

**ZB# 98-17**

**Patrick J. Torpey**

**21-2-9**

Frederic.

May 11, 1998  
Notice Reopened  
Motion to Suspend  
get out of case. Fees: Ar

Public Hearing:

June 8, 1998

Granted  
Exp. of N.C. Use  
plus side yard  
variance

Refund  
\$ 367.00

#90-11  
21-2-9.  
Torpey, Patrick J. -  
20th Century Towing

RECEIPT 297799

June 3, 1948  
507 Central Building, Newark, N.J.  
One Hundred Dollars \$100.00  
ZBA # 2011

ACCOUNT	NUMBER
10000	1000
10000	1000
10000	1000
10000	1000

Town Clerk  
Dorothy W. Nason

Expansion  
of N-c use

205 x 066x  
2

20th Century Towing  
200 Union Ave.

565-9144

25.17 ✓

565-1910

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Torpey, Pat

FILE# 98-17

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00  
✓ INTERPRETATION: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE ..... \$ 150.00

*paid 6/5/98 ck # 5283*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00

*paid 6/5/98 ck # 5282*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *5/11/98-9* \$ 40.50  
2ND PRELIMINARY- PER PAGE *6/3/98-5* \$ 22.50  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_

TOTAL ..... \$ 63.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *5/11/98* ..... \$ 35.00  
2ND PRELIM. *6/2/98* ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_

TOTAL ..... \$ 133.00

LESS ESCROW DEPOSIT ..... \$ 500.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . \$ 367.00

*Refund*





20TH CENTURY TOWING, INC.  
200 UNION AVENUE PH. 914-565-9144  
NEW WINDSOR, NY 12553

5282

50-25-610  
29

DATE 6-4-98

PAY TO THE ORDER OF

Town of New Windsor  
for hired

\$ 500<sup>00</sup> X

500 DOLLARS



FOR

2BA #98-17

⑆005283⑆ ⑆021902352⑆ ⑆6800028837⑆



20TH CENTURY TOWING, INC.  
200 UNION AVENUE PH. 914-565-9144  
NEW WINDSOR, NY 12553

5283

50-25-610  
29

DATE 6-4-98

PAY TO THE ORDER OF

Town of New Windsor  
One hired (1 hr)

\$ 150<sup>00</sup> X

150 DOLLARS



FOR

2BA #98-17

⑆005283⑆ ⑆021902352⑆ ⑆6800028837⑆

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

**PATRICK J. TORPEY**

#98-17.  
----- x

**MEMORANDUM OF  
DECISION TO PERMIT  
EXPANSION OF NON-  
CONFORMING USE**

WHEREAS, PATRICK J. TORPEY, dba 20th Century Towing, 200 Union Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a finding for expansion of a non-conforming use per Section 48-24B(3) and construction of an addition for the above location in a PI zone; and

WHEREAS, a public hearing was held on the 8th day of June, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board in behalf of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a PI zone.

(b) The property is used in variance of the regulations because of a pre-existing, non-conforming use.

(c) The Applicant seeks to expand this pre-existing, non-conforming use by construction of an addition of not more than 30% of the existing property.

(d) There is a dispute with respect to the location of the side yard property line nearest to the proposed addition. If the property line is as it appears on the tax map then no variance is necessary. If the property line is as it has appeared on one survey, than a side yard variance of 30 ft. would be necessary in order to permit construction of the proposed addition.

(e) The size and shape of the property is unique and there appears to be no location other than the location proposed by the Applicant for the construction of this addition. Any other location would apparently interfere with parking for the facility and its operation.

(f) No trees or shrubs will have to be removed in order to construct the addition.

(g) The addition, if allowed, would not interfere with the course of any drainage of water or create any ponding or collection of water.

(h) The variances sought for the purpose of constructing an addition which will contain a spray booth for the painting of automobiles. This booth will be entirely self-contained and no fumes or noxious materials will be expelled into the environment.

(i) The Applicant acknowledges that if this variance and expansion are granted, he may make no further application for expansion of this property.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood of zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.
9. With the granting of this area variance, the proposed expansion will not be greater than 30% of the existing facility and is permissible pursuant to the New Windsor Zoning Code.

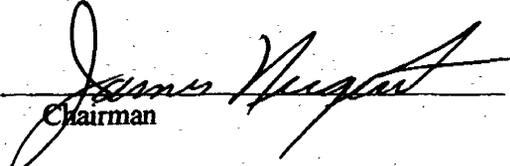
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor finds that the Applicant may expand his pre-existing, non-conforming use per Section 48-24B(3) by 30% and construct his addition to the business known as 20th Century Towing located at 200 Union Avenue in a PI zone in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 10, 1998.

  
Chairman

Date 6/18/98, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... DR.

Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
6/8/98	Zoning Board	75.00	
	Misc - 2		
	<del>Board</del> Misc - 7		
	Bloomer - 5		
	Arundo/Smith - 5		
	Torrey - 5 ↑ 22.50		
	Walthe - 3		
	Demilt - 2		
	Weller - 2	139.50	
	31		
		214.50	

PUBLIC HEARINGS:

TORPEY, PATRICK

MR. NUGENT: Let the record show that there is no one in the audience. Referred by Planning Board for finding for expansion of non-conforming use - construction of addition for 20th Century Towing located at 200 Union Avenue in a PI zone.

Mr. Patrick Torpey appeared before the board for this request.

MR. TORPEY: Just want an addition.

MS. BARNHART: For the record, also, Mr. Torpey and I sent out 13 addressed envelopes on May 21, 1998.

MR. TORPEY: Only got one back.

MR. NUGENT: For the record, tell us what you want to do.

MR. TORPEY: Put another bay on my shop, one more expansion bay.

MR. NUGENT: On the north side of the building?

MR. TORPEY: Yes.

MR. NUGENT: Did he end up okay with the property line on that?

MR. BABCOCK: No, he's getting a, it's a request for side yard variance.

MR. TORLEY: You were going to clean up one of your existing problems with one package.

MR. BABCOCK: I think Mr. Chairman what happened was the original plan when Mr. Torpey came in they believed that they could use that gor piece of property as far as their setbacks and right now, nobody has really figured out who owns that. It's kind of like in limbo. So Paul Cuomo has changed his plan and what he's got on

it here is where it says side yard, it says see note 2 and says request of a variance for side yard width.

MR. TORPEY: Cause of the gor, it's really nobody's land, but it's on my tax map.

MS. BARNHART: You pay taxes on it?

MR. TORPEY: Yes.

MR. BABCOCK: He believes that he owns that property like he says as far as the tax map's concerned.

MR. TORPEY: Even the guy in the bar believes it cause he gave me a letter and everything stating that it is all right, no sweat putting the building up.

MR. NUGENT: I'd like to read that letter.

MR. TORPEY: Use it like a median, I park there, he parks there, doesn't matter, there's no property line.

MR. TORLEY: By asking for the side yard variance, you cover it in case something happens.

MR. NUGENT: We have a letter from Mr. Krom (phonetic), says this is to advise that I have no objection to your extension of your present building which is located next door to my property on Union Avenue.

MR. TORLEY: This expansion falls within the less than 30 percent of the code.

MR. BABCOCK: Yes.

MR. REIS: This won't impact his parking facilities in any way?

MR. BABCOCK: No, this, as I understand it this bay is for his spray booth, it's not for, I know he's going to bring the car in there to paint it.

MR. TORPEY: Whatever goes in there is in there for three or four days at a time.

MR. KRIEGER: Would he qualify under the 30 percent if it weren't for the side line difficulty?

MR. BABCOCK: That is correct.

MR. KRIEGER: So the whole difficulty is really the side.

MR. BABCOCK: Right, this is a finding by the board for an extension of a non-conforming use, that is how it came in, that is it. And now that, do you want to figure that side yard out and--

MR. TORLEY: Please.

MR. NUGENT: How much it is we're going to have to change it, do you have the denial?

MS. BARNHART: Yeah, he has the denial.

MR. BABCOCK: It would be 25.17 feet piece, he's got 4.84 on the front corner. I don't know whether you've got the plan there.

MR. NUGENT: I know the property.

MR. BABCOCK: You want to make it 13 instead of 12?

MR. TORPEY: Yeah, because I didn't know that is what he had down as a measurement, but it's really going to come to the exact edge of this one foot that is sitting there, I didn't know if he measured it, he measured my existing door, it doesn't go by the door, it goes by the shop space, the door gets another two blocks in and then there's a garage door. What he did is measure the garage door instead of the bay.

MR. BABCOCK: To allow.

MR. TORPEY: How can I put a door up if the bay's going to be that big. I didn't know if it mattered, he just measured the door, the door's 12 feet wide, I have to have the, was going to come out and another course of blocks.

MR. BABCOCK: You have to open up the first door and open up the spray booth doors to drive the car in because it's totally self-contained. If it doesn't wrap around, there's no room to open the doors. So what are you saying, one foot more than this?

MR. TORPEY: Yeah, I'll take as much as you give me, I only can go so far.

MR. TORLEY: In order to make, the property lines are confused, I will be willing to say that we grant him a 25 foot side yard variance, that should cover what he needs.

MR. BABCOCK: He needs right now with a size that he has, he needs 25.17 feet and he's saying that it is not big enough.

MR. TORLEY: He requires 30.

MR. BABCOCK: Yeah, he's got 4.83.

MR. TORLEY: Make it 30 feet, go the distance between that, this is a large variance, but it's necessary for the unique size of the features of this plot.

MR. KRIEGER: The lot that is, has that peculiar shape and uncertain boundary and it's next to that commercial, a bar which is the commercial establishment that's been there for some time and you have been, they have been utilizing this property as well as you in between?

MR. TORPEY: Yeah.

MR. NUGENT: Are you going to formally change that?

MR. TORLEY: Having the body damage repair shop next to a bar would be good planning.

MR. TORPEY: I'll have that bar sooner or later. Does that matter that foot?

MR. KRIEGER: We amended your request more than a foot.

MR. REIS: And then some so you have plenty of room.

MR. TORLEY: The only thing to bear in mind is my recollection is that the 30 percent expansion was from the original grandfathered in site for the footprint.

MR. BABCOCK: That's correct.

MR. TORLEY: So, if you expand again, you can't say this is, you can use what you've have got now.

MR. KRIEGER: You get one bite at this apple.

MR. TORPEY: I know I can't use just the garage door.

MR. NUGENT: Anymore questions? I'll accept a motion.

MR. REIS: Open it up?

MR. NUGENT: There's no public.

MR. REIS: I make a motion that we grant Mr. Pat Torpey his requested variance for his 20th Century Towing operation.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Should we have the minutes reflect that we changed the side yard?

MR. BABCOCK: Yeah, I changed the planning board too and I will notify them.

MR. TORLEY: Andy, I'm assuming that the formal decision will cover the expansion of non-conforming use?

MR. KRIEGER: Yes.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4630  
Fax: (914) 563-4693

## Office of Zoning Board of Appeals

June 12, 1998

Patrick J. Torpey  
20th Century Towing, Inc.  
200 Union Avenue  
New Windsor, N. Y. 12553

**RE: APPLICATION FOR FINDING - #98-17**

Dear Mr. Torpey:

This is to confirm that your above application before the Zoning Board of Appeals was resolved in the following manner:

**Finding: Section 48-24B.(3) Applicant is allowed to expand his non-confirming use by 30 ft. to the property line.**

This decision was made at the June 8, 1998 meeting of the ZBA. Please be advised that a formal decision will follow shortly.

Very truly yours,

Patricia A. Barnhart, Secretary  
Zoning Board of Appeals

/pab  
cc: Planning Board  
B.I.

Prelim.  
May 11, 1998.  
# 98-17

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 98-8

DATE: 1 MAY 1998

APPLICANT: PAT TORPEY  
200 UNION AVE  
NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 1-13-98

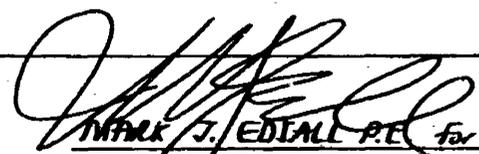
FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT UNION AVE 233 1/2 FT SOUTH OF  
MACARTHUR AVE ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 21 BLOCK: 2 LOT: 9

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

REQUIRES FINDING FOR EXPANSION OF  
NON-CONFORMING USE PER CODE SECTION  
48-24(B)(3).

  
MARK J. EDALL P.E. for  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

REQUIREMENTS

✓  
PROPOSED OR AVAILABLE

\*\*\*\*\*  
VARIANCE REQUEST

ZONE	USE
PI	
MIN. LOT AREA	
MIN. LOT WIDTH	
REQ'D FRONT YD	
REQ'D SIDE YD.	
REQ'D TOTAL SIDE YD.	
REQ'D REAR YD.	
REQ'D FRONTAGE	
MAX. BLDG. HT.	
FLOOR AREA RATIO	
MIN. LIVABLE AREA	
DEV. COVERAGE	%
O/S PARKING SPACES	

~~PRE-EXISTING NON-CONFORMING USE~~  
~~NOT APPLICABLE~~

4.83 FT  
REVISED 6-8-98  
30 FT

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE ZBA REFERRALS20TH CENTURY TOWNING

Mr. Paul Cuomo and Mr. Pat Torpe appeared before the board for this proposal.

MR. CUOMO: We were here last time, we were here last meeting and we had to do a few minor adjustments and getting ready for the ZBA and that is where we'd like to go, I'd like to be sent to.

MR. PETRO: What were the minor adjustments? Why don't you bring us up to date?

MR. CUOMO: Well, I believe they were so minor I forgot. Oh, the parking lot, oh, we didn't do that, this is what we didn't do, I'm sorry, we were supposed to put the doors in, I've got them in front but I don't have them on the side. I can do it the next time I come around.

MR. BABCOCK: The side door I don't think is necessary.

MR. PETRO: What did we do to resolve the property line?

MR. EDSALL: Well, what we had was to the workshop Paul brought a copy of the actual survey and on the actual survey, they found the discrepancy as well. So I think at this point, we have shown that it was a licensed surveyor that's found this gap. If they ask for a variance, they are taking more conservative approach that they are looking to obtain the worst case scenario variance, if in fact sometime in the future they find out that he owns the property, in fact--

MR. PETRO: It would improve the situation?

MR. EDSALL: It would improve the situation, but I would suggest that you bring that original survey copy to the ZBA.

MR. CUOMO: Okay.

MR. EDSALL: So they can work over the surveyor's plan.

MR. PETRO: I don't want to spend a lot of time, we gave it conceptual approval. What's going to happen, he is going to be sent to the zoning board, then we can review it as a planning board.

MR. TORPE: What are we going to the zoning board for, parking and the property line?

MR. EDSALL: Property and the side yard variance and as well, they need a finding from the Zoning Board relative to the 30 percent expansion or up to 30 percent expansion.

MR. PETRO: Doesn't look like he is going to have the 30 percent.

MR. EDSALL: It's less than 30 percent but it's under that section.

MR. BABCOCK: The law requires the ZBA to make a finding on that.

MR. PETRO: You have that?

MR. CUOMO: Yes.

MR. PETRO: Make sure when you come back they are on the plan.

MR. KRIEGER: Make sure when you get to the zoning board, you ask for everything you need, you need some parking, you need some side yard, be sure to ask.

MR. EDSALL: We'll include in the referral the variance for all the spaces.

MR. KRIEGER: It would be counterproductive to show up again.

MR. PETRO: Can I have a motion to approve?

MR. STENT: Motion we approve 20th Century.

31x60

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the 20th Century site plan on Union Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. STENT	NO
MR. PETRO	NO

MR. PETRO: You have now been referred to New Windsor Zoning Board for your necessary variances. If you are successful in receiving those variances, this board will again review your application for further planning board review. Thank you.

MR. EDSALL: We'll do the referral.

MR. CUOMO: Do you have comments?

MR. EDSALL: Yes.

MR. CUOMO: Are you going to do the referral?

MR. EDSALL: We'll do the referral and I think you have the comments.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 98-17

Date: 05/18/98

I. Applicant Information:

- (a) TORPEY, PATRICK J., 20th Century Towing, 200 Union Avenue, New Windsor, N.Y.  
(Name, address and phone of Applicant) (Owner)
- (b) -  
(Name, address and phone of purchaser or lessee)
- (c) -  
(Name, address and phone of attorney)
- (d) Cuomo Engineering-Stewart Airport, New Windsor, N.Y. 12553 - 567-0063  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) PI 200 Union Avenue, New Windsor, N.Y. 21-2-9 206x066xIR  
(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? 8/30/94
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No  
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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.

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

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section \*, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.  
Section 48-24(B) (3)-Expansion of Non-conforming use

<u>Requirements</u>	<u>n/a</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	_____	_____	_____
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**	_____	_____	_____
Parking Area	_____	_____	_____

\* Residential Districts only  
\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Applicant is seeking a finding from the Zoning Board of Appeals for the expansion of a non-conforming use per Section 48-24(B)(3).

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size 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. n/a

(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



(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Ref @ 6/8/98  
ZBA meeting.

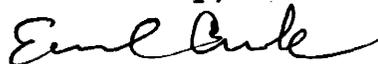
68 Long Hill Road  
Highland Mills, N.Y. 10930  
January 30, 1998

Mr. Patrick J. Torpey  
‡ 20th Century Towing  
200 Union Avenue  
New Windsor, N. Y. 12553

Dear Pat:

This is to advise that I have no objection to your extension of your present building which is located next door to my property on Union Avenue.

Yours truly,



Earl Cronk

As. publish immediately. Send bill to: Applicant at below address.

**PUBLIC NOTICE OF HEARING**  
**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. 17

Request of Patrick J. Torpey - 20th Century Towing

for a VARIANCE of the Zoning Local Law to Permit:

finding for expansion of non-conforming use  
(construction of addition)

being a VARIANCE of Section 48-24(B)(3) - Nonconforming Uses;

for property situated as follows:

200 Union Avenue, New Windsor, N.Y. 12553,

known and designated as tax map Section 21, Blk. 2, Lot 9.

SAID HEARING will take place on the 8th day of June, 1998 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Barnhart,  
Secy.

Date 5/6/98, 19...

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth  
168 N. Drury Lane DR.  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
5/1/98	Zoning Board Mtg	75.00	
	Misc - 2		
	Brpey - 9 40.50		
	Waller - 3		
	Mid-Valley Oil - 3		
	Oakwood Terrace - 3		
	Coloni - 3		
	Ciccione - 4		
	Reddings - 4	139.50	
	3/31		
		214.50	

PRELIMINARY MEETING:

TORPEY, PATRICK

MR. NUGENT: Referred by Planning Board for finding as to whether he is expanding his non-conforming use under Section 48-24B(3), located at 200 Union Avenue (20th Century Towing) in a PI zone.

Mr. Patrick Torpey appeared before the board for this proposal.

MR. NUGENT: Tell us what you want to do.

MR. TORPEY: I want to put an addition on the side of the building, just a bay, spray booth in there with the compressors.

MR. NUGENT: You're on the south side of the building?

MR. TORPEY: North side closest to the bar.

MR. NUGENT: Closest to the bar?

MR. TORLEY: Yeah, I've got enough room to put one bay exactly.

MR. NUGENT: How big is the bay?

MR. TORPEY: I don't have it, it's on the paper, I think it's 12 and change wide by 35.

MR. NUGENT: Well, hang on a minute, we'll see what it says.

MR. TORPEY: They wanted that for that and--

MR. NUGENT: 12 x 31 addition on the north side of the building.

MR. TORPEY: By RPS.

MR. NUGENT: Used to be Welch's Tavern.

MR. TORPEY: I'll have it soon, don't worry.

MR. NUGENT: What was the other one?

MR. TORPEY: I think they have to do something with parking right now. It's down as a non-conforming use.

MR. NUGENT: The whole thing is a non-comforming use.

MR. TORPEY: This is a door and this is really nobody's land, okay, I'm paying taxes on that but it doesn't matter but they want to know because it's really not going to be 15 feet from the property line and plus the back is the railroad tracks and there's a non-conforming use back there.

MR. TORLEY: It's a function of the railroad tracks.

MR. NUGENT: It's showing four parking places on here.

MS. BARNHART: There isn't anything mentioned about parking on the denial.

MR. NUGENT: Then the only thing I see here, well, there is two things, one is how big is the existing building?

MR. TORPEY: 2,000 square, 1,800 I guess 31 x 60, 1,800.

MR. NUGENT: This is a little over 300.

MR. TORPEY: It's going to be a dead bay.

MR. REIS: As you look at the building.

MR. TORPEY: It's going to the right, I have enough property just to put it there.

MR. NUGENT: I will show it to you in a second. My only question is only got eight foot point 17 inches from what I see to the property line, I'm not exactly sure if that is the property line but it appears to be.

MR. TORPEY: That is an old survey from Mr. Kennedy.

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MR. KANE: This is your property line here?

MR. TORPEY: They have me, this is like a no man's land.

MR. KANE: You're paying taxes on this?

MR. TORPEY: That is what they say, but that means nothing, you know what I mean, but the railroad tracks are here, and I got a letter from this guy here.

MR. TORLEY: How big is the addition going to be?

MR. KANE: 12 x 3, 12 wide, 31 feet.

MR. REIS: Why didn't you pick the other side?

MR. TORPEY: Why didn't I?

MR. REIS: Yeah.

MR. TORPEY: That is a dead spot piece of property, they don't use that property, I don't even know, it's there, my door's over here, I forgot about this as even being here, I didn't want to go this way because of the amount of space in the parking in the yard.

MR. NUGENT: Did you talk with the owner of the tavern?

MR. TORPEY: Yeah, I got a letter from him signed.

MR. NUGENT: He doesn't have any problem with it?

MR. TORPEY: No, I should have that letter in one of my files.

MR. TORLEY: Under, he's under the 30 percent, this is an old site plan.

MR. KRIEGER: I remember the discrepancy was resolved by taking the measurements from in essence the worse case scenario so making the discrepancy irrelevant.

MR. TORLEY: He already has a variance for the side yard.

MR. KANE: Did he already have one?

MR. NUGENT: No.

MR. KANE: It's a non-conforming use.

MS. BARNHART: It's been pre-existing for a long time.

MR. TORPEY: Plus it's abutting a railroad, it's really just going to be a dead bay, it's a dead bay right now, there's nothing there, just a little fenced in thing. I'm just going to take the booth that goes in there now and stick the booth in, two compressors and been done, just like what I do now. I use the booth, it's a dead bay, it's a waste of space. I can use the room big time, takes up probably about three parking spots inside the shop.

MR. TORLEY: So you're going to be using it as a spray painting booth?

MR. TORPEY: I have a shop, I'm going to move it into there with the compressors, four solid brick walls, it will be like a safe, won't hear nothing.

MR. KRIEGER: Mike, would you refresh my recollection, why is it that we, for the planning board, sent him over for an interpretation?

MR. BABCOCK: The parking.

MR. TORPEY: Parking and maybe the side variance.

MR. BABCOCK: Well, side yard was addressed because there is this piece of property that kind of was in no man's land at the beginning of the meeting and they got that straightened out and basically, that property is not his, basically, if the property was his, it would be moot, the variance would be moot and the deal was is that the property came up that his surveyor said it wasn't his, the parking which is existing parking that's been there since the building, before Pat had it and was a body shop before that has always been there, but he doesn't meet the new parking standards of today.

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MS. BARNHART: That is not mentioned on his notice of disapproval at all, parking.

MR. TORPEY: Because that is what I was trying to explain. I knew it had something to do with some parking.

MR. TORLEY: All it says is the expanding.

MR. NUGENT: According to the drawing, Mike, he has four spaces available, why does he need it for that lot?

MR. TORPEY: Four spots per bay.

MR. BABCOCK: Right, I'm going to have four bays so I'd have to use a lot off Union Avenue.

MR. TORLEY: Existing vehicle and storage area.

MR. TORPEY: Can't put parking inside a fenced in yard, move my parking in there, I'd have to eliminate the fence in order to use the spots as parking spots talking about the new law like the handicapped and all the parking spots you have to have named out, I'm under a non-conforming use in the first place and now that I am doing this, I've got to get a variance.

MR. TORLEY: Mike, can I ask a question about the parking?

MR. BABCOCK: Yes.

MR. TORLEY: You said he needs four parking spots per bay, he's got four bays, going to need 16 spots, he's got four?

MR. BABCOCK: That's correct.

MR. TORLEY: Why can't he stripe out what he's got, why can't you just stripe in some areas in the storage lot?

MR. BABCOCK: He could, but it's behind the fenced area which is a closed locked gate and he's got it full of

cars that need tows.

MR. TORLEY: So you can't have parking behind a locked gate?

MR. BABCOCK: It's not that, he can't, they are really not usable, so why put them back there, if you want him to show it, I'm sure he'd have no problem doing it.

MR. NUGENT: But if he opened the gate during the day it would be accessible.

MR. KRIEGER: Isn't the purpose that he'd have places to put cars and there are cars in there now.

MR. TORLEY: He's providing a more secure parking area.

MR. TORLEY: You've got that space out there, that looks like perfectly good parking. So he's got behind the fence, I would not object to having my car parked behind a fence rather than on Union Avenue, why can't he stripe out those areas?

MR. TORPEY: Because it's a closed in area.

MR. BABCOCK: Yeah, it's a gated area.

MR. TORLEY: Why can't a gated area be parking?

MR. TORPEY: He did say something about that or the engineer.

MR. BABCOCK: Yeah, it's typically, just thinking--

MR. NUGENT: You don't open the gate in the daytime?

MR. TORPEY: Yeah, sure, nobody really pulls in the yard.

MR. TORLEY: We're trying to save you some stuff.

MR. BABCOCK: The point is is that he can show all the parking he wants back there and he could meet the parking requirement no problem at all, the thing is that in theory, nobody's going to park back there, he's

still exist non-conforming use that's been there long before he owned it with the existing situation that's there now.

MR. TORLEY: So, really, the parking he can move the parking up and paint some stripes where he stores them so only real question then is whether his expansion is more than 30 percent of his building.

MR. BABCOCK: That's correct.

MR. NUGENT: It's not.

MR. BABCOCK: It's not. But the Town Code says that any expansion up to 30 percent needs a finding by the ZBA.

MR. KANE: So we need to--

MR. BABCOCK: Up to 30 percent.

MR. TORPEY: He did say it's okay.

MR. KRIEGER: You can't do it unless you have a public hearing.

MR. BABCOCK: Even if he's--

MR. KANE: Anything by the zoning board has to be done with a public hearing.

MR. BABCOCK: Even if he's expanding ten percent, he still needs a finding by the board.

MR. TORLEY: My recollection we have not done that in the past, have we been in error in that regard?

MR. NUGENT: We always have public hearings. I'll accept a motion.

MR. TORLEY: That being the case.

MR. KRIEGER: What makes this application different from many of them he's still subject to site plan review, it's not as if he's expanding a residential

non-conforming use or something like that where that would be, this would be it. He's got to go back to the planning board.

MR. TORLEY: I was hoping for you not to have to write some checks. That being the case, I move we set up Mr. Torpey for his public hearing on his request expansion of non-conforming use.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. TORPEY: That is for the parking and the addition?

MR. KANE: What happens is that we can't give a decision without it being a public hearing. This isn't a public hearing. We had to set you up for public hearing, so we'll bring you back and do it publicly and you're off to the planning board.

MR. KRIEGER: And then assuming the board acts favorably on your request, and you get the decision under the circumstances of your property as it exists, the expansion is permissible which would, under the circumstances of your property, include the parking so probably be helpful to this board if you--

MR. TORPEY: Bring all my friends?

MR. KRIEGER: --had some diagrams.

MR. NUGENT: Both of them.

MR. KRIEGER: Some diagram on how you're going to do the parking.

MR. BABCOCK: Is it this board's feeling if he striped the parking in the area he would meet the parking?

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MR. NUGENT: Yes.

MR. TORPEY: That's all I've got to do?

MR. BABCOCK: As far as this boards concerned.

MR. TORPEY: I'm not worried about the planning board.  
What about the public hearing?

MR. TORLEY: You have to come back here.

MR. TORPEY: No matter what, I have to do the public  
hearing? Okay, that sounds good.

MR. KRIEGER: They don't require the formality that  
they require at planning board but some depiction of  
the parking places.

MR. TORPEY: All right, okay, you guys try to have a  
nice night. See you later.





**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY  
and PENNSYLVANIA

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e-mail: mheny@att.net
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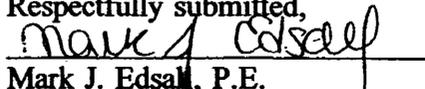


**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** 20TH CENTURY TOWING SITE PLAN  
**PROJECT LOCATION:** UNION AVENUE (CR 69)  
SECTION 21 - BLOCK 2 - LOT 9  
**PROJECT NUMBER:** 98-8  
**DATE:** 8 APRIL 1998  
**DESCRIPTION:** THE APPLICATION PROPOSES A 12' X 31' ADDITION ON  
THE NORTH SIDE OF THE EXISTING BUILDING. THE  
PLAN WAS PREVIOUSLY REVISED AT THE 25 MARCH 1998  
PLANNING BOARD MEETING.

1. The Applicant has revised the plan in response to my previous review comments. At this time I believe the application is adequate for referral to the Zoning Board of Appeals for necessary action.
2. This is a pre-existing, non-conforming use, which is seeking an expansion in accordance with Section 48-24(B)(3) of the Town Zoning Code. The Zoning Board of Appeals will need to make a finding relative to this proposed expansion. As well, they will need to consider the need for a side yard variance and parking variance in connection with this site.
3. Once the Applicant has completed their application with the ZBA and they return to the Planning Board for further review, I will be pleased to review any items or concerns, as deemed necessary by the Planning Board. I suggest that the Planning Board advise the Applicant, at this meeting, of any other additional information they require on the plan for the resubmittal to this Board.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEsh  
A.:century.sh



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## OFFICE OF THE PLANNING BOARD

WEDNESDAY, APRIL 8, 1998 - 7:30 P.M.

## TENTATIVE AGENDA

**CALL TO ORDER**  
**ROLL CALL**

### **ANNUAL MOBILE HOME PARK REVIEW:**

- a. MIELE MOBILE HOME PARK - Annual Review (Miele)

### **POSSIBLE Z.B.A. REFERRALS:**

1. 20<sup>th</sup> Century Towing Site Plan (98-8) Union Avenue (Cuomo)

### **REGULAR ITEMS:**

2. Pennings Subdivision (98-7) Lake Road (Pfau)

### **PRESUBMISSION:**

3. Big V Shopping Complex – Vails Gate

### **ADJOURNMENT**

(NEXT MEETING – APRIL 22, 1998)



**PLEASE NOTE:**

**THIS MEETING WILL BE HELD IN THE COMMUNITY CENTER –  
(LOWER LEVEL OF AMBULANCE BUILDING).**

**Bearse Manufacturing Co.**  
3815 - 25 Cortland Street  
Chicago, IL 60647

**AEI Orange Realty Corp.**  
% APA Transport Corp.  
2100 88<sup>th</sup> Street  
North Bergen, N. J. 07047

**Earl Cronk**  
68 Long Hill Road  
Highland Mills, N. Y. 10930

**Marilyn Thole**  
% Reverend Lynn Starr Post  
231 Macarthur Avenue  
New Windsor, N. Y. 12553

**Paul A. & Theresa H. Toner**  
233 Macarthur Avenue  
New Windsor, N. Y. 12553

**John A. Jaczko**  
186 Union Avenue  
New Windsor, N. Y. 12553

**Ernest & Irene R. Grieco**  
184 Union Avenue  
New Windsor, N. Y. 12553

**Consolidated Rail Corp.**  
6 Penn Center Plaza  
Philadelphia, PA 19103

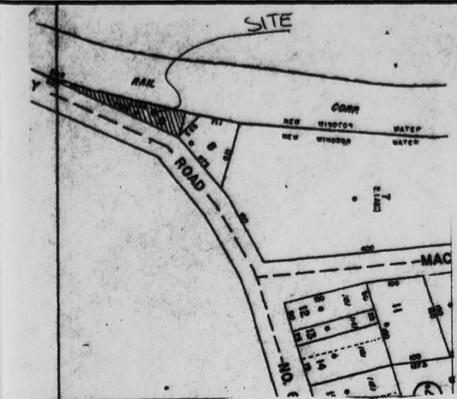
**Town of New Windsor**  
555 Union Avenue  
New Windsor, N. Y. 12553

**The Newburgh Woodlawn Cemetery  
Assoc.**  
93 Union Avenue  
New Windsor, N. Y. 12553

**Ernest H. Borchert Living Trust et al**  
Lattintown Road  
Marlboro, N. Y. 12542

**Robert Devitt**  
334 Angola Road  
Cornwall, N. Y. 12518

**John L. Devitt**  
334 Angola Road  
Cornwall, N. Y. 12518



LOCATION MAP

NOTE:  
THIS PLAN IS COPYRIGHTED  
UNAUTHORIZED ALTERATION  
TO THIS PLAN IS A VIOLATION  
OF SECTION 7209(2) OF THE  
NEW YORK STATE EDUCATION  
LAW.

DATE	ISSUANCE	BY

DATE	REVISIONS	BY
1-1-98	WORKSHOP COMM.	P.V.C.
7-7-98	WORKSHOP COMM.	P.V.C.

ZONING REQUIREMENTS

ITEM	REQUIRED	PROPOSED	ZBA
SECTION 21 ,BLOCK 2 ,LOT 9			
LOT AREA	40,000 S.F.	8,798 S.F.	NOTE 1
LOT WIDTH	200'	200'	N/A
FRONT YARD	60'	13.2'	NOTE 1
SIDE YARD	30'	4.83'	NOTE 2
BOTH SIDES	70'	130'	N/A
REAR YARD	30'	3.9'	NOTE 3
FRONTAGE	N/A	N/A	N/A
MAX. BLDG. HGT.	1.95'	24'±	NOTE 1
FLOOR AREA RATIO	0.5	0.24	N/A
DEVEL LOT CVG.	N/A	N/A	N/A

NOTES:

1. PRE- EXISTING / NON-CONFORMING CONDITION.
2. A REQUEST OF A VARIANCE FOR SIDE YARD WIDTH.
3. NO SETBACK REQUIRED PER 48-15 (B).
4. \* BULK INFORMATION SHOWN BASED ON USE IN 'C' ZONE.

PARKING REQUIREMENTS

REQUIRED:  
1 SPACE PER 200 S.F. OFFICE AREA  
4 SPACE FOR EACH BAY + 1 SPACE FOR EACH 300 S.F. FLOOR AREA OUTSIDE THE BAY.

REQUIRED:  
4 BAYS x 4 = 16 SPACES  
OFFICE = 1 SPACE  
17 SPACES TOTAL

NOTE: 4 EXISTING PARKING SPACES PROVIDED, A REQUEST FOR A PARKING VARIANCE FOR 13 SPACES

EXISTING PARKING SPACES ARE PRE-EXISTING IN LOCATION IN FRONT OF BAY DOORS.

GENERAL INFORMATION

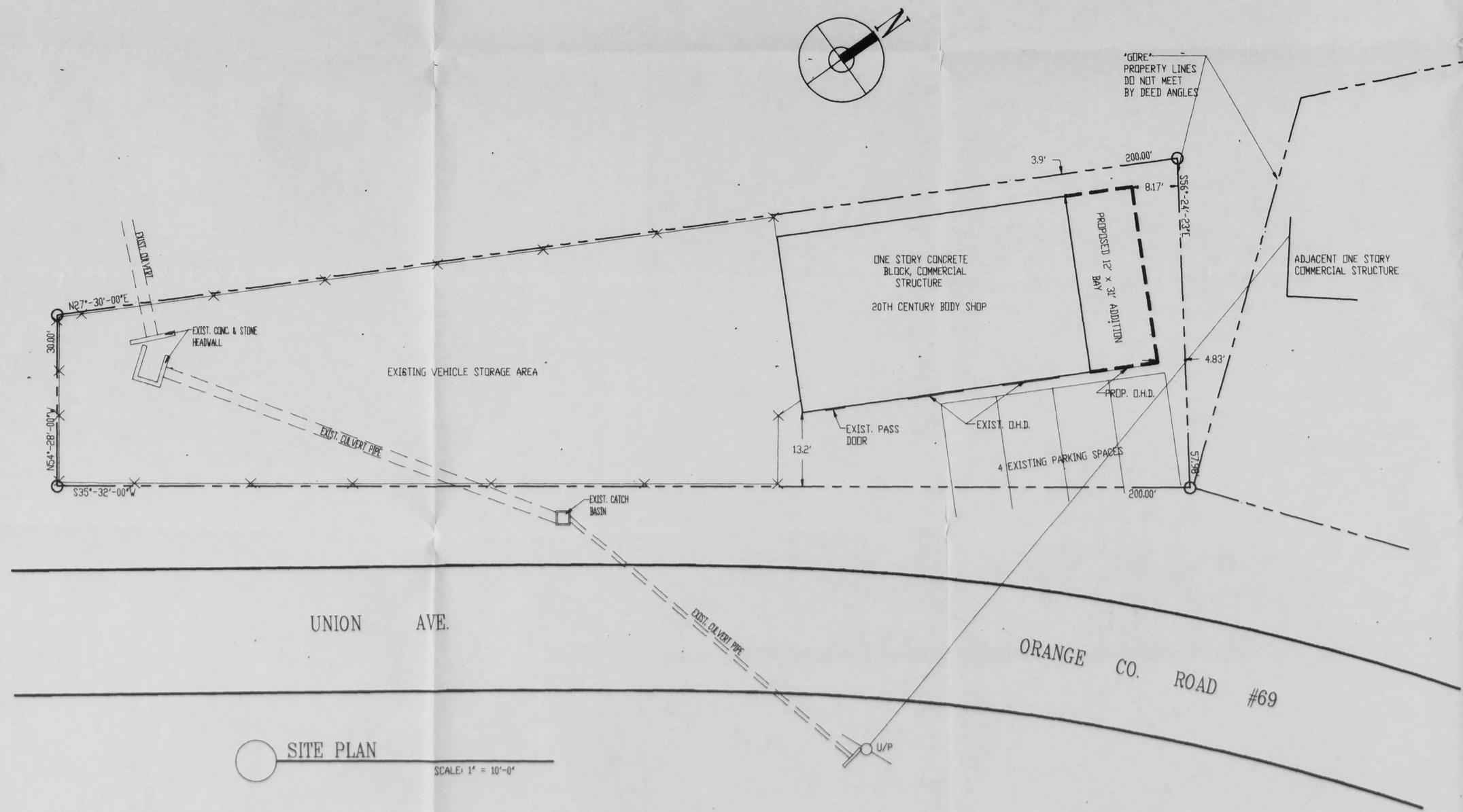
1. OWNER & APPLICANT:  
20th CENTURY TOWING & AUTO BODY  
200 UNION AVE.  
NEW WINDSOR, NEW YORK 12553
2. BOUNDARY SURVEY & TOPO INFORMATION PROVIDED BY:  
PATRICK T. KENNEDY, L.S.  
219 QUASSAICK AVE.  
NEW WINDSOR, NEW YORK 12553  
DATED: 12-21-88
3. ENGINEER:  
CUOMO ENGINEERING  
STEWART INTERNATIONAL AIRPORT  
2005 'D' STREET, BLDG 704  
NEW WINDSOR, NEW YORK 12553

SHEET TITLE  
**SITE PLAN**  
 PROJECT TITLE  
**20th CENTURY TOWING & AUTO BODY**  
 ENGINEER  
**CUOMO ENGINEERING**  
 STEWART INTERNATIONAL AIRPORT, NEW WINDSOR, N.Y. 12553 (914) 567-0063



DATE	1-5-98
DRAWN BY	P.V.C.
CHECKED BY	P.V.C.
SCALE	AS NOTED
PROJECT NO.	96052

SP-1



SITE PLAN  
SCALE: 1" = 10'-0"