

**PB# 87-71**

**Big V-ShopRite**

**65-2-12**

BIG V SHOP RITE  
SITE PLAN

#88-71

*Approved 3-14-70*

Send copies + correspondence to Alan Lewis:

TOWN OF NEW WINDSOR		General Receipt		10332
555 Union Avenue				February 15, 1989
New Windsor, N. Y. 12550				
Received of	Bela Partners		\$ 25.00	
Twenty-five and 00/100				DOLLARS
For	Planning Board Application Fee (#88-71)			
DISTRIBUTION				
FUND	CODE	AMOUNT		
CHECK # 4147		\$25.00		
			By Pauline S. Towneal	
			Town Clerk	Title

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

TOWN OF NEW WINDSOR		General Receipt		11227
555 Union Avenue				March 13, 1990
New Windsor, N. Y. 12550				
Received of	Alan Ronald Lewis Esq		\$ 1,500 <sup>40</sup> / <sub>100</sub>	
One thousand Five Hundred and 40/100				DOLLARS
For	P.B. #88-71 Esq. Fee \$1400, 40% Site Plan Approval \$100.			
DISTRIBUTION				
FUND	CODE	AMOUNT		
CHECK # 1500.40				
# 1620				
			By Pauline S. Towneal	
			Town Clerk	Title

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

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

February 15, 1989

Received of Bila Partners \$ 25.00

Twenty-five and 00/100 DOLLARS

For Planning Board Application Fee (#88-71)

DISTRIBUTION

FUND	CODE	AMOUNT
Check # 4147		\$25.00

By Pauline J. Townsend

Town Clerk  
Title

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

General Receipt

11227

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

March 13, 1990

Received of Alan Ronald Lewis Esq \$ 1,500.40

One thousand Five Hundred and 40/100 DOLLARS

For P.B. #88-71 Esq. Fee \$1400.40 + Site Plan

DISTRIBUTION

FUND	CODE	AMOUNT
Check # 1620		\$1500.40

By Pauline J. Townsend

Town Clerk  
Title

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

County File No. NWT 48 89 M

**COUNTY PLANNING REFERRAL**  
(Mandatory County Planning Review under Article 12-B,  
Section 239, Paragraphs 1, m & n, of the  
General Municipal Law)

Application of Bila Partners (Shop Rite)

for a Site Plan - Frontage and/or Access NYS 32

County Action: Local Determination

**LOCAL MUNICIPAL ACTION**

The Above-cited application was:

Denied ..... Approved .....

Approved subject to County recommendations

(Date of Local Action)

(Signature of Local Official)

This card must be returned to the Orange County Department of Planning  
within 7 days of local action.



**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.

- Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office**  
507 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

2 June 1994

**MEMORANDUM**

**TO: Michael Babcock, Town Building Inspector**

**FROM: Mark J. Edsall, P.E., Planning Board Engineer**

**SUBJECT: BILA PARTNERS (BIG V) SITE PLAN  
NEW WINDSOR PLANNING BOARD 88-71  
SITE COMPLETION/COMPLIANCE REVIEW - 6/1/94**

This memorandum shall confirm our joint follow-up site review on the afternoon of 1 June 1994 at the subject site.

My 1 December 1992 memorandum outlined our findings from our follow-up review of 30 November 1992, which was made pursuant to a review and my memorandum of 17 January 1991. As such, nearly three 3-1/2 years have elapsed since our initial review memorandum. Obviously, adequate time has elapsed for the developer to successfully complete the required work.

Based on our latest review of 1 June 1994, it is apparent that the Applicant/developer has ignored comments 2 and 3 of the former review memorandum, although it was observed that the one curb cut has been eliminated to Old Forge Hill Road. Therefore, although some progress has been made, the site work is not yet complete.

It should also be noted that, during the interim since my last visit, I received a verbal complaint with regard to the creation of additional parking spaces at the ends of the various parking rows, conflicting with the main access aisle to the site. It was my belief that this obstruction would hinder emergency vehicle access; therefore, I notified the Town Fire Inspector's office of same. It appears that restriping has been performed, eliminating these

2 June 1994

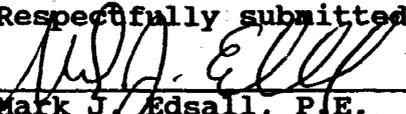
MEMORANDUM

-2-

unauthorized additional spaces, although the previous striping is still somewhat visible and could lead to improper parking within the site. As such, the Applicant should be advised of this problem, such that they can take further actions to permanently eliminate these unauthorized, unapproved parking spaces.

Please advise me when the Applicant is complete with the plan, such that another follow-up inspection can be made.

Respectfully submitted,

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

MJEmk

cc: James Petro, Planning Board Chairman

A:6-2-2E.mk



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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

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45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

1 December 1992

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

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

SUBJECT: BILA PARTNERS (BIG V) SITE PLAN  
NEW WINDSOR PLANNING BOARD 88-71  
SITE COMPLETION/COMPLIANCE REVIEW

This memorandum shall confirm that on 30 November 1992 we made a follow-up joint site inspection to review the completion of the items listed in my 17 January 1991 memorandum. It should be noted that the aforementioned memorandum was issued pursuant to the first follow-up inspection, which was made after the initial visit referenced in my 1 November 1990 memorandum. As can be noted from the dates above, approximately two years have elapsed since the initial compliance review.

The following observations are noted, listed in order of the comments of my 17 January 1991 memorandum:

1. This item completed - The utility pole at the northeast corner has been relocated.
2. Not completed - The parking arrangement at the north of Key Bank has not been revised (also see Comment No. 4).
3. This item not completed - The parking spaces in the northeast area (area also north of Key Bank) have not been restriped (also see Comment No. 4).
4. This item not completed - One of the items required as part of the site plan development was the elimination of one of the three curb cuts on Old Forge Hill Road. Specifically, the curb cut for Key Bank was to be retained and a new curb cut constructed at the north corner of the property on Old Forge Hill Road. The middle curb cut was to be eliminated. This has not been accomplished and, in fact, it appears that the NYSDOT construction project re-installed all three curb cuts.

1 December 1992

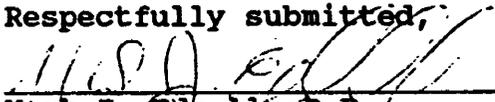
MEMORANDUM

-2-

With regard to the requirements under comments 2 and 3, it should be noted that these items cannot be completed until such time that the middle curb cut is removed. The new striping and the elimination of the wall stops occur in the area where the additional parking is being provided resultant from the elimination of the curb cut.

At this time, it appears that all other site work for the project has been completed, with the exception of the revisions noted above for that one area of the site. Since two years have elapsed since the initial visit, with this item not being properly completed, there is the possibility that the Applicant or their contractor do not understand the requirements for this portion of the site. As such, it may be beneficial to advise the contact persons from Big V that a site visit may be in order to resolve this item. Please advise me if you wish to schedule such a meeting.

Respectfully submitted,

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

MJEmk

cc: James Petro, Planning Board Chairman

A:12-1-2E.mk



TITAN INDEMNITY COMPANY  
 TITAN INSURANCE COMPANY  
 TITAN LIFE INSURANCE COMPANY  
 Associate Company: InsBrok. Inc.

Bond #T00019

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, \_\_\_\_\_

RAIMONDO SERVICE CORP. AND CHARLES J. RAIMONDO

540 Bergen Blvd., Fort Lee, New Jersey 07024 as

Principal and Co-Principal (s), and TITAN INDEMNITY COMPANY, a  
 TEXAS corporation authorized to do business in the State of New York having a office and place  
 of business at 1020 N.E. Loop, San Antonio, Texas 78209 as Surety, are held and firmly bound  
 unto Town Of New Windsor, New York as Oblige, in the sum of Eight Thousand Dollars

And 00/100 - - - - -

\_\_\_\_\_ Dollars (\$ 8,000.00 )

lawful money of the United States of America, for which payment well and truly to be made, we bind  
 ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally firmly by  
 these presents.

SIGNED, SEALED AND DATED THIS 31st DAY OF October, 1990.

Whereas, the Principal has entered into an agreement with the \_\_\_\_\_

Town Of New Windsor, New York Oblige,

guaranteeing only that the Principal will complete site improvements as per the \_\_\_\_\_

Relocation Of Existing Sanitary Sewer, Repaving Of Area And Relocation Of Utility

Pale As Per Building Inspectors Letter Dated October 31, 1990 And Attached Hereto.

at certain land known as Bila Partners Property - Route 32 Vailsgate, New York

Section 65, Block 2, Lot 12.

all of which improvements shall be completed on or before the date set forth in the agreement.

Now, therefore, the condition of this obligation is such, that if the Principal shall carry out all the terms of said agreement relating to the site improvements only and perform all the work as set forth therein all within the time set forth in said agreement, then this obligation shall be null and void, otherwise to remain in full force and effect. This bond is not transferable or assignable. It is a further condition of this bond that in the event the Principal shall, during the period of time with in which this bond is in force and effect, have transferred title to the property upon which the site improvements are required to be made or in the event the Principal is a corporation, shall have transferred a majority of its shares and the Surety shall advise the Obligee of such transfer then and in that event, the Obligee agrees that it will immediately require such transferee to post a replacement bond and will further cause a Cease and Desist Order to be issued with regard to the project, until such time as such a replacement bond has been delivered to the Obligee. Otherwise, the obligations of this bond shall remain in full force and effect.

No party other than the Obligee shall have any rights hereunder as against the Surety.

The aggregate liability of the Surety of the Bond Obligation set forth herein shall not exceed the penal sum hereof for any cause or reason whatsoever, inclusive of attorney's fees or other costs.

ATTEST: Carol Stahl

ATTEST: \_\_\_\_\_

ATTEST: Carol Stahl

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_

PRINCIPAL: RAIMONDO SERVICE CORP.

BY: [Signature] L.S.  
Charles J. Raimondo

BY: \_\_\_\_\_ L.S.

BY: [Signature] L.S.  
Individual

BY: [Signature] L.S.  
Charles J. Raimondo  
Individual

BY: \_\_\_\_\_ L.S.  
Individual

Individual

TITAN INDEMNITY COMPANY

ATTEST: James A. Mazzano

BY: [Signature]

Attorney-in-fact  
Eamonn Long, Attorney-in-Fact



TITAN INDEMNITY COMPANY  
STATEMENT OF ADMITTED ASSETS,  
LIABILITIES AND SURPLUS  
JUNE 30, 1990  
(UNAUDITED)

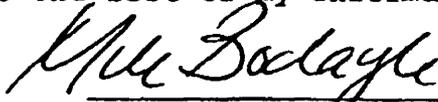
ASSETS

Bonds	\$44,916,693
Common and Preferred Stocks	13,195,193
Investment in Insurance Subsidiaries	4,021,111
Short Term Investments	3,905,107
Cash on Deposit	29,539
Premiums in Course of Collection	2,478,544
Interest and Dividends Due and Accrued	1,169,627
Other Assets	<u>2,264,438</u>
 Total Admitted Assets	 <u>\$71,980,252</u>

LIABILITIES AND SURPLUS

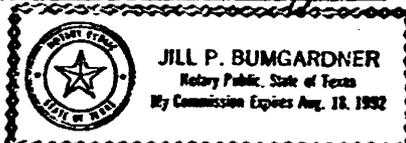
Loss and Loss Adjustment Expense Reserves	\$39,527,307
Unearned Premiums	9,173,615
Payable to Affiliates	34,137
Other Liabilities	<u>997,277</u>
 Total Liabilities	 \$49,732,336
 Common Capital Stock	 4,319,951
Gross Paid In and Contributed Surplus	7,675,525
Unassigned Funds (Surplus)	<u>10,252,440</u>
 Surplus as Regards Policyholders	 <u>22,247,916</u>
 Total Liabilities and Surplus	 <u>\$71,980,252</u>

I, Mike Bodayle, Treasurer of Titan Indemnity Company, do hereby certify that the foregoing statement is a correct exhibit of the admitted assets, liabilities and surplus of said company on the 30th day of June, 1990, according to the best of my information, knowledge and belief.

  
Mike Bodayle, Treasurer

STATE OF TEXAS  
COUNTY OF BEXAR

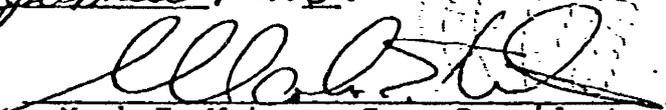
Subscribed and sworn to, before me, a notary public of the State of Texas in the County of Bexar this 17th day of September 1990.

TITAN INDEMNITY COMPANY  
1020 N.E. LOOP 410, SUITE 700  
SAN ANTONIO, TEXAS 78209  
(512)824-4546

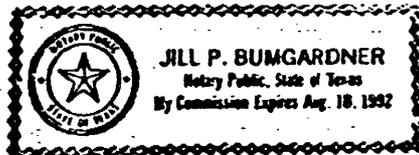
KNOW ALL MEN BY THESE PRESENTS: That TITAN INDEMNITY COMPANY, a corporation of the State of Texas does hereby appoint Alvin B. Moss, John S. Dalton, Patrick J. Lynch, Deborah J. Yodice, Eamonn Long, David A. Morgan its true and lawful Attorney(s)-in-fact, each individually to make, execute, sign, acknowledge, affix the corporate seal to, and deliver any and all surety bonds, undertakings, policies, and other contracts of suretyship and writings obligatory in the nature of a bond not to exceed TWO MILLION FIVE HUNDRED THOUSAND AND NO/100 \*\*\*(\$2,500,000) DOLLARS, for and on behalf of said Company and as an act and deed of said Company, reserving to itself full power of substitution and revocation.

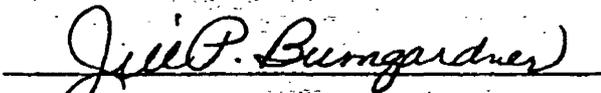
IN WITNESS WHEREOF, TITAN INDEMNITY COMPANY has executed these presents this 14th day of September, 1990.

  
Mark E. Watson, Jr. President

STATE OF TEXAS, COUNTY OF BEXAR \$:

On this 14th day of September, 1990, before me personally came Mark E. Watson, Jr., to me known who, being duly sworn, did depose and say that deponent is President of TITAN INDEMNITY COMPANY, the corporation described in which executed the foregoing instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation: deponent signed deponent's name thereto by like order.



  
My Commission Expires 8/18/92

# CERTIFICATE

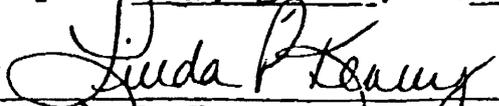
Excerpts of Resolutions adopted by the Board of Directors of TITAN INDEMNITY COMPANY from a unanimous consent in lieu of a special meeting of the Board of Directors dated 9/14, 1990.

RESOLVED, that Mark E. Watson, Jr., President, Linda P. Kenny, Secretary, and Michael J. Bodayle, Treasurer, or any of them each shall have the power to appoint Attorneys-in-fact as the business of the Company may require or to authorize any persons to execute on behalf of the Company any bonds, undertakings, recognitions, stipulations, policies, contracts, agreements, deeds and release and assignment of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require and to affix the seal of the Company thereto.

RESOLVED, that the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating to the Power of Attorney by facsimile, and any Power of Attorney or certificate bearing such facsimile seal shall be valid and binding upon the Company with respect to any bond, undertakings, policy or other contract of suretyship or writing obligatory in the nature thereof.

I, Linda P. Kenny, Secretary of the TITAN INDEMNITY COMPANY, do hereby certify that the foregoing excerpts of the Resolutions adopted by the Board of Directors of the Company and Powers of Attorney issued pursuant thereto, are true and correct and that both the Resolutions and the Powers of Attorney are in full force and effect at the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the Seal of the Company, this 14th day of October, 1990.

  
Linda P. Kenny, Secretary

**LISA  
DAVIS  
AICP**

580 Broadway  
New York, NY 10012  
212 941-6182  
Fax: 212 941-1910

March 23, 1995

Planning Board  
Town Hall  
555 Union Avenue  
New Windsor, NY 12553

Re: Vails Gate ShopRite Plaza

Dear Planning Board Members:

Big V Supermarkets, Inc. (ShopRite), a tenant of the above referenced shopping center, would like to install cart corrals in the parking lot of this center. Installing the cart corrals would improve the quality of the shopping center by limiting damage to customers' cars caused by loose shopping carts, upgrading the appearance and neatness of the parking lot, and reducing the cost of continually collecting and returning carts to storage areas. Also, more customers are able to park when carts are not scattered throughout a parking lot.

The cart corrals are made of recycled polyethylene pontoon-like bases, steel reinforced aluminum tubes and a clear lexian roof. The bases are filled with sand and water so that no holes are drilled through the asphalt.

Enclosed is a site plan of the shopping center, indicating the proposed location of the cart corrals. As each cart corral fits in one standard size parking space, installing four (4) will result in a loss of four (4) parking spaces.

We would appreciate if you would review the enclosed site plan and advise us as to what, if any, approvals would be required before we can proceed with the installation of the corrals.

Sincerely,

*Lisa Davis*

Lisa Davis

Enclosure

cc: J. Mench, Big V Supermarkets, Inc.

212-  
941-  
6182  
Tracy  
Kobushki

3/27/95 @



**BIG V SUPERMARKETS, INC.**

**JOHANNA F. DIDIO, ESQ.**  
Assistant General Counsel

February 23, 1995

Ms. Ellie Valentini  
BILA PARTNERS  
158 North Main Street  
Florida, New York 10921

RE: SHOPRITE #275  
VAILS GATE, NY  
CART CORRALS

Dear Ms. Valentini:

Big V Supermarkets, Inc. is considering placing cart corrals in the parking lot of the above captioned store. We are proposing to install two cart corrals at the location indicated on the attached site plan. Before we go ahead with the necessary procedures required for the placement of these corrals, we are asking for your approval of their installation.

It is our experience that the corrals reduce the damage to customers' cars caused by loose shopping carts, upgrade the appearance of the center, and reduce the cost of continually collecting carts scattered throughout the parking lot. As you can see from the enclosed information on the corrals, they are held in place with sand and water and will not necessitate any holes to be drilled.

If you do not object to the cart corrals, please sign where indicated on the bottom of this letter and return to me at the address shown below. Your signature will serve as an authorization to allow Big V to secure any approvals or permits that may be required.

Thank you for your cooperation concerning this matter, and if you have any questions please do not hesitate to contact me.

Very truly yours,

*Johanna F. Didio*

Johanna F. Di Dio

JFD/enc  
Enclosures

cc: Neal Madera  
John Mench  
Lisa Davis

AGREED AND ACCEPTED  
this 27 day of  
FEBRUARY, 1995

*Ellie Valentini*

**176 North Main Street, Florida, NY 10921 • (914) 651-4411 • Telecopier # (914) 651-8354**

# BILA PARTNERS

158 N. Main Street

Florida, N.Y. 10921

Tel. (914) 651-7973

July 7, 1993

Town of New Windsor Zoning & Planning Dept.  
555 Union Avenue  
New Windsor, NY 12553

Re: Big V Plaza  
Rt. 32  
Vails Gate, NY 12584  
Handicapped Parking Spaces

Dear Sirs:

We have received several tenant complaints relative to the inordinate number of handicapped parking spaces located directly in front of the liquor store and hardware store within our above referenced shopping center. The placement of these spaces is per the plan from your board which was furnished to our striping contractor.

Would you kindly reconsider moving some of these spaces to the vacant supermarket space, or spacing them more fairly.

We would really appreciate your prompt attention and are awaiting your decision in this matter.

Sincerely,

William Rosenberg

/dh

  
cc: Mike Katales  
Big Value Wines & Liquors



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

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

- Main Office  
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 (914) 562-8640
- Branch Office  
 400 Broad Street  
 Milford, Pennsylvania 18337  
 (717) 296-2765

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

1-3

TOWN/VILLAGE OF New Windsor P/B #     

WORK SESSION DATE: 18 Aug 93 APPLICANT RESUB. REQUIRED: Yes

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Bila Partners / Big V 5/P Am.

PROJECT STATUS: NEW  OLD

REPRESENTATIVE PRESENT: Mike Katelas

MUNIC REPS PRESENT: BLDG INSP.   
 FIRE INSP.   
 ENGINEER   
 PLANNER   
 P/B CHMN.   
 OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Big V - Big Value Wine & Liquor  
Don't like the space distribution  
Distribution is Bila's decision  
Bila must submit 1/2 Am.  
Between them, not Town layout.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

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- Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

65-2-12

1 November 1990

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

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

SUBJECT: BIG V (88-71) SITE PLAN  
SITE COMPLETION/COMPLIANCE REVIEW

This memorandum shall confirm that on 30 October 1990 we made a joint site inspection for the purpose of reviewing completion of the site in accordance with the plan approved 14 March 1990. The following items were noted as incomplete:

1. The handicapped space signs in front of the new store have not been installed (my observations were that these were being "laid-out" at the time of our visit).
2. The striping for the parking areas to the rear of the new store, also near the Caldors dock, must be completed.
3. The parking area to the rear of Caldors must be constructed. This includes the relocation of the Town Sanitary Sewer in this area.
4. Parking spaces must be striped along the rear of the Caldors building.
5. Bollards and cross-hatching must be placed in front of the new hydrant to the rear of the new store.
6. The utility pole at the northeast corner of the overall site must be relocated per the plan. (this work appears to be in progress, awaiting Central Hudson).
7. The wheel blocks to the north of Key Bank must be removed, per the plan.
8. The parking spaces in the northeast corner of the overall site must be striped per plan.

-2-

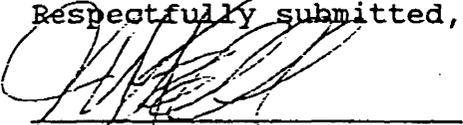
Based upon a overall observation of the site, all other work shown on the plan appears to have been accomplished. The items noted above as being uncompleted appear to be not by fault of the contractor since each item has a particular reason why same could not be completed. It is apparent that the contractor is awaiting Central Hudson regarding pole relocation and the rear parking area cannot be completed until the relocation of the Town sewer line is resolved. As such, it is my opinion that the inability to complete the outstanding items was unavoidable.

In addition to the items noted above which are required, the following recommendations are made based on our field observations:

1. It is recommended that guiderail be installed along the "bottom" of the employee parking lot to the southwest of the site.
2. It is recommended that guiderail be placed along the top of slope for the parking lot behind the new store.
3. It is recommended that curb radii be installed for the newly constructed main entrance off Old Forge Hill Road at the northeast of the site. Installation of such concrete curb will help delineate the entrance location.

Relative to the required work noted above, a site completion performance bond amount has been agreed with the contractor in an amount of \$8,000.00. At such time that the contractor posts this site completion guarantee, it is my opinion that a Certificate of Occupancy can be installed. Please contact me once the remaining items have been completed, such that an evaluation can be made toward the release of the performance bond. If you have any further questions concerning the above, please do not hesitate to contact the undersigned.

Respectfully submitted,



---

Mark J. Edsall, P.E.  
Principal

MJEss

a:bigv.ss

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~ SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Wax Bayman Keller - \_\_\_\_\_ for the building or subdivision of

"Big V" Plaza \_\_\_\_\_ has been

reviewed by me and is approved

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There is water currently servicing  
this property.

HIGHWAY SUPERINTENDENT

*Steve D. D...*

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, \_\_\_\_\_,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*This Plan Was Previously  
Reviewed By Fire  
Prevention (FPS-89-046)*

*B.L.*

*The plan I reviewed was  
stamped 88-77 and dated*

*3 May 1989*

*B.L.  
7 June 89.*

*Plan dated 5/3/89*

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., ██████████ SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Eustance + Horowitz for the building or subdivision of

Bila Partners Properties has been

reviewed by me and is approved ✓

~~disapproved~~ \_\_\_\_\_.

~~If disapproved, please list reason~~

There is a 6" water line feeding this  
Property - a line tied off existing line fed  
the theater - OK to tie in to 20"  
line for hydrant connection.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Steve D. [Signature]

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

Revision date 11/1/89  
cc: M.E.





Rec'd  
Plan

88 - 71

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, ██████████, REVIEW  
FORM:

The maps and plans for the Site Approval Bela Partners Prop  
Subdivision \_\_\_\_\_ as submitted by  
Wm Custance for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved ✓  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

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

Fred Lapp Jr  
HIGHWAY SUPERINTENDENT (M.F.)

\_\_\_\_\_  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

12/14/89  
DATE

CC: M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., [REDACTED], SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Eustance & Hodge for the building or subdivision of  
Bila Parkers Prop. has been

reviewed by me and is approved

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

Construction will not interfere with  
town water line. Will there be a  
new hydrant hook-up?

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

[Signature]  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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

- Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

17 January 1991

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

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

SUBJECT: BIG-V (88-71) SITE PLAN  
SITE COMPLETION/COMPLIANCE REVIEW

This memorandum shall confirm that on 16 January 1991, we made a follow-up joint site inspection to review the completion of the items listed in my 1 November 1990 memorandum. This follow-up visit was scheduled pursuant to the letter received from the Applicant's Contractor dated 27 December 1990, indicating that all the site work was completed and requesting release of their bond. The following should be noted:

1. The utility pole at the northeast corner of the overall site has not been relocated, as shown on the approved site plan, and as referenced in my aforementioned memorandum.
2. The wheel blocks to the north of Key Bank have not been removed, as shown on the approved site plan and noted in my aforementioned memorandum.
3. The parking spaces in the northeast corner of the overall site have not been re-striped, as called for on the approved site plan and noted in my aforementioned memorandum.
4. The second access off Old Forge Hill Road to the main parking lot has not been deleted, nor the new main entrance constructed, both in accordance with the approved site plan. The new main entrance was addressed in my memorandum, with a recommendation made that appropriate concrete curbing be installed to delineate this new main entrance.

17 January 1991

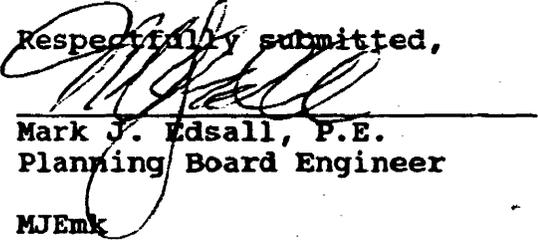
MEMORANDUM

-2-

5. All other items reference in my aforementioned memorandum appear to have been completed, as well as some of the recommendations made.

Based on the above, it is apparent that the site work remains incomplete. If the Applicant desires a partial release of the bond, please advise me such that I can prepare a revised bond amount. At such time that the remaining items have been completed, we can perform another field visit to determine the status of the overall site completion.

Respectfully submitted,

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

MJEmk

cc: Carl Schiefer, Planning Board Chairman ✓

A:1-17-E.mk

88-71



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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

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

RICHARD D. MCGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

Licensed in New York,  
New Jersey and Pennsylvania

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor

P/B #       

WORK SESSION DATE: 31 OCT 89

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: None

yes - new plans

PROJECT NAME: Big V.

PROJECT STATUS: NEW        OLD       

REPRESENTATIVE PRESENT: Allen, War

TOWN REPS PRESENT:	BLDG INSP.	<u>X</u>
	FIRE INSP.	<u>J.M.</u>
	ENGINEER	<u>X</u>
	PLANNER	<u>      </u>
	P/B CHMN.	<u>      </u>
	OTHER (Specify)	<u>      </u>

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- pk9 - 1323 calc. 1110 sq. (213 variances)
- ft 32. v. pavement.
- new entrance off Old Temple
- 
- 
- 
- 
- 
- 
- 
-



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

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

- Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12550  
(914) 562-8640
- Branch Office**  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765  
(914) 856-5600

13 March 1990

**MEMORANDUM**

**TO: Michael Babcock, Town Building Inspector  
Carl Schiefer, Chairman Planning Board**

**FROM: Mark J. Edsall, P.E., Planning Board Engineer**

**SUBJECT: BILA PARTNERS (BIG V) SITE PLAN APPROVAL**

I have reviewed the minutes of the 13 December 1989 regular Planning Board Meeting, and it is my opinion that, based on same, the approval motion was granted with the following conditions:

1. Elimination of two (2) parking spaces on the northern end.
2. Expand the entrance "a little wider".
3. Remove (or relocate) the pole that sits in the center of the parking lot.
4. Provide a letter that indicates that the Owners will "escalate their enforcement in maintenance" of shopping carts.
5. Execute the agreement with the Town of New Windsor with regard to sewer line relocation and installation of the new 30" sewer, as well as execution of a revised easement agreement.

13 March 1990

MEMORANDUM

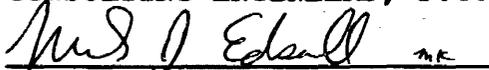
-2-

It is my understanding that all of the above items have been accomplished by the Applicant. I have received a copy of the Easement Agreement and Sewer Agreement which indicates that same was executed by both parties on 7 March 1990.

Based on the above, it is my opinion that the Planning Board can stamp the site plan approved once the proper fees have been paid. If any other additional information is required, please bring same to the attention of Myra Mason such that same can be accomplished before the stamping of the maps.

Respectfully submitted,

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



Mark J. Edsall, P.E.,  
Town Consulting Engineer

MJEmk

A:3-13-2ME.mk

AS OF: 09/18/89

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)  
TASK: 88- 71

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	-----DOLLARS-----			
								TIME	EXP.	BILLED	BALANCE
88-71	24933	04/10/89	TIME	MJE	MC BIG V	60.00	0.50	30.00			
88-71	24934	04/11/89	TIME	MJE	MC BIG V	60.00	0.30	18.00			
88-71	24959	04/11/89	TIME	NJE	CL BIG V REVIEW COMMS	19.00	0.50	9.50			
88-71	25604	04/26/89	TIME	MJE	MC BIG V ZBA REF	60.00	0.50	30.00			
88-71	26513	05/11/89	TIME	MJE	MC BIG V	60.00	0.30	18.00			
88-71	28262	06/09/89	TIME	MJE	MC BIG V-REVIEW W/FI	60.00	0.50	30.00			
TASK TOTAL								135.50	0.00	0.00	135.50
GRAND TOTAL								135.50	0.00	0.00	135.50

CHRONOLOGICAL JOB STATUS REPORT

JOB: 83-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 88- 71

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
									EXP.	BILLED	BALANCE
88-71	22078	04/10/89	TIME	NJE	MC BIG V	60.00	0.50	30.00			
88-71	22079	04/11/89	TIME	NJE	MC BIG V	60.00	0.30	18.00			
88-71	22103	04/11/89	TIME	NJE	CL BIG V REVIEW CONMS	19.00	0.50	9.50			
88-71	22717	04/26/89	TIME	NJE	MC BIG V ZBA REF	60.00	0.50	30.00			
88-71	23603	05/11/89	TIME	NJE	MC BIG V	60.00	0.30	18.00			
88-71	25233	05/09/89	TIME	NJE	MC BIG V-REVIEW W/FI	60.00	0.50	30.00			
								135.50			
88-71	31750	09/18/89			BILL INV 89-369						-135.50
											-135.50
88-71	33470	10/09/89	TIME	NJE	MC BIG V S/P	60.00	0.50	30.00			
88-71	33696	10/10/89	TIME	NJE	CL BIG V	19.00	0.50	9.50			
88-71	33477	10/11/89	TIME	NJE	MC BIG V	60.00	0.20	12.00			
88-71	34929	10/31/89	TIME	NJE	MC BIG V	60.00	0.80	48.00			
88-71	36328	11/21/89	TIME	NJE	MC BIG V	60.00	4.00	240.00			
88-71	36471	11/21/89	TIME	KRB	CL BIG V	19.00	0.50	9.50			
88-71	36332	11/22/89	TIME	NJE	MC BIG V	60.00	0.30	18.00			
88-71	37021	11/27/89	TIME	NJE	MC BIG V	60.00	0.50	30.00			
88-71	37022	11/29/89	TIME	NJE	MC BIG V	60.00	2.50	150.00			
88-71	37243	12/05/89	TIME	NJE	MC BIG V INCL CALLS	60.00	1.00	60.00			
88-71	37246	12/08/89	TIME	NJE	MC BIG V INCL CALLS	60.00	0.50	30.00			
88-71	37249	12/09/89	TIME	NJE	MC BIG V	60.00	0.40	24.00			
88-71	38098	12/11/89	TIME	NJE	MC BIG V	60.00	1.50	90.00			
88-71	38103	12/12/89	TIME	NJE	MC BIG V	60.00	1.00	60.00			
88-71	38231	12/12/89	TIME	KRB	CL BILA/SEWER RELOC	19.00	0.50	9.50			
88-71	38316	12/12/89	TIME	SJG	CL BILA	19.00	0.80	15.20			
88-71	37789	12/13/89	TIME	NJE	GO COND FINAL APP 12/13	0.00	0.10	0.00			
88-71	38110	12/15/89	TIME	NJE	MC BIG V	60.00	1.50	90.00			
88-71	38241	12/15/89	TIME	KRB	CL BILA	19.00	0.80	15.20			
88-71	38249	12/15/89	TIME	KRP	CL SEWER SPECS	19.00	0.50	9.50			
88-71	38644	12/20/89	TIME	NJE	MC BIG V	60.00	0.50	30.00			
88-71	38990	12/26/89	TIME	NJE	MC BIG V	60.00	0.50	30.00			
88-71	39357	12/26/89	TIME	SJG	CL BILA	25.00	0.50	12.50			
88-71	39366	12/26/89	TIME	SJG	CL BILA	19.00	0.50	9.50			
88-71	39371	12/27/89	TIME	SJG	CL BILA	19.00	0.50	9.50			
								1177.40			
88-71	37766	12/11/89			BILL INV 89-481						-661.00
											-796.50
88-71	40654	01/18/90	TIME	NJE	MC BIG V CULVERT	60.00	0.50	30.00			
88-71	40752	01/18/90	TIME	NJA	CL BIG V/MEND	25.00	0.50	12.50			
88-71	42152	02/05/90	TIME	NJE	MC BIG V	60.00	0.30	18.00			
								1237.90			

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)  
 TASK: 88- 71

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----			
										EXP.	BILLED	BALANCE	
.....													
88-71	42518	02/13/90				BILL INV 90-143						-441.40	
.....													
												-1237.90	
88-71	44135	03/09/90	TIME	MJE	MC	REVIEW WITH NYSBOT	60.00	0.50	30.00				
88-71	44133	03/12/90	TIME	MJE	MC	REVIEW CONDS OF APPL	60.00	1.00	60.00				
88-71	44134	03/13/90	TIME	MJE	MC	MEMO RE APPL & CALLS	60.00	1.00	60.00				
88-71	44136	03/13/90	TIME	MCK	EL	MEMO	25.00	0.50	12.50				
.....													
						TASK TOTAL			1400.40	0.00		-1237.90	162.50
.....													
						GRAND TOTAL			1400.40	0.00		-1237.90	162.50



SA 107  
932

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

Mark J. Edsall, P. E., Principal

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here 

No. ....  
Town of New Windsor

.....  
Nature .....  
Amount Claimed \$ .....  
Amount Allowed \$ .....  
Filed .....  
I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....  
the within claim was audited and allowed  
for the sum of  
\$ .....  
.....  
Clerk

Plan. Bd

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., MARCH 7, 1990; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Fiedelholtz,  
Councilman Spignardo, Councilwoman Siano.

BOARD MEMBER ABSENT: Councilman Heft

OTHER OFFICIALS PRESENT: Town Attorney Seaman, Police Chief Koury,  
County Legislator Seidman.

SALUTE TO FLAG:

Supervisor Green called to order the Regular Town Board and Water Board Meeting and presided over same.

#1 On Agenda - Minutes

Motion by Councilwoman Siano, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearing regarding Local Law No. 1-1990-Amendment to Senior Citizen Property Tax Exemption, the Public Hearing regarding Local Law No. 2-1990-Notification of Defects, and the Regular Town Board and Water Board Meeting, all held on February 7, 1990, as per the copies posted on the Town Clerk's Bulletin Board in the Town Hall and same distributed to each of the Town Board Members.

Roll Call: All Ayes                      Motion Carried: 4-0

UNFINISHED BUSINESS

NONE

HIGHWAY DEPARTMENT

NONE

WATER DEPARTMENT

NONE

SANITATION DEPARTMENT

#2 On Agenda - Motion-Authorize Supervisor to execute agreement-Pickett SD #20

Motion by Councilwoman Fiedelholtz, seconded by Councilman Spignardo that the Town board of the Town of New Windsor authorize the Town Supervisor to execute an Easement between BENJAMIN PICKETT and BETTY PICKETT to TOWN OF NEW WINDSOR, said easement being for installation, maintenance and replacement of a sanitary sewer line through lands of Grantor located within Sewer District #20 (Section 71-Block 1-Lot 45).

Roll Call: All Ayes                      Motion Carried: 4-0

#3 On Agenda - Receive and file-Easement - Boiardi SD #23

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Easement from ROBERT BOIARDI to TOWN OF NEW WINDSOR said easement having been recorded in the Orange County Clerk's Office in Liber 3240 of deeds at page 192 on January 16, 1990 from construction of sanitary sewer and storm drainage lines through property of Grantor for SEWER DISTRICT #23.

#4 On Agenda - Motion-Authorize Supervisor to execute agreement-Bila Partners SD #20

Motion by Councilman Spignardo, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between BILA PARTNERS and the TOWN OF NEW WINDSOR, said agreement sets forth the terms and conditions for the construction of a 30 inch sewer line in an easement area in conjunction with Sewer District #20.

Roll Call: All Ayes                      Motion Carried: 4-0

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., MARCH 7, 1990 SHEET 2

#5 On Agenda - Motion-Authorize Supervisor to execute easement-  
Bila Partners SD #20

Motion by Councilman Spignardo, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor authorize the Supervisor to execute five (5) copies of an Easement between BILA PARTNERS and the TOWN OF NEW WINDSOR, said easement sets forth the terms and conditions for the construction of a 30 inch sewer line in an easement area in conjunction with Sewer District #20.

Roll Call: All Ayes Motion Carried: 4-0

#6 On Agenda - Receive and file-Bids SD #20 - Phase IIA

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, Bids opened February 28, 1990 with reference to Sewer District #20 - Phase IIA.

#7 On Agenda - Motion-Award Bid - SD #20 - Phase IIA

Motion by Councilwoman Fiedelholtz, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor award Bid for Sewer District #20 - Phase IIA, to the lowest bidder, A. Cestone Co./Metra Industries, a joint venture, at a cost of \$1,559,237.00, by recommendation of McGoey, Hauser and Edsall Consulting Engineers.

Roll Call: All Ayes Motion Carried: 4-0

GENERAL

#8 On Agenda - Motion-Permission for senior citizens to park cars  
in Town Hall parking lot

Motion by Councilwoman Fiedelholtz, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor grant permission to the New Windsor Senior Citizens to park cars in the Town Hall parking lot on March 7, 1990 from 9:30 A.M. to 5:00 P.M. and on April 10, 1990 from 9:00 A.M. to 5:00 P.M., also that the Town of New Windsor is not liable for any liability that may occur and that the Police Department be notified of same.

Roll Call: All Ayes Motion Carried: 4-0

#9 On Agenda - Motion-Authorization - copy of Town Code to ZBA Member

Motion by Councilman Spignardo, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor authorize the Town Clerk to furnish a copy of the "Code of the Town of New Windsor" to EDWARD C. TANNER, newly-appointed Zoning Board of Appeals member.

Roll Call: All Ayes

Motion Carried: 4-0

#10 On Agenda - Receive and file-Annual Report Salisbury Mills  
Fire District 1989

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, the Annual Report of the Fire District Treasurer of the Salisbury Mills Fire District for the year 1989.

#11 On Agenda - Receive and file-Annual Report Quassaick Bridge  
Fire District 1989

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, the Annual Report of the Fire District Treasurer of the Quassaick Bridge Fire District for the year 1989.

BOARD MEMBER ABSENT: Councilman Helt

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Fiedelholz,  
Councilman Spignardo, Councilwoman Siano.

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., MARCH 7, 1990; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., MARCH 7, 1990 SHEET 3

#12 On Agenda - Receive and file-Deed, Sheafe, Wayland H. & Joy C.

Hearing no objection, the Town Board of the Town of New Windsor receive and file a deed from WAYLAND H. SHEAFE and JOY C. SHEAFE to TOWN OF NEW WINDSOR said deed having been recorded in the Orange County Clerk's Office in Liber 3242 of deeds at page 47 on January 18, 1990 for dedication of Sheafe Circle in the Town of New Windsor.

#13 On Agenda - Motion-Reappoint to Bureau of Fire Prevention

Motion by Councilman Spignardo, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor reappoint STEPHEN WEINHEIM to serve for a period of three (3) years as member of the Bureau of Fire Prevention, as per the recommendation and nomination of the Board of Fire Commissioners, Vails Gate Fire District.

Roll Call: All Ayes Motion Carried: 4-0

#14 On Agenda - Motion-Reappoint to Bureau of Fire Prevention .

Motion by Councilwoman Fiedelholtz, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor reappoint PAUL MOTT to serve for a period of three (3) years as member of the Bureau of Fire Prevention, as per the recommendation and nomination of the Board of Fire Commissioners, Quassaick Bridge Fire District.

Roll Call: All Ayes Motion Carried: 4-0

#15 On Agenda - Receive and file-Approved contract-Natural  
Heritage Trust Project Agreement

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, the approved Contract for the Natural Heritage Trust Project, No. NHT-LA-87-218/C870200.

#16 On Agenda - Receive and file-Notice of Claim

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, Notice of Claim regarding John and Maxine Spadafora against the Town of New Windsor and the Town of New Windsor Police Department, same being referred to the Attorney for the Town.

#17 On Agenda - Receive and file-Notice of Settlement

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, Notice of Settlement regarding Knox Village Associates against the Town of New Windsor and the Town of Cornwall, same being referred to the Attorney for the Town.

#18 On Agenda - Receive and file - Intermediate Decision

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, the Intermediate Decision as handed down from the State of New York: Department of State Hudson Valley Uniform Code Board of Review regarding Petition No. 357-89-36, Town of New Windsor for a variance to the New York State Uniform Fire Prevention and Building Code.

#19 On Agenda - Motion - Authorize issuance of solicitor's permit-  
Ennis

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., MARCH 7, 1990 SHEET 4

Motion by Councilman Spignardo, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor approve the application for a Solicitor's Permit submitted by Tim and Angela Ennis d/b/a Angie's Hot Dogs to sell hot dogs and soda at 668 Little Britain Road and that he obtain a 90-day permit from the Town Clerk's Office.

Roll Call: All Ayes

Motion Carried: 4-0

#20 On Agenda - Motion-Authorize CHG & E to install street light

Motion by Councilwoman Fiedelholtz, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor authorize Central Hudson Gas and Electric to install the street light on pole #20916 Old Route 9W, at a cost of \$96.00.

Roll Call: All Ayes

Motion Carried: 4-0

#21 On Agenda - Receive and file-Summons

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, a summons, with reference to Gary M. Steinhauer against Charles W. Fetherolf, Town of New Windsor and Town of New Windsor Police Department, same being referred to the Attorney for the Town.

#22 On Agenda - Receive and file-Letter of Resignation

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk, Letter of Resignation, submitted by William Pullar, Assistant Building Inspector, effective March 9, 1990.

#23 On Agenda - Motion-Authorize Town Clerk to attend conference

Motion by Councilwoman Siano, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor grant permission to the Town Clerk to attend the New York State Town Clerk's Association 1990 Annual Meeting to be held at the Desmond Americana, Albany, New York on April 22 thru April 25, 1990 and the cost, approximately \$450.00, be paid from the Town Clerk's Budget. Further, that the Town Comptroller be authorized to issue a check in the amount of \$65.00 to the New York State Town Clerk's Association, payment for advanced Registration Fee for said Conference.

Roll Call: All Ayes                      Motion Carried: 4-0

#24 On Agenda - Receive and file-Certification - Town Clerk

Hearing no objections, the Town Board of the Town of New Windsor receive and file the Town Clerk's certification, course entitled "How to Manage Local Government Records", conducted by the Local Government Records Bureau, New York City, on February 20, 1990.

#25 On Agenda - Motion-Authorization to schedule public hearing -  
Special Permit Skylom New Windsor  
Development Corporation

Motion by Councilman Spignardo, seconded by Councilwoman Fiedelholtz that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, SKYLOM NEW WINDSOR DEVELOPMENT CORPORATION has submitted an application for a Planned Unit Development on a site located at the intersection of New York State Route 32 and Union Avenue in the Town of New Windsor; and

WHEREAS, the Planning Board has reviewed the preliminary plan and its related documents and has rendered a report to the

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Town Board; and

WHEREAS, the Town Board has received this said report.  
NOW, THEREFORE, BE IT RESOLVED that pursuant to Chapter  
48-22F(4) of the Code of New Windsor, the Town Board does  
hereby call a Public Hearing for the purpose of considering  
special permit approval for SKYLOM NEW WINDSOR DEVELOPMENT  
CORPORATION'S plan to be held on April 24, 1990 at 7:30 P.M.  
at the Senior Citizen Center located at 555 Union Avenue  
in the Town of New Windsor and directs that notice of the  
Public Hearing be given in accordance with the provisions  
of the Code of the Town of New Windsor, and that the application  
be referred to the Orange County Planning Department.

Roll Call: All Ayes

Motion Carried: 4-0

#26 On Agenda - OFFICIALS REPORTS

Hearing no objections, the following reports were received,  
recorded and filed with the Town Clerk:

Police Report for the month of January 1990.  
Social Service Director's report for the month of January 1990.  
Tax Receiver's report for the month of January 1990.  
Water Superintendent's report for the month of January 1990.  
Recreation Director's report for the month of February 1990.  
Town Justice Suttlehan's report for the month of February 1990.  
Town Justice Thorpe's report for the month of February 1990.  
Town Clerk's report for the month of February 1990.  
Tax Receiver's report for the month of January 1990.  
Tax Receiver's report for the month of February 1990.  
New Windsor Volunteer Ambulance Corp. report for the month of  
January 1990.

#27 On Agenda - Motion-Adoption of Bond Resolution-Construction  
of Police/Court Facility

Supervisor Green: We're going to deviate slightly as you can see from our usual order of motions. We just did Officials Reports and we're going now back into the meeting with another motion.

A Motion was made by Councilwoman Fiedelholtz and seconded by Councilman Spignardo with reference to construction of Municipal Complex Facility.

Discussion:

Supervisor Green: What we're going to do now, again, we're going to deviate from our normal procedure of holding public comments off until the Public Forum portion of the Board meeting. We're going to have a presentation on this motion first by the Architect of the project Mr. Witfield, and then I will be presenting some financial facts on the project itself. Incidentally, there's packets up front on the table. This is a blow up so I can read it without my glasses, but there's identical package up front on the table so you can follow along when we get to the financial portion of it. If anybody wants one just help yourselves.

Donald Witfield, Architect, pointed out features of the proposed Municipal Complex in accordance with the plans from Tape 1, Side A, Tape #198 to Tape 1, Side A, Tape #383.

Supervisor Green made a financial presentation of the construction costs for the proposed Municipal Complex as per the copy attached to the Minutes Marked No. 1-from Tape 1, Side A, Tape #384 to Tape 1, Side A, Tape #563.

Supervisor Green: Any questions to this point. Mike you had a question. Has it been answered by those figures.

Mike Lucas: No. One question was as far as the Ambulance Corps. building at the five corners now, is that a Town property?

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Supervisor Green: No, it is not.

Mike Lucas: What are they going to do with that property.

Supervisor Green: They have a contract for sale.

Mike Lucas: Then that money will be used for the ambulance...

Supervisor Green: That money is not included in this project. Their contract for sale calls for the payment of that over a period of time, and no it is not included. The balance,.... funding is included. All this money was in anticipation of a building that, in fact, is included.

Mike Lucas: As far as the increase in bonding authority. How did you get the approval for that increase in bonding authority.

Supervisor Green: Tonight, by resolution, we've already started that process, by resolution tonight.

Mike Lucas: After the resolution is.....that makes it final resolution.

Supervisor Green: No, it's subject to a permissive referendum.

Mike Lucas: When is that going to be up?

Supervisor Green: That will be up on April the 4th, I believe. Thirty days from tonight.

Mike Lucas: As far as contractors are concerned....., how do we .....them to that amount that they bid on.

Supervisor Green: They are obligated by law, Mike, forty-five days.

Don Witfield: That's very close. It may run over a few days but we are going to have a meeting with them and explain that- they were the general circumstances. So, it's a question of when this can come in and when the Town can then meet and authorize the signing of the contract.

Supervisor Green: It's Friday, April 6th. The close of business, Friday, April 6th. The Town Board will probably act immediately at the workshop the following Monday, and will probably call a Special Meeting and authorize the low bidders to proceed.

Mike Lucas: No federal monies are going to be used for this project.

Supervisor Green: There's no such thing as federal monies. Federal monies dried up with the Omnibus Prime Bill and State Street Act of 1982, '83, or somewhere in there. Gone, history. I went to college on it in the sixties and early seventies. That money is gone. Those state funds are history.

Jean Antonelli, New Windsor Volunteer Ambulance Corp: To tell this gentleman-all the monies from the ambulance corps is all State money, even the one that is in the building and the certificates of deposit. That's all through state grants and

.....

Supervisor Green: Those are member initiative grants.

Jean Antonelli: I want you to know you are getting some help from the State government.

Supervisor Green: There is some outside public funding in this, inasmuch as these figures here, Mike, are the '86, '87, '88 and '89 grant are members initiative funding from the Senate, I believe. It's pretty clear cut how we arrived at these figures. We took the bonding amount of \$2,966,250. That gives you a yearly principal payment of \$148,313 simply by figuring eight percent of the interest, eight percent of the balance as interest, add the two together you get your yearly payment. Your first year's payment amounts to \$385,613. I based this whole chart today on the assessed valuation of \$270,000. I did not increase this as we go through the years. That obviously will pick up by a percentage every year. First year payment is \$1.43 per thousand. What that means to the average household assessed at \$40,000 is \$57.13. That is assuming that we bond the \$2,966,250. Like I said before it is anticipated that all this money will be forthcoming, and we will not have to bond that. Full impact we will be bonding \$2,750,000, which doesn't bring your payment down appreciably; it brings it down for the average household to a \$1.32 per thousand or \$52.96 for the first year.

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County Legislator Seidman: Is there a time limit for the completion of the project.

Supervisor Green: Yes, twelve months from award with liquidated damages.

County Legislator Seidman: What are the damages set at so much a day, so much a month.

Don Witfield: Fortunately, I think we have four very good bidders and good contractors, and there's a lot of labor out there available right now, so I don't think we are going to have any trouble at all. Part of the timing of it depends a little bit on when you get started. If we get started as this is projected certainly you can get closed in and finish the building during the winter. The only question that comes up is do you pay next year before the plants close, or do you wait and pay it in the spring. So, that's really the only one swing item..... What we're proposing is that after the meeting tonight we will have a meeting with the four prime contractors and go over this, and let them in on exactly what you people are hearing tonight, so that between now and the anticipated contract award at approximately thirty days from now, they can do their buying and arrange for their materials, and so forth, not sign any contract, but at least get all their plans set up, so as soon as they get the go ahead.....and start. We put in the bids how much time did they feel was adequate to finish it, and twelve months was pretty....., probably seventy-five percent said that.

TAPE 1, SIDE B, TAPE #001

John Naclerio: Can people in the Town buy municipal bonds.

Supervisor Green: No, you can't come in here and buy municipal bonds.

Town Attorney Seaman: We do have, we have a company named Munistat that actually helps us set up the prospectus. The

prospectus that gives the entire project the costs and the financial status of the Town, etcetera. Once that is prepared the bonds are made available, and then the bonds-actually..... takes care of the selling of the bonds except to place them with the organization that do sell the bonds. As to whether you can actually buy them or not, I'm sure you could, John, but it has to be done through the organization that Munistat puts them under. I wouldn't be a bit surprised they may already have homes for these bonds before they're actually put out.

Supervisor Green: Usually they go through investment funds and mutual funds..... They're in 5,000 and 10,000 blocks usually.

John Homin: Two other sources of revenues here. One is the County sales tax and how about the surplus we have on hand right now.

Supervisor Green: John, that figure that appears as \$325,000 is surplus. That is surplus based on what we have in surplus. Obviously, we don't want to be drained completely of our surplus, but that takes into consideration surplus from all sources.

John Homin: How about the County sales tax.

Supervisor Green: That takes into consideration, yes.

Mike Lucas: ....two percent of that \$3,200,000, that total other cost,....go over that briefly I didn't hear.....

Supervisor Green: Total other costs-that's all those items listed under total other costs, Mike. The antenna-if you take from the antenna to the miscellaneous add it up it reaches \$62,600.00. These figures here the antenna, the radio moving, the reproduction costs, the telephone computer lines, moving costs and miscellaneous they all are comprised in that \$62,600.

Mike Lucas: So, then if you add.....\$62,000....3.2 million that would be the total of \$3,200,000.

Supervisor Green: That would be the total of your sub-total, yes. Unfortunately, I threw it together on the computer and the way

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the computer formats it I couldn't throw it over into another column without a great deal of effort, and I spent a lot of time on this in the past two days.

John Homin: Couldn't those figures drop drastically starting with the second year. You're getting additional-you're getting income coming in, and revenues coming in from the County on the sales tax.

Supervisor Green: But, the point is, John, once those bonds are sold, those serial bonds sold, they're twenty year serial bonds so the repayment, the actual repayment is based on that schedule.

John Homin: But the taxpayers have to pay that should be dropping.

Supervisor Green: That may vary based on anticipated revenues, you're absolutely right, but that is a normal budgetary process, but for our purposes here tonight we have to explain this as though every dime is coming out of the tax revenue. You're absolutely right. That's an important concept what John is talking about. You'll never see this as a line on your tax bill, it is actually reflected in your general fund; so that \$57.13 depending on that anticipated revenues or whatever other savings we can generate throughout the year, that figure may in actuality come down. You will never see that as a line on your tax bill. That is not a physical line that reflects on your tax bill. It reflects in our budget somewhere. That actually reflects in our budget in interfund transfers, that line will reflect, however, you'll never see that line physically that is all part of the general fund.

Mike Lucas: I would like a library put into this building, too.

Supervisor Green: That's been under discussion for a long time. I think it's a good deal. It's a bargain, the price per square foot is almost \$20.00 less. I never did figure out the exact price per square foot based with site work taken out. Don.

did you ever come up with that with site work out.

Don Witfield: Not with it out, but if I would have guessed probably-probably around \$75.00 or \$80.00 just heating and ventilating.

Supervisor Green: Doing it very quickly I come up with a square foot figure of a little over \$74.00 a square foot. When we sat down and tried to second guess the bidders, and where this was going to come in, we took the old figures. This footprint of this building was almost the same as the prior buildings. We took the footprint of this building, we added the additional square footage, took our best guess and in talking with construction industry how prices have gone up, we came up with a price of Four million eight hundred thousand dollars as a high figure. My guess was well the industry is kind of hungry right now, I think if we come in at four four two we're going to be doing real well. None of us, we were flabbergasted when the bids came in.

Mike Lucas: What is the track record of the GC, does he have a good record.

Don Witfield: The name of the GC is Darlind Construction, and I don't know them personally but we asked them for their credentials and a series of references. Two of the references they gave us, one was a very large area corporation which is doing two projects for I.B.M. They gave them very high marks. The other reference I checked was the Archdiocese of New York where they did two church jobs, and their field man said they were one of the best contractors they ever had. The other mechanical electrical from around here are very good people.

Supervisor Green: I had a call this afternoon, also in that vein from an area engineer on another subject who I have a lot of respect for, and he has done some work in the area, and we were almost at an adversarial relationship with the developer, and the engineer was excellent, and he apparently will be their soils man, because they're obligated under the contract to bring

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in an independent soils testing laboratory, and this engineer was the one they used his bid in the arrival at the price, and he's the best in the area as far as I'm concerned as far as soils.

Mike Lucas: What was the scope between the low and high.

Supervisor Green: Six hundred thousand.

Don Witfield: Out of the twelve bidders, eleven were under three million, and the low bidder was two seven. There were eleven of them within ten percent.

Mike Lucas: The clerk of the works, that's employed by the architect.

Supervisor Green: No, the clerk of the works is employed by the Town and works hand in hand with the architect.

County Legislator Seidman: How does the architect feel about the .....public works.....how a lot of public works project run that general contractor per se works tooth and nail with specifications saying that.....you're paying for this particular type of work, this particular type of product, everything was specified. Does the architect feel that his scope of work encompasses a complete job without any extensive or extra amount of cost overruns or back charges coming.....

Don Witfield: Yes, we think it's very tight; and this includes carpeting, it includes vertical blinds on the windows, it includes building cabinetry, it includes the seating in the meeting room, it includes the area where the board sits, and so forth. I was going over a couple of things with Chief Koury and there may be some cabinetry that we had before and we think we may do over differently, but it includes all that kind of stuff. One of the big questions that we don't have, and we had some pre-bid meetings to discuss that, those who know this area and you've been back there, there are some huge boulders, when we start excavating what is the extent of the boulders. That we don't know.

Supervisor Green: You have to remember it's the third time this project has been bid in one form or another, so we're pretty comfortable with the project. I will say this, there is a lot of work in not just the architect's part, went into the design of this building.

Mike Lucas: The maintenance of the buildings and the upkeep and the heating and like that, is those costs later on projected take care of the maintenance and building after it's completed. Do you anticipate in keeping a budget of what they have now in reducing that budget. You don't have to employ extra people in this building...

Supervisor Green: I would certainly think so. Of course. You have to remember that that money doesn't stay with that building. That money travels with the police department. I mean allocations and certain line items will obviously have to go up. Heating, electric, the fuel oil will have to go up. You just built a new house, your costs went up. I just bought a new house, my costs went up. They go up proportionate to the square footage.

John Naclerio: Is there no federal money available at all?

Supervisor Green: No, John. The Town of Newburgh just built one, Woodbury just built one, Blooming Grove just built one.

John Naclerio: How will the road for the emergency vehicles be controlled.

Supervisor Green: Signage. It will be controlled with signage. Anybody else?

Motion by Councilwoman Fiedelholz, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor adopt a Bond Resolution entitled, "Bond Resolution of the Town of New Windsor, New York, adopted June 4, 1986 and amended March 7, 1990, authorizing the construction of a building complex at the existing Town Hall site, stating the estimated maximum cost thereof is \$3,812,600.00, appropriating

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said amount therefor, including the appropriation of \$846,350.00 current funds to provide the required down payment, and authorizing the issuance of \$2,966,250.00 serial bonds of said Town to finance the balance of said appropriation, and authorizing any amounts received in aid of the foregoing to be expended towards the cost of said object or purpose or redemption of said bonds issued therefor or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds," and that said Bond Resolution, as amended, is subject to a permissive referendum. Said Bond Resolution is hereto attached to the Minutes, Marked No.2.  
Roll Call: All Ayes Motion Carried: 4-0

TAPE 1, SIDE B, TAPE #225

#28 On Agenda - Public Forum

Fran Homin: Number 22, is there anybody to replace him.  
Supervisor Green: We're going to discuss that-I don't think I'm going to replace it full-time, I'm going to use part-time right now. That's Bill Pullar.

Mike Lucas: Just because I guessed we missed it on the Sky Lom, this is just to bring it to a....

Supervisor Green: Public Hearing April 24th, Senior Citizen's Center, 7:30 P.M.

Mike Lucas: Briefly can you give us a brief history of what has brought it up to this date.

Supervisor Green: Mike, you're asking-to be very truthful no, I couldn't Mike. I can tell you that a special permit application followed by a scoping session and an E.I.S., a return of conceptual approval from the Planning Board, back to the Town Board for an approval on the E.I.S., back to the Planning Board for report

that everything was covered in the-necessary for us to make a decision on the PUD has got us to this point.

Mike Lucas: So basically it's still in its infancy. There is a lot of talk in the Town about cluster type of housing, development, strip malling-a lot things are being considered for this area. That's basically the talk that I have been receiving about that.

Supervisor Green: For what area?

Mike Lucas: Skylom.

Supervisor Green: Understand what we're talking about with Skylom. This is for the public hearing. Understand what we are talking about with Skylom. It has nothing to do with cluster, it has nothing to do with strip mall. It is a PUD. PUD stands for planned unit development, which means that within one zone there can be a mix of uses. If and when on the 24th, then actually I think it's 45 days after we have-we have 45 days to render a decision-after the 24th of April. If at that point we say, yes, you can have your PUD, it doesn't finalize it. Then you have to go back to the Planning Board. Anything that we said in the E.I.S. is maximums. They still have to go back just like any other site plan, and Mike, you've been in front of the Planning Board, how would you like to go back in front of the Planning Board for 573 housing units and 100,000 square feet of commercial. Discussion continues to-  
Tape 1, Side B, Tape #290.

Tom Lucas: I have been around as long as..... I've worked on two referendums and I hated to come in with my results, and I think you are on the right track, and I think you should give him a round of applause.

Supervisor Green: We gave them a round of applause the day we opened the bids. We were very pleased. The close of business, Friday April 4th, is the cutoff date for the referendum. I would anticipate at this price that we will not see one. Anyone else?

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Hearing no others wishing to speak, the Supervisor entertained a motion to close the Public Forum portion of the Agenda.

Motion by Councilwoman Fiedelholtz, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor close the Public Forum Portion of the Meeting.

Roll Call: All Ayes Motion Carried: 4-0

#29 On Agenda - Adjourn

Motion by Councilwoman Fiedelholtz, seconded by Councilwoman Siano that the Town Board of the Town of New Windsor adjourn the Regular Town Board and Water Board Meeting at 8:45 P.M.

Roll Call: All Ayes Motion Carried: 4-0

Respectfully submitted,



PAULINE G. TOWNSEND  
TOWN CLERK

PGT:ec

*(Easement executed by  
both parties) 3/7/90.*

(TA DOCDISK#12-020487.SE)  
Section 65 Block 2 Lot 12

### E A S E M E N T

EASEMENT granted this        day of        , 19        , in consideration of the sum of ONE (\$1.00) DOLLAR, the sum of which is waived, the undersigned, BILA PARTNERS, a partnership, having an office at 158 North Main Street, Florida, N. Y. 10921, hereinafter called "Grantor", hereby grants unto TOWN OF NEW WINDSOR, hereinafter called the "Grantee", a municipal corporation having its office at 555 Union Avenue, Town of New Windsor, Orange County, New York, a perpetual right of way to enter upon and lay, install, operate, maintain and replace pipes, pipeline, manhole or manholes, and appurtenances (hereinafter referred to as sanitary sewer system) for the conveyance of sewage through the property of the Grantor which is described in Schedule A and B hereto attached.

The Grantor reserves the right to use and enjoy the said premises except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sanitary sewer system.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repair, replacement, addition or inspection of the sanitary sewer system, restore the surface of said lands and premises to substantially the same condition as before such construction or repair, replacement, addition or inspection and subject to the terms of this easement as hereinafter set forth.

(b) That the sanitary sewer system and appurtenances placed within said easement area shall, at all times, remain the property of the Town of New Windsor and under its control and supervision and the Grantor and its successors and assigns shall not interfere with or cause injury to said sanitary sewer system or appurtenances.

(c) That the Grantee shall have the right to enter at any manhole or other location along the easement area for the purpose of connecting to the sanitary sewer system.

(d) That the Grantor shall not be authorized to place any structures within the easement area or plant any trees or shrubbery within the easement area without the written consent of the Grantee.

(e) That the Grantee, upon reasonable notice to the Grantor, shall be allowed to enter Grantor's premises prior to and after construction of the improvements within the easement area in order to perform investigations, surveys and documentation for purpose of evaluation of conditions of the premises. The right set forth in this



described in and who executed the foregoing instrument as a partner in BILA PARTNERS and he acknowledged to me that he executed the same.

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

21 September 1989

DESCRIPTION  
SANITARY SEWER EASEMENT  
Through Lands of Bila Partners  
Section 65, Block 2, Lot 12  
Town of New Windsor, Orange County, NY

BEGINNING at a point in the westerly line of Windsor Highway (a/k/a N.Y.S. Route 32) said point being  $N 36^{\circ} 20' 00'' E$ , 109' +/- as measured along said line from its intersection with the southerly line of lands of the Grantor, running thence, the following courses through lands of the Grantor:

1.  $N 68^{\circ} 15' W$ , 115' more or less to a point;
2.  $N 23^{\circ} 06' W$ , 495' more or less to a point;
3.  $N 27^{\circ} 45' W$ , 330' more or less to a point;
4.  $N 26^{\circ} 48' W$ , 364' more or less to a point in the northerly line of land of the Grantor;
5. Along said line,  $S 57^{\circ} 11' 00'' E$ , 60.' more or less to a point;
6. Running through lands of the Grantor,  $S 26^{\circ} 48' E$ , 307' more or less to a point;
7.  $S 27^{\circ} 45' E$ , 32' more or less to a point on the westerly face of a building;
8. Running along said building face in a southwesterly direction, 5' more or less to a building corner;
9. Running along the westerly face of a building in a southerly direction 26' more or less to a building corner;
10. Running along the southerly face of a building in an easterly direction, 6' more or less to a point;
11. Running through lands of the Grantor,  $S 27^{\circ} 45' E$ , 274' more or less to a point;
12.  $S 23^{\circ} 06' E$ , 480' to a point more or less;
13.  $S 68^{\circ} 15' E$ , 110' more or less to a point in the westerly line of Windsor Highway;
14. Along said line,  $S 36^{\circ} 20' 00'' W$ , 31' more or less to the point or place of BEGINNING.

(TA DOCDISK#14-121389.BP)

AGREEMENT

This AGREEMENT dated the *7<sup>th</sup>* day of *March*, 19*90* between TOWN OF NEW WINDSOR, a municipal corporation with its principal place of business at 555 Union Avenue, New Windsor, New York 12550, hereinafter referred to as "TOWN" and BILA PARTNERS, a general partnership with its principal place of business at 158 North Main Street, Florida, New York, hereinafter referred to as "BILA";

W I T N E S S E T H :

WHEREAS, BILA will be modifying certain sanitary sewer lines within its properties located on Route 32 in the hamlet of Vails Gate, Town of New Windsor, New York, known as New Windsor tax map Section 65 Block 2 Lot 12; and

WHEREAS, BILA also anticipates constructing an additional sewer line of 30 inch diameter pipe; and

WHEREAS, BILA intends to construct the 30 inch sewer line in an easement area that is intended by the TOWN to be secured from BILA for construction of a sanitary sewer line for Sewer District #20 within the Town of New Windsor; and

WHEREAS, the parties hereto desire to establish the cost for acquisition of the said easement for Sewer District #20 and the terms and conditions under which the easement will be acquired,

IT IS HEREBY AGREED AS FOLLOWS:

1. BILA will construct a 30 inch sanitary sewer main according to plans and specifications supplied and approved by the TOWN and more fully described in certain plans entitled, "Proposal for Bila Partners Properties dated November 9, 1989, last revised 12/14/89" for Sewer District 20-Phase 2A attached hereto as Exhibit A.

2. TOWN will supply approximately 340 ft. of 30 inch pipe to BILA to be used as sanitary sewer pipe as shown on Exhibit A, said pipe to be delivered at Caesar's Lane Sewage Treatment Plant. All pipe will be transported by BILA, at its expense.

3. BILA will construct a sewer line by installing the 30 inch pipe referred to above along with two (2) manholes and other appurtenant structures in accordance with the plans set forth in Exhibit A, all at the expense of BILA.

4. The TOWN reserves the right to inspect all phases of construction of the said sanitary sewer line being installed by BILA pursuant to Exhibit A.

5. At a time to be determined by TOWN, TOWN will acquire an easement through the lands of BILA properties and in the event the construction referred to above and shown on Exhibit A has been completed to the satisfaction of the Engineers for the TOWN, the TOWN will acquire the said easement in the exact easement area as shown on Exhibit A subject to the conditions hereinafter set forth.

6. TOWN will pay to BILA as consideration for the easement the lesser of (1) the unit price cost multiplied by the units encompassed by this agreement, as charged by the successful bidder for the portion of the Sewer District #20 line generally from Continental Manor to St. Helena Convent, or (2) the actual cost paid by BILA of the construction set forth on Exhibit A including restoration of the surface area to the elevation existing prior to construction and with the existing surface condition that existed prior to construction, which ever is less.

7. BILA must acquire a one year guarantee covering defects in material and workmanship for any labor and materials provided by BILA'S contractors for construction of the above-referenced sanitary sewer line and appurtenances, said one year guarantee to be to BILA PARTNERS, TOWN OF NEW WINDSOR, and Sewer District #20.

8. TOWN will supply at no cost to BILA, approximately 340 ft. of 30 inch sanitary sewer line as referred to above. Loss or damage to any of the pipe after said pipe is removed from the storage area of the TOWN shall be the responsibility of BILA.

9. In the event the construction of the sanitary sewer line is not to the satisfaction of the Engineers for the TOWN, (which satisfaction shall not unreasonably be withheld) the TOWN reserves the right to select another easement area either on or off the lands of BILA for the construction of the Sewer District #20 sanitary sewer line and the TOWN shall have no further obligation pursuant to this agreement, except however, BILA shall be required to reimburse TOWN for all 30 inch pipe provided by the TOWN.

10. In the event the breach of this agreement results in litigation, the party that is found to have caused the breach shall be responsible for attorney fees or any other expenses or damages incurred by the party that has not caused the breach.

IN WITNESS WHEREOF the parties hereto have set their hands and seals on the date set forth after their respective signatures.

(SEAL)

TOWN OF NEW WINDSOR

George A. Green  
By: George A. Green, Supervisor

BILA PARTNERS

William Rosenberg  
By: William Rosenberg, Partner

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

On the 7<sup>th</sup> day of March 1990, before me personally appeared GEORGE A. GREEN, to me known, who being by me duly sworn, did depose and say that he resides at 32 Clarkview Road, New Windsor, New York, that he is the Supervisor of the TOWN OF NEW WINDSOR, the municipal corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that it was so affixed by Order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Pauline G. Townsend  
Notary Public

PAULINE G. TOWNSEND  
Notary Public, State of New York  
No. 4643692  
Appointed in Orange County  
My Commission Expires December 31, 1991

FLORIDA  
STATE OF ~~NEW YORK~~ )  
 ) SS.:  
PAUL BEACH  
COUNTY OF ~~ORANGE~~ )

On the 7 day of February, 1990 before me personally appeared William Rosenberg, to me known and known to me to be the person who executed the foregoing instrument, who, being duly sworn by me, did for himself depose and say that he is a member of the firm of BILA PARTNERS, and that he executed the foregoing instrument in the firm name of BILA PARTNERS, had authority to sign same, and did duly acknowledge to me that he executed the same as the act and deed of said firm for the uses and purposes mentioned therein.

Marianne Piers  
Notary Public

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. FEB 10, 1991  
BONDED THRU GENERAL INS. UND.

BIG-V SHOPRITE PLAN:

Alan Lewis, Esq., John Mench of Big-V Supermarkets and Roy Byers of C. Raimondo & Sons came before the Board presenting this proposal.

BY MR. VANLEEuwEN: I'd like to note for the record that I am still selling soil that is sold on my site on 32, but I have nothing to do with anything beyond selling the dirt with regard to this application, just to clear the air. I am not selling to Big-V. I sold it to Nenni who is doing the ground work.

BY MR. RONES: Has the applicant seen the engineering notes?

BY MR. SCHIEFER: I asked the applicant.

BY MR. RONES: You have received these notes?

BY MR. LEWIS: Tonight, yes.

BY MR. EDSALL: The plans that I reviewed were dated November 16th.

BY MR. SCHIEFER: I have November 9th one.

BY MR. EDSALL: I am talking about my stamp next to the number.

BY MR. SCHIEFER: Okay, yes, proceed with your presentation here.

BY MR. LEWIS: Thank you, Mr. Chairman, and members of the Board. With me tonight are Mr. and Mrs. Rosenberg, John Mench from Big-V and Roy Byers from C. Raimondo & Sons, the general contractor for the project. We have revised the map in accordance with suggestions and recommendations made at the workshop session and from the town officials that is the map that you now have before you. We are here to entertain any questions that you have and to discuss any of the issues that might be raised now with respect to the plan as it is proposed.

BY MR. PAGANO: I am going to bring my favorite subject and that is the main entrance off 32 which has a very good incline to it. I have personally been hit with two shopping carts already in the last few years and I have seen other cars seriously damaged with shopping carts that fly

down the roadway onto 32 and after a windy day, you are going to see ten or 15 carts laying all over the place. As a Board member, unless this problem is addressed I could not entertain listening to your presentation. I consider this probably the most important safety issue on this piece of property at this point.

BY MR. LEWIS: That is something has nothing to do with any of the proposed construction that is involved on this site. It is the slope of the site as it exists today and as it was approved before, although I am sure that if there are ways that safety designs can be incorporated to meet what it is you want, we can do that.

BY MR. PAGANO: We asked you at the last meeting to do that. I asked personally and you are here again and I see nothing addressed to that point. It is not there, the topo has not changed. I see no change. I see no significant improvement in that area and evidently, life is not important. This is going to be done if I have to picket and lay down on this road in front with my own body. This is going to be addressed. I am not going to see somebody killed on that road and we are going to get to it one of these nights. Somebody hits a cart doing 35, 40 miles an hour is going to put it through somebody's windshield and I am going to make sure it is not because of this Board's fault.

BY MR. LEWIS: Barriers can be constructed to prevent anything from rolling down whatever slope there is into the roadway. Would that meet your requirements?

BY MR. VANLEEUVEN: You can't put a barrier in this driveway, that is an impossibility. The other thing that should be done is the shopping carts could be picked up.

BY MRS. ROSENBERG: When the shopping center goes in, the main road will not be on that hill and the shopping carts will not be on that hill. The shopping carts will be down below.

BY MR. VANLEEUVEN: The shopping carts will be here because the store that is in here now, the store that is in here is going to be in here.

BY MR. SCHIEFER: But there will be a store in there, another store. It may not be Big-V but there is going to be another store there whether it is Rickel's or anybody else.

BY MR. PAGANO: We have some high priced people here, engineers and surveyors. I can't believe they can't come up with some sort of offset parking with a curb in the road that would prevent the carts from coming down. I am not an engineer and surveyor and in five minutes I can draw this up and give you an idea what to do. You are going to have to make the cars to around. You can put a curb, you can do anything, but you have to stop the carts from coming down.

BY MR. SCHIEFER: Mr. Edsall, would you care to go into your comments on the sewer easement?

BY MR. EDSALL: In a nutshell, obviously the existing town sewer easement has to be relocated as part of this application. That relocation has not been effected and I asked the ladies yesterday, as late as yesterday, the town supervisor, that if it is finalized and it is not at this point, so we should proceed through the review and the details of the site plan but I would just note to the Board that until the existing sewer easement has been successfully relocated with the Town Board, you cannot pursue the plan.

BY MR. RONES: Is there any problem with that or is it just a ministerial type thing? Is it impossible to relocate?

BY MR. EDSALL: There seems to be some differences of approach between the applicant and the town at this point. I don't want to go into details but there is not a full agreement on how to accomplish that.

BY MR. LEWIS: I want to state on the record discussions are ongoing and continuing with the town in terms of relocating the sewer easement and we are and the applicant is more than willing to meet the town halfway in terms of what is necessary to relocate the easement. There is about 200 or 220 feet that has to be in place in order for the proposed construction to take place. We estimate that the cost of putting that in, according to the specs that the town requires, is about \$144,000. Now, Bila Partners and Big-V supermarkets have indicated that they would be willing to absorb the cost to do that to expedite matters and have this in place. At the workshop session and then again afterwards, there has been discussion about keeping the relocated easement off as far as it can be toward the edge of the property line and I know that people from the town have been on site to observe the conditions and what will be met and what will be required in order to dig down in order to put that line in, so I think the Board should be aware

that we are very actively moving on that and we should proceed in terms of site plan approval subject to the relocation.

BY MR. RONES: It is a renegotiating point as to whether it is feasible to lay the line in one spot or another?

BY MR. EDSALL: There is one area based on the site plan layout, there would be two sewer lines, obviously of different grade, a water line, a retaining wall and some other minor improvements. There is also seems to be a, some finalization that is necessary to get the items coordinated as to when they will be constructed. Some items are being constructed by the developer and some items are part of the development that the town is proposing so that has to be coordinated.

BY MR. SOUKUP: I don't see any retaining wall on the plan.

BY MR. EDSALL: It is on the property line that has the jog by the stream, it is marked retaining wall.

BY MR. SOUKUP: Thank you.

BY MR. ROSENBERG: We have been looking for an approval for almost a year. The sewer system has come into play about two months. We are in perfect agreement to allow the town to go through our property. There is no question about that. I think it is unfair to keep us, to hold us up because of this condition when we promise that you can go through the property. There is no question about it. Absolutely no question about it. And I think it is very unfair to hold us up from continuing to do what we are doing because of this. We are not going to fight you with the easement. The easement is yours and I see no reason why we should be held up because of that.

BY MR. PAGANO: I don't understand your statement, Mr. Rosenberg. I sat here when you first came in with this plan and if I am not mistaken, I don't think anybody on this Board gave you any indication that we were going to approve this. I don't know what leads you to believe that you were going to get an automatic approval.

BY MR. ROSENBERG: This sewer has only been coming up in the past two months.

BY MR. PAGANO: This is something new. I am talking about

other problems.

BY MR. ROSENBERG: I can't see what we can do. We have tried to bend over backwards with this entire matter. I feel that we are fair. We have been in the town since 1960 and we have done nothing to this village to hurt the village and I see no reason why we should not be able to continue construction.,

BY MR. EDSALL: Just for the record, so we are aware of the meeting dates that the applicant first came to the Planning Board on April 12, 1989 at which time they were disapproved to go to the Zoning Board of Appeals. They weren't back before this Board until October 11th, so you have only reviewed it the first time you sent him to the Zoning Board of Appeals and latest this past month.

BY MR. SOUKUP: Hasn't been a year in front of this Board.

BY MR. VANLEEUVEN: That is really irrelevant.

BY MR. SOUKUP: I'd like to clear the record with reference to the time that it is less than a month since we have seen the original plan and I personally remember one of the major concerns 30 days ago was the fact that he hadn't done what we asked for eight months ago or seven months ago which was specifically an as-built to the parking. Last month has been taken up by preparing maps we asked for six months ago, so I don't think that we bear any responsibility for time problems if there are any.

BY MR. ROSENBERG: I am not saying you do.

BY MR. PAGANO: You just accused this Board of holding you up. I can't see where we have done that. We have bent over backwards to help you.

BY MR. ROSENBERG: When we first, when I first appeared, this is my third trip before the Board. The first trip I made we owned two and a half acres of land. I own two and a half acres of land next to the shopping center and I said to the Board that I would allow parking on that land if it was necessary, if it was needed. I see, I don't know what to say. I am totally at a loss. We have demolished the building. We are in the course of construction. We'd like to continue construction and I am totally at a loss. I don't feel as though you are being, you are treating us fairly. I just don't feel that way.

BY MR. RONES: Well, now I'd have to make an observation here. I think a problem has been not that anybody has been intending to treat you anything less than fairly but for some reason or another, the calculations of what your needs for parking were, what you could reasonably fit on the site and arrange with due consideration for what you have got there now, what Mr. Pagano mentioned as far as the carts coming down and certain other many improvements weren't calculated properly and I get the feeling from the comments of Mark Edsall here in his review and what I have heard over the last couple of times that you have been here is that in going to the Zoning Board of Appeals for your parking variance, I don't think you asked for enough spaces for your variance and that I don't know that it would be the case, but it may have been that if the site were laid out with these considerations in mind and you came up needing or you came up short 500 spaces, 200 spaces or any particular number of spaces, then the Zoning Board of Appeals and the Planning Board could have considered that situation and we wouldn't have been involved in the kind of counts and discrepancies that Mr. Edsall has in his report.

BY MR. ROSENBERG: I agree with you.

BY MR. RONES: That is unfortunate and I don't think anybody wants to hold you up, but you might need a further variance from the Zoning Board of Appeals.

BY MR. ROSENBERG: Let me say this. I agree with you. I do not think the architect calculated it properly when he went to the Zoning Board of Appeals with it.

BY MR. VANLEEuwEN: In the very beginning when we told the architect what we needed when he came to the last meeting when you weren't here, we told him, we asked him, he didn't want to go through with the parking. That wasn't of his interest at all.

BY MR. SCHIEFER: I'd like to make a comment here.

BY MR. VANLEEuwEN: He felt that he represented Bill.

BY MR. ROSENBERG: He could do anything he wanted to and we have laws to contend with.

BY MR. RONES: I don't know that that was the concern. I wouldn't jump to that characterization but I had the

impression that he was nervous about giving up a certain parking configuration that he felt the site had been entitled to by virtue of a prior approval and perhaps he didn't want to risk that in coming forth with some radically new design, but in making the choice that he made instead of feeding you along on your approval road, it has had the opposite effect, because you have got a plan that really can't jive with the conditions that you have got on the site now and that I think you are going to feel a lot of resistance from the Planning Board in trying to make a big foot fit into a small shoe.

BY MR. ROSENBERG: Let me say this. I apologize for the architect who was not my architect. I do not believe that he presented it properly to the Zoning Board and I agree with you wholeheartedly. I say if we are short any parking there I will provide it in that two and a half acres of land that I own adjacent to it, no question about it.

BY MR. RONES: And I am sorry to interrupt you again. In order to know how many spaces you are short, we have to have a site plan that you, maybe you are not sure, but in order to know whether you are even short or whatever, the configuration has to be laid out properly.

BY MR. LEWIS: It is now laid out and there are more parking shown than are required, so instead of going back over what was in the past and what could have been done differently, why don't we focus on what we have in the plan which is intended to show the as-built condition and where the additional spaces are going to be and see if we can go forward.

BY MR. LANDER: How many parking spaces were required?

BY MR. LEWIS: 1,110. There are more than that shown on the plan.

BY MR. LANDER: Now, the Zoning Board of Appeals granted you a variance for that?

BY MR. LEWIS: That is correct.

BY MR. SOUKUP: There are more shown on the plan if you add in the adjacent property.

BY MR. LEWIS: Yes.

BY MR. SOUKUP: Not within the property itself.

BY MR. MENCH: When we got here tonight, we found out we had a problem. We met with the planning committee here in this room and explained to them what we planned to do. No indication was made that there was any problem with that whatsoever. Tonight when we got here an hour ago, there is a problem with that.

BY MR. LANDER: The point that I was getting at was that was --

BY MR. VANLEEUVEN: All he has to do is show us a lease.

BY MR. RONES: No, it has to be in the same ownership or you have to change your ordinance.

BY MR. LANDER: What I was bringing up is that did the Zoning Board of Appeals --

BY MR. VANLEEUVEN: A lease wouldn't cover it?

BY MR. RONES: Our ordinance does not have that option. I am not saying it is not a good idea but our ordinance doesn't permit that.

BY MR. LANDER: We just ran across that.

BY MR. ROSENBERG: Let me say this. Bila Partners I am the principal of Bila Partners. It is all Rosenberg's. The whole Bila Partners.

BY MR. VANLEEUVEN: No strangers?

BY MR. ROSENBERG: No strangers, no, all family.

BY MR. MENCH: We can make that an issue real quick.

BY MR. RONES: I don't know how much opportunity Mr. Edsall had before the work session to review what you had here. Apparently after the work session he was able to count up the spaces and make the other observations that he made.

BY MR. EDSALL: Obviously the issue of the ownership is something that can be resolved if it is found that although they are a partnership versus an individual person, it is the same entity. That is something that the attorneys can work out. One of the problems that you have got to face up

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to is that you have got parking spaces shown that conflict with each other. Parking spaces that restrict access to loading docks. You have to make the parking spaces useable. You can't show them in an area where you cannot park. We have to get 1,110 rear parking spaces because when you are done we are going to expect them to be built and I don't think that it is your intent to put a parking space in front of a loading dock, in front of dumpsters, around freezers, don't make parking spaces so that if five people park and three more come in, those five people can't get out. I don't think that is your intent. I don't know who is working on the plan, but they should straighten those problems out. It is 1,110 rear parking spaces. We have parking spaces blocking the entrances to the site of Old Forge Hill Road.

BY MR. MENCH: That is to show that we are going to change the entrance.

BY MR. EDSALL: I am not sure that smaller size entrances would be approvable to the fire department who would have trouble getting the equipment on narrowed down entrances, so we have to get those conflicts straightened out. I apologize for not taking the hour and a half that it took to go through the plan at the work session but that wouldn't be fair. I go on the premise that the person who is laying it out used good judgement and in some areas that is not the case. We shouldn't be blocking accesses to the site.

BY MR. SCHIEFER: As I have expressed before, I am totally in favor of this project. I'd like to see it proceed. However, there are problems here and I, as soon as they are resolved, Mr. Rosenberg, what you have done for the town and what you have done for the store and I want to see the new store and all that. However, I see three issues now. One probably just Mr. Pagano's concern over the carts I am sure that can be addressed. The parking issue, you are going to have to look at it, get Mr. Edsall's approval on it and then Mark, you will spend some time.

BY MR. EDSALL: I will spend as much time as we have to. I will be happy when it gets built, but the problem is I didn't think it should be built in a fashion that would cause more parking problems rather than correct them, so that is what we can straighten out now.

BY MR. SOUKUP: Where the new building line on that map is

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BY MR. SCHIEFER: Last issue is the sewer easement. I see three issues that should be addressed. Mr. Edsall will spend as much time as you want with him to solve the parking issue, get some kind of agreement with the town on the sewer easement, address Mr. Pagano's concerns. Are there any other comments beyond that at this stage? I don't see where we can approve it.

BY MR. LANDER: The variance for the parking was given on this configuration with the 110 added on?

BY MR. LEWIS: No, no, the variance for the parking had nothing to do with the configuration. It was strictly on the numbers.

BY MR. LANDER: But we still needed 1,110.

BY MR. LEWIS: That was the number that was requested.

BY MR. LANDER: Actually you needed 1300 and you got a variance for 1,110?

BY MR. LEWIS: Right. It may be that the variance did not request enough of a diminution in the parking spaces, that could be addressed with the Zoning Board if the issue has to be, because what we are concerned with here is the configuration of the new construction, the parking spaces. If in fact there are spaces that are required to meet 1,110 number that don't fit in, we can go back to the Zoning Board and ask for a variance to eliminate the need to have them and that would be the providence of the Zoning Board to address that issue. I am sure if the Planning Board were to give some indication that the plan is acceptable, that the Zoning Board would probably be amenable to consideration of another variance, particularly because we do have proof that the spaces are not needed. They are needed by law but not needed in reality in terms of it functioning properly.

BY MR. VANLEEUVEN: Tonight is a busy night. The lot is three quarters full.

BY MR. RONES: That is why it would be better to come up with a plan that works, something that the Planning Board can have some input and based on that configuration, when this Board is happy, they can make a recommendation to the Zoning Board that hopefully will get you the relief you need.

BY MR. LANDER: The sewer easement is the -- you can't build on top of a sewer easement.

BY MR. RONES: That is a question of negotiation.

BY MR. SOUKUP: The agreement including the schedule has to be put in place.

BY MR. RONES: Of course it is going to be relocated but it would be helpful if you know where it is going to go so we can make sure where we are putting the parking and the other features isn't going to interfere with the utilities.

BY MR. LEWIS: I don't think parking is going to interfere with the sewer easement. Right now, as I understand it, it is probably going to be 21 feet underground so the pavement of a parking space 21 feet above the sewer line isn't going to really make any difference.

BY MR. SOUKUP: Not unless there is a wall that has a footing over the line.

BY MR. LEWIS: Correct.

BY MR. SOUKUP: In respect to the front of the new building where the islands are being deleted and the steep grade in the front left corner of Caldor's is, I cannot find on this plan either a building front wall line or a grading concept as to how you are going to deal with that steep slope in there. There is no physical building line for the new building to the left of your finger anywhere in the front. I see a line marked curb line. I see no building line for the new building. I do not see either how you are going to deal with the steep grade to the left in front of Caldor's that has to be specifically addressed because that is a safety problem in that area.

BY MR. BYERS: The concrete curbs we are not planning to take them out.

BY MR. SOUKUP: You are counting them in parking spaces in front?

BY MR. EDSALL: They are marked to be removed.

BY MR. BYERS: Not this one closest where the grade is the most severe.

BY MR. SOUKUP: I think we need some information on that. Do you want to come back with an answer?

BY MR. MENCH: The shaded portion is to be regraded and nothing is to be done in the rest of this.

BY MR. SOUKUP: Where does it say on the plan that is a shaded portion to be regraded? I missed that.

BY MR. BYERS: Up on the top left it says grading during construction and it shows a --

BY MR. SOUKUP: I'd like to know what the finished grades are going to be across the front of the building from Caldor's left. I don't see that. I am concerned about the grade.

BY MR. BYERS: We didn't know that we had to put finished grade on the site plan. We have five site plans submitted with all grades.

BY MR. SOUKUP: Mark, do we have another grade plan with grades?

BY MR. EDSALL: Although it doesn't say to be removed for the island immediately in front of Caldor's, they are counting it as a parking space. I think you'd cause automotive damage by parking on an island.

BY MR. SOUKUP: Seems your plan is in conflict.

BY MR. SCHIEFER: We have three main issues here, safety, then sewer easement and the parking.

BY MR. SOUKUP: And the grading.

BY MR. SCHIEFER: As long as Mark is willing to put in the time unless there is another issue to be addressed.

BY MR. MENCH: We have Mr. Rosenburg of Bila Partners has received information from the state that we are going to be required to redo the entrance at some time in the near future. We don't have complete plans of what they are going to require in the way of taking of land and stuff in this area, so it is hard for us to address something that might be never built and changed before it is built. We'd be glad to try and work with you if somebody can work with us on it.

BY MR. VANLEEUVEN: I sat on that committee, okay. They are going to revamp and redo the Five Corners.

BY MR. LANDER: When?

BY MR. VANLEEUVEN: Starting this spring because the bids are out. No, the bids will be out January 1st.

BY MR. SOUKUP: If the bids are out January 1, you can obtain in the Department of Transportation that drawing so you can coordinate with it now.

BY MR. VANLEEUVEN: They are going right up to Old Forge Hill Road. They are going to put sidewalks on 32.

BY MR. BYERS: We have preliminary drawings from them. That is how we know it is going to affect the entrance.

BY MR. SOUKUP: Coordinate your plans with theirs.

BY MR. SCHIEFER: You said you don't know what they are going to do and you said we have the plans.

BY MR. BYERS: We don't have finalized plans, we don't know what they are going to force us to do if the final plans we have are an indication they are forewarning us that there is going to be a change.

BY MR. SOUKUP: Are they making three lanes out 32?

BY MR. VANLEEUVEN: Yes, right turn lane.

BY MR. SOUKUP: That is not his fault.

BY MR. ROSENBERG: It is, I feel as though we have a serious problem. We have contractors there. We'd like to proceed with the building and we can't. We can't get financing because of the permits. I can guarantee all of you fellows that whatever we do we will do exactly what you say. There is no question about it. If there are changes to be made, we will make those changes when it comes to it. I spoke with Mr. Green this morning and I spoke to him about the sewer and he said well, you people are fair and we are fair so there is no reason why we can't resolve it. Those were our words.

BY MR. SCHIEFER: I agree. I think one day or less with

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Mark Edsall and some time with the town and the two major issues are resolved. The parking issue can be addressed within a day and the sewer easement you should be able to come to some resolution with the town. Once those two items are out of the way, we have a go.

BY MR. RONES: The parking issue might be a little more complicated because the measurement of the spaces isn't right.

BY MR. SCHIEFER: Make a proposal, take it to Mark, get his comments, get his basic approval on it and that is it. I don't see why --

BY MR. VANLEEUVEN: I think what the problem is is the frost is starting to hit.

BY MR. RONES: If the designers of this site plan had been a little bit more forthcoming with the Board months ago, we probably would have been finished with this already and the approval would have been granted.

BY MR. VANLEEUVEN: If he needs it, I can't see why we can't give him a foundation permit if he has to get in the ground before frost. That is only fair.

BY MR. SOUKUP: That is direct conflict with the sewer in place.

BY MR. SCHIEFER: You can't build over the sewer easement.

BY MR. RONES: Maybe the sewer location and the other issues regarding the sewer easement can be resolved between now and the next meeting between the town and the applicant and then perhaps at the next meeting we could consider the request to permit him to proceed.

BY MR. VANLEEUVEN: Next meeting is too late, the way the weather is turning.

BY MR. LANDER: You are exactly right, but the sewer easement thing should have been settled.

BY MR. VANLEEUVEN: I have a solution, okay, let them get the sewer easement arranged with the town and let Mike give them their foundation permit.

BY MR. RONES: Make the foundation permit conditioned on them

resolving the sewer.

BY MR. VANLEEuwEN: Yes, if the sewer is going to go under the building, it has to be removed. They are just going to cut it off and put a pipe in different areas.

BY MR. LEWIS: I can add for the protection of the town that the contractor is willing to post a bond with reference to the sewer if we can get the foundation permit to construct that.

BY MR. BYERS: If you would like a bond on the site work, we can post it. If that would put us at ease to what is going to happen in the spring against what is happening now.

BY MR. SOUKUP: The real problem is at least several hundred feet that have to be physically relocated before you put a foundation. You can't build over what is there so if you start now and go forward and allow more time to do that work before you do the footings, you are looking at mid-January or February anyway, so you are looking at the worst time of year to try and do what you want to do. You are not looking at two weeks but six to eight weeks to get to the foundation. By the time you lay the line and go back and backfill, you are not going to be able to backfill frozen ground.

BY MR. BYERS: We are not moving any of the fill -- that sewer line, everything that comes out of the ground on the sewer line is going to be pulled from the site and new fill brought onto the site. The fill that is there is no good.

BY MR. SOUKUP: You can't compact frozen fill.

BY MR. BYERS: We wouldn't be using frozen fill. The entire building is on piles. We are not putting anything, the whole building is on piles and structural slab.

BY MR. SOUKUP: You have got grade beams and structural steel for the first floor?

BY MR. BYERS: That is correct.

BY MR. SOUKUP: You can drive piles in the winter?

BY MR. BYERS: We can pour concrete in the winter and it is a cost factor.

BY MR. SOUKUP: Weather is not really your determining factor.

BY MR. BYERS: It is costwise. It becomes much more costly to build in January than it does in November and December as the winter goes on, snow becomes a problem, clearing becomes a problem, just mobilization becomes a problem.

BY MR. VANLEEuwEN: If they get the sewer line cleared up.

BY MR. SCHIEFER: I think that has to be done. I don't think we can do anything until the sewer easement is settled.

BY MR. SOUKUP: I am not comfortable with doing anything until then, until we have details and some of the parking questions answered. For the time that we have seen the map, which is this is the first valid map we have seen tonight, the map that came in last time, I don't consider to be valid. This is the first time we have seen the map. I am not comfortable with giving conditional approval at this time.

BY MR. VANLEEuwEN: Not even for a foundation?

BY MR. SOUKUP: I think it is too premature. I really do think that. I don't even see a front building line, a building elevation. I can't read the plan to tell me where the building is going to go. The map is very incomplete. I have to tell you that. There are things physically missing on it and I know that is not Mr. Rosenberg's fault, it is the architect's and the engineer and I tell you the map is not adequately completed for the size of the project. I'd say we put them on the next available agenda and --

BY MR. SCHIEFER: We are going to -- the issue here is they will be on the next agenda, they will meet with Mr. Edsall and resolve some of the things, the issues now.

BY MR. EDSALL: I am going to need from Joe Rones if he can give that decision of if he has to consult with the Zoning Board's attorney, a determination on whether or not the adjoining parcel being of the same person who in fact is the partnership qualifies that for being accepted as parking for the site, because if these 110 spaces will not be permitted on this lot of other ownership, we are going to have to work on finding out where they can go.

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BY MR. RONES: I believe what was said was that they'd correct the discrepancy of the distinction in the deeds.

BY MR. EDSALL: That is resolved as far as the board is concerned.

BY MR. SCHIEFER: That will be resolved.

BY MR. RONES: It may be that when the parking configuration is reworked, there may be a decision that given the distance of this proposed parking from the building, it may be it would be better not to even include that as part of the proposal and to go back to the Zoning Board of Appeals and ask for a variance of those spaces.

BY MR. LEWIS: But that should not hold up the approval by this Board of the plan that we are presenting, so that issue with the parking spaces can be addressed with the Zoning Board of Appeals.

BY MR. EDSALL: That is if you have to go back to the Zoning Board of Appeals. The other question that I'd like some input from the Board on is that the ordinance says that additional parking if so provided has to be within 200 foot walking distance. It doesn't say walking distance to the site or walking distance to the store. I'd like your decision if possible now because I don't want to spin our wheels and work these things out and have the Board not agree with the conception.

BY MR. RONES: My reading was 200 feet to the site. Doesn't refer to the structure.

BY MR. EDSALL: As long as that is the interpretation you don't have a problem.

BY MR. SCHIEFER: 200 feet from the site, is that correct?

BY MR. VANLEEUVEN: I have no problem with that.

BY MR. RONES: I don't think there is any other interpretation that is reasonable from the ordinance.

BY MR. EDSALL: I want to make sure that again we don't waste any time.

BY MR. RONES: I think what he is saying is that perhaps they will include those spaces, but they may attempt to get

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a variance from the requirement from the Zoning Board of providing those spaces at all. Am I correct?

BY MR. LEWIS: That is correct.

BY MR. SCHIEFER: I think that interpretation is exactly what you said, it is necessary unless we get another variance or deviation from the Zoning Board of Appeals.

BY MR. RONES: Right.

BY MR. SCHIEFER: That is necessary. Any other comments?

BY MR. VANLEEUVEN: What is the Board's concensus to put a foundation permit providing he can get the sewer straightened out?

BY MR. BYERS: For scheduling reasons, we would like to proceed with piles.

BY MR. SCHIEFER: I understand what you are saying. I think the entire Board does. It is do we ignore the other two issues and just resolve the sewer variance?

BY MRS. ROSENBERG: We have never built anything that we are not proud of ourselves and we have never built anything that will be hard for a disabled person to get into the building and to shop because that is to our advantage.

BY MR. SCHIEFER: I want this -- I remember speaking to your husband in Florida when he had a picture of this store on the wall and I said this is going to be great and I have never regreted that. We wanted this, we just want it right.

BY MR. RONES: We have a site plan review.

BY MR. ROSENBERG: I agree that the architect has really goofed things up and I knew that from the beginning, but I can assure you that you will be proud of this shopping center.

BY MR. SCHIEFER: I saw the world class shopping center sign.

BY MRS. ROSENBERG: The thing is my husband really wants to get it started and it has been very stressful to him and that is what I am concerned about. I mean, he has been back here three times and it is very hard on him.

BY MR. SCHIEFER: I still think if the time is put in with the proper people which we have suggested the town on the sewer, Mr. Edsall on the parking, the legal aspects of this, I think are going to be fairly easy to resolve if we go to the interpretation 200 feet from the site rather than from the building, there is the other issue of the front Mr. Pagano brought up. That should be addressed.

BY MR. ROSENBERG: That will be taken care of.

BY MR. SCHIEFER: I know that will be taken care of. I know the parking will be taken care of, but I know nothing can be done before the sewer easement is resolved, absolutely no question. We cannot proceed.

BY MR. ROSENBERG: It has been discussed and it is going through.

BY MR. SCHIEFER: It isn't resolved right now. We are building on a sewer easement which we cannot do.

BY MR. LEWIS: At this time we would ask for a determination for an approval from the Board for the foundation to be put in which would consist of driving the piles for the foundation on this project.

BY MR. SCHIEFER: That cannot be done until the sewer easement issue is resolved. What Mr. VanLeeuwen is suggesting we give it conditional approval once that is resolved then the issue, the foundation permit.

BY MR. RONES: Subject to the approval of the town engineer and the town attorney for the town, Tad Seaman, that the, all issues with respect to the relocation of the sewer easement and sewer infrastructure have been resolved.

BY MR. VANLEEUWEN: On this sewer thing, my suggestion would be if they call the town hall, get ahold of George Greene, ask him to get a couple of council people to come up here, sit down, have the town attorney here and get the whole thing done in a couple of hours and walk away and I am sure if you called George Greene and said to George we have a problem, can we get it ironed out, I am sure it could be ironed out in a matter of hours.

BY MR. BYERS: We cooperated the other day when the engineer was there. We ran out and dug a test hole immediately for

him for what was needed. Basically we have no problem doing whatever Big-V and Bila Partners would accept. We could resolve it if we can get a conditional foundation plan on that sewer easement being relocated.

BY MR. VANLEEUVEN: We can't sit here and say go ahead and put the foundation in until the sewer easement is straightened out.

BY MR. LEWIS: We will ask for a subject to the sewer easement so that we don't keep coming with a chicken and egg situation.

BY MR. SCHIEFER: I think we all understand what you are asking for. Does somebody want to make a motion we get an opinion on that?

BY MR. VANLEEUVEN: Poll the board.

BY MR. PAGANO: Can't ask to break the law. I feel like I am being put into a corner of breaking the law. If we vote on approval of this, are we breaking the law?

BY MR. RONES: No, as long as it is conditioned on the resolution of the issues regarding the sewer easement.

BY MR. PAGANO: I am asking our attorney to give us the legal way of doing this that it can be done so that there is no repercussions. It is our charter to do things according to the law.

BY MR. RONES: When you allow him to proceed, allow him to proceed with the foundation providing the sewer thing is worked out. You are giving conceptual approval to the site plan insofar as it relates to those buildings. Now, if that is what you want to do, then go ahead and do it. There are a great many issues concerning the rest of the situation inclusive of the buildings, the parking, the curbing the slopes and things of that sort, so if you think there is a likelihood that those things are going to be in good faith worked out between the applicant and the Board then you may feel comfortable in approving him, going ahead with his foundation. If you don't feel that those are likely to be worked out, then it would be foolish to allow him to spend money on a foundation that he is not going to be able to put a building on.

BY MR. VANLEEUVEN: Are we going to ask him to move that

building, the addition? Are we going to ask him to move it or --

BY MR. SCHIEFER: Can I poll the members of the Board? Let me try to explain this. We are going to -- the question is do the Board members want to approve permit to put in the foundation provided there is complete resolution of the sewer easement. There still is no resolution of the parking, the legality of it over there. The safety issues. I feel maybe shouldn't say I personally feel. I don't -- vote the way you feel, the way you want to vote. I have no problem with that portion because I think this store is going to go in. I don't know if it is going to go in now or in the spring. I personally feel everything will eventually be resolved.

BY MR. VANLEEUEWEN: It always has.

BY MR. SCHIEFER: I don't think we are going to lose the store because of the parking. I will not ask for a building or a foundation permit until I am told by the town we have resolved the sewer issue, sewer easement issue.

BY MR. BYERS: Once we lose the contractors and we go into the winter, we can lose them for months.

BY MR. SCHIEFER: I am going to poll the Board. We know Mr. VanLeeuwen's opinion. John, what do you think?

BY MR. PAGANO: I am in agreement with you. The building is going to be built no matter what happens basically but I'd like to see our building inspector have some sort of leverage that is not continued to go on without agreements being made. In other words, some sort of a benchmark that they can go just so far until this is done. We are giving him permission to put the whole building up.

BY MR. RONES: No, just the foundation.

BY MR. SCHIEFER: Mike, can you make sure that that does not go beyond just the foundation, nothing else?

BY MR. BABCOCK: Right now they don't have an approved set of building plans.

BY MR. LANDER: John, you are giving conceptual approval to that building.

BY MR. PAGANO: He said we don't have an approved set of building plans. You see the legal points that I am trying to bring out here? Are we acting illegally?

BY MR. RONES: Well, you are approving in essence the foot prints of that building.

BY MR. SOUKUP: You then would someone please show me on this plan where the front wall of that building is, please All I want you to do is show me the front wall of the building. There is no line, there is not even a label. I can't tell you where the side of that building is. Can you show me the line? I see a thing called curb line and I see a theatre line. Is there a line on that map that shows me that?

BY MR. BYERS: No.

BY MR. SOUKUP: How the hell can we approve a building that is not on the map? I'd like to know that.

BY MR. BYERS: This is one of five plans.

BY MR. SOUKUP: I don't have the building plans. I don't have the multiple large set of building plans. All I have is a site plan represented to us as being the site plan. Now if there is a building line I'd be glad to reconsider my position, but I can't tell you what I am approving. The map is not adequate for a vote tonight. I am sorry.

BY MR. LANDER: Mike, these are the only plans that you have?

BY MR. BABCOCK: Whatever plans we have are in that file.

BY MR. RONES: Do you have anything else in there?

BY MR. BYERS: There is five site plans as far as grades and other things are concerned.

BY MR. SCHIEFER: Does anyone there know where this information might be in these papers?

BY MR. BYERS: Approximately right there is the building line. That would be the match line on the plan.

BY MR. SOUKUP: This is another plan called site plan sheet one of five. Do we have the other four sheets?

BY MR. BYERS: Yes.

BY MR. SOUKUP: There is another set by the site engineer that show greater detail. They still are unclear about the access. They do show a footprint of the new building. They show that the manhole is under the wall of the new building, the existing manhole and I think that anything that we want to consider, if you want to pursue it should be under the conditions that no piles be driven, some reasonable number of feet away from the sewer line, that no disturbance of the existing sewer within a reasonable number of feet and maybe that would allow them to drive half or three quarters along the west side of the building until a line is physically rebuilt or relocated. No driving should be allowed within some number of feet within that line, 50 or 70, to protect the line which is an active line currently used by the Town of New Windsor. It is used by other parties other than the shopping center and I think that has to be protected at all costs. It does have a valid easement, the Town of New Windsor does have a great interest in it. The quicker we resolve the off site or relocated line with the Town Board, the quicker that restriction is removed, but anything that is done on the site is 100 percent at the total responsibility and risk of the applicant. That with the plans is in any way revised by the Board of the building inspector or the building department evidently building plans are not yet approved, that you may find additional piles or relocated piles. It is totally at the risk of the applicant with respect to cost, anything repaired or replaced, anything is done at his own risk. The Board is not giving any approvals. I can't see giving approvals tonight with respect to more than a very conditional type of thing like that one that would put total risk with the applicant.

BY MR. VANLEEUVEN: Always total risk.

BY MR. LANDER: I agree.

BY MR. SCHIEFER: Do we or don't we?

BY MR. SOUKUP: It is to the sense of the building inspector when and if he feels he can grant such a permit.

BY MR. BABCOCK: We don't, we like to issue a permit, we don't like to issue foundation permits. We like to issue a permit on a complete set of plans. Right now I think it is

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a problem with if there is a town easement there I think I am going to have a problem issuing a permit over top of a town easement.

BY MR. SCHIEFER: There will be no permit issued until the easement situation is resolved. There are other issues that are not resolved. However, unless that is resolved, there is no one on the Board suggesting you issue any kind of a permit. I want that to come from the Town Board or Mr. Greene that has to be resolved first. There is no question and --

BY MR. VANLEEUWEN: You cannot build on an easement that belongs to the town. The issue is do we go ahead with the foundation permit before the other issues are resolved? That way there is no question about would somebody want to make a motion because I think we have spent enough time.

BY MR. EDSALL: I don't want to see the applicant burdened with any delays that aren't necessary. Obviously if there is a way that you can find the middle ground where there are able to proceed with the pile driving operation fully knowing that we have to straighten out the other things.

BY MR. SCHIEFER: I have never seen this Board bend so far over, so far backwards in trying to please an applicant. By all rights, we should say come back in two weeks, somebody want to make a motion and we will vote on it to see again, vote the way you feel. You should --

BY MR. PAGANO: I make a motion that we approve the foundation only with the piles, contingent upon --

BY MR. SOUKUP: I think you should say within so many feet. Some reasonable distance to be set by the engineer.

BY MR. PAGANO: And understood part of the motion that you are fully responsible for everything you are going to be doing.

BY MR. SOUKUP: Including damage to the line during driving.

BY MR. BYERS: We will take full responsibility of our actions if the owner gives us the permission.

BY MR. SOUKUP: Subject to the building inspector permitting it.

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BY MR. BYERS: The soils engineer will be on site and the reports will be forwarded.

BY MR. PAGANO: I'd like to ask Mike. Mike, what kind of controls can you exercise over the operation once we give them the permission?

BY MR. BABCOCK: Once they get a permit, they can do it. We just do it, inspect it.

BY MR. VANLEEUEWEN: I second the motion.

BY MR. RONES: I'd ask you to add onto that, John, that the permit will not be issued until the attorney for the town and the town engineer certify that the issues regarding the relocation of the sewer easement and the funding of the sewer infrastructure are resolved to the town's satisfaction.

BY MR. ROSENBERG: I think that is fair.

BY MR. VANLEEUEWEN: I second the motion.

ROLL CALL:

VanLeeuwen:	Aye.
Pagano:	Aye.
Soukup:	Aye.
Lander:	Aye.
Schiefer:	Aye.



**BIG V SUPERMARKETS, INC.**

**JOHN MENCH**  
Vice President  
Construction/Engineering  
Dept. Telecopier #(914) 651-3303

December 19, 1989

Town of New Windsor  
Town Hall  
Planning Board  
555 Union Avenue  
New Windsor, NY 12550

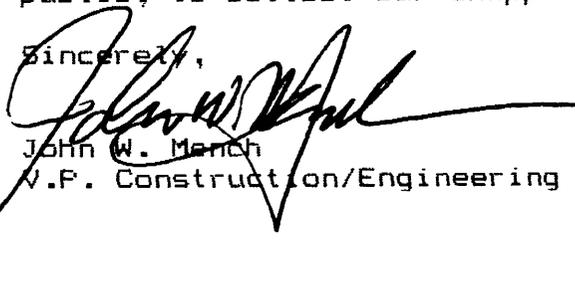
RE: ShopRite  
Vails Gate, NY

Dear Members:

Please be advised that Big V ShopRite will increase its cart retrieval effort at the Big V ShopRite store that exists at the Vails Gate shopping center.

We will also make an inspection of the major entrance off of Highway 32, on an hourly basis, while our store is open to the public, to collect our shopping carts from that area.

Sincerely,



John W. Mench  
V.P. Construction/Engineering

JM/jl

cc: Alan Lewis  
John Beisel

IOC.PB  
BILA

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 21 December 1989  
**SUBJECT:** Bila Partners Site Plan

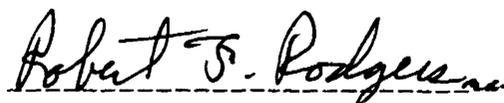
**PLANNING BOARD REFERENCE NUMBER:** PB-88-71  
**DATED:** 14 December 1989

**FIRE PREVENTION REFERENCE NUMBER:** FPS-89-109

A review of the above referenced site plan was conducted on 20 December 1989.

This site plan is approved.

**PLANS DATED:** 14 December 1989



Robert F. Rodgers; CCA  
Fire Inspector

RR:mr  
Att.

CC: M.E.

*George A. Green*

TO: TOWN OF NEW WINDSOR PLANNING BOARD  
FROM: GEORGE A. GREEN, SUPERVISOR  
DATE: DECEMBER 12, 1989  
SUBJECT: BILA PARTNERS (BIG V) SEWER RELOCATION

Please be advised that Mr. William Rosenberg of Bila Partners has proposed an agreement dated 30 November 1989 with regard to the relocation of the existing municipal sewer on the Big V site, as well as providing a new easement to serve that line and the proposed Sewer District No. 20 interceptor. In addition, Mr. Rosenberg has offered to install a section of the interceptor line, such that his development can continue.

The Town Board, at their regular work session meeting held on 4 December 1989, reviewed this proposal and have endorsed the agreement. Currently the formal form of agreement is being prepared and, therefore, this matter should not prohibit your Board from granting approval, if granted, be conditional upon the applicant providing the necessary easements, relocating the existing sewer and constructing the section of sewer interceptor, all in accordance with the agreement executed with the Town.

Thank you for your anticipated cooperation in this matter. Should you have any questions in this regard, please do not hesitate to contact me.

*George A. Green*  
George A. Green  
Supervisor

GAG/dg



Louis Holmbeck  
County Executive

Department of Planning  
& Development

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

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

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

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

Referred by TOWN OF NEW WINDSOR PLANNING Bd D P & D Reference No. NLOT 48-89m

County I.D. No. SE 1 9 1 85

Applicant BILA PARTNERS (SHOPRITE)

Proposed Action: SITE PLAN (BLOB. ADDITION)

State, County, Inter-Municipal Basis for 239 Review FRONTAGE AND/OR ACCESS NYS 32

Comments:

THERE ARE NO APPARENT MAJOR INTER-AGENCY  
PLANNING CONSIDERATIONS AND/OR ISSUES  
TO BE BROUGHT TO YOUR ATTENTION

Related Reviews and Permits N.Y.S. D.O.T

County Action: Local Determination  Disapproved  Approved

Approved subject to the following modifications and/or conditions:

Nov. 28, 1989

Date

Peter Garrison  
Commissioner

Received 12/4/89 CC:M.E. @



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

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

- Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12550  
(914) 562-8640
- Branch Office**  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765  
(914) 856-5600

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

**PROJECT NAME:** Big V-Shop Rite Site Plan  
**PROJECT LOCATION:** Route 32  
**PROJECT NUMBER:** 88-71  
**DATE:** 11 October 1989  
**DESCRIPTION:** The Applicants have submitted plans for demolition of some existing structures to the southwest of the existing Caldor's Mall, and the subsequent construction of a "new supermarket". The plan was previously reviewed at the 12 April 1989 Planning Board Meeting.

1. At the 12 April 1989 meeting, the Application was denied and was forwarded to the Zoning Board of Appeals for certain necessary variances. The actual ZBA decision should be on file with the Planning Board before any action is taken on this plan.
2. At the aforementioned meeting, Board member Soukup expressed concern with regard to the accuracy of the submitted plan, with respect to the actual parking configuration as it exists on the site. Has this been resolved?
3. At this time, I have not received any new plans regarding this application. I request that the Board discuss this application, in general, and determine what information is needed on the plan, if it must reflect actual conditions, and discuss exactly what variances have been granted.
4. Based on the above, I request that the Applicant be directed to submit a new plan reflecting all zoning information, details and existing information (as deemed necessary by the Planning Board), as well as specifically note the variances which have been granted.

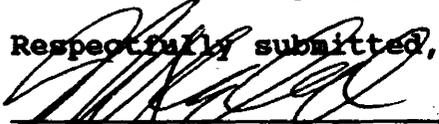
TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Big V-Shop Rite Site Plan  
PROJECT LOCATION: Route 32  
PROJECT NUMBER: 88-71  
DATE: 11 October 1989

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5. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

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

MJE:je

v

IOC.PB  
BILA

INTER OFFICE CORRESPONDENCE

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 22 November 1989  
**SUBJECT:** Bila Partners Site Plan

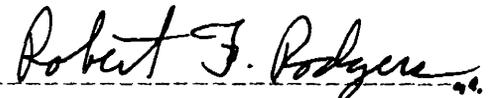
**PLANNING BOARD REFERENCE NUMBER:** PB-88-71  
**DATED:** 16 November 1989

**FIRE PREVENTION REFERENCE NUMBER:** FPS-89-099

A review of the above referenced site plan was conducted on 21 November 1989.

This site plan is found acceptable.

**PLANS DATED:** 15 November 1989, Revision 4



Robert F. Rodgers; CCA  
Fire Inspector

RR:mr  
Att.

CC:M.E.

NEW WINDSOR ZONING BOARD OF APPEALS

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In the Matter of the Application of  
BILA PARTNERS

DECISION GRANTING  
AREA VARIANCE

#89-25.

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WHEREAS, BILA PARTNERS, a partnership with offices at 158 North Main Street, Florida, New York 10921, by its attorney, Alan R. Lewis, Esq., 425 Robinson Avenue, Newburgh, N. Y. 12550, has made application before the Zoning Board of Appeals for 13 ft. 4 in. building height and 213 parking space variance to allow construction of a new Shoprite Supermarket on Route 32 in a C zone; and

WHEREAS, a public hearing was held on the 11th day of September, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared by its attorney, Alan R. Lewis, Esq.; and

WHEREAS, the application was opposed by adjacent residents; and

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

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

2. The evidence shows that Applicant is seeking permission to vary the bulk regulations with regard to building height and parking in order to construct a new Shoprite Supermarket upon removal of the Windsor Theater building.

3. The evidence presented by Applicant substantiated the fact that a variance for more than the allowable building height and less than the allowable parking spaces would be required in order to allow the proposed construction which otherwise conforms to the bulk regulations contained in the C zone.

4. The evidence presented by Applicant indicated that the relief sought with regard to building height was due to the proximity of one corner of the proposed building to a property line which slopes away from the proposed building. Such evidence further showed that the height of the proposed building

will not be higher than the existing Windsor Theatre building, which it will replace.

5. The evidence presented by Applicant further indicated that the relief sought with regard to the parking requirements was due to a change in the parking requirements in Zoning Local Law subsequent to the original approval of the parking layout for this parcel. Such evidence further showed that the only reduction in parking was due to the larger building being proposed and a few spaces in front thereof.

6. The evidence presented by applicant showed that the Applicant had conducted a study of parking space utilization, which showed that the existing parking was sufficiently underutilized as to make compliance with the parking requirement in the Zoning Local Law a practical difficulty on this site.

7. The evidence indicated that rejection of the requested variance would cause practical difficulty since the relief sought by Applicant is not substantial in relation to the required bulk regulations and the previous site plan approved by the Planning Board with respect to parking has been found to be effective and more than adequate to handle the traffic at the shopping center.

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

9. The requested variances will produce no effect on the population density or governmental facilities.

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

11. The interest of justice would be served by allowing the granting of the requested variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 13 ft. 4 in. building height variance and 213 parking space variance 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: September 25, 1989.

S/ \_\_\_\_\_  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

November 27, 1989

O.C. Dept. of Planning & Development  
124 Main Street  
Goshen, NY 10924

ATTENTION: PETER GARRISON, COMMISSIONER

SUBJECT: BILA PARTNERS (SHOP RITE) - SITE PLAN REVIEW  
OUR FILE #88-71

Dear Mr. Garrison:

Enclosed please find a site plan for Bila Partners (Shop Rite) for your review. Bila Partners currently has an application before our Planning Board for site plan approval for Shop Rite.

We would appreciate your earliest possible review of this plan as Bila Partners has been placed on our agenda of December 13, 1989.

We thank you for your assistance in this matter.

Very truly yours,

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

MJE:mlm

cc: McGoey, Hauser & Edsall  
~~P.D. File #88-71~~  
Carl Schiefer, Planning Board Chairman

Hand Delivered 11/27/89

IOC.PB  
SHOPRITE

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 8 November 1989  
**SUBJECT:** Bila Partners Site Plan

**PLANNING BOARD REFERENCE NUMBER:** PB-88-71

**FIRE PREVENTION REFERENCE NUMBER:** FPS-89-095

A review of the above referenced subject site plan together with a letter dated 1 November 1989, from William E. Eustance, was conducted this date.

This site plan is found acceptable.

**PLANS DATED:** 1 November 1989, Revision 3

*Robert F. Rodgers*

Robert F. Rodgers; CCA  
Fire Inspector

RR:mr

CC:M.E.



# EUSTANCE & HOROWITZ, P.C.

CONSULTING ENGINEERS ■ LAND PLANNERS ■ LAND SURVEYORS

November 1, 1989

Mr. Robert F. Rodgers, CCA  
Fire Inspector  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12550

Subject: Big V Site Plan, Reference Number  
PB-88-71, FPS-89-057

Dear Sir:

In relation to your review dated June 12, 1989, the following responses are in the same numerical order as your comments. Please refer to the proposal plan that is attached for your review.

1. Ten handicapped spaces are to be provided directly in front of the new store. They are a single line of vehicles so that these persons will not have to go behind other parked vehicles.
2. The existing and proposed parking layouts provide a 35' access lane to the east of the Burger King facility as well as a 40' traffic access lane from the existing NYSDOT Route 32 entrance.
3. The fire and access lane in front of all stores is now shown on the proposal plan as 30' wide from curb line, which includes a cross hatched 8' from the curb line.
4. The existing 22.2' and 22.8' distances from the northwest side of the Caldor building to the property line will be maintained. It is physically not possible to provide a 30' fire lane at these points.



Mr. Robert F. Rodgers, CCA  
Page 2 of 2  
November 1, 1989

5. Water main lines, sizes and hydrant locations on both sides of NYS Route 32 and Old Forge Hill Road are now shown. The water superintendent has been very helpful in determining these locations and sizes.
6. An additional fire hydrant to the rear of the new building is now proposed, as a result of our work session with the Town on October 31, 1989. It will be supplied by an eight inch (8") line that will tap off of the 20" water trunk main along Route 32.

Thank you for your consideration.

Very truly yours,

EUSTANCE & HOROWITZ, P.C.



William E. Eustance, P.E.  
Vice President

WEE:EJB

Enclosure:

Copy: ✓ Planning Board  
John Mench  
Mark J. Edsall, PE  
Alan R. Lewis, Esq.  
Stephen DiDio

L387

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 12 June 1989  
**SUBJECT:** Big V Site Plan

Planning Board Reference Number: PB-88-71  
Fire Prevention Reference Number: FPS-89-057

A review of the above referenced subject site plan was conducted on 9 June 1989. This review was completed again, due to a request by Mr. Wax of the firm of Wax, Bryman, Ferraro and Associates.

In my telephone conversation with Mr. Wax, he indicated that the buildings would be completely separated with a three (3) hour fire wall construction. In addition, the floor/ceiling construction will also be a three (3) hour fire wall construction. Although this will be extremely difficult construction, conceptually, it can be accomplished. Item 6 of my previous correspondence at this time, should be voided. However, the following items must be addressed.

- 1.) Need a minimum of ten (10) handicapped parking spaces located within 200 feet of the main entrances of each business and located so that it is not necessary for the handicapped to go behind parked vehicles.
- 2.) Need a thirty (30) foot fire lane for Burger King Restaurant.
- 3.) The fire lane at the front of the plaza (all stores) to be identified. Lane to be a minimum of 30 feet wide from curb line, and cross hatched eight (8) feet from the curb line.
- 4.) On the Northwest side of the Caldor building a thirty (30) foot fire lane to be maintained from the corner of the building.
- 5.) Water main lines and fire hydrant locations are not shown on the site plan. Show all fire hydrant locations, water main lines and sizes on Route 32 and Old Forge Hill Road.
- 6.) Fire hydrants will be needed on all four (4) sides of the buildings.

This site plan is found unacceptable.

Planning Board Date: 3 May 1989

Plan Date: 7 February 1989

*Robert F. Rodgers*  
Robert F. Rodgers, CCA  
Fire Inspector

RR:mr

CC: M.E.  
WAX, BRYMAN, FERRARO

JUN 13 1989

ZONING BOARD OF APPEALS  
September 11, 1989

(ZBA DISK#5-091189.ZBA)

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of 8/14/89 meeting as written.

PRELIMINARY MEETING:

*ET UP FOR  
PUBLIC HEARING*

*M*  
*ET UP FOR*  
1. PIZZO, JOHN - 5th Preliminary meeting. Request for use variance to construct office complex in R-4 zone at triangular shaped lot location on Temple Hill Road.

*ET UP FOR  
PUBLIC HEARING*

2. CERONE, NICHOLAS - Request for 6.86 ft. frontyard variance to construct garage at 16 Margaret Place in R-4 zone.

*ET UP FOR  
PUBLIC HEARING*

*M*  
3. QUALITY HOME BUILDERS - Request for 4,003 lot area variance to construct single-family residence off Chestnut Avenue in an R-4 zone. Present: Elias D. Grevas, L. S.

PUBLIC HEARING:

*APP.*

*PERMIT*  
~~4. WORTMANN, FRANK/MICHAEL - Request for 3046 s.f. lot area variance and 35 ft. street frontage variance to construct one-family residential dwelling on Moores Hill Road in R-3 zone.~~

*APPROVED*

*M*  
5. CHALEFF, GEORGE - Request for use variance to construct auto repair garage and related workshop on lot which is located partially in C zone and PI zone. Use not permitted zone. Present: Daniel J. Bloom, Esq.

*APPROVED*

*S*  
6. PERREN, CATHLEEN - Request for 2 in. rear yard variance to allow an existing one-family residential dwelling on High Street in R-4 zone.

*APPROVED*

*M*  
7. PARTNERS - Request for 13 ft. 4 in. bldg. height and 213 spaces for parking in conjunction with construction of Big V Shopping complex on Route 32 - C zone. Present: Alan R. Lewis, Esq.

FORMAL DECISIONS:

*APPROVED*

- (1) SUBURBAN HOMES, INC.
- (2) SCHOONMAKER HOMES, INC.
- (3) KOLINSKY/WINDSOR SQUARE
- (4) KARNAVEZOS, THOMAS
- (5) JOLLIE, EDWARD

Pat - 565-8550  
562-7107 (h)

ZONING BOARD OF APPEALS  
June 12, 1989

(ZBA DISK#5-061289.ZBA)

AGENDA: (REVISED)

7:30 P.M. - ROLL CALL

Motion to accept minutes of 05/22/89 meeting as written.

PRELIMINARY MEETING:

TOP FOR

BLC HEARINGS (1) ROSENBERG, WM. - Request for 13' 4 " height and 213 parking space variances for expansion of Big V Shopping Center on Route 32 in C zone. Present: Norman Wax and Alan R. Lewis, Esq.

ET UP FOR

BLC HEARINGS (2) VANACORE, JOSEPH - Request for 35 ft. height variance to erect a 80 ft. communications relay tower on property located at 429 Little Britain Road in P.I. zone. Present: Robert Butts, Esq.

TOP FOR

BLC HEARINGS (3) SCHULTZ, ROBERT - Request for 28 ft. rear yard variance to construct deck at 23 Farmstead Road in R-4 zone.

ABLE

(4) PIZZO, JOHN - Request for use/area variances for office complex on southside of Route 207 in R-4 zone. Matter referred by Planning Board. This is 3rd preliminary. Present: Daniel J. Bloom, Esq.

TOP FOR

BLC HEARINGS (5) JOLLIE, EDWARD - Request for 6 ft. 2 in. sideyard variance to construct garage addition at 36 Harth Drive in an R-4 zone.

(6) VAN LEEUWEN, HENRY - Second Preliminary meeting - Request for use variance for retail sales, 12 ft. building height and 50 s.f. sign variance to construct facility on Route 32 in PI zone. Present: Elias D. Grevas, L. S.

ET UP FOR

BLC HEARINGS (7) HOGAN, DANIEL J. - Request for 2.9 ft. front yard variance for offices in existing building located on Route 207 across from ASPCA in a  zone. Present: Elias D. Grevas, L. S.  
N.C.

NO PUBLIC HEARINGS ARE SCHEDULED FOR THIS EVENING.

FORMAL DECISIONS: (1) MARS/MAXIMUS  
(2) OWENS, ETHEL  
(3) K.W.G. REALTY, INC.

Pat 565-8550 (o)  
562-7107 (h)

FILE HISTORY

DATE FILE OPENED: 2-15-89

PLANNING BOARD NUMBER 88-71

COPY OF PLANS GIVEN TO:

DATE

DATE RETURNED

MARK EDSALL

2-17-89

FIRE INSPECTOR

2-17-89

WATER DEPARTMENT

2-17-89

2-22-89 *Approved*

HIGHWAY DEPARTMENT

2-17-89

*Sewer*

2-17-89

REVISED PLANS:

MARK EDSALL

FIRE INSPECTOR

5-24-89

WATER DEPARTMENT

HIGHWAY DEPARTMENT

AGENDA DATE:

RESULTS:

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

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

FEES:

DATE & AMOUNT PAID

*Application fee*

2-17-89

25.00

DATE PLANS APPROVED AND STAMPED BY TOWN OF NEW WINDSOR: \_\_\_\_\_

DATE PLANS PICKED UP BY APPLICANT: \_\_\_\_\_

NOTES: \_\_\_\_\_

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

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 15 May 1989

SUBJECT: Big V Plaza Site Plan

PLANNING BOARD REFERENCE NUMBER: PB-88-71

FIRE PREVENTION REFERENCE NUMBER: FPS-89-045

A review of the above referenced subject site plan/ sub-division was conducted on 15 May 1989

A review of the above referral site plan was conducted on 15 May 1989, with the following being noted.

- 1.) Need twenty-one (21) handicapped parking spaces located within 200 feet of the main entrances of each business and located so that it is not necessary to go behind parked vehicles (1144 Parking spaces shown.)
- 2.) Need thirty (30) foot fire lane for Burger King Restaurant.
- 3.) The five lane at the front of the plaza (all stores) to be identified.
- 4.) On the Northoret side of the Caldor's building a thirty (30) foot fire lane to be maintained from corner of building.
- 5.) Water mains and fire hydrant locations are not shown on site plan. Show all fire hydrants, water mains and signs on Route 32 and Old Forge Hill Road.
- 6.) Title 9 NYCRR - Table VI-705.

Building may not be built unless it has opened, unobstructed space on all sides accessible for fire fighting, as set forth in 705.4E1, and such space shall be at best 50 feet wide and the building is fully sprinklered.

A.) Maximim building size	18,000 Sq. Ft.
4 sides accessibility	+ 36,000
	54,000
Sprinklered Building 200%	36,000
	90,000 Sq. Ft.

cc: M.E. WAX, Bryman, Ferraro

B.) Building cannot be attached to other buildings.

7.) Title 9 NYCRR, Section 705.4E1

Fire hydrants will be needed on all four (4) sides of the building due to increased fire area.

This site plan is found unacceptable

Plan Dated: 7 February 1989.

  
Robert F. Rodgers

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B File No. 88-71

Date 26 APRIL 1989

To: WAX BRYMAN FERRARO ASSOC  
144 GROVE AVE.  
CEDAR HURST N.Y. 11516

PLEASE TAKE NOTICE that your application dated 1 FEB 89  
for (~~9061520~~ - Site Plan)  
located at "BIG V PLAZA" - ROUTE 32  
LOCATED IN "C" ZONE

is returned herewith and disapproved for the following reasons.

BUILDING HEIGHT AND PARKING  
VARIANCES REQUIRED

  
\_\_\_\_\_  
Planning Board Chairman  
CARL SCHETFER

C ZONE  
Requirements

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40 000 SF</u>	<u>843,670</u>	<u>—</u>
Min. Lot Width <u>200 FT</u>	<u>7800 FT</u>	<u>—</u>
Req'd Front Yd. <u>60 FT</u>	<u>330 FT</u>	<u>—</u>
Req'd. Side Yd. <u>30-70 FT</u>	<u>40-110 FT</u>	<u>—</u>
Req'd. Rear Yd. <u>30 FT</u>	<u>30 FT</u>	<u>—</u>
Req'd. Street Frontage* <u>N-A</u>	<u>—</u>	<u>—</u>
Max. Bldg. Hgt. <u>4"/ft = 12'-2"</u>	<u>25'-6"</u>	<u>13'-4"</u>
Min. Floor Area* <u>N-A</u>	<u>—</u>	<u>—</u>
Dev. Coverage* <u>                  </u> %	<u>                  </u> %	<u>                  </u> %
Floor Area Ratio** <u>.5</u>	<u>.29</u>	<u>—</u>
<u>PARKING 5.5/1000 SF = 1323</u>	<u>1110</u>	<u>213</u>

\* Residential Districts only

\*\* Non-residential Districts only

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

CC: MARK J. EDSALL P.E.  
ZONING BOARD OF APPEALS  
ALLAN LEWIS, ESQ.

BIG V - SITE PLAN (88-71) ROUTE 32

Mr. Rosenberg, John Mench, and Norman Wax came before the Board representing this proposal.

Mr. Mench: This is Mr. Rosenberg. I represent Big V and Mr. Rosenberg is the owner of the Vails Gate Shopping Center. We have submitted to you some time ago a request to build, have Mr. Rosenberg build a new Big V store in the existing center and we come before you seeking your approval of that plan.

Mr. VanLeeuwen: Do you realize that it has to go to the Zoning Board of Appeals and that is what we will do tonight.

Mr. Roncs: Mark has a note here that the applicant wishes to discuss certain revisions to the plan with the Planning Board prior to their appearance before the Zoning Board of Appeals.

Mr. Rosenberg: It was 1959 when we opened up this store and this village at that time was totally responsible for our success, that was our second store and our best store. What we did from the other plan is we pushed the building back 30 feet and created much more parking in here than we had before and which I feel is a definite advantage. The doors were originally over here and we pulled the doors over here to bring them closer to the center and I think it is my opinion that this will be a beautiful store, beautiful building and not only will we build back but we will modernize the whole Center at the same time.

Mr. VanLeeuwen: What are you going to do with the existing store?

Mr. Rosenberg: We are looking for a worthwhile tenant for that. We have two or three in mind but we will have a good one.

Mr. McCarville: You will make this driveway go through here, where it doesn't go through now.

Mr. Rosenberg: It can't go through because there is a drop off of 8 or 9 feet.

Mr. Pagano: Where is the tire store?

Mr. Rosenberg: The tire store was back here. That is coming out of there and moving. I paid them off on their lease and they are going. The theater I did likewise with. I had a problem with them.

Mr. McCarville: Where does the variance come in on this piece of property. Where is the variance required.

Mr. Wax: I am the architect for the project. The variances that are listed are maximum building height. There is--

Mr. Soukup: You won't need that next month.

Mr. Wax: I know that but you can only go up so many feet in height for such a setback and the rear portion of the building being closer to the property line exceeded the height allowance in the zoning code. The other variance was a parking variance required for 213 spaces. The plan that you see was the plan that is in existence for the shopping center. We superimposed the building over it. These were the spaces that were deleted and based upon 5 1/2 spaces, we are, now we come up short 213 spaces. However, I might point out that in real life, none of this area of parking is presently used where the building is going and of course this will now really put it to use and Big V study would indicate that we have sufficient parking to satisfy all our requirements on the site.

Mr. McCarville: When you are taking your parking into consideration, you are considering the restaurant and the bank parking as well in that area.

Mr. Wax: Yes. We took the existing site plan as it existed, the legal approved site plan and used the numbers for the new plans plus what we deleted and that was the--

Mr. VanLeeuwen: You still have, you can squeeze more parking if you have to. All he needs is a turn down. I make a motion to approve the Big V Site Plan (88-71) and send a letter to the Zoning Board of Appeals which we will discuss at a later point.

Mr. McCarville: I will second that motion.

Mr. Soukup: I don't think your layout represents the striping that is out on the field for some of the parking areas. You may have taken the original design plan but there has been some changes made in the field along Forge Hill that doesn't resemble what is there.

Mr. Wax: These parking spaces are heading out onto the road and there was one lane that was down but the number of parking spaces remains the same.

Mr. VanLeeuwen: You are going to remark and reline them.

Mr. Rosenberg: Yes.

Mr. Soukup: Don't you think you should have an accurate layout compared to what you need. You are getting a variance on what you need and if that number doesn't hold true on the drawings, if you don't have the accurate count, you may be back again.

Mr. Wax: What we were concerned about was we wanted to in an sense of the Board and get an approval based on the existing. What we would actually like to do at a later time is come back with a complete new restriping plan for instance we prefer to put head-in rows which work much better for shopping centers where people can access the stores better. However, we ran athwart with many odd ball sizes. The zoning is 10 foot spacing and the existing grandfathered spaces are 9 foot spaces. At some point in the future, it is my understanding that Mr. Babcock mentioned that you may go back to 9 foot spaces.

Mr. VanLeeuwen: That could be.

Mr. Wax: But, you know we don't--

Mr. VanLeeuwen: To be fair to you and to Mr. Rosenberg, if you go to the Zoning Board of Appeals with that layout and you are looking for a variance of 213 parking spaces, you are going to have a tough time. What I would do is I'd revamp the parking lot now, lay it out properly and then go to the Zoning Board of Appeals because you might not have to go for 213. I think you are going to wind up with a heck of alot less.

Mr. Ronas: Or, you might have to go for more but you'd make sure you'd get the variances you needed, whichever way you went. It will save you time down the road.

Mr. Wax: Do we do it with 9 foot spaces or do it with 10 foot spaces.

Mr. VanLeeuwen: I'd go according to the code we have now.

Mr. Wax: If we go to 10 foot spaces, we are in worse condition than we were. On that basis, we'd just as soon leave the parking the way it is until you revamp the variance. These spaces are all what you see.

Mr. VanLeeuwen: But, you are adding if it was existing and nothing was done--

Mr. Wax: We are not changing the spaces.

Mr. VanLeeuwen: Try the layout.

Mr. Wax: I know if I have pre-existing 9 foot spaces and I make the spaces into 10 foot spaces, I know I am going to have to come up with less spaces than I--

Mr. VanLeeuwen: You can try it with the Zoning Board of Appeals.

Mr. Wax: I think if I believe and I am saying it in an asking way, I believe that if we stay with the status quo, this is the situation and we would go on that basis. If in the future you elected to change it or we elected to come in with a new proposal which we would appear before you again that this is what we'd like to do and we think it would make more sense and let that stand on its merits, then that would be a whole separate thing.

Mr. McCarville: That is something the Zoning Board of Appeals is going to have to tell you.

Mr. Rosenberg: I own 2 1/2 additional acres which I am not touching at this time which is available that is in the back of the bank that whole area there, there is 2 1/2 acres in there which is not doing a thing with at this point.

Mr. McCarville: Is that behind the building.

Mr. Rosenberg: I'd much rather take the site as it is and do that and bring the shopping center up to where it should be. That is most important now. I know that there will be ample parking here. I am sure of it.

ROLL CALL:

Mr. Jones	No
Mr. Soukup	No
Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No

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

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

APPLICATION FOR SITE PLAN, LOT-LINE CHANGE  
OR SUBDIVISION PLAN APPROVAL

1. Name of Project THE BIG V PLAZA
2. Name of Applicant WAX BRYMAN FERRARO & ASSOC. Phone (516) 569-6336  
Address 144 GROVE AVE., CEDARHURST, NY 11516  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record BILA PARTNERS Phone (914) 651-7973  
Address 158 N. MAIN STREET, FLORIDA NY 10921  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan WAX BRYMAN FERRARO Phone (516) 569-6336  
Address 144 GROVE AVE. CEDARHURST, NY 11516  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney ALLAN LEWIS Phone (914) 561-2727  
Address 425 ROBINSON AVE, NEWBURGH, NY 12550  
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the WEST side of ROUTE 32  
(Street)  
WEST & OLD NORTH ROAD  
(Direction)  
of \_\_\_\_\_  
(Street)
7. Acreage of Parcel 20 8. Zoning District C (A-1)
9. Tax Map Designation: Section 65 Block 2 Lot 12
10. This application is for SITE APPROVAL FOR NEW BUILDING ADDITION AND RELATED PARKING.
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? \_\_\_\_\_

If so, list Case No. and Name \_\_\_\_\_

12. List all contiguous holdings in the same ownership  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) NONE

Attached hereto is an affidavit of ownership indicating the dates the respective holdings 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.

OWNER'S ENDORSEMENT  
(Completion required ONLY if applicable)

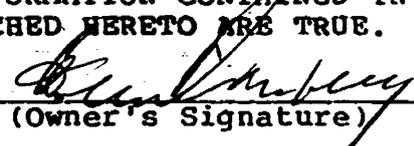
COUNTY OF ORANGE  
SS.:  
STATE OF NEW YORK

William ROSENBERG being duly sworn, deposes and says that he resides at 158 NORTH MAIN STREET, FLORIDA in the County of ORANGE and State of NEW YORK and that he is (the owner in fee) ~~is~~ a PARTNER (Official Title) of the <sup>Partnership</sup> ~~Corporation~~ which is the Owner in fee of the premises has described in the foregoing application and that he ~~has~~ authorized WAX-BRYMAN - FERRARO to make the foregoing application for Special Use Approval as described herein.

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

1<sup>st</sup> day of FEB 1989

  
(Owner's Signature)

\_\_\_\_\_  
(Applicant's Signature)

  
Notary Public

\_\_\_\_\_  
(Title)

CORNELIUS J.J. MADERA, JR.  
Notary Public-State of New York  
Appointed In Orange County  
Commission Expires March 30, 1989

REV. 3-87

P.B. #88-71

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

WILLIAM ROSENBERG, deposes and says that he resides at SEWARD HIGHWAY, FLORIDA, N.Y.  
(Owner's Address)

in the County of ORANGE  
and State of N.Y.

and that he is the owner in fee of \_\_\_\_\_

which is the premises described in the foregoing application and that he has authorized Norman Wax to make the foregoing application as described therein.

Date: 1-24-89

*William Rosenberg*  
(Owner's Signature)

*Eleanor Valentine*  
(Witness' Signature)

OFFICE OF THE TOWN ENGINEER

CC: M.E.

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title                     | 29. <input checked="" type="checkbox"/> Curbing Locations                   |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)                 | 30. <input checked="" type="checkbox"/> Curbing Through Section             |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)             | 31. <input type="checkbox"/> Catch Basin Locations                          |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name           | 32. <input type="checkbox"/> Catch Basin Through Section                    |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address        | 33. <input type="checkbox"/> Storm Drainage                                 |
| 6. <input checked="" type="checkbox"/> Drawing Date                        | 34. <input checked="" type="checkbox"/> Refuse Storage                      |
| 7. <input checked="" type="checkbox"/> Revision Dates                      | 35. <input type="checkbox"/> Other Outdoor Storage                          |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                      | 36. <input type="checkbox"/> Water Supply                                   |
| 9. <input checked="" type="checkbox"/> CAI Site Designation                | 37. <input type="checkbox"/> Sanitary Disposal Sys.                         |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site | 38. <input type="checkbox"/> Fire Hydrants                                  |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10)         | 39. <input checked="" type="checkbox"/> Building Locations                  |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                          | 40. <input checked="" type="checkbox"/> Building Setbacks                   |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)         | 41. <input checked="" type="checkbox"/> Front Building Elevations           |
| 14. <input checked="" type="checkbox"/> Metes and Bounds                   | 42. <input checked="" type="checkbox"/> Divisions of Occupancy              |
| 15. <input checked="" type="checkbox"/> CAI Zoning Designation             | 43. <input checked="" type="checkbox"/> Sign Details                        |
| 16. <input checked="" type="checkbox"/> North Arrow                        | 44. <input checked="" type="checkbox"/> BULK TABLE INSET                    |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners           | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations        | 46. <del>21%</del> Building Coverage (sq. ft.)                              |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas               | 47. <del>29%</del> Building Coverage (% of Total Area)                      |
| 20. <input checked="" type="checkbox"/> Existing Vegetation                | 48. <del>100%</del> Pavement Coverage (Sq. Ft.)                             |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress           | 49. <del>100%</del> Pavement Coverage (% of Total Area)                     |
| <u>PROPOSED IMPROVEMENTS</u>   |   |
| 22. <input checked="" type="checkbox"/> Landscaping                        | 50. <del>4000</del> Open Space (Sq. Ft.)                                    |
| 23. <input checked="" type="checkbox"/> Exterior Lighting                  | 51. <del>77%</del> Open Space (% of Total Area)                             |
| 24. <input checked="" type="checkbox"/> Screening                          | 52. <del>137</del> No. of Parking Spaces Proposed.                          |
| 25. <input checked="" type="checkbox"/> Access & Egress                    | 53. <del>1335</del> No. of Parking Required.                                |
| 26. <input checked="" type="checkbox"/> Parking Areas                      |   |
| 27. <input checked="" type="checkbox"/> Loading Areas                      |   |
| 28. <input checked="" type="checkbox"/> Paving Details (Items 25-27)       |   |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: \_\_\_\_\_  
Licensed Professional

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

# SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: THE BIG V PLAZA

Location: ROUTE 32, VAILS GATE, N.Y.

ID Number: \_\_\_\_\_

### 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 have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

## ENVIRONMENTAL ASSESSMENT

	YES	NO
1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will there be a major change to any unique or unusual land form found on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will project alter or have a large effect on an existing body of water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will project have an adverse impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Will project significantly effect drainage flow on adjacent sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will project affect any threatened or endangered plant or animal species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Will project result in a major adverse effect on air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will project have a major adverse effect on existing or future recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will project result in major traffic problems or cause a major effect to existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is project non-farm related and located within a certified agricultural district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Will project have any adverse impact on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is there public controversy concerning any potential impact of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### FOR AGENCY USE ONLY

Preparer's Signature: *James J. Alex* Date: 15 Feb 89

Preparer's Title: \_\_\_\_\_

Agency: \_\_\_\_\_

## Section 71 Block 2

<u>Lot</u>	<u>Name</u>
1.21	Windsor Properties(c/o RW Sholes Inc) 2300 Vails Gate Heights Drive New Windsor, NY
1.1	Windsor Properties(c/o RW Sholes Inc) 2300 Vails Gate Heights Drive New Windsor, NY
32	Stegura, Gregory D. 152 Vails Gate Heights, Dr. New Windsor, NY
31	Forneris, Richard A. & Rosemary 150 Vails Gate Hgts. Dr. New Windsor, NY
30	Ryerson, Jamene D. 148 Vails Gate Hgts. Dr. New Windsor, NY
29	Gracey, Adeline P. 9206 Wofford Lane College Park, Mo 20740
28	Trincali, Robert F. & Delores M. 140 Vails Gate Hgts. Dr. New Windsor, NY
27	Kessler, William & Adele, 138 Vails Gate Hgts. Dr. New Windsor, NY
26	Sullivan, Francis E. & Carolyn M. 136 Vails Gate Hgts. Dr. New Windsor, NY
25	De Stefano, Michael & Helen, 134 Vails Gate Hgts. Dr. New Windsor, NY
24	Lamb, Edward M. & Anne P. 130 Vails Gate Hgts. Dr. New Windsor, NY
23	Sorrento, Robert 59 West Lyn Drive Bardonia, NY 10954

- 22 Ekstein, Robert N. & Barbara  
126 Vails Gate Hgts. Dr.  
New Windsor, NY
- 21 McGarry, William & Lynne  
124 Vails Gate Hgts. Drive  
New Windsor, NY
- 20 Mahoney, John F. & Luz M.  
122 Vails Gate Hgts. Drive  
New Windsor, NY
- 19 Kant, Johnathan & Catherine Ricks  
120 Vails Gate Hgts. Dr  
New Windsor
- 18 Maburek, Robert A. & Linda R.  
118 Vails Gate Hgts. Dr  
New Windsor, NY
- 17 Donaugy, Francis J. & Agnes  
116 Vails Gate Hgts. Dr.  
New Windsor, NY
- 16 Saunders, Leone & Anne Barnett  
114 Vails Gate Hgts. Dr.  
New Windsor, NY
- 15 Napolitano, Thomas & Billie Mae  
110 Vails Gate Hgts. Dr.  
New Windsor, NY
- 14 Manna, Frank & Margarey  
108 Vails Gate Hgts. Dr.  
New Windsor, NY
- 13 Nakatsu, Tetsuo & Mary Ellen  
106 Vails Gate Hgts. Dr.  
New Windsor, NY
- 12 Hughes, John J. & Fay E.  
104 Vails Gate Hgts. Dr.  
New Windsor, NY
- 11 Obey, Paulette & Mirta  
102 Vails Gate Hgts. Dr  
New Windsor, NY

- 10 Velez, Jose M.  
100 Vails Gate Hgts. Drive  
New Windsor, NY
- 9 Mendelson, Richard & Donna  
96 Vails Gate Hgts. Dr.  
New Windsor, NY
- 8 Dolan, Bernard J. & Beatrice A.  
92 Vails Gate Hgts. Dr.  
New Windsor, NY
- 7 Warner, John F. Jr. & Carol S.  
90 Vails Gate Hgts. Dr  
New Windsor, NY
- 6 Nuttingham, Mary L.  
BX 501,  
Vails Gate, NY
- 5 Maresca, John R.  
86 Vails Gate Hgts Drive  
New Windsor, NY
- 4 Cercado, Hector & Carol  
84 Vails Gate Hfts. Dr.  
New Windsor, NY
- 3 Klein, Robert G. & Harriet  
82 Vails Gate Hgts Dr.  
New Windsor, NY
- 2 Wolff, Edwin J. Jr. & Loryne  
80 Vails Gate Hgts Dr.  
New Windsor, NY
- 64 Parisi, Dominick S. & Lucille  
53 High View Avenue  
Newburgh, NY
- 52 Town of New Windsor  
555 Union Avenue  
New Windsor, NY
- 63 Town of New Windsor  
555 Union Avenue  
New Windsor, NY
- 51 Gojka, Sosika  
45 Fairview Avenue  
NY, NY 10040

- 50 Gojka, Sosika  
45 Fairview Avenue  
NY, NY 10040
- 49 Kayes, Vincent L. & Jeanne M.  
165 Vails Gate Hgts Dr.  
New Windsor, NY
- 48 Uherel, Joseph J. & Doreen V.  
157 Vails Gate Hgts Dr  
New Windsor, NY
- 47 Morange, William & Dianna A.  
149 Vails Gate Hgts Dr.  
New Windsor, NY
- 46 Fienberg, Joel & Talietha  
PO Box 951  
Vails Gate, NY
- 45 Pickett, Benjamin & Betty  
133 Vails Gate Hgts Dr.  
New Windsor, NY
- 44 Bank, Ernest & Ruth  
125 Vails Gate Hgts Dr.  
New Windsor, NY
- 43 Mariette, Alix M. & Adel  
117 Vails Gate Hgts Drive  
New Windsor, NY
- 42 Weissman, Ingrid  
109 Vails Gate Hgts Dr.  
New Windsor, NY
- 41 Kirby, Gennie L.  
103 Vails Gate Hgts Drive  
New Windsor, NY
- 40 Mitchell, Glen T.  
85 Vails Gate Hgts Drive  
New Windsor, NY
- 39 Mitchell, Glen T. & Regina,  
89 Vails Gate Hgts Drive  
New Windsor, NY
- 38 Lewis, Thomas & Rudin, Claudia  
81 Vails Gte Hgts Drive  
New Windsor, NY

- 37 Gojka, Josika & Bitka, Adrian  
45 Fairview Avenue,  
NY, NY
- 36 Vanacore, Frank A. & Carla L.  
75 Vails Gate Hgts. Dr.  
New Windsor, NY
- 35 Luongo, Caroline A. & Norma  
73 Vails Gate Hgts. Dr  
New Windsor, NY
- 34 Petrolese, Salvatore & Concetta  
71 Vails Gate Hgts. Dr.  
New Windsor, NY
- 33 Fishetz, Neal A. & Elizabeth Levina  
400 E. 71 St.  
NY, NY
- 32 Yeli, Bella  
67 Vails Gate Hgts Drive  
New Windsor, NY
- 31.2 Reed, Barbara G.  
65 Vails Gate Hgts Drive  
New Windsor, NY
- 30 Martini, Petera & Lucy  
PO Box 331  
Vails Gate, NY 12584
- 29 Herring, David & Edith  
61 Vails Gate Hgts Drive  
New Windsor, NY
- 28 Willims, Scott H.  
RD2 Box 277  
Sharon Springs, NY 13549
- 27 Scheiner, Isaac & Sally  
17 Marion Drive  
Newburgh, NY 12550
- 26 Assman, Ulrich & Linda,  
99 Montgomery St.  
Newburgh, NY
- 25.2 Diaz, Rafael & Dolores  
53 Vails Gate Hgts, Dr.  
New Windsor, NY

- 25.1 Canzoneri, Carina,  
323 Old Forge Hill Rd.  
New Windsor, NY
- 24 Maidman, Bertrand & Myra  
51 Vails Gate Hgts. Dr.  
New Windsor, NY
- 23 Freed, Richard & Gloria  
49 Vails Gate Hgts. Dr.  
New Windsor, NY
- 22 Hunger, Leonard & Lucy  
47 Vails Gate Hgts. Dr.  
New Windsor, NY
- 21 Shapiro, Martin & Frances  
45 Vails Gate Hgts. Dr.  
New Windsor, NY
- 20 Ledwith, John C. III & Jacqueline  
43 Vails Gate Hgts Dr.  
New Windsor, NY
- 19 Coyle, Stephen P. & Anknellie  
41 Vails Gate Hgts. Drive  
New Windsor, NY
- 18 Zelicino, Fredrick S. & Thelma  
39 Vails Gate Hgts. Drive  
New Windsor, NY
- 17 Schmidt, Vincent J. & Gertrude E.  
37 Vails Gate Hgts. Drive  
New Windsor, NY
- 16 Skopin, Raymond D. & Grace E.  
35 Vails Gate Hgts. Dr  
New Windsor, NY
- 15 Warshaw, Steven & Ronnie  
33 Vails Gate Hgts. Dr.  
New Windsor, NY
- 14 Wong, Michael & Ong See Tien  
31 Vails Gate Hgts. Drive  
New Windsor, NY
- 13 Palumbo, Phillis Etal  
29 Vails Gate Hgts. Drive  
New Windsor, NY

- 12 Levy, Barbara  
27 Vails Gate Hgts. Dr  
New Windsor, NY
- 11 Perry, Ronald & Marie A  
25 Vails Gate Drive  
New Windsor, NY
- 10 Warshaw, Sonnie & Dianne  
23 Vails Gate Hgts. Dr.  
New Windsor, NY
- 9 Eseremera, Rose  
21 Vails Gate Hgts Drive.  
New Windsor, NY
- 8 Selby, Edmond M.,  
335 Old Forge Hill Rd.  
New Windsor, NY
- 7 Martini, Paul M. & Irma A.  
341 Old Forge Hill Rd,  
New Windsor, NY
- 6 Maisonet, Luis Rosado & Jeanie Rosado Maisonet  
343 Old Forge Hill Road  
New Windsor, NY
- 5 Ullemoen, Rolf & Lisa  
345 Old Forge Hill Road  
New Windsor, NY
- 31.1 Grove Homes Inc.  
Station Rd  
Rock Tavern, NY 12575

Section 68 Block 3

- 16 Kelly, Katherine  
Bx 38  
Vails Gate, NY 12584
- 14 Babcock, Robert P.  
PO Bx 537  
Vails Gate NY 12584

15 Babcock, Robert P. & Catherin J.  
PO Bx 537  
Vails Gate NY

13 Babcock, Robert P. & Catherin J.  
PO BX 537  
Vails Gate, NY

12 Maganuco, Salvatore & Santa(as trustees) (Maganuco Fam.  
Trail)  
BX 163  
Vails Gate NY 125

10 Taravella, Adolph & Frances T.  
PO Bx94,  
Vails Gate NY 12584

9 Andrews, Eugene L. & Ruth  
PO Bx 292  
Vails Gate NY 12584

7.21 Betrix, David B & Elizbeth A.  
PO Bx 465  
Vails Gate, NY

6 Tornatore, Anthony & Gemma  
82 Continental Dr  
Vails Gate, NY

4 Fanelli, Adele  
PO Bx 42  
Vails Gate, NY 12584

3 DeCouto, Terry C. & Lorraine  
132 Old Temple Hill Rd  
New Windsor, NY

2 Trifilo, William J. & Etta  
BX 55  
Vails Gate, NY 12584

1 Manning, Thomas E. & Kathleen T.  
22 Pat Road  
Newburgh, NY

Section 69 Block 2

- 1 Brambury Assocites  
765 Elmgrove Rd.  
Rochester, NY 14624
- 7 Korn Gold, Louis Md.(c/o Vails Gate Devel Assoc)  
125 South Main Street  
New City, NY 10956
- 6 R&S Foods Inc.,  
245 North Craig Street  
Pittsburgh, PA 15213
- 5 R&S Foods Inc.,  
245 North Craig Street  
Pittsburgh, PA 15213
- 3 Newburgh Savings Bank,  
94 Broadway,  
Newburgh, NY 12550
- 12 Korin Gold, Louis MD  
137 Strawtown Rd  
West Nyack, NY 10994
- 2 Korin Gold, Louis MD  
135 Strawtown Rd  
West Nyack, NY 10994

Section 49 Block 1

- 1 Mylonas, Dimitrios & pipe  
(c/o) New Windsor Coach Diner)  
351 Windsor Hwy  
New Windsor 12550
- 5 Stafford, William F. & Eliabeth A.  
58 Continental Drive  
New Windsor, NY
- 6 Sitler, Michael R. & Kathleen A.  
60 Continental Drive  
New Windsor, NY
- 7 Cohen, Richard M & Jeryl A. Dorsey  
62 Continental Drive  
New Windsor, NY
- 8 Crook, Richard J. & Jeanine M.  
64 Continental Drive  
New Windsor, NY
- 9 Rohan, John F. & Mary v.

- 10 Bakker, Berend & Margaret G.  
68 Continental Drive  
New Windsor, NY
- 11 Eldridge, Ahiel T & Lina A.  
70 Continental Drive  
New Windsor, NY
- 21 STP/JMK Properties Inc.  
298 Old Forge Hill Road  
New Windsor, NY
- 22 STP/JMK Properties Inc.  
300 Old Forge Hill Road  
New Windsor, NY
- 23.2 Adams, Harold J.  
Highland Avenue  
Maybrook, NY 12543
- 23.1 Andriuolo, Carmine  
363 Windsor Hwy  
New Windsor, NY
- 24 Andriuolo, Carmine  
363 Windsor Hwy  
New Windsor, NY
- 25 Laborers Local 17  
Realty Trust  
PO Box 356  
Vails Gate, NY 12584
- 26 Cicchetti, O. Edward  
8 Baltsas Rd  
Newburgh, NY 12550
- 27 Vitold, Peziero  
12 Lancer Drive  
Newbrugh, NY 12550
- 28 Bankers Trust Hudson Valley NY  
(c/o Barclays Bank of NY)  
604 Broad Hollow Road  
Melville, NY 11717
- 20.1 Forge Hill management Association  
116 Ivy Lane  
Bergenfield NJ 07621

Section 35 Block 1

- 61 City School District of Newburgh  
Vails Gate Elementary School  
58 Grand Street  
Newburgh, NY
- 10 Voderhyde, Leonard & Catherine  
RD 2 BX 262  
Riley Road  
New Windsor, NY 12550
- 11 Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

Section 65 Block 2

- 5 Christianson, Alton D & Theresa M.  
327 Old Forge Hill Road  
New Windsor, NY
- 6 Ware, Jerline & Zelda  
329 Old Forge Hill Road  
New Windsor, NY
- 7 Canzoneri, Catlina  
323 Old Forge Hil Road  
New Windsor, NY
- 8 Graziano Jac V & Emilie M.  
317 Old Forge Hil Road  
New Windsor, NY
- 9 Grove Homes Inc.  
Station Rd  
Rock Tavern, NY 12575
- 42 Morgese, Felicia  
71 Sullivan Street  
New York, NY 10012
- 40 Beck, Raymond J. Jr. & Pauline A.  
Bx 498  
Vails Gate, NY
- 39 Lawton, Edith B  
PO BX 653  
Vails Gate, NY 12584
- 38 Lawton, Edith B.  
PO Box 653  
Vails Gate, NY 12584

37 Katherine, Kelly  
BX 38  
Vails Gate, NY 12584

36 Katherine, Kelly  
BX 38  
Vails Gate, NY 12584

35 Rosenberg, William & Viola  
(c/o Big V. Supermarkets)  
176 North Main Street  
Florida NY 10921

34 Newburgh Savings bank  
94 Broadway  
Newburgh, NY

20 Highland National Bank of Newburg  
381 Broadway  
Newburgh, NY

21 Mans C P.  
PO Box 247  
Vails Gate, NY 12584

23 Shedden, Joan A.  
RD 2 Temple Hill Road  
New Windsor, NY

24 Kimura, Isamu Hajime Corp.  
(c/o Maiko Rest)  
BX 666  
Vails Gate, NY 12584

25 Vails Gate Fire Co. Inc.  
BX 101  
Vails Gate, NY 12584

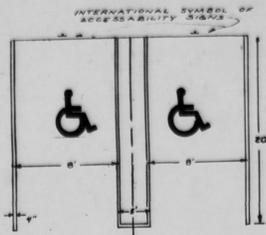
16.21 Diadone, Charles T. & Rose M.  
250-260 Temple Hill Road  
New Windsor, NY

16.22 Diadone, Charles T. & Rose M  
250-260 Temple Hill Road  
New Windsor, NY

16.1 Rosenbaum Industries Inc.  
BX 428  
Vails Gate, NY 12584

15 Haynes Quende Realty Corp.  
c/o The Taco Maker of New Windsor, Inc.  
377 Windsor Hwy  
New Windsor, NY

- 14 Kroposici, Walter  
PO BX 731  
Monroe, NY 10950
- 13 Kass, Fredrick J. & Madisson, Samuel & Audrey  
367 Windsor Hwy  
New Windsor
- 29 Sorbello, Cincent Etal  
c/o RKB Construction Co  
412A Riverside Road  
Highland, NY 12528
- 30 Forge Hill Management Assoc  
11-6 Ivy Lane  
Bergenfield, NJ 07621
- 28 Vails Gate Fire Company Inc.  
PO Box 101  
Vails Gate, NY 12584
- 22 Mans & Miller Auto Centers Inc.  
BX 247  
Vails Gate, NY 12584



**STRIPING DETAIL**  
NOT TO SCALE

**LEGEND**

- UTILITY POLE
- CATCH BASIN
- WATER VALVE
- GAS VALVE
- LIGHT POLE
- HYDRANT
- SIGN
- MAN HOLE
- GUY WIRE
- TREE WITH FENCE
- FLAG POLE
- GAS MARKER
- PIPE END
- PUMP STATION
- ELECTRIC LINE
- STORM DRAINAGE
- CHAIN LINK FENCE
- STONE WALL
- STREAM EDGE
- BOUNDARY
- GRADING DURING CONSTRUCTION
- PARKING SPACE
- EXISTING (IN CAP)
- DELETED
- ADDITIONAL
- FORM AFTER CONSTRUCTION
- PARKING ON ADJACENT
- PROPOSED SEWER
- PROPOSED WATER

USE AND BULK REGULATIONS		
DESIGN SHOPPING (C) A-1 RETAIL STORES		
REQUIRED	PROVIDED	VARIANCE
MINIMUM LOT AREA	40,000 S.F.	843,670 S.F. NOT REQUIRED
MINIMUM LOT WIDTH	200 FT.	IRREGULAR. NOT REQ'D
REQUIRED FRONT YARD	60 FT.	1330 FT. NOT REQ'D
REQUIRED SIDE YARD	30 FT./70 FT.	40 FT./110 FT. NOT REQ'D
REQUIRED REAR YARD	30 FT.	30 FT. (NEW) NOT REQ'D
REQUIRED STREET FRONTAGE	N/A	
MAXIMUM BLDG. HEIGHT	4" PER FT. FROM REAR; 25' 6" HEIGHT; 15' 4" EXCESS HEIGHT PER LOT LINE (NOT 15' 2" HEIGHT PERMITTED)	ABOVE MAY
FLOOR AREA RATIO	0.5	0.89 NOT REQ'D
AREA OF EXTG. BLDG. ON SITE TO REMAIN		198,675 S.F.
AREA OF PROPOSED BUILDING (ADDITION)		4,879 S.F.
TOTAL BLDG. AREA		240,554 S.F.
PARKING	5.5 SPACES/1000 S.F. BASED ON EXTG. 1000	TOTAL PARKING IS 9400 SPACES + 990 ON-SITE
	240,554 S.F. x 1,323 SPACES REQUIRED	1113 TOTAL
SECTION		65
BLCK		2
LOT		12
ZONE		C
USE		A-1

20' WIDE SEWER EASEMENT

⊙ N 07° 24' 15" W	181.10'
⊙ N 53° 21' 00" W	387.61'
⊙ N 15° 57' 18" W	311.04'
⊙ S 23° 44' 50" W	21.77'
⊙ N 07° 40' 10" E	157.56'
⊙ N 23° 44' 50" E	27.78'
⊙ S 57° 11' 00" E	20.25'
⊙ S 23° 44' 50" W	21.77'
⊙ S 07° 24' 15" E	145.40'
⊙ S 42° 24' 00" E	67.68'
⊙ S 15° 57' 18" E	308.97'
⊙ S 53° 21' 00" E	389.32'
⊙ S 07° 24' 15" E	168.83'
⊙ S 36° 33' 20" W	28.01'



19.369 ACRES  
65-2-12  
LIBER 2182 PAGE 277

I HEREBY CERTIFY TO BILA PARTNERS THAT THIS SURVEY MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY DONE JANUARY 15, 1989.



REVISION	DATE OF REVISION	REVISION	DATE OF REVISION
12-15-89	KEY BANK & DRYER	11-27-89	ADJ. PARKING GRATE
02-28-89	PARKING WATER MAIN	10-2-89	SEWER EASEMENTS
11-11-89	WATER & SEWER, BULK REGULATIONS	10-2-89	SEA DATE
7-15-89	PARKING		

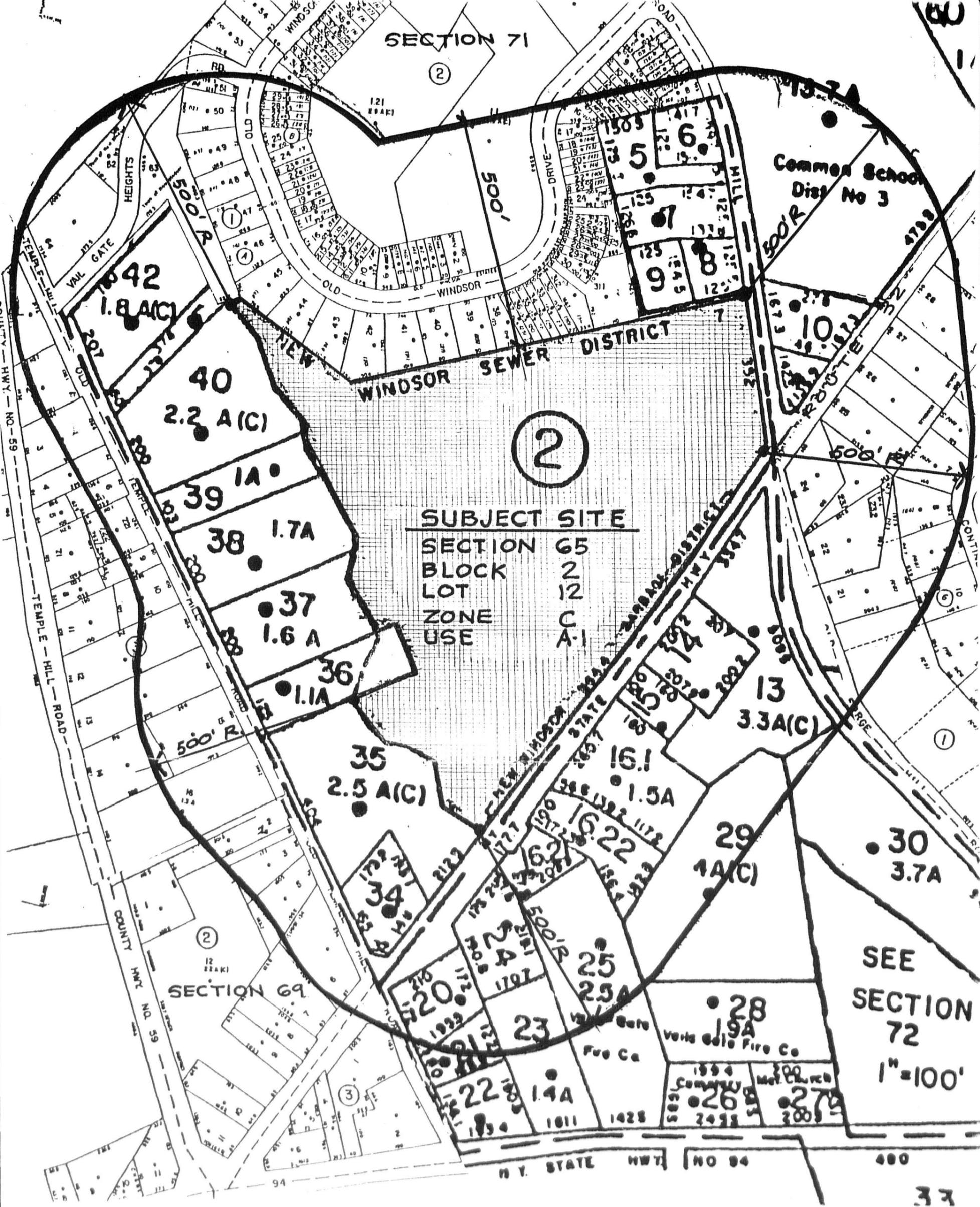
PROPOSAL  
FOR  
**BILA PARTNERS PROPERTIES**

TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.  
SCALE: 1" = 50'  
NOVEMBER 9, 1989

DRAWN BY LP EUSTANCE & HOROWITZ, P.C. DATE 1-22-89  
CHKD BY JC P.O. BOX 42, CROCEVILLE, N.Y. 10897 P.O. BOX 483, FISHKILL, N.Y. 12524

COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S CALKED INK OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

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



**500' RADIUS MAP OF ADJOINING PROPERTIES**

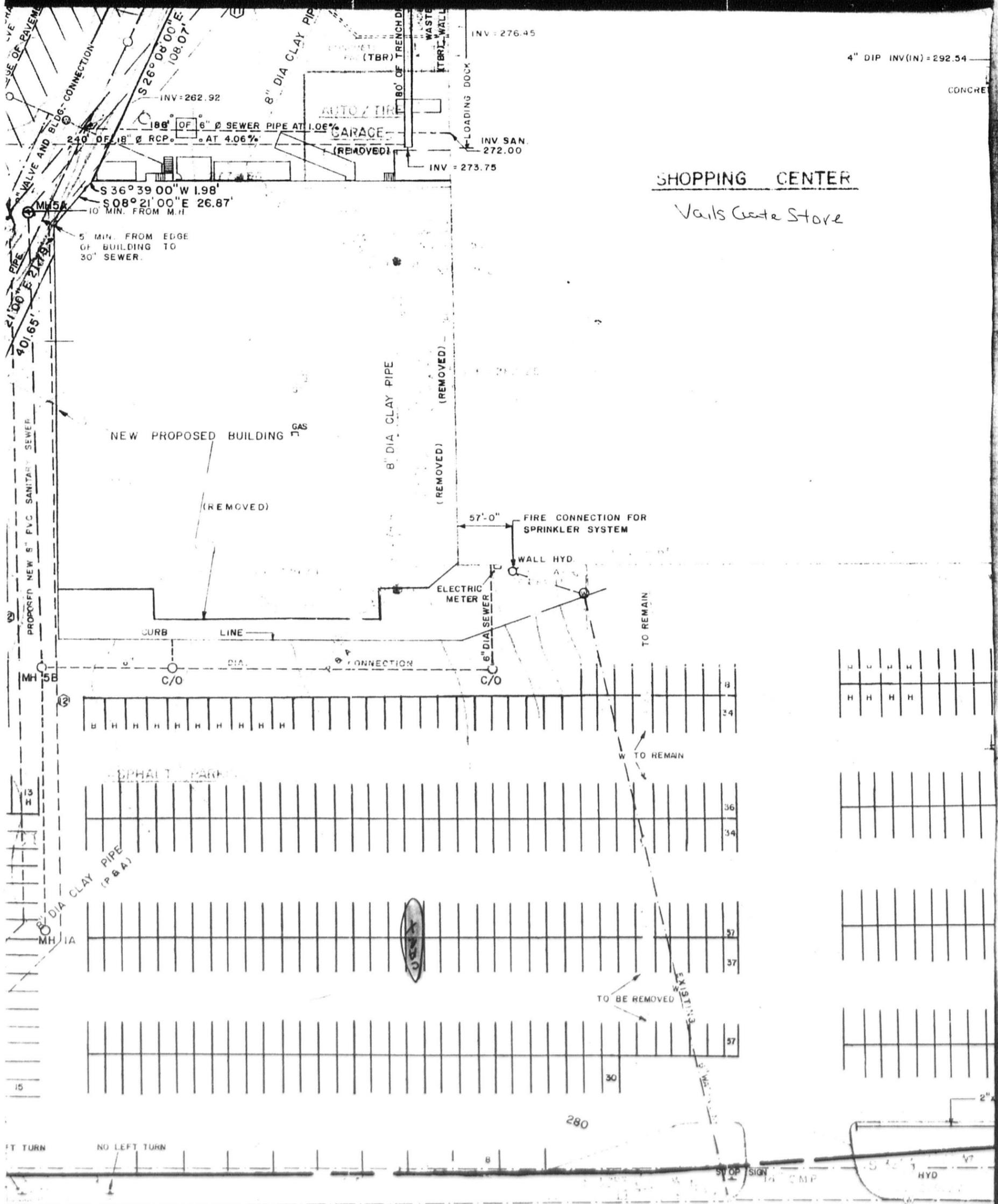


**WAX BRYMAN FERRARO & ASSOCIATES**  
 ARCHITECTURE PLANNING & INTERIOR DESIGN  
 144 Grove Avenue • Cedarhurst • New York 11516

**THE "BIG V" PLAZA**  
 ROUTE 32 - VAILS GATE, N.Y.

DATE	2-7-89
SCALE	1"=200'
DRAWN	B.P.
JOB #	8875





SHOPPING CENTER

Vails Gate Store

4" DIP INV(IN) = 292.54

CONCRE

INV = 262.92

INV = 276.45

INV SAN = 272.00

INV = 273.75

S 36° 39' 00" W 1.98'  
S 08° 21' 00" E 26.87'

5 MIN. FROM EDGE  
OF BUILDING TO  
30' SEWER.

NEW PROPOSED BUILDING

GAS

57'-0" FIRE CONNECTION FOR  
SPRINKLER SYSTEM

WALL HYD.

ELECTRIC  
METER

6" DIA SEWER

TO REMAIN

CURB LINE

CONNECTION

TO REMAIN

ASPHALT PARKING

TO BE REMOVED

EXISTING

8" DIA CLAY PIPE  
(P & A)

MH 1A

280

NO LEFT TURN

STOP SIGN

HYD

ROUTE 32

10

