

PB# 78-25

Ponderosa

Ponderosa

78-25

Approved 6/28/78
Given to T.C. office 8/8/78 9:30am
SH SH

GENERAL RECEIPT

3736

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

RECEIVED OF Ponderosa System, Inc. July 17 19 78
One hundred and 00/100 \$ 100.00
FOR Sub-division Fee #78-25 DOLLARS

DISTRIBUTION:

FUND	CODE	AMOUNT
100.00		
ck.		

BY Charlette Marcantonio
Deputy
TITLE



Ponderosa System, Inc.

P.O. BOX 578 • DAYTON, OHIO 45401

016352

DESCRIPTION	DATE	INVOICE NO.	AMOUNT OF INVOICE	DISCOUNT	NET
Unit	9045				
Vendor	T0639				
a/c	230-1782				
Amt.	\$100.00				
Inv.	016352				
Clerk	22				
Due Date	07/10/99				
Hash	10000				

DETACH BEFORE DEPOSITING



Ponderosa System, Inc.

P.O. BOX 578 • DAYTON, OHIO 45401

016373

DESCRIPTION	DATE	INVOICE NO.	AMOUNT OF INVOICE	DISCOUNT	NET
Unit	9045				
Vendor					
a/c	230-1782				
Amt.	\$500.00				
Inv.	016371				
Clerk	22				
Due Date	07/12/99				
Hash	50000				

DETACH BEFORE DEPOSITING

78-25

APPLICATION FOR SUBDIVISION APPROVAL
Town of New Windsor, 555 Union Avenue, Orange County, N.Y.
Tel: 555-8893

Application is hereby made for subdivision of lands situated in the Town of New Windsor and described as follows:

- 1. Name of subdivision New Windsor Associates
- 2. Location Northwest side of Route 32
- 3. Acreage 40,586 acres 4. Number of lots 2 5. Zone S & R5
- 6. Name & address of subdivider Penderosa Systems, Inc.
P. O. Box 1832 Wayne, N. J. 07470
- 7. Name & address of record owner of land New Windsor Associates
- 8. Present and intended uses Presently vacant
Proposed used Restaurant

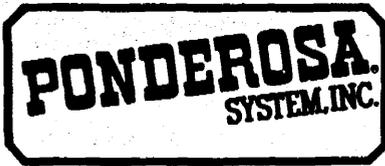
The undersigned applies for subdivision approval of the above described lands under the rules and procedure of the "Land Subdivi Regulations of the Town of New Windsor" as duly authorized by the Board of New Windsor, New York. Upon approval of the Preliminary Layout of said subdivision the applicant agrees to install such utilities as are required and to complete the streets as finally approved by the Planning Board or in lieu of this to post a performance bond as set forth and provided in the "Land Subdivision Regulations". Copies of the Preliminary Layout are hereby attached.

Compliance with requirements shall be the sole responsibility of applicant or his representative and it is suggested a copy of the Subdivision Regulations be obtained to avoid rejection of the plan. Seven (7) copies of the plans are required.

Fees are due and payable upon submission of the preliminary plans. All checks are to be made payable to the Town of New Windsor.

Signature of applicant _____

approved 6/28/78



P.O. BOX 578, DAYTON, OHIO 45401 PHONE 513/890-6400

July 13, 1978

Township of New Windsor
555 Union Avenue
New Windsor, N.Y. 12550

RE: Proposed Ponderosa Steakhouse #782
Route 32
New Windsor, New York

Gentlemen:

Enclosed is our check number 016352 in the amount of \$100.00 for the subdivision fee at the above captioned project. Also enclosed is our check number 016373 in the amount of \$500.00 representing the recreation fee. Our Accounting Department requires that a receipt for these amounts must be sent to us as soon as possible. In that regard, please forward same to my attention.

Very truly yours,

PONDEROSA SYSTEM, INC.

Pamela Bridges

(Mrs.) Pamela Bridges
Secretary to Douglas J. Smith
Vice President, Construction

/pb

Enclosures

cc: Robert Nichols
LaVonne Michael

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550
(914) 565-8550

RECEIVED
APR 12 1978

NEW WINDSOR PLANNING BOARD
April 11, 1978

William J. Larkin, Jr. Associates
32 Ona Lane
New Windsor, N. Y. 12550

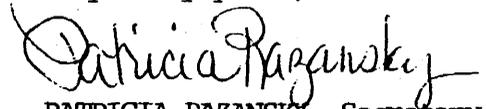
Attn: Mr. William J. Larkin, Jr.

RE: APPLICATION FOR FRONT YARD VARIANCE
NEW WINDSOR ASSOCIATES/PONDEROSA SYSTEMS, INC.
#78-13

Dear Bill:

This is to confirm that the above application for an area variance before the Zoning Board of Appeals was granted at the April 10, 1978 meeting. Kindly be advised that a formal decision will follow by mail.

Very truly yours,


PATRICIA RAZANSKY, Secretary

/pr

cc: Town Planning Board ✓

Mr. Howard Collett, Bldg./Zoning Inspector



1763

TOWN OF NEW WINDSOR

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

August 14, 1979

PONDEROSA SYSTEMS, INC.
P. O. Box 578
Dayton, Ohio

RE: APPLICATION FOR SIGN VARIANCE
NEW WINDSOR ZONING BOARD OF APPEALS

Gentlemen:

This is to confirm that your above application for 116 sq. ft. sign variance was granted before the New Windsor Zoning Board of Appeals at its regular meeting on August 13, 1979.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor ✓
Town Planning Board ✓

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
William C. Hennessy, Commissioner

112 Dickson Street, Newburgh, N.Y. 12550



June 27, 1978

Washburn Associates
Estrada Road
Central Valley, N.Y.

Re: Bonderosa Restaurant
Route 32, Town of New Windsor, Orange Co.

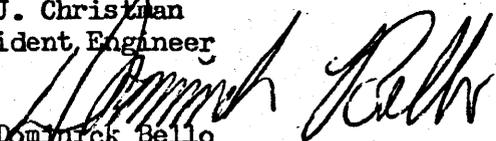
Dear Sir:

With reference to your plan dated 6/22/78 submitted on the above subject for review, be advised the plan has incorporated our comments and is acceptable to this office.

When your schedule permits notify this office and I will prepare and send you the applications for issuance of a Highway Work Permit.

Very truly yours,

K. J. Christman
Resident Engineer

by: 
Dominick Bello
Asst. Resident Engineer

KJC:DB:lp

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
May 8, 1978

Planning Bd.

MEMBERS PRESENT: Richard Ferwick, Acting Chairman
Jack Babcock
James Bothwell
Dan Konkol
Dan McCarville

MEMBERS ABSENT: Mark Stortecky, Chairman
Vincent Bivona, Vice Chairman

ALSO PRESENT: Andrew S. Krieger, Esq.
Attorney for the Board
Patricia Razansky, Secretary

Note: Just prior to the roll call, motion was made by Dan Konkol, seconded by Jack Babcock to appoint Richard Ferwick Temporary Chairman for this meeting. Roll call, all ayes.

* * * * *

Richard Ferwick, acting as temporary Chairman in the absence of the Chairman and Vice Chairman, called the meeting to order at 7:35 p.m. Secretary called the roll.

Motion then followed by James Bothwell, seconded by Jack Babcock to approve the minutes of the April 24, 1978 meeting as written.

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Abstaining
Mr. Ferwick - Yes

Motion carried 4 ayes - 1 abstention.

* * * * *

PRELIMINARY MEETING:

Cindy Heffernan of Keats Drive, New Windsor, New York, appeared before the ZBA seeking an interpretation of the Zoning Local Law. Ms. Heffernan requests to use a portion of the lower level of her home on Keats Drive as a Pre-School Day Care Center for approximately 4-5 youngsters.

Mr. Krieger added that his opinion of the law would be that Ms. Heffernan could have 4 children under her guidance and would be covered under Section 48-21 h - Home Professional Office Use. Any excess over 4 would have to be applied for through a variance. This would fall under a teacher category.

Motion followed by Jack Babcock, seconded by Dan Konkol to schedule a public hearing at the convenience of the secretary and applicant in the near future.

ROLL CALL: James Bothwell - Yes
Dan Konkol - Yes
James Bothwell - Yes
Dan McCarville - Yes
Richard Fenwick - Abstaining

Motion carried 4 ayes - 1 abstention.

* * * * *

PUBLIC HEARING on Application of CASEY MANS for a sign area variance to construct a "Honda" sign in front of his location on Route 32 - 28 Windsor Highway, New Windsor, N. Y. in a PI (Planned Industrial) zone.

Secretary accepted 10 return receipts from adjacent property owners (11 on list), copy of Town Assessor's list, fee for variance in the amount of \$50.00. Secretary also reported the receipt of a letter dated May 3, 1978 from the Orange County Department of Planning which returned this application back to the Board for local determination.

Raymond H. Bradford, Esq., attorney representing Casey Mans, presented plans and photographs of the proposed sign and stated that it would be placed roughly 16 ft. from the paved portion of the highway.

There was one spectator in attendance, namely, Jack Scott. Mr. Scott had no objection to the application before the board.

Mr. Bradford was requesting a 96 sq. ft. sign area variance for an illuminated sign.

Public Hearing was recorded on Tape #45 on file in Secretary's office.

Before the close of the hearing, motion was made by Dan McCarville seconded by Jack Babcock to approve a 96 sq. ft. sign area variance to Casey Mans.

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Yes
Mr. Fenwick - Yes

Motion carried 5 ayes. Application of Casey Mans approved. Formal decision to be drafted by the Attorney for the Board and acted upon at an upcoming meeting.

* * * * *

PUBLIC HEARING on Application of ANTONIO and SHIRLEY MARANO for use and area variances on property located on Temple Hill Road in the Town of New Windsor in a PI (Planned Industrial) zone.

Alfred F. Cavalari, Esq., attorney representing Mrs. Marano, appeared with his client and made his presentation to the Board. He provided the secretary with 9 return receipts from the Town Assessor's list, the Town Assessor's letter of adjacent property owners within 500 feet, Affidavit of Publication from The Evening News dated April 29, 1978 together with a check for the variance application fee of \$50.00.

At this point, Attorney Andrew Krieger, made the following disclosure:

"The firm with which I am associated has negotiated in the past and still has some discussions with the owners of the property with a view toward buying. I don't think that disqualifies me from anything since I am not making any decisions. But I would ask that the board bear that in mind when asking me any questions about this application and use their own judgment as to the extent to which they want to follow any advise that I may have."

Acting Chairman Fenwick stated that the board makes the final interpretation in the matter and that he does not foresee any problems.

Attorney Alfred F. Cavalari, added the following comments in connection with the disclosure made by Mr. Krieger:

"I do think that there would be an inherent conflict of interest on this matter since the firm is not the prospective purchaser of the property and so that we would ask respectfully that the disclosure was properly made that the board not use the services of the firm of Duggan, Crotty & Lucia on any points with regard to this matter."

Mr. Krieger stated in response to Mr. Cavalari's comments:

"The only point I would make with respect to that is, and I have no objection except to say that the board is entitled to legal counsel if they desire to have it and they are entitled to have anybody they want whether it is me or anybody else. So long as the board does not waive its right to have an attorney of its choosing. I have no objection as far as I personally am concerned."

Mr. Cavalari then submitted some photographs as part of their submission of the property in question.

There were four (4) spectators present at the public hearing: Peter B. Rosenstein who appeared in behalf of Bill Helmer of Helmer-Cronin, Mr. McCue and Stephen Previti of Dexion, and Eugene D. Sloan, adjacent resident on Route 207. There were no actual objections stated by any of the spectators attending. Several points of interest regarding truck traffic were mentioned. Mr. Sloan spoke briefly regarding the rezoning of that area.

It was mentioned at this point of the meeting that the Orange County Planning Board was not notified by Attorney Cavalari. The property is located within 500 ft. of a county or state road.

Mr. Cavalari stated that the request is for a use and area variance - the use portion being a requested retail use. However Mr. Cavalari was not able to disclose the retail use since the prospective purchasers are seeking to use the property for an investment of some type.

The Public Hearing was recorded on Tape #45 on file in the Secretary's office.

Before the close of the hearing, motion was made by James Bothwell seconded by Dan McCarville to grant a use and area variance to Antonio and Shirley Marano.

ROLL CALL: Mr. Bothwell - No
Mr. Konkol - No
Mr. Babcock - Abstaining
Mr. McCarville - No
Mr. Ferwick - no

Motion denied 4 nays - 1 abstention. Application of Marano denied. Formal decision would be drafted by the Board attorney and acted upon at an upcoming meeting.

* * * * *

The following formal decisions drafted by Mr. Krieger were acted upon:

Application of Debbie Martin for beauty shop in residential area:

Motion by Dan Konkol, seconded by Dan McCarville to approve the formal decision of DEBBIE MARTIN as written.

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Yes
Mr. Ferwick - Yes

Motion carried 5 ayes - formal decision accepted.

Application of O. Edward Cicchetti for an area variance:

Motion followed by Dan McCarville, seconded by Dan Konkol to accept the formal decision of O. EDWARD CICHETTI as written.

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Yes
Mr. Ferwick - Yes

Motion carried 5 ayes - formal decision accepted.

Application of CIAIZZO/MANNONI for use variance:

Motion followed by Jack Babcock, seconded by Dan McCarville to accept the formal decision as written:

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Yes
Mr. Fenwick - Yes

Motion carried - 5 ayes. Formal decision accepted.

Application of NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC. for front yard variance:

Motion followed by Jack Babcock, seconded by Dan McCarville to accept the formal decision drafted by the board attorney.

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Yes
Mr. Fenwick - Yes

Motion carried 5 ayes - Formal decision accepted.

Application of ADAMS/BERTOLI for use variance.

Motion followed by Dan Konkol, seconded by Dan McCarville to accept the formal decision as drafted.

ROLL CALL: Mr. Bothwell - Yes
Mr. Konkol - Yes
Mr. Babcock - Yes
Mr. McCarville - Yes
Mr. Fenwick - Yes

Motion carried 5 ayes - formal decision accepted.

All of the above formal decisions are attached hereto and made a part of the record.

* * * *

The last item on the agenda for this evening's meeting was a letter dated May 3, 1978 from the Orange County Department of Planning with regard to the CIAIZZO/MANNONI application for a use variance. The County returned the application to the board for a local determination.

* * * *

Since there was no other business to be brought before this board, motion followed by Jack Babcock, seconded by Dan Konkol to adjourn. Motion carried all ayes. Meeting adjourned.

Respectfully submitted,

Patricia Ragansky

In the Matter of the Application of
NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.
Application #78-13.

DECISION GRANTING
AREA VARIANCE

WHEREAS, NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.
of 161 Hillside Avenue, Cresskill, New Jersey 07626, have made appli-
cation for an area variance to permit insufficient front yard for the
location of a restaurant on Route 32 in a Designed Shopping (C) zone;
and

WHEREAS, the applicants seek a 34 ft. front yard variance; and

WHEREAS, a public hearing was held on the 10th day of April, 1978
before the Zoning Board of Appeals at the Town Hall, New Windsor, New York;
and

WHEREAS, the applicants were represented by William J. Larkin, Jr.
of William J. Larkin, Jr. Associates of 32 Ona Lane, New Windsor, New York;
and

WHEREAS, the application was opposed by approximately 6 area
residents present at the hearing who objected generally on the grounds that
additional commercial activity was not needed along Route 32.

WHEREAS, the Zoning Board of Appeals 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 Evening News; also as
required by law.

2. The evidence shows that the variance sought for a piece of
property located in both a commercial and residential zone.

3. The evidence shows that the building of structures will occur
only in the commercial zone, with the residential zone being used only for
parking purposes.

4. The evidence shows that the variance requested is for the

purpose of achieving the maximum ease of traffic flow in and out so as to ease congestion in the parking lot and on the highway.

3. The evidence shows that the proposed use will put no appreciable strain on present governmental facilities.

4. The evidence shows that the variance sought for the purpose of constructing a commercial restaurant similar to many other uses in the zone, and that there is no other feasible use for the property.

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

1. The proposed application if denied will create great practical difficulty to the applicant in properly arranging its parking and internal traffic flow.

2. The approval of the application will not produce substantial detriment to adjoining properties nor alter the character of the neighborhood.

3. The problem of traffic flow and parking cannot be solved by any feasible method other than the granting of the variance.

4. The granting of the variance is in the interests of justice.

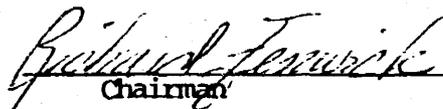
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant an area variance to NEW WINDSOR ASSOCIATES and PONDEROSA SYSTEMS, INC.

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 applicants.

Dated: May 8, 1978.


Chairman

sufficient parking in the driveway for two (2) cars and additional parking if necessary to the rear of the house.

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

1. The proposed application will not rewrite the Zoning Law.
2. The hardship suffered by applicant is not a self-created one.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance to DEBBIE MARTIN for the operation of a beauty shop in the basement of her home located in an R4-A (residential) zone.

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: May 8, 1978.


Chairman

TOWN OF NEW WINDSOR PLANNING BOARD

APPLICATION FOR SITE PLAN APPROVAL

Name Benderosa Systems, Inc.

Address P. O. Box 1832 Wayne, N.J. 07470

1. Owner of the property New Windsor Associates

2. Location of the property:
Northwest side of Route 32

3. Zone area C & R5

4. Nature of business:

Restaurant

5. Lot size: Front 200.00 Rear 82.10 Depth 350.00

6. Building setbacks: Front yard 26.0 Rear yard 30
Side yards 30/70

7. Dimensions of new building 51.3 by 105

Addition

If addition, state front, side, rear of existing structure:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project.

Signed: _____
(APPLICANT)

Maps Required for:

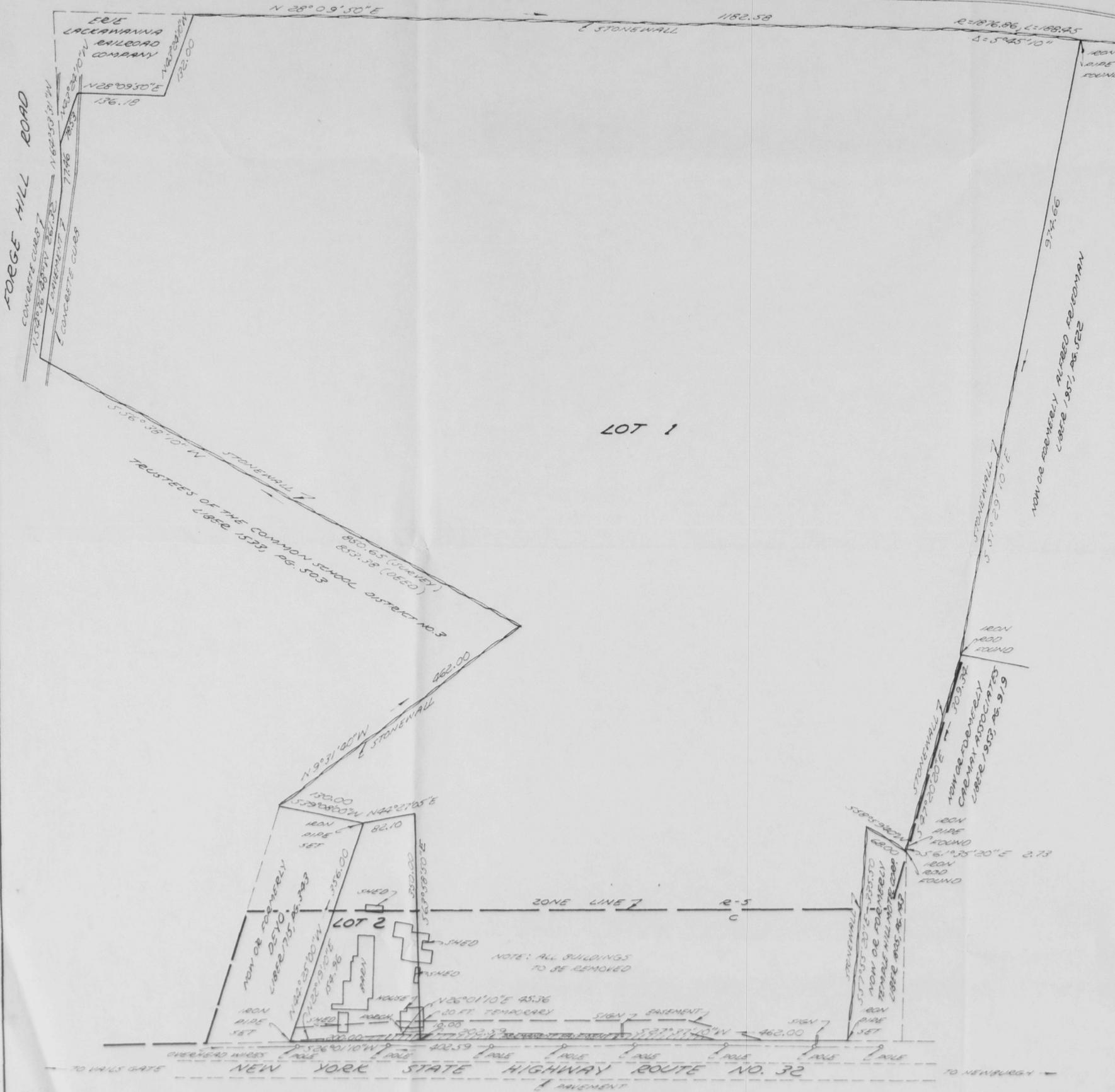
Planning Board
Highway Dept.
Sanitation Dept.
Water Dept.
County Planning Board
Building Inspector

Action of the Zoning Board of Appeals

WASHBURN ASSOCIATES
ESTRADA ROAD
CENTRAL VALLEY, N.Y.

EDIE LACRAWANNA RAILROAD COMPANY

EXISTING TRACK 7



SURVEY REFERENCE:
"SURVEY FOR NEW WINDSOR ASSOCIATES"
TOWN OF NEW WINDSOR, ORANGE CO., N.Y.
DEED 27, 1976

MAP REFERENCE:
TOWN OF NEW WINDSOR TAX MAP
SECTION 25, BLOCK 1, LOT 59, 22
RIGHT OF WAY AND TRAIL MAP
EDIE RAILROAD COMPANY V.S. DANIEL
NEWBURGH BRANCH, STATION 1003-1004
TO 1057+80 - 1-6-N.Y.

DEED OF RECORD:
LIBER 115, PG. 53

LOT 1 = 39.49/ ACRES
LOT 2 = 1.095 ACRE
TOTAL AREA = 40.586 AC.

SUBDIVISION APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON 6/28/78
BY [Signature]

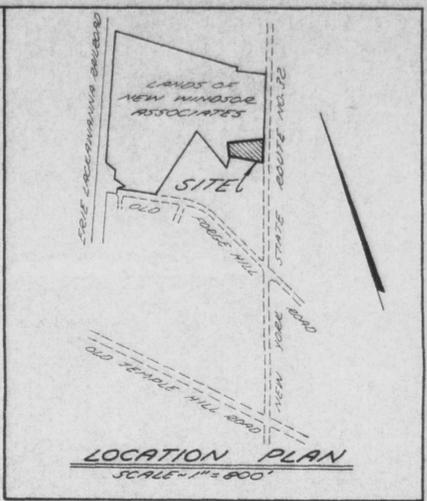
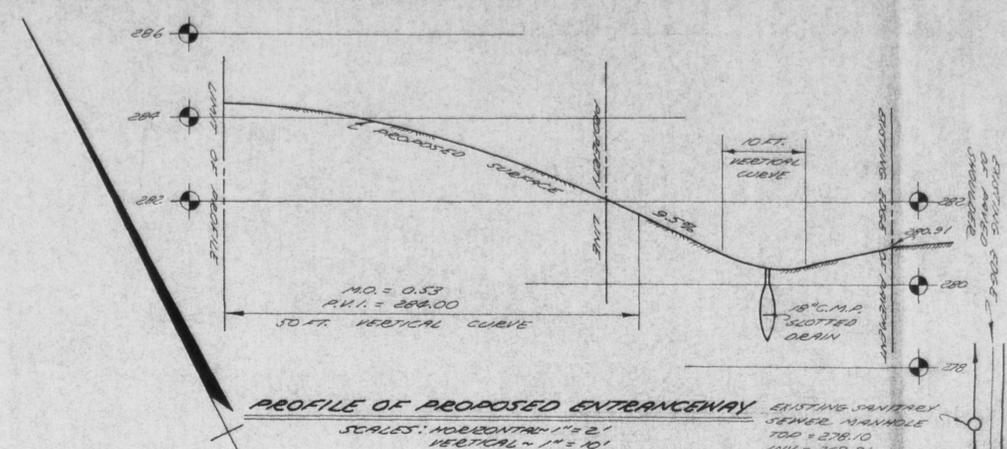
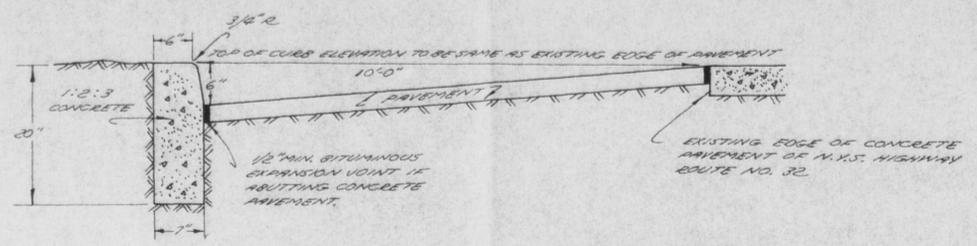
SUBDIVISION MAP

NEW WINDSOR ASSOCIATES		
SCALE: 1"=100'	APPROVED BY:	DRAWN BY:
DATE: 6/2/78		REVISED:
TOWN OF NEW WINDSOR, ORANGE CO., N.Y.		
		DRAWING NUMBER: 1521



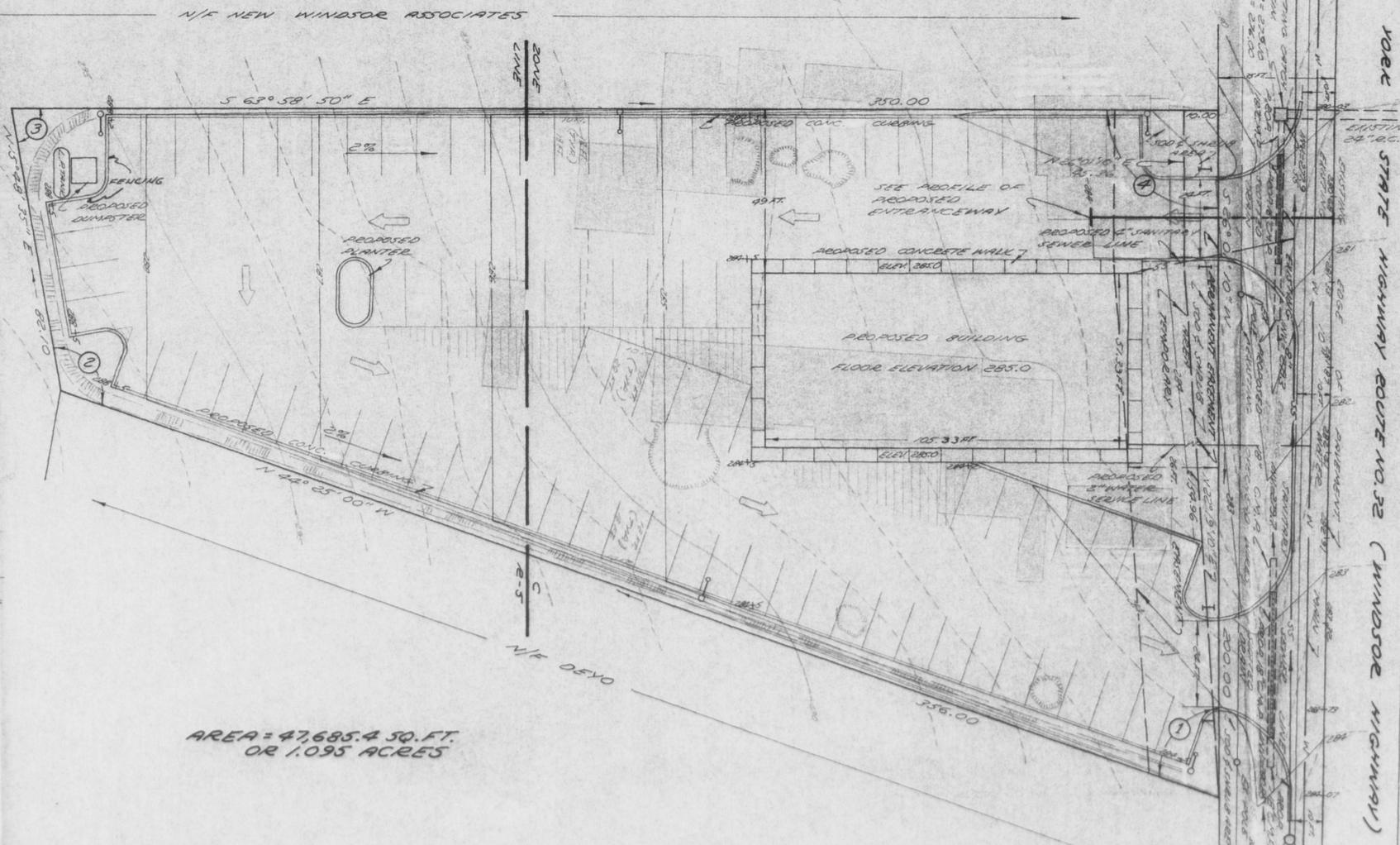
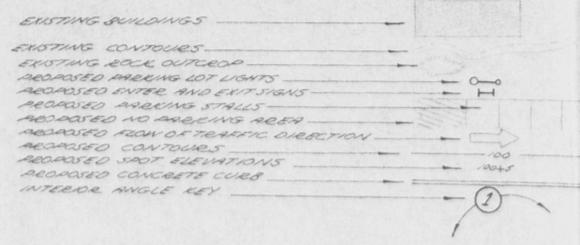
Ronald A. Washburn
LIC. NO. 48318

WASHBURN ASSOCIATES
ESTRADA ROAD
CENTRAL VALLEY, N.Y.



- INTERIOR ANGLES OF PARCEL
- 1) 70°26'10"
 - 2) 119°46'25"
 - 3) 79°27'25"
 - 4) 90°00'00"

LEGEND



SUBMISSION REFERENCE:
"SUBDIVISION AND NEW WINDSOR ASSOCIATES"
TOWN OF NEW WINDSOR GEORGE CO., N.Y.
VOLUME 2, 1978

- NOTE:
- 1) ALL EXISTING BUILDINGS TO BE REMOVED
 - 2) AREA VARIANCE FOR A 25 FT FRONT YARD GRANTED BY THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS MAY 8, 1978 AND FOR THE USE OF THE A-5 AREA FOR A PARKING LOT.
 - 3) L.A. TANK AND SUMMITER AREA TO BE FENCED.

NO. OF SEATS - 200
REQUIRED 67
PROVIDED 90

APPLICABLE ZONING: C.R.-5
REQUIRED 40,000 SQ. FT.
AREA - 40,000 SQ. FT. 42,685.4 SQ. FT.



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT MAP, COMPILED FROM A SURVEY ACTUALLY MADE ON DESCRIBED GROUND, THAT PERMANENT MARKERS HAVE BEEN INSTALLED AT NECESSARY CORNERS, THAT THE SEEDS OF TRAVELERS CLOVER DOES NOT EXCEED 1:5000, AND MEETS ALL APPLICABLE LEGAL REQUIREMENTS TO SUCH A SURVEY LOCATION.

Ronald A. Washburn
RONALD A. WASHBURN A.C.S.
L.E. NO. 48768
TEL. NO. (516) 928-2798

APPROVED BY THE
OFFICE OF FIRE PREVENTION
TOWN OF NEW WINDSOR, N.Y.
[Signature]

SITE PLAN FOR
PONDEROSA SYSTEMS, INC.

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY:
DATE: 6/22/78		REVISED:
TOWN OF NEW WINDSOR, GEORGE CO., N.Y.		
		DRAWING NUMBER
		1521