

**PB# 84-3**

**Action Audio**

**65-2-13**

84-3

Action Audio Site Plan

approved subject to DOT  
 fee paid 9/24/84  
 memo signed 10/11/85  
 given to Town Clerk's office  
 10/2/85 ch.

**General Receipt** 5599

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

Received of Action Audio (F. J. Kass, Jr.) Jan 27 19 84  
 \$ 25<sup>00</sup>/<sub>100</sub>

Twenty Five and <sup>00</sup>/<sub>100</sub> DOLLARS

For Application Fee - 84-~~03~~

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>25.00</u>	<u>Check</u>	
	<u># 6672</u>	

By Pauline G. Townsend  
Town Clerk  
 Title

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

**General Receipt** 6004

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

Received of Frederick J. Kass Jr. Sept 27 19 84  
 \$ 75<sup>00</sup>

Seventy-five <sup>00</sup>/<sub>100</sub> DOLLARS

For 84-3 Site Plan Fee Balance.

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>RRB</u>	<u>Synch account</u>	
	<u>Check #300</u>	<u>75.00</u>

By Pauline G. Townsend  
Town Clerk  
 Title

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

offered subject to D.O.T.  
(Donald Greene)

**Memo FROM:**

555 UNION AVENUE

TOWN OF NEW WINDSOR

NEW WINDSOR, NEW YORK 12550

*Planning Bd  
received  
Sept 26 1984  
ph-*

**TO:**

PLANNING BOARD

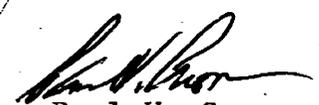
**DATE:** Sept 26, 1984

**SUBJECT:** Action Audio - Sidewalks

--FOLD HERE--

I have studied the site plan for Action Audio in regards to including the construction sidewalks on site. After numerous site visits, I have seen many pedestrians in the vicinity of the site.

After various sketches and studies I have come to the conclusion that a sidewalk on the edge of the site would be dangerous for pedestrians due to the close proximity to automobiles especially when they make a right hand turn. I therefore recommend that the proper design for a sidewalk to accomodate the many pedestrians would be widening the side adjacent to the stores to a six foot width.

  
Paul V. Cuomo  
Engineer

PVC/nh

by \_\_\_\_\_

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12550

(This is a two-sided form)

Date Received 1/25/84  
Meeting Date 1st Review 1/25/84  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid 25<sup>00</sup> application fee

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project Action Audio
2. Name of applicant Frederick J. Kass, Jr. Phone 914-565-8740  
Address 367 Windsor Highway New Windsor, New York 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record Frederick J. Kass, Jr. Phone 914-565-8740  
Address 367 Windsor Highway, New Windsor, New York 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan McGoey and Hauser Phone 914-562-8640  
Address 45 Quassaick Avenue, New Windsor, New York 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney David Levinson Phone 914-565-6844  
Address Central Valley, New York 10917  
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the west side of Forge Hill Road  
(Street)  
0' - 558' feet south  
(direction)  
of Route 32 (Windsor Highway)  
(Street)
7. Acreage of parcel 2.878 acres
8. Zoning district C / R-4 (split parcel)
9. Tax map designation: Section 65 Block 2 Lot(s) 13
10. This application is for the use and construction of 1) retail store complex and  
2) two story office building
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? no If so, list case No. and Name \_\_\_\_\_
12. List all contiguous holdings in the same ownership  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

FOR OFFICE USE ONLY:

Schedule \_\_\_\_\_ Column \_\_\_\_\_ Number \_\_\_\_\_

Attached hereto is an affidavit of ownership indicating the dates the respective holding of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION, CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

25th day of January, 1984

Applicant's Signature

Owner

Title

RUTH J. EATON  
Notary Public

Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1984  
(Completion required ONLY if applicable)

OWNER'S ENDORSEMENT

COUNTY OF ORANGE }  
STATE OF NEW YORK } SS.:

\_\_\_\_\_ being duly sworn, deposes and says that he resides

\_\_\_\_\_ in the  
(Owner's Address)  
county of \_\_\_\_\_ and State of \_\_\_\_\_

and that he is (the owner in fee) of( \_\_\_\_\_ of the \_\_\_\_\_  
(Official Title)  
Corporation which is the owner in fee) of the premises described in the foregoing application  
and that he has authorized \_\_\_\_\_ to make the fore-  
going application for special use approval as described herein.

Sworn before me this.

\_\_\_\_\_ day of \_\_\_\_\_, 198'

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
Notary Public



NEW WINDSOR PLANNING BOARD MEETING  
TOWN HALL  
WEDNESDAY, SEPTEMBER 12, 1984 7:30 P.M.

BOARD MEMBERS PRESENT: CHAIRMAN HENRY J. REYNS, ERNEST SPIGNARDO,  
LAWRENCE JONES, HENRY VAN LEEUWEN, AND  
PHILIP INFANTE.

BOARD MEMBERS ABSENT: CARL SCHIEFER AND HENRY F. SCHEIBLE

OTHERS PRESENT: ANDREW S. KRIEGER, PLANNING BOARD ATTORNEY  
PAUL V. CUOMO, P.E. PLANNING BOARD ENGINEER  
PATRICK T. KENNEDY, L.S., BLDG. & ZONING INSPECT.  
SHIRLEY B. HASSDENTEUFEL, SECRETARY

tape 311 and 312

Chairman Reynolds called the meeting to order promptly at  
7:30 P.M. and presided over same.  
Secretary called the roll.

Motion by Henry Van Leeuwen seconded by Lawrence Jones that  
the Planning Board of the Town of New Windsor approve  
the minutes of the September 12, 1984 meeting as written.  
Roll call: All ayes, no nays. (5-0)

#1 on the agenda:

Action Audio Site Plan (Kass)  
located on Route 32  
represented by William Hauser, P.E.

Mr. Hauser: We have been before the Board previously.  
I contacted the Department of Transportation. They said  
a week from this Friday.  
I am here to ask for conditional approval. The condition being  
of DOT approval. I have spoken to the man who made the review.

Mr. Spignardo: You are presenting original plans.

Mr. Hauser: The last set of plans.  
The Zoning Board of Appeals indicated to remove office building.  
This was done.

Mr. Spignardo: What about sidewalk. A sidewalk from Forge Hill  
Apt. to Route 32?  
It was mentioned before.

Several members said it was not stated at last meeting.

Chairman Reynolds: We talked about it on site inspection.

Mr. Spignardo: We made on site inspection and we talked about it.  
 Mr. Hauser stated that the parking would have to be rearranged.  
 It is rather tight. It narrows down. Property corner rather tight.  
 Mr. Kass: It would be a sidewalk to no place.

Mr. Hauser: Stated that they were maintaining a curb  
 along here. (pointing)

Mr. Spignardo: To the rear of the property line beginning at the  
 edge of the apartments to the corner.

Mr. Infante: Forge Hill sidewalk you are talking. Forge Hill Road.

Mr. Kass: We already planned for the front.

Mr. Spignardo: The State is going to eventually put that in.

Mr. Kass: If the apartments down below were going to continue  
 that would be great.

Mr. Spignardo: Well we can't have it all at once. It is a start.  
 A piece at a time. Maybe we could convince them later on to  
 do something. There is congestion. People walking.

Mr. Kass: There is already a four to six (4-6) foot sidewalk  
 going on the inside part of the parking lot going all the  
 way down.

Mr. Spignardo: Eliminate that and put it over here (pointing).  
 (Conversations going on in several places at one time).

Mr. Hauser: Let me make a proposal simply because of the right-  
 a-way condition we have at the northerly end. You will  
 notice that Forge Hill Road is quite close to the property line  
 within about the first 150 ft. there. Would it be feasible  
 to put a sidewalk along the rear?

Mr. Van Leeuwen: My suggestion, if he is going to blacktop  
 this all the way down. If he continues another 30 inch or 3 ft.  
 section of blacktop to the corner of his property which is right  
 here and they have all this black top if they have a shopping  
 cart they can push it along there.

Mr. Jones: The sidewalk has to be part of the driveway.

Mr. Van Leeuwen: The trouble is if you lay a concrete sidewalk and  
 you lay blacktop against it. The concrete would breakup first  
 before the blacktop, it always does. If he continues to the edge of  
 Mr. Spignardo: It sounds make makeshift to me. property

Mr. Infante: You have a storefront to walk anyway. He is  
 putting a walk in. It is the safest and the best.

Mr. Hauser: The thing that concerns me about putting a sidewalk in  
 the rear on Forge Hill Road is lack of area, We can't put it  
 in the right-a-way. There isn't enough room, I could only go  
 part way with a sidewalk outside the property line between there  
 and Forge Hill Road.

Mr. Spignardo: You are using your own property line, what if the Town allows you to use their right-a-way.

Mr. Hauser: I am still very close up in here. I have no problem in showing a sidewalk. My concern is if it is safe.

Mr. Van Leeuwen: There is one more thing that we have to take in consideration, if these people are walking along where these cars are backing up.

Mr. Spignardo: Cars won't be backing out there.

Mr. Hauser: My concern is that we are very close to the edge of the paved surface.

Mr. Spignardo: Paul, would you check and see if there is enough room to put a sidewalk in. See if there is enough property.

Mr. Jones: I would like to ask a question.

Mr. Kennedy: The Town right-a-way is close to the edge of pavement.

Mr. Jones: I would like to ask a question. If you put a siewalk you have to put a curb. How will the cars get up the curb. It won't be a sidewalk, it will be a walkway.

Chairman Reyms: It will be slopped.

Mr. Jones: How do you park over a curb?

Mr. Spignardo: You are not parking over a curb. You have two exits and entrances.

Mr. Jones: You have 23 parking spaces. Where is the room to turn?

Mr. Spignardo: Here is the map, there is nothing allowed to go across the parking area. They have to use one of the entrances or exists.

Mr. Hauser: We need 22 ft. to back out into, plus the length of parking space. (18 to 20 ft.)

Mr. Infante: I intend to disagree with you. Overall plan of sidewalks is great, but to pick this one plan that has been on our desk for quite a time.

Mr. Spignardo: I don't think that is going to hurt the plan. The rest of the plan is fine. You can go ahead and give conceptual approval or preliminary approval as long as he includes the sidewalks on it. I am not trying to hold the man up.

Mr. Infante: It just seems like we are holding a gun to his head for sidewalks.

Mr. Spignardo: That is only my opinion. The majority of the Board rules.

Mr. Infante: I have never seen an overall concept of sidewalks presented to us yet. I heard about it.

Mr. Spignardo: In view of the fact that they are going to widen Route 32 and there will be sidewalks in the entire area you are going to increase the traffic in that area. It is going to be more congested. Wouldn't you normally think of a pedestrian that is going to walk by there. It is only common sense.

Mr. Infante: As a Planning Board member, I would like to see an overview of the whole Town so you could see where sidewalks would be concentrated so you could fit this in ahead of time, not pull it out cold two minutes before approval.

Mr. Spignardo: If you don't start now, when will you start?

Mr. Infante: It is an inopportune time.

Mr. Jones: You are only putting sidewalks on that one piece of property, you are not going down Forge Hill Road either.

Mr. Spignardo: Not now you can't. You can't change anything pre-existing.

Mr. Jones: They come to an end. A big pile of dirt, what do you want the old people to do, climb over it.

Mr. Spignardo: You have your opinion and I have mine.

Chairman Reynolds: Can we have a feeling on this?

Mr. Jones: The sidewalks? I disagree.

Mr. Infante: At this time I disagree. I am for sidewalks. At this particular time I disagree.

Mr. Van Leeuwen: If he blacktops that, I am inclined to go along with him. For the simple reason you do have a chance in walking. I think it is safer. I would rather see in front of store.

Mr. Infante: I like the store front walk myself. Increase it by a foot.

Mr. Van Leeuwen: How wide is that going to be?

Mr. Hauser: Right now, it is five feet.

Mr. Van Leeuwen: Could you put another foot on. If you have six feet in front of the stores I would be satisfied.

Mr. Infante: Five foot is enough too.

Chairman Reynolds: Ernie, we know your feelings.

Mr. Spignardo: If that is what the majority wants, so be it.

Mr. Hauser: May I make just one comment, regarding the technical feasibility of putting a sidewalk there, I don't believe is the question, I am just concerned it is just to close to the paved surface of Forge Hill Road.

Mr. Spignardo: Can we let our Engineer investigate?

Mr. Hauser: I am all for it. I would be happy to meet him on the site. I have no problem doing that.

Mr. Van Leeuwen: I have a suggestion, He doesnot have DOT approval. If we let him go ahead and get his footings in and we give him conditional approval upon DOT permit and the provision that Paul goes out and looks and comes back with a report at the next meeting if we can put side walks in or not. We can take that part up at the next meeting if it is okay with the applicant.

Chairman Reyms: You are asking for two provisions.

Mr. Van Leeuwen: Two provisions, yes.

Mr. Kennedy: On the plan here shows a scale drawing. He is not going to see that in the field. We don't know what that intersection is going to look like when the State makes the change. There is nothing that Paul is going to see that is really going to accomplish anything.

Mr. Jones: Another question. We are talking about making the sidewalk wider. There is nothing now.

Mr. Van Leeuwen: If he makes the sidewalk in front a foot wider, and we ask him to put a temporary sidewalk in or a stretch of blacktop in the lower end like I said before so the people can walk up there and walk along the buildings and then go across.

Mr. Jones: This man has to go into a big pile of dirt, do you want him to take that out too?

Mr. Van Leeuwen: He will have to doze it out.

Mr. Jones: If it is not on their property he can't touch it.

Mr. Hauser: It is a lot of fill there.  
There is a grade difference. It is 10 to 12 feet high.

Mr. Infante: There is a big hump.

Mr. Hauser: As soon as you get to the property line.  
It is not within this property.

MR. Infante: The other side of the street has a better grade.

Mr. Jones: You are talking about sidewalks and walkways. No one is solving that.

Mr. Van Leeuwen: That is part of my suggestion, possibly take out a couple of feet of dirt and continue that sidewalk in a blacktop fashion so it looks neat down to the end of the property and curve it down to the store front.

Mr. Infante: What about ice?

Mr. Infante: I don't think it can be done.

Chairman Reynolds: That is why we are sending our Engineer down there.

Mr. Jones: You have been down there and looked at it. You keep sending this man back and forth which isn't right.

Chairman Reynolds: We were down there once.

Mr. Jones: You know what the area is.

Mr. Infante: Twice we were down there.

Chairman Reynolds: I feel like Mr. Spignardo, I would like to see a sidewalk there. Does anyone want to make a motion.

Motion by Henry Van Leeuwen seconded by Ernest Spignardo that the Planning Board of the Town of New Windsor approve Action Audio Site Plan subject to DOT approval and sidewalk concept or not.

Atty. Krieger: It is not something that is covered by the Code book. The Code talks strictly in terms of basically approved or not approved. What troubles me about that, in order for him to put footing and foundations he is going to have to get some kind of Building Permit. I know of .....

Mr. Van Leeuwen: No a foundation permit.

Atty. Krieger: Is there such a thing, Pat?

Mr. Kennedy: No. I can restrict as to how far they can go on the Building Permit. It is still a Building Permit.

Mr. Van Leeuwen: He can issue a Building Permit with restrictions on it. We have done it before. This way at least the man can get his footings in. The building is not going to change.

Atty. Krieger: I have no objections to that. I am not saying that what you propose to do is illegal. I don't know that it is. All I know is that this Code is silent on this issue. What case law may exist on reading in an exception, that I don't know if any case law exists. That is a question that there isn't a firm answer to.

Mr. Van Leeuwen: We have done it before.

Chairman Reynolds: That doesn't mean that it is right.

Mr. Jones: We can't tell the Building Inspector to issue a permit with restrictions when we have no power to do that. He is the only one can issue it. We can't tell him what to do.

Chairman Reynolds: We have a motion on the floor that was made and seconded. We have had discussion on the motion. We will take a vote on the motion.

Mr. Jones: No  
Mr. Infante: No  
Mr. Van Leeuwen: Yes  
Mr. Spignardo: Yes  
Chairman Reynolds: Yes.

Atty. Krieger: You need 4 votes.  
Majority of the Board, not of the number here.

Mr. Van Leeuwen: I can't see why we can't let him put his footings in. The building is not going to change. We are leaving our options open subject to the sidewalk.

Mr. Infante: I will vote for a motion for approval subject to the road openings (DOT).

Mr. Van Leeuwen: That was the motion.

Chairman Reynolds: That was what the motion was.

Mr. Van Leeuwen: Subject to the DOT and we are going down and inspect the sidewalks. Then we will make up our mind what we will do with sidewalks. We are leaving the sidewalks open.

Mr. Infante: The man is going to get final approval?  
Subject to DOT.

Chairman Reynolds: No, there is two additions to the motion. DOT and sidewalk. That is why I asked the question.

Mr. Van Leeuwen: We have an Okay from Pat. He will issue a permit with restrictions. We are only worried about the DOT and the sidewalks.

Chairman Reynolds: Did you fellas understand the motion?

Mr. Infante: I understood the motion.

Chairman Reynolds: Henry would you restate your motion in short.

Mr. Van Leeuwen: My motion is subject to DOT approval and subject to us going down and inspecting the site and the feasibility of the sidewalk. If we go down and take a look and we say forget the sidewalk. If we say there is a way to work it out we will try and work it out. That is what my motion meant. We are leaving it open. If we change or minds or not.

Atty. Krieger: What you are saying is -the Board reserves the right to require sidewalks before the project is completed or not.

Mr. Kass: I would like sidewalk if it went all the way between Route 32 and Route 94, but a short sidewalk to nowhere is not going to benefit the public.

Mr. Jones: People have been walking up and down that road for years, all of a sudden a man decides to build on that corner right away you are telling him he has to put sidewalks in.

Mr. Spignardo: In the future the sidewalk extending down there is possible. Either the town doing it themselves or the County. I see no reason why it is not possible or feasible.

Mr. Van Leeuwen: That is why I left it open.

Atty. Krieger: What concerns me mostly is what site plan map are you going to sign? Perhaps the way and the big question is what is the sidewalk going to look like on paper. Can it be done? It seems to me if a side walk can be draw in it would not be necessary for the Planning Board to require that what is on the paper go on the ground but if it were on the paper you could sign one site plan and have done with it.

Mr. Van Leeuwen: The only thing is you would be holding up another two weeks.

Chairman Reyns: Two weeks isn't that bad. Is it? You would be on the next agenda.

Mr. Van Leeuwen: When you are talking about footings and foundation work Hank, you can't pour foundations after .....

Chairman Reyns: I don't see how that motion is going to work. I really don't.

Mr. Infante: I don't either.

Mr. Van Leeuwen: I withdraw my motion.

Engineer Cuomo explained what he saw on site plan. There would have to be a dedication of land. If you put a side walk close to the edge you are going to get people close to the line of traffic. The sidewalk could be put back. That is up to the owner. You could curve it over from the edge of the road.

Mr. Hauser spoke with Mr. Cuomo.

Noise and cross talk in room.

Mr. Spignardo: Our Engineer seems to think there is room. Discussion followed.

Atty. Krieger: Where sidewalks are in a municipality the sidewalks belongs to the municipality.

2. Whether or not you are going to have sidewalks in this Town is a basic policy decision having to do with overall planning of Town.

3. If at a later date the Town decided to put sidewalks in they have the right to go to Mr. Kass or any other owner to condemn their property and say we are putting sidewalks in. I question if it is the responsibility of this Board and possibility of this Board and possibility if mandiate given by the Town Board to start making determination of whether we are going to sidewalks.

Before you require him to deed sidewalk over to Town you had better find out if the Town wants them.

Mr. Spignardo: But he can deed them over to the Town.

Atty. Krieger: Before you require him to you may have the Highway Superintendent saying they don't have any money in the budget for any sidewalks, we didn't ask for them. We don't want them.

Motion by Mr. Van Leeuwen seconded by Mr. Infante that the Planning Board of the Town of New Windsor approve the site plan of Action Audio located on Route 32, Windsor Highway subject to DOT approval and collect all fees.

Roll call: Mr. Jones: yes  
Mr. Infante: yes  
Mr. Van Leeuwen: yes  
Mr. Spignardo: no  
Chairman Reynolds: no

4 votes are needed to pass.

Mr. Hauser: What do you want us to do.

Chairman Reynolds: We can put you on the next agenda. We will have the Engineer go down and work with you.

Mr. Hauser: I would like to make a point. I object from a safety point putting a sidewalk on what is now shown as the outside of that guide rail.

Chairman Reynolds: Within the next two weeks that will be determined.

Mr. Kennedy: They are walking that intersection now.

Mr. Hauser: Now we are promoting it and condoning it.

Chairman Reynolds: You will be first on the next agenda.

\* \* \* \* \*

Maharay 2 lot subdivision  
located on West side of Windsor Highway  
represented by Elias Grevas, L.S.

35-1-35.3

Mr. Grevas: Good evening. This is the short form Environmental Review form for this to be filed.

There is existing 2 buildings. We are making two separate lots. This is in a R5 zone.

Chairman Reynolds: Just for a review - This is located on west side of Windsor Highway. There are 43.7 acres. Zone R5. Number of lots- 2. Tax map designation 35-1-35.3.

Mr. Grevas: I have final map here tonight. The metes and bounds are on this. We haven't changed except metes and bounds. Lot 1 - 10.87. That is the only change.

Mr. Maharay is retaining lot 2. Lot 2 wraps around.

# 4 on the Agenda:

Plum Point Site Plan  
located on Route 9W  
represented by George Krom and Michael G. Calvi

Mr. Krom: We are here to keep you informed. Tom Perna was not able to be here this evening. His Engineer is here with me. His name is Michael Calvin.

Mr. Calvi: I have a set of plans here this evening. They are a redesign of the bridge. They need dressing up. We will be going to the Health Department very soon. I will contact you as soon as I am ready to come in again.

#5 on the Agenda:

Calvet Tool Rental Subdivision  
located on Route 32  
represented by Elias Grevas

Mr. Grevas: Central Hudson owns a parcel.

Mr. Jones: How are you going to work out lot #1?

Mr. Grevas: It depends on who buys it.

Mr. Spignardo: For future use, you will need a road coming up.

Mr. Infante: I reviewed this.

Mr. Kennedy: He never came before the Planning Board with a site plan. I have told him about this.

Mr. Grevas: Can I have a subdivision and a site plan at the same time?

Mr. Infante: There is a shed. Should be Note - to be removed.

Mr. Grevas: He will remove it when lot 3 is sold. When the lot by the road is sold they will go to the DOT. I would like to be on the next Agenda.

#5 on the Agenda:

Action Audio Site Plan  
Route 32  
represented by William Hauser

Mr. Hauser: This was formerly Windsor Building Supplies. Addition would be commercial space.

Basically toward the north side there would be more.

We also provided additional parking in the rear.

Office building in the rear.

Mr. Kass is concerned about constructing another warehouse back there.

It occupies two separate zones. Commercial and Multi-family.

We will need a Use Varaince. Parking requires 91 spaces.

Traffic pattern - We have two entrances now. They come in any way now. We will change to one way traffic. Storm drainage appears to be satisfactory. Surface water would be on site.



# TOWN OF NEW WINDSOR

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

June 14, 1984

1763

Mr. Frederick Kass, Jr.  
ACTION AUDIO  
Routes 32/Old Forge Hill Road  
New Windsor, N. Y. 12550

RE: APPLICATION #84-6 - ZONING BOARD OF APPEALS - KASS

Dear Fritz:

This is to confirm the action taken by the Zoning Board of Appeals at the public hearing held on 6/11/84 in the above-entitled matter:

- GRANTED . USE VARIANCE and 35 Ft. REAR YARD VARIANCE for proposed new 6,000 sq. ft. warehouse;
- GRANTED . USE VARIANCE - portion of warehouse in R-4 zone to be converted to stores (numbered 9, 10 & 11 on site plan);
- DENIED . USE VARIANCE and AREA VARIANCES - Proposed new two-story office building;

Formal decisions will be drafted and acted upon at an upcoming meeting of the ZBA. You will be in receipt of a copy by return mail.

Best of luck with your project.

Very truly yours,

PATRICIA DELIO  
Secretary - ZBA

/pd

cc: Town Planning Board  
Patrick Kennedy, Building/Zoning Officer

*Saved letter  
to design dept  
11/4/84*

**RECEIVED**

OCT 18 1984

TOWN ENGINEER'S OFFICE  
TOWN OF NEW WINDSOR

112 Dickson Street  
Newburgh, NY 12550

*Received Board  
Planning 1984  
Oct 18, 1984  
sh.*

October 17, 1984

McGoey and Hauser  
45 Quassaick Avenue  
New Windsor, NY 12550

RE: Action Audio  
Frederick J. Kass, Jr.  
Route 32, S.H. 9033  
Town of New Windsor

Dear Sirs:

Please find our comments on the above noted projects:

The preliminary site plan is unacceptable as submitted. We recommend the following changes, which have been indicated in red on the returned plans:

- 1) The entrance design should;
  - a) have a 20+ foot width
  - b) align perpendicularly with the edge of pavement
  - c) maintain the minimum 5 foot property line offset
  - d) have adequate radii as indicated
  
- 2) The exit design should have;
  - a) a 16 foot width
  - b) radii as shown
  
- 3) Due to the relatively flat grade at this site, poured in place concrete curbs will be required along the entire frontage and extend around the radius of Forge Hill Road. Additionally, it will be required along the State R.O.W. line to prevent illegal use.

The revised plans should include these changes and show all existing conditions, including the detector loops, pullboxes, and conduit for the signal located at the Route 32/Forge Hill Road intersection.

**RECEIVED**

TOWN ENGINEER'S OFFICE  
TOWN OF NEW WINDSOR

Due to the proposed alignment of the exit and its relative closeness to the intersection, left turns shall be prohibited. Therefore, proper No Left Turn signs will be required, posted per the NYS MUTCD. It should also be noted that the proposed one-way signs must conform to the NYS MUTCD.

Our field inspection also indicated two signs within State R.O.W. These signs must be removed under the terms of the HMP.

Very truly yours,

D. Greene  
Permits

DG/dm

cc: Town of New Windsor

**RECEIVED**

OCT 18 19.

TOWN ENGINEER'S OFFICE  
TOWN OF NEW WINDSOR



APPENDIX B

SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

(a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.

(b) If any question has been answered Yes the project may be significant and a completed Environmental Assessment Form is necessary.

(c) If all questions have been answered No it is likely that this project is not significant.

(d) Environmental Assessment

- 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? . . . . .  Yes  No
- 2. Will there be a major change to any unique or unusual land form found on the site? . . . . .  Yes  No
- 3. Will project alter or have a large effect on an existing body of water? . . . . .  Yes  No
- 4. Will project have a potentially large impact on groundwater quality? . . . . .  Yes  No
- 5. Will project significantly effect drainage flow on adjacent sites? . . . . .  Yes  No
- 6. Will project affect any threatened or endangered plant or animal species? . . . . .  Yes  No
- 7. Will project result in a major adverse effect on air quality? . . . . .  Yes  No
- 8. Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? . . .  Yes  No
- 9. Will project adversely impact any site or structure of historic, pre-historic, or paleontological importance or any site designated as a critical environmental area by a local agency? . . .  Yes  No
- 10. Will project have a major effect on existing or future recreational opportunities? . . .  Yes  No
- 11. Will project result in major traffic problems or cause a major effect to existing transportation systems? . . . . .  Yes  No
- 12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? .  Yes  No
- 13. Will project have any impact on public health or safety? . . . . .  Yes  No
- 14. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? . .  Yes  No
- 15. Is there public controversy concerning the project?  Yes  No

PREPARER'S SIGNATURE: William J. Hausser TITLE: Consulting Engineer  
 REPRESENTING: Frederick Kass DATE: 26 September 1984  
 9/1/78

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

TPB

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 84-6

Date: \_\_\_\_\_

- I. ✓ Applicant Information: 367 WINDSOR HIGHWAY NEW WINDSOR.
- (a) FREDERICK J. KASS JR. 565-8740  
(Name, address and phone of Applicant) (Owner)
- (b) SAME  
(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) C/R-4 367 WINDSOR HIGHWAY 65-2-13 2.88 ACRES  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1982
- (e) Has property been subdivided previously? NO When?
- (f) Has property been subject of variance or special permit previously? NO When?
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of USE Regs., Col. B, to allow:  
(Describe proposal)
1. CONSTRUCT TWO STORY OFFICE BLDG. IN R-4 ZONE
  2. CONVERT EXISTING WAREHOUSE TO COMMERCIAL RETAIL USE PART IN R-4 ZONE AND PART IN C ZONE
  3. CONSTRUCTION OF NEW WAREHOUSE TO REPLACE EXIST WAREHOUSE STRUCTURE IN R-4 ZONE

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

*The parcel lies in commercial and residential zones with the access through commercial areas in general. In order to properly develop the property the best use would be commercial since access to residential areas through commercial parking and traffic would not be desirable. The restriction for development of residential property in the rear would therefore present an unnecessary hardship*

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. 6, 8

Requirements	OFFICE	WAREHOUSE	Proposed or Available	Variance Request
Min. Lot Area				
Min. Lot Width				
Reqd. Front Yd.	<u>35</u>		<u>18</u>	<u>18</u>
Reqd. Side Yd.				
Reqd. Rear Yd.	<u>40</u>	<u>40</u>	<u>25</u> <u>5</u>	<u>25</u> <u>5</u>
Reqd. Street Frontage*				
Max. Bldg. Hgt.				
Min. Floor Area*				
Dev. Coverage*		%	%	%
Floor Area Ratio**				

\* Residential Districts only

\*\* Non-residential districts only

✓ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

*The practical difficulty exists because in order to provide safe, proper and easy access to and from the site and proper orderly parking it is necessary to place buildings nearer to property lines than required. Also, since existing building lines should be maintained, the compliance with the setback & side yard requirements presents practical difficulty.*

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.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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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.

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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.)

FRONTAGE TO BE TASTEFULLY LANDSCAPED; COMMERCIAL SIGNS TO BE BUILDING FACE TYPE; DRAINAGE TO BE PIPED AS PRACTICAL; BUILDING CONSTRUCTION TO BE ARCHITECTURALLY COMPATIBLE WITH SURROUNDINGS; SITE TO BE ADEQUATELY LIGHTED FOR SAFETY & SECURITY BUT NOT OVER ILLUMINATED CAUSING GLARE; FRONTAGE ON RTE 32 AND FORGE HILL RD. TO BE AESTHETICALLY IMPROVED.

IX. Attachments required:

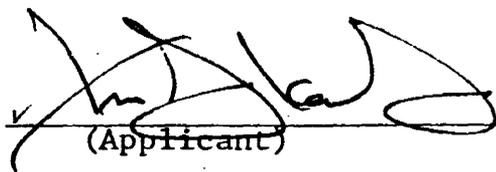
- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access 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 \$ 50.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 9 MAY 84

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.

  
(Applicant)

Sworn to before me this  
9th day of May, 1984.

  
RUTH J. EATON  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1986  
Reg. No. 4673512

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.

TPB



# Calendar

day, May 20 from 10 a.m. to 5 p.m., rain or shine. The show will be held on the museum's Village Green. Items offered will include country furniture, clocks, stone-ware, quilts, toys and tools. Admission will be \$3 per person. Museum Village is located 4 miles from Exit 16 of the Thruway at Exit 129 on Route 17 in Monroe.

....

The 7th annual **Antique Engine & Machinery Show** will take place Saturday, May 19, and Sunday, May 20 at the **Gifford House**, Cary Arboretum, Route 44A, Millbrook. Featured will be a series of working antique exhibits. Donation is \$1 and children under 14 will have free admission.

....

"Fresh Start," a four-session clinic to help individuals give up smoking will be held at 7:30 p.m. in the dining room of **The Cornwall Hospital** on May 15, 17, 22 and 24. Registration, which is free, may be made by calling the hospital at 534-7744.

....

The 16th annual **Jack Perry Thunderbird Pro-Am Open Golf Classic** will be played at **Stony Ford** on Tuesday, May 29, and offer 5,500 in total prizes with the grand prize being the use of a 1984 Thunderbird. The \$60 entry fee includes green fees, golf cart, breakfast, luncheon, hot and cold hors d'oeuvres, buffet dinner and beverages which will be served throughout the day. For more info., contact **Stony Ford** at 457-3000.

....

The **Cornwall Hospital Thrift Shop** is open for donations Tuesdays from 9 a.m. to 2 p.m. The shop is open to the public for sales every Thursday from 10 a.m. to 5 p.m. The Thrift Shop is located at 210 1/2 **Hudson Street**, Cornwall-on-Hudson.

....

**Eline Barclay's** recent paintings, an exhibition of realist landscape paintings depicting the regions of the **Shawangunk Mountains** and the **Hudson River Valley**, will open on **May 3rd** at the **Real Gallery** and continue

A free close-up **Nature Photography Workshop** will be presented at **Stony Kill Farm Environmental Education Center** on Sunday, May 27 from 1:30 to 4 p.m. Since the workshop is limited to twenty 35 mm single lens reflex owners, phone 831-8780 or pre-register in person by May 21. Besides their cameras, registrants should bring ASA 64 or 100 color slide film and optional tripod and electronic flash. For more information or a free "slate" of programs, call 831-8780.

....

On Sunday, May 20 at 2 p.m. the staff at **Stony Kill Farm Environmental Education Center** will conduct a program on the **non-chemical and chemical mosquito control measures**. The center is located south of **Wappingers Falls** on Rt. 9D, 2 1/2 miles north of the **Newburgh-Beacon Bridge**. The **Manor House** is open weekdays 8:30 a.m. to 4:45 p.m. and on weekends from noon to 4:45 p.m.; trails and grounds are open dawn to dusk. For more information, call 831-8780.

....

The **Orange County Historical Society** and the **Arts Council of Orange County** are co-sponsoring three workshop programs entitled "Preservation and Presentation: A Workshop For Historical Object Collectors." The program will be held June 23 from 9 a.m. to 4 p.m. at the **Paramount**, 19 South Street, **Middletown**. The workshops will cover preserving paper objects by matting and framing, proper care of fabrics and guidelines for exhibition preparation. To receive further information and registration forms, call 351-4696 or 342-2133.

....

A conference to discuss "The Fate and Transport of Toxic Substances in the **Hudson River**" will be held on **May 31st** to **June 1st** at the **Rennselaer Center of Applied Geology** in **Troy, N.Y.** The conference will begin at 9:30.

....

More information may be obtained by calling 518-273-3247 or 915-255-1647. For registration information, contact **Stephen Scholle** of the **N.E. Science Foundation**, P.O. Box 746, **Troy, N.Y.** 12181. Registration fees are \$55 prior to **May 25** and \$60 thereafter.

....

A seminar exploring feelings about death will be offered on **Monday, June 4**, from 7-10 p.m. The seminar will be sponsored by **Hospice Planning & Educational Foundation of Orange, Inc.**, a

**balance Corps** is hosting their 2nd annual **Country Western Jamboree** on **June 10**. This event will be held at the bay in **Pine Bush** on **Railroad Avenue** from 12 noon to 11 p.m. Any band wishing to donate their time should contact **Ken Henry** at 744-2294 after 6 p.m. or 744-3601 **Monday through Saturday** between 9 a.m. and 6 p.m.

....

"Building Better Roads," an **Orange County Community College continuing education program**, will be presented as a one-day seminar on **Saturday, May 19** in the **Bio Tech Building**. Sessions are scheduled from 9 a.m. to 4 p.m. and included in the registration fee of \$10 is lunch. For more details, call 343-1121, ext. 303.

....

Children of all ages are invited to attend the **Museum of the Hudson Highland's fifth annual Children's Day** on **Sunday, May 20th** from 1:30-4:30 p.m. The afternoon's activities will include horse rides, puppet shows, live animal demonstrations, guided nature walks, children's art projects and much more. For additional information, call the museum at 534-7781, **Monday through Thursdays**.

....

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Main St. Pine Bush, NY

**LEGAL NOTICES**

**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 Ordinance on the following proposition:

Appeal No. 6  
Request of **FREDERICK J. KASS, JR.** for a **VARIANCE** of the regulations of the Zoning Ordinance to permit construction of a new professional building, new warehouse and expansion/conversion of existing retail buildings being a **VARIANCE** of Section 48-9 - Table of Use Regs. - Col. B and Section 48-12 - Table of Bulk Regs. - Cols. 6 & 8 for property situated as follows:  
Southeasterly corner of intersection of **NYS Route 32** and **Forge Hill Road** known and designated as **Section 65-Block 2 - Lot 13** in the **Town of New Windsor, New York**.

**SAID HEARING** will take place on the **11th day of June, 1984**, at the **New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y.** beginning at **7:30 o'clock p.m.**

**Daniel P. Konkol**  
Chairman  
**By: Patricia Delio,**  
Secretary

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**PODIATRIST — FOOT SPECIALIST**

NEW WINDOR ZONING BOARD OF APPEALS  
Regular Session  
April 23, 1984

MEMBERS PRESENT: Daniel P. Konkol, Chairman  
Joseph Skopin, V. Chairman  
Richard Fenwick  
James Nugent  
John Pagano  
Jack Babcock

MEMBERS ABSENT: Vincent Bivona

ALSO PRESENT: Andrew S. Krieger, Esq.  
Attorney for Board

The April 23, 1984 session of the Zoning Board of Appeals was called to order by Chairman Daniel P. Konkol at 7:30 p.m. Roll call was taken in the absence of Secretary.

Motion followed by Joseph Skopin, seconded by James Nugent to accept the minutes of the April 9, 1984 meeting as written. Roll call: 6 ayes - 1 abstention (J. Pagano).

\* \* \* \* \*

PRELIMINARY MEETING:

KASS, FREDERICK, JR. (ACTION AUDIO) -

William Hauser of McGoey & Hauser, consulting engineers, was present representing Mr. Kass. Mr. Hauser presented an amended site plan with new front elevations for the proposed structures, including shopping building and two-story office building. The side facing Forge Hill Road would be all new and the side facing Rt. 32 would be basically the same.

Discussions followed covering extension to building facing Rt. 32, rear entrances to stores and access for emergency vehicles. Also, it was suggested that 7 ft. be shaved from proposed extension, thereby eliminating the necessity of a sideyard variance. Attorney Krieger brought up the fact that there may also be an area variance concerning the rear of the property since the bulk regulations contains a clause requiring 5 acres in an R-4 zone. Property is presently located in R-4 and C zones. Attorney Krieger offered to research law concerning the total number of buildings allowed to exist on one lot.

It was requested that the applicant produce plans concerning lighting, landscaping, tenant businesses, guard rails, etc. Also, applicant stated that there would be no food cooking or preparation on premises. Mr. Hauser stated that a final site plan showing requested changes would be submitted to the Board members prior to a public hearing.

Variiances requested: \*

- Use variance - new office building
- Setback - " " "
- Area - " " "
- Rearyard - " " "
- Use - Converted warehouse on Forge Hill Rd.
- South sideyd.- Proposed extension to bldg. facing Rt. 32
- Area (?) - 5 acres required in R-4 zone

\*Figures to be available upon submission of final site plan.

It was suggested that the Board meet with applicant and engineer at 7 p.m. previous to the public hearing and Secretary instructed not to schedule any other public hearings for the evening when the subject hearing is scheduled.

Motion then followed by Jack Babcock, seconded by Joseph Skopin to schedule a public hearing upon the return of the completed paperwork. Roll call: 6-0.

\* \* \* \*

PRELIMINARY MEETING:

YANNONE, RAYMOND - No show.

\* \* \* \*

Last item on agenda was to accept formal decision in the matter of the application of KEITH & REBECCA WILLIAMS. Motion followed by Jack Babcock, seconded by Richard Fenwick. Roll call: 6-1 abstention (J. Skopin). Formal decision attached hereto and made a part of the minutes.

Motion to adjourn was made by Jack Babcock, seconded by James Nugent. Roll call 6-0. Motion carried. Meeting adjourned.

Respectfully submitted,

PATRICIA DELIO, Secretary

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

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

KEITH & REBECCA WILLIAMS

DECISION DENYING  
USE VARIANCE

# 83-5 .

-----x  
WHEREAS, KEITH & REBECCA WILLIAMS of 518 Balmoral Circle,  
New Windsor, NY (R-4) zone, have made application before the  
Zoning Board of Appeals for a use variance for the purposes of:

hair salon in residential (R-4) zone

and

WHEREAS, a public hearing was held on the 9th day of  
April, 1984 at the Town Hall, 555 Union Avenue, New  
Windsor, New York; and

WHEREAS, applicants appeared by their attorney, Daniel J.  
Bloom, Esq., Bloom & Bloom, Route 94, New Windsor, N.Y.; and

WHEREAS, the application was opposed; and

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

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

2. The evidence shows: that applicants' dwelling is located  
in a residential (R-4) zone which prohibits commercial usage and was  
zoned as such when it was purchased by applicants.

3. The evidence ~~shows~~ failed to indicate that a hardship  
to the land or building exists

4. The evidence ~~shows~~ failed to indicate that a reasonable return will be yielded from the property if variance is not granted.

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

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would <sup>not</sup> deprive the applicants of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicants is <sup>not</sup> due to unique circumstances and ~~not~~ to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented will alter the essential character of the neighborhood.

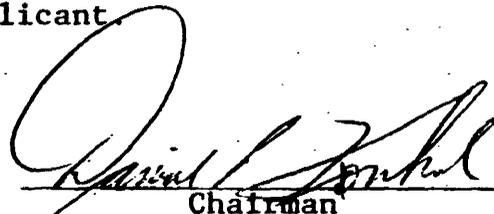
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor denies a use variance as applied for ~~and~~ in connection with plans 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 the applicant.

Dated: April 23, 1984.

  
Chairman



McGOEY and HAUSER  
CONSULTING ENGINEERS

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

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PORT JERVIS (914) 856-5600

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25 January 1984

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12550

ATTENTION: HENRY G. REYNS, CHAIRMAN

SUBJECT: PRELIMINARY SITE PLAN - FREDERICK J. KASS, JR.

Dear Mr. Reynolds:

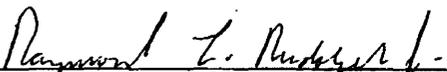
Enclosed are ten (10) copies of the Preliminary Site Plan for proposed alterations to the lands of Frederick J. Kass, Jr. for your review. It is the intention of the owner to develop his parcel by two means; 1) the creation of a retail shopping plaza and 2) the addition of a two story office building. These changes will entail both new construction and alterations to existing structures.

This parcel lies within two zones, 'C' and 'R-4'. We would appreciate the assistance of the town's building inspector in the zoning classification for this parcel. The parcel is currently serving in a 'commercial' manner and many of the zoning discrepancies are existing conditions.

Please do not hesitate to contact our office if you have any questions regarding this matter.

Very truly yours,

McGOEY and HAUSER

  
Raymond L. Rudolph, Jr., EIT  
Project Engineer

RLRrjE  
Encl.as



Louis Heimbach  
County Executive

RECEIVED  
CLERK'S OFFICE  
TOWN OF NEW WINDSOR

JUN 15 1984

*Patricia Nelson*

*Planning @ C: TP Board  
zBA members*

Department of Planning  
& Development

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

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner  
Paul Costanzo, Director of Community Development

June 11, 1984

Mr. Daniel P. Konkol, Chairman  
Town of New Windsor Zoning Board of Appeals  
555 Union Avenue  
New Windsor, New York 12550

Re: Application of Frederick J. Kass, Jr.  
for Use & Area Variances - NYS Rte.32  
and Forge Hill Road  
Our File # NWT 5-84M - Your File # 84-6

Dear Mr. Konkol:

The above referenced application has been referred to us for consideration pursuant to Article 12-B, Section 239, Paragraphs L and M of the General Municipal Law of the State of New York.

The principal inter-agency issue requiring resolution is the flow of traffic onto and off the site and the collection, transmission and dispersal of storm water in a controlled manner. If you have not already done so you should forward a copy of the site plan to Donald Fullam, Resident Engineer, Residency No. 84, Eastern Orange County, N.Y.S.D.O.T., 112 Dickson Street, Newburgh, New York 12550. He can advise you on the soundness of this proposal with respect to the above.

My initial reaction is mixed. I am favorably disposed to modifying the zoning of this area. The Zone "C"/Zone "R-4" boundary is arbitrary and without basis. Rather it should be based on hard information e.g. topography, lot configurations and the capability of the land with respect the use or uses for **which** it is best suited. On the other hand, I am concerned that there is too much proposed for the site. Maybe the answers to the following questions will help:

1. The existing warehouse to be converted is numeral 7-11. What is projected to be stored? Why the need for 23 parking spaces?

2. What is to become with the triangular space between unit 6 and unit 7? Why not combine with unit 7?

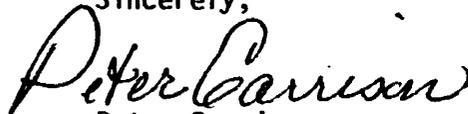
3. The existing warehouse to be demolished is a "lean-to" type structure built against the property line. It's replacement will also be built against the property line. Is this the five foot variance request? What is projected to be stored?

4. Is the intention to separate warehouse traffic from all other traffic? If so, it can only be done by staggering the hours of operation of the various uses. If, as it appears on the site plan, the intent is to try and accommodate to the traffic mix as it happens it may lead to internal congestion.

5. The office building can be an effective transitional use between residential and retail commercial. What will be the occupancy mix and how does it square with the number of offstreet parking spaces provided? Why not complete the integration of the project by extending the landscape areas to the rear of the building?

I am taking no action on the application pending joint (State, County, Town) review of this application in consultation with the applicant.

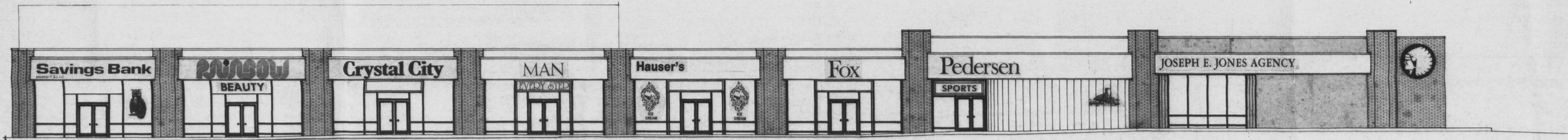
Sincerely,



Peter Garrison  
Commissioner of Planning  
and Development

PG:NAD

cc: Donald Fullam  
N.Y.S.D.O.T. Resident Engineer



**NORTH ELEVATION**

1/8" = 1'-0"

**ROSENBLUM AIA**  
 MARSHALL ROSENBLUM, ARCHITECT  
 6 FULLERTON AVENUE P.O. BOX 2966  
 NEWBURGH, NY 12550  
 Licensed: NY NJ CT IL NCARB

**MH** **McGOEY and HAUSER**  
 CONSULTING ENGINEERS  
 45 Quaker Ave. (Rte. 9-W) New Windsor, New York  
 6 East View Place Port Jervis, New York

PLAN FOR:  
**FREDERICK J. KASS, JR.**

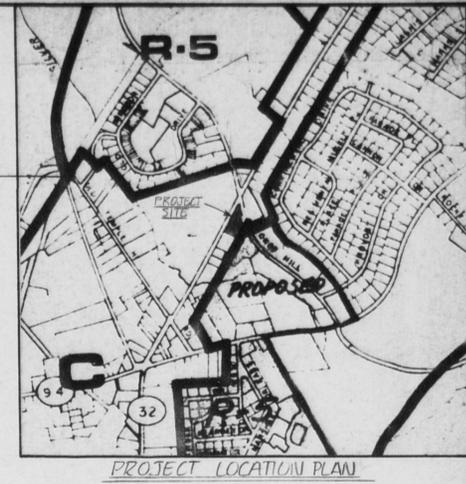
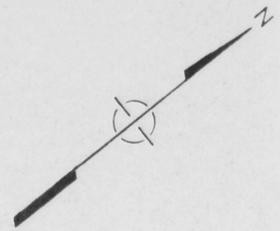
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK

Revision	Date	Description

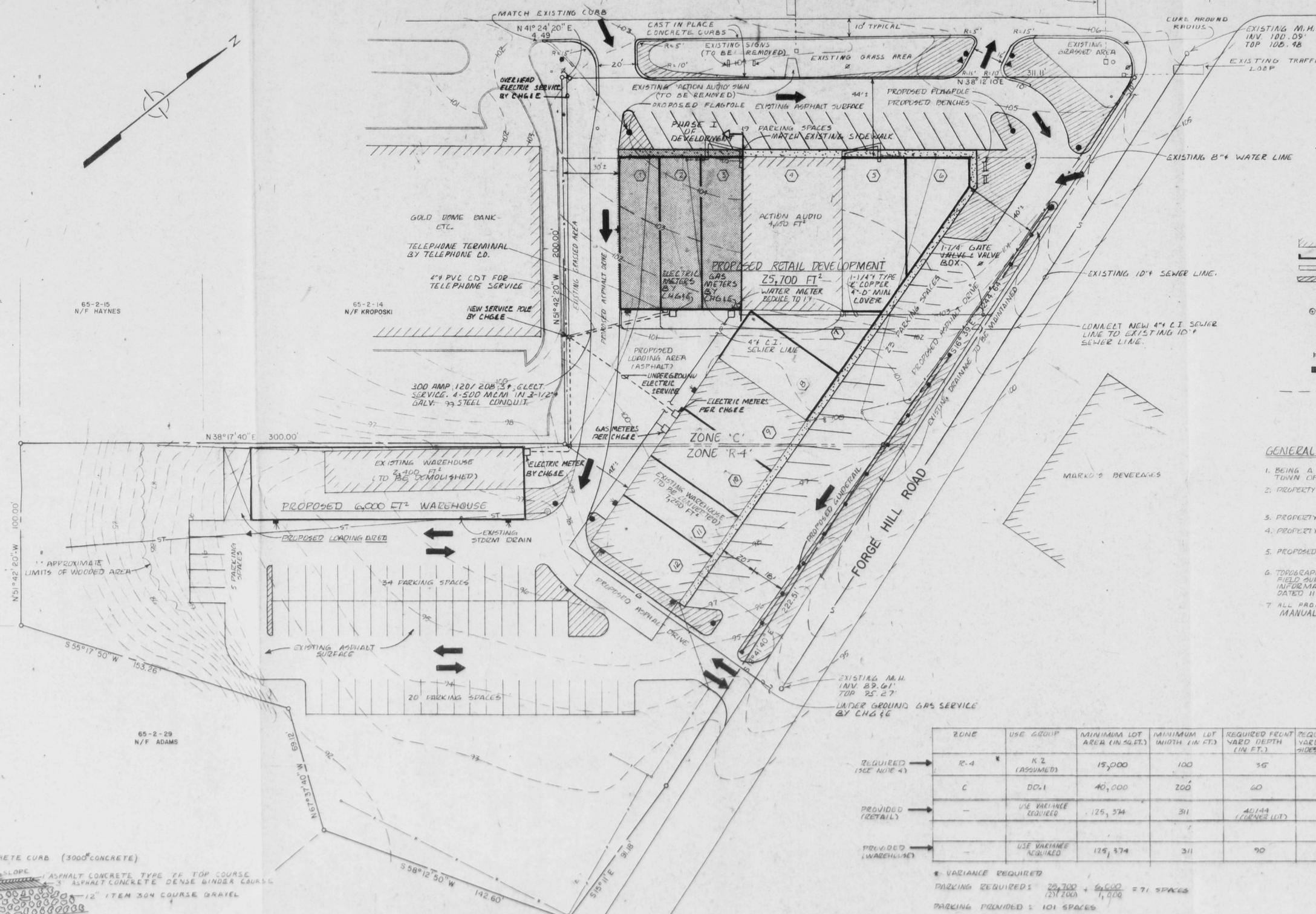
Drawn  
 Checked  
 Scale: 1/8" = 1'-0"  
 Date 25 APRIL 84  
 Job No. D1064-84

PRELIMINARY RETAIL  
 ELEVATION VIEW

Sheet **3**  
 of 3



ROUTE 32



LEGEND

- EXISTING BUILDING
- PROPOSED BUILDING
- PROPOSED SIDEWALK W/ CURB
- PROPOSED PAVED AREAS
- PROPOSED AREA LIGHTING
- EXISTING UTILITY POLE W/ GUY
- PROPOSED TREES/ SHRUBS
- EXISTING CATCH BASIN
- EXISTING SIGNAL BOX
- PROPOSED FLAG POLE
- PROPOSED BENCHES
- PROPOSED TRAFFIC FLOW
- EXISTING CONTOUR
- PROPOSED ONE WAY SIGN (S) (R-1-L+R)
- PROPOSED NO LEFT TURN SIGN (R-3-PL-R)

GENERAL NOTES

1. BEING A PROPOSED DEVELOPMENT OF THE LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 65, BLOCK 2, LOT 13.
2. PROPERTY OWNER / DEVELOPER: FREDERICK J. KASS, JR., 367 WINDSOR HIGHWAY, NEW WINDSOR, ALBANY CO, NY 12550
3. PROPERTY AREA: 2.878 ACRES (125,374 FT<sup>2</sup>)
4. PROPERTY ZONE: 39% C } R-4  
61% R-4
5. PROPOSED USE: A) DEVELOPMENT OF RETAIL STORE COMPLEX  
B) TWO STORY OFFICE BUILDING
6. TOPOGRAPHIC AND PLUMMETRIC INFORMATION SHOWN HEREON IS FROM A FIELD SURVEY BY M. GOEY AND HAUSER, DATED 23 JAN 84. BOUNDARY INFORMATION SHOWN HEREON IS FROM SURVEY BY DANIEL W. BROWN, L.S., DATED 11 DEC 72.
7. ALL PROPOSED ROAD SIGNS SHALL BE IN ACCORDANCE WITH THE N.Y.S. MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

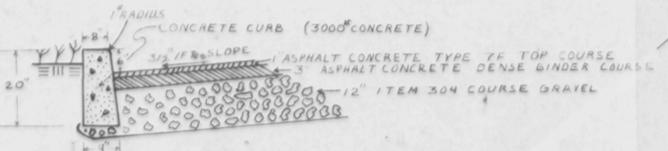
65-2-16.1  
N/F ROSENBAUM INDUSTRIES

65-2-15  
N/F HAYNES

65-2-14  
N/F KROPSKI

65-2-29  
N/F ADAMS

65-2-30  
N/F NOTTINGHAM ASSOCIATION



TYPICAL CURB SHOULDER DETAIL  
NO SCALE

	ZONE	USE GROUP	MINIMUM LOT AREA (IN SQ. FT.)	MINIMUM LOT WIDTH (IN FT.)	REQUIRED FRONT YARD DEPTH (IN FT.)	REQUIRED SIDE YARD/TOTAL BOH SIDES (IN FT.)	REQUIRED REAR YARD DEPTH (IN FT.)	FLOOR AREA RATIO	MAX. BUILDING HEIGHT (IN FT.)
REQUIRED (SEE NOTE 4)	R-4	R-2 (ASSUMED)	15,000	100	35	15/30	40	0.25	35'
PROVIDED (RETAIL)	C	DD-1	40,000	200	60	30/70	30	0.5	13.3' (EXISTING)
PROVIDED (WAREHOUSE)		USE VARIANCE ACQUIRED	125,374	311	40/44 (CHANGED LOT)	30/-	-	0.25	20'

\* VARIANCE REQUIRED  
 PARKING REQUIRED: 25,700 + 6,000 = 71 SPACES  
 (21,200) (1,000)  
 PARKING PROVIDED: 101 SPACES



**McGOEY and HAUSER**  
 CONSULTING ENGINEERS  
 45 Quassaick Ave. (Rte 9-W) New Windsor, New York  
 8 East View Place Port Jervis, New York

PLAN FOR:  
**NEW WINDSOR MALL**  
 TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK

Site Plan APPROVAL GRANTED  
 BY TOWN OF NEW WINDSOR PLANNING BOARD  
 ON 10-2-85  
 BY Henry Scheible  
 HENRY F. SCHEIBLE  
 SECRETARY

Revision	Date	Description
4	14 JUNE 84	REMOVED OFFICE, ADDED ONE WAY SIGN
5	24 OCT 84	REV. PER NYS DOT REGULATIONS
6	19 APR 85	ADDED UTILITIES, GAS, ELECT, WATER, SEWER
7	16 MAY 85	LIST WATER SEWER SIZES OF UTILITIES
1	13 MAR 84	ADDED NEW WAREHOUSE, REVISED PARKING, REVISED OFFICE BUILDING
2	19 MAR 84	REVISED OFFICE SIZE AND PARKING
3	7 MAR 84	CHANGED RETAIL SIDE YARD TO 30'

Drawn: RLR  
 Checked:  
 Scale: 1" = 30'  
 Date: 25 JAN 83  
 Job No: D1064-83

SITE PLAN  
 Sheet 1 of 3