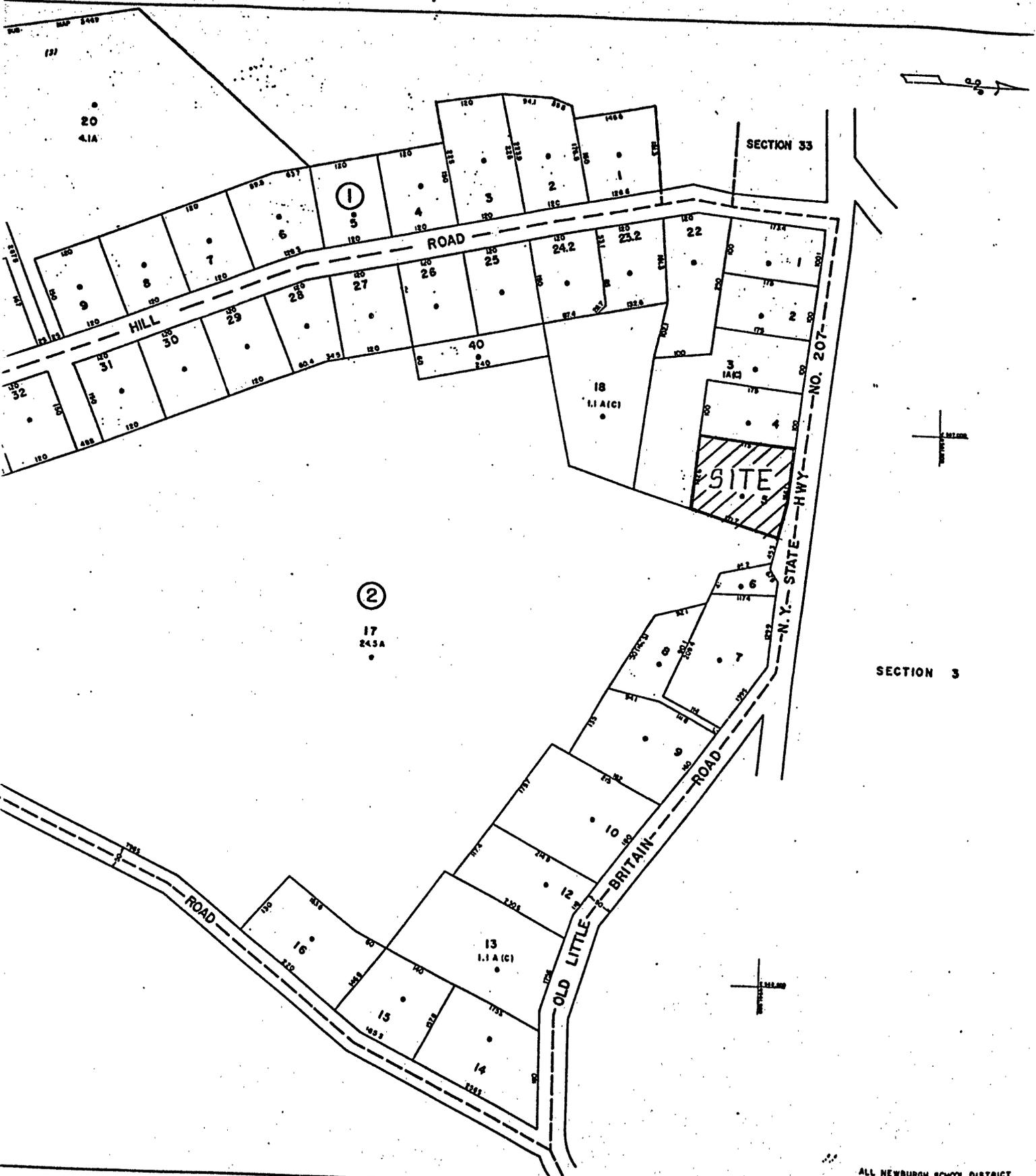
Sworn to before me this
22nd day of June, 1989.

PATRICIA MORRISOHN
Notary Public, State of New York
4925395
Qualified in Orange County
Commission Expires April 11, 1990
Patricia Morrishohn

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.



SECTION 3

ALL NEWBURGH SCHOOL DISTRICT
ALL VAILS GATE FIRE DISTRICT

ORANGE COUNTY~NEW YORK

TOWN OF NEW WINDSOR

Photo No. 15-47.48
Date of Photo 3-1-65
Date of Map 9-24-67
Date of Revision 3-1-68
Scale 1" = 100'

Section No. 34

②	FILED PLAN BLOCK NO.	②	③
32	107 507 507 507		
STATE HIGHWAYS	STATE HIGHWAYS		
COUNTY HIGHWAYS	COUNTY HIGHWAYS		
TOWN ROADS	TOWN ROADS		

Prelim
June 12th

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B
File No. 88-51

Date 16 MAY 1989

To: DANIEL J. HOGAN
342 SHELLY ROAD
NEW WINDSOR N.Y. 12550

PLEASE TAKE NOTICE that your application dated 30 AUG 88
for (~~Subdivision~~ - Site Plan)
located at RT 207

is returned herewith and disapproved for the following reasons.

VARIANCE FOR FRONT YARD SETBACK
REQUIRED - (existing bldg.)

NC zone


Planning Board Chairman
CARL SCHEIFER

Requirements

Min. Lot Area 10 000 SF

Proposed or Available

26 003 SF

Variance Request

—

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B
File No. BB-51

Date 16 MAY 1989

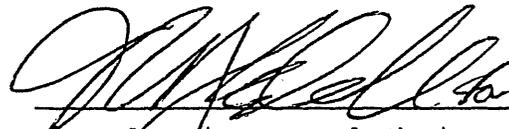
To: DANIEL J. HOGAN
342 SHELLY ROAD
NEW WINDSOR N.Y. 12550

PLEASE TAKE NOTICE that your application dated 30 AUG 88
for (~~Subdivision~~ - Site Plan) _____
located at RT 207

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REQUIRED - (existing bldg.)

NC zone


Planning Board Chairman
CARL SCHEIFER

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>10 000 SF</u>	<u>26 003 SF</u>	<u>—</u>
Min. Lot Width <u>100 FT</u>	<u>160 FT</u>	<u>—</u>
Req'd Front Yd. <u>40 FT</u>	<u>37.1 FT</u>	<u>2.9 FT</u>
Req'd. Side Yd. <u>15-35 FT</u>	<u>29.4-115.7 FT</u>	<u>—</u>
Req'd. Rear Yd. <u>15 FT</u>	<u>112 FT</u>	<u>—</u>
Req'd. Street Frontage* <u>N-A</u>	<u>166.1</u>	<u>—</u>
Max. Bldg. Hgt. <u>35 FT</u>	<u>17 FT</u>	<u>—</u>
Min. Floor Area* <u>NA</u>	<u>—</u>	<u>—</u>
Dev. Coverage* <u>NA</u> %	<u>—</u> %	<u>—</u> %
Floor Area Ratio** <u>1</u>	<u>.03</u>	<u>—</u>

* Residential Districts only

** Non-residential Districts only

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914-565-8550)
TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS

HOGAN'S REALTY SITE PLAN (88-51) ROUTE 207

Mr. William Hildreth came before the Board representing this proposal.

Mr. Hildreth: This is the second appearance of this plan before the Board. The comments of 8 February have been addressed. The main reason for being here tonight is to be referred to the Zoning Board of Appeals for a determination on the existing condition on the front yard setback. It does not comply with the current zoning. One of the open items from the last meeting was the Planning Board's determination on a public hearing. They were going to wait until they had a site visit. It is my understanding they have had their visit.

Mr. VanLeeuwen: Yes, we did. There is several things we want to discuss, Bill. One of the things is the ten parking places, they have to be paved.

Mr. Hildreth: There is a note on there to that affect.

Mr. McCarville: It says proposed edge of pavement but we'd like this area to be paved.

Mr. Hildreth: There is some driveway back there.

Mr. McCarville: Proposed paved parking area ten spaces, that is what I'd like to see.

Mr. Hildreth: Okay, I thought I was saying that there.

Mr. McCarville: What is edge of pavement, it could be blacktopped curbing. It could be anything.

Mr. Hildreth: Understood, no problem.

Mr. McCarville: This driveway is all paved.

Mr. Hildreth: Yes and again the new proposed edge is right here, all of this is intended to be, all of this is intended to be paved.

Mr. McCarville: This has to be paved.

Mr. Hildreth: Yes. What we have got is to many lines, you have got an existing paved driveway proposal to widen it to here.

Mr. VanLeeuwen: I make a motion that we approve the Hogan's Realty Site Plan 88-51.

Mr. Schiefer: The objective here is for this vote to refer it to the Zoning Board of Appeals.

Mr. McCarville: I will second this motion.

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No

ROLL CALL (CONT'D):

Mr. Soukup	No
Mr. Lander	No
Mr. Jones	No
Mr. Schiefer	No

Mr. Soukup: Just indicate by some kind of a sign for no parking.

Mr. Hildreth: Is a public hearing necessary. You were going to decide after the site tour.

Mr. VanLeeuwen: I don't think we need a public hearing.

Mr. McCarville: I'd like to see what the Zoning Board of Appeals does with it before we make that decision.

Mr. Lander: Is the Zoning Board of Appeals, they are going to the Zoning Board of Appeals for the 37 feet front yard, right, that is the only thing.

Mr. Hildreth: That is the only non-conformance here.

Mr. Lander: I don't think we need a public hearing.

Mr. Jones: No.

Mr. Soukup: No.

Mr. Schiefer: There is your answer, no.

Mr. VanLeeuwen: The only thing that bothers me is that they are already in there and already operating.

Mr. Schiefer: The general opinion seems to be there is not one required.

Mr. Ronas: No decision is being made pending the result of the Zoning Board of Appeals referral.

Mr. Hildreth: Mark, do you have any comments.

Mr. Edsall: The only adjustment you have to make again because of the change since you started the plan is that the easement for the sewer has to be subtracted off the lot area that doesn't create any problems.

Mr. Hildreth: Just show the numbers on the plans.

Mr. Edsall: Yes.

Mr. Hildreth: Thank you.

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. 36

Request of DANIEL J. HOGAN

for a VARIANCE of

the regulations of the Zoning Local Law to permit LESS THAN REQUIRED FRONT YARD SETBACK

being a VARIANCE of

Section 48 USE/BULK REGS. COL.G.; No. 9

for property situated as follows:

SOUTH SIDE OF RT 207 300'± EAST OF WEATHER OAK HILL ROAD, New Windsor, N.Y.

SAID HEARING will take place on the 10th day of July, 1989, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30. o'clock P. M.

JAMES NUGENT
Chairman

7

& Grevas
Hildreth, P.C. LAND SURVEYORS

33 QUASSAICK AVENUE, NEW WINDSOR, NEW YORK 12550
TELEPHONE: (914) 562-8667

LAND SURVEYS
SUBDIVISIONS
SITE PLANNING
LOCATION SURVEYS

1 May 1989

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

Att: Patricia Barnhart, Secretary

SUBJECT: HOGAN'S REALITY HEROS SITE PLAN, UNION AVENUE

Dear Pat:

The Town of New Windsor Planning Board, at its meeting of 26 April 1989, referred the Subject Site Plan to the Zoning Board of Appeals for a determination on whether or not a Bulk Variance is required for front-yard set back due to change in use.

Please schedule this project for a preliminary meeting with the Zoning Board of Appeals for the earliest possible date.

If you should have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,



Elias D. Grevas, L.S.
President

cc: Mr. Michael Babcock, Building Inspector
Hogan's Reality Heros Inc.

Harvey
Kallian, Eog
Larkin, Sings