

**PB# 92-36**

**Robert Bernhardt**

**69-4-9.1**

BERNHARDT, ROBERT SITE PLAN #92-36  
RT. 94 - MUFFLER REPAIR SHOP

*Approved 3/29/93*

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

GENERAL RECEIPT

12903

September 28 19 82

Received of Auto lovers \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

For Planning Board Application Fee #92-36

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP# 1208</u>		<u>150.00</u>

By Pauline J. Townsend

Town Clerk

Title

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TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

GENERAL RECEIPT

12904

September 28 19 82

Received of Pauline J. Townsend \$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For Planning Board. Crew #92-36 - Auto lovers

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CP# 1209</u>		<u>\$ 750.00</u>

By Juan Zappalà

Deputy Controller

Title

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TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

GENERAL RECEIPT

13229

March 26, 19 88

Received of Auto lovers \$ 150.00

One hundred fifty and 00/100 DOLLARS

For P/B # 92-36 (Approval Fee)

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CRK # 1526</u>		<u>\$ 150.00</u>

By Pauline J. Townsend

Town Clerk

Title

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DISTRIBUTION:

FUND	CODE	AMOUNT
CB # 1208		150.00

By Pauline J. Townsend  
Town Clerk  
 Title

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**TOWN OF NEW WINDSOR**      **GENERAL RECEIPT**      12904  
 555 Union Avenue  
 New Windsor, NY 12550

Received of Pauline J. Townsend      \$ 750.00  
Seven Hundred Fifty and 00/100 DOLLARS  
 For Planning Board Cases #92-36 - Auto hovers

DISTRIBUTION:

FUND	CODE	AMOUNT
CB # 1209		\$ 750.00

By Juan Zappala  
Deputy Comptroller  
 Title

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**TOWN OF NEW WINDSOR**      **GENERAL RECEIPT**      13229  
 555 Union Avenue  
 New Windsor, NY 12550

Received of Auto Hovers      \$ 150.00  
One Hundred fifty and 00/100 DOLLARS  
 For P/B # 92-36 (Approval Fee)

DISTRIBUTION:

FUND	CODE	AMOUNT
CRK # 1526		\$ 150.00

By Pauline J. Townsend  
Town Clerk  
 Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564

3/29/93  
 Eng. Fee



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

September 4, 1986

Mr. Robert Bernhardt  
PO Box 407  
Vails Gate, New York 12584

RE: Application for Special Permit #86-41  
Planning Board

Dear Bob:

This is to confirm that a public hearing was held regarding the above-entitled application before the Planning Board. The Board voted to grant your request for a special permit at the August 26, 1986 special meeting.

A formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy when this is done.

Best regards.

Very truly yours,

A handwritten signature in cursive script that reads "Shirley".

SHIRLEY B. HASSDENTEUFEL  
Secretary to Planning Board

/sh

cc: Town Building Inspector  
Zoning Board of Appeals

NEW WINDSOR PLANNING BOARD SPECIAL MEETING  
TOWN HALL  
TUESDAY, AUGUST 26, 1986 7:30 P.M.

BOARD MEMBERS PRESENT: HENRY REYNS, CHAIRMAN  
ERNEST SPIGNARDO, VC  
LAWRENCE JONES  
HENRY SCHEIBLE  
BOARD MEMBERS ABSENT: HENRY VAN LEEUWEN  
CARL SCHIEFER  
DANIEL MCCARVILLE  
OTHERS PRESENT: JOSEPH RONES, PB ATTY.

Chairman Reynolds called the meeting to order and presided over same.

#1 on the agenda: Bernhardt Special Permit Decision.

Motion by Lawrence Jones seconded by Henry Scheible that the Planning Board approve the Special Permit Application of Robert Bernhardt located on Route 94.

Note: Not to exceed more than ten (10) cars.

Roll call: All ayes, no nays.

#2 on agenda: Discussion with Lexington Hill representatives re: the property on Route 32 which they would like to develop. Discussion followed.

\*\*\*\*\*

#3 on agenda: Plum Point South Site Plan  
Discussion with Mark Silverwood, and Do Chung of Liverzeni Assoc.  
The number of units - 530 - No change  
Townhouses 1700 square ft. 3 bedroom  
here will be 1 bedroom units, 2 bedroom units.

Westchester Federal Savings - White Plains.

Chairman Reynolds thanked the gentlemen for coming and discussing their plans with the board.

If there is no further business I will entertain a motion to adjourn.

Motion by Henry Scheible seconded by Lawrence Jones that the Planning Board adjourn the meeting of August 26, 1986.

Roll call: All ayes, no nays. Meeting adjourned.

Note: Minutes typed by secretary, minutes taken by Chairman Reynolds.

Respectfully submitted,

*Shirley B. Hassdenteufel*  
SHIRLEY B. HASSDENTEUFEL  
Secretary

Application No. \_\_\_\_\_ Permit No. N/A

Building Department

~~CITY~~ TOWN ~~OF~~ OF New Windsor  
(Address and Telephone Number)

County of: Orange

Location: So. Side N.-J.-S. Rte 94

Map No.: \_\_\_\_\_ Section: 69 Block: 4 Lot: 9.1

**Certificate of Occupancy**

No. 18

Date March 1 1984

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated \_\_\_\_\_ 19\_\_\_\_, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is \_\_\_\_\_

One family Residential and used car sales  
C.O. for use only

This certificate is issued to Robert Bernhardt  
(owner, lessee or tenant)  
of the aforesaid building.

Judith P. Kennedy  
Superintendent of Buildings

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

Application No. \_\_\_\_\_ Permit No. N/A

Building Department

~~CITY~~, TOWN ~~OR VILLAGE~~ OF New Windsor  
(Address and Telephone Number)

Location: So. side N.Y.S. Rte 9A County of: Orange

Map No.: \_\_\_\_\_ Section: 69 Block: 4 Lot: 9.1

### Affidavit of Final Cost of Construction— Application for Certificate of Occupancy

State of New York }  
County of Orange } ss.:  
Robert Bernhardt

\_\_\_\_\_, being duly sworn, deposes and says:  
(Applicant or Agent)  
that he (she) is the applicant (or agent of the applicant) named in the Application for Building Permit dated \_\_\_\_\_ 19\_\_\_\_ relating to construction or other work to be performed on, or in connection with, the premises located as indicated above; that the estimated cost stated in said application of the construction or other work described therein was \_\_\_\_\_ Dollars (\$.....); that the actual final cost of such construction or other work was \_\_\_\_\_ Dollars (\$.....).

Application is hereby made for the issuance of a Certificate of Occupancy for the structure on these premises. Applicant states that he has examined the approved plans and that to the best of his knowledge and belief, the structure has been erected in accordance therewith and in accordance with the applicable provision of law.

Applicant further states that he was the \_\_\_\_\_ (Note: Strike out items a, b, or c, not applicable)

- (a) Licensed Architect, or (b) Professional Engineer, or
- (c) Superintendent of construction who supervised the said construction or other work and that by reason of his experience he is qualified to supervise such work on the structure for which a Certificate of Occupancy is requested.

Sworn to before me  
this 1st day of March 1984  
Therese Benedict

Robert Bernhardt  
(Applicant or Agent)

Notary Public  
Notary Public, State of New York  
No. 4764738  
Qualified in Orange County  
My Commission Expires March 30, 1986

Filed Cost \$ \_\_\_\_\_  
Permit Fee Paid \$ \_\_\_\_\_  
Additional Fee \$ 15.00

(Costs for the work described in the Application for Building Permit include the cost of all of the construction and other work done in connection therewith, exclusive of the cost of the land. If the final cost is less than the estimated cost stated in the Application for Building Permit, no portion of the fee paid upon the filing of the application will be refunded.)

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

(This is a two-sided form)

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

APPLICATION FOR SITE PLAN APPROVAL

1. Name of Project LIBERTY MARKETING: ADVERT (USED CARS)
2. Name of applicant ROBERT BERNHARDT Phone 561-0899  
Address RT 94 PO Box 407 VAILS GATE NY 12584  
(Street No. & Name) (Post Office) (State) (Zip Code)
3. Owner of record Robert & Colleen J. Bernhardt Phone same  
Address same  
(Street No. & Name) (Post Office) (State) (Zip Code)
4. Name of person preparing plan Elias D. Grevas, L.S. Phone (914) 562-8667  
Address 45 Quassaick Ave. New Windsor, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip Code)
5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip Code)
6. Location: On the ~~5000~~ South side of RT 94  
(Street)  
1000+ feet West (direction)  
of Vails Gate intersection  
(Street)
7. Acreage of parcel 0.44
8. Zoning district C
9. Tax map designation: Section 69 Block 4 Lot(s) 9.1
10. This application is for the use and construction of USED CARS (sales lot)
11. Has the Zoning Board of Appeals granted any variance or special permit concerning this property? No If so, list case No. and Name \_\_\_\_\_
12. List all contiguous holdings in the same ownership  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

FOR OFFICE USE ONLY:

Checked by \_\_\_\_\_ Collected by \_\_\_\_\_ Indexed by \_\_\_\_\_

... 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.

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

\_\_\_\_\_ day of \_\_\_\_\_, 1983 \_\_\_\_\_  
Applicant's Signature

Notary Public

Title

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

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

I ROBERT BERNHART being duly sworn, deposes and says that he resides  
RD 94 PO Box 407 Vails Gate NY in the  
(Owner's Address)  
county of ORANGE and State of New York

and that he is (the owner in fee) of OWNER of the Co  
(Official Title)

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

Sworn before me this.

\_\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_\_  
Robert Bernhart  
(Owner's Signature)

Notary Public

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/19/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 92-36

NAME: BRAKES, SHOCKS & MUFFLER REPAIR (BERNHARDT)  
APPLICANT: BERNHARDT, ROBERT

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
09/28/92	SITE PLAN MINIMUM	PAID		750.00	
10/16/91	ATTY. FEE	CHG	30.00		
10/16/91	P.B. MINUTES	CHG	9.00		
08/26/92	P.B. ATTY FEE	CHG	35.00		
08/26/92	P.B. MINUTES	CHG	31.50		
10/14/92	P.B. ATTY FEE	CHG	35.00		
10/14/92	P.B. MINUTES	CHG	9.00		
02/24/93	P.B. ATTY. FEE	CHG	35.00		
02/24/93	P.B. MINUTES	CHG	40.50		
03/24/93	P.B. ATTY. FEE	CHG	35.00		
03/24/93	P.B. MINUTES	CHG	18.00		
04/19/93	P.B. ENGINEER FEE	CHG	277.50		
04/19/93	RETURN TO APPLICANT	CHG	194.50		
TOTAL:			750.00	750.00	0.00

*please issue a check in the  
amount of \$194.50 to:*

*Robert Bernhardt  
P.O. Box 407  
Vails Gate, N.Y. 12584*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/19/93

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 92-36

NAME: BRAKES, SHOCKS & MUFFLER REPAIR (BERNHARDT)  
APPLICANT: BERNHARDT, ROBERT

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
03/29/93	PLANS STAMPED	SIGNED APPROVED
03/24/93	P.B. APPEARANCE	ND: WAIVED PUB. HER
03/24/93	P.B. APPEARANCE (CON'T) . MUST LIST VARIANCES ON PLAN	APPROVE SUB. TO
02/24/93	P.B. APPEARANCE . PUT VARIANCES ON PLAN	LA: TO RETURN - GET Z.B.A. MINUTES FOR THE BOARD
02/08/93	Z.B.A. APPEARANCE	VARIANCES APPROVED
11/23/92	Z.B.A. APPEARANCE	NEED MORE INFO.
10/14/92	P.B. APPEARANCE	REFER TO Z.B.A.
10/06/92	WORK SESSION APPEARANCE	REVISE
09/15/92	WORK SESSION APPEARANCE	REVISE & SUBMIT
08/26/92	P.B. APPEARANCE (DISCUSSION)	REVISE & SUBMIT
08/18/92	WORK SESSION APPEARANCE	NEXT AGENDA(DISCUSS)
10/16/91	P.B. APPEARANCE (DISCUSSION)	TO SUBMIT APPLICATN
10/08/91	WORK SESSION APPEARANCE	NEXT AGENDA (DISCUSS
05/02/89	WORK SESSION APPEARANCE	DISCUSSION ONLY

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/24/93

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 92-36

NAME: BRAKES, SHOCKS & MUFFLER REPAIR (BERNHARDT)

APPLICANT: BERNHARDT, ROBERT

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG 09/28/92	MUNICIPAL HIGHWAY	10/15/92	APPROVED
ORIG 09/28/92	MUNICIPAL WATER	10/08/92	APPROVED
ORIG 09/28/92	MUNICIPAL SEWER	10/26/92	APPROVED
ORIG 09/28/92	MUNICIPAL SANITARY	10/08/92	SUPERSEDED BY REV1
ORIG 09/28/92	MUNICIPAL FIRE	10/13/92	APPROVED
ORIG 09/28/92	PLANNING BOARD ENGINEER	10/08/92	SUPERSEDED BY REV1
REV1 10/08/92	MUNICIPAL HIGHWAY	03/16/93	SUPERSEDED BY REV2
REV1 10/08/92	MUNICIPAL WATER	03/16/93	SUPERSEDED BY REV2
REV1 10/08/92	MUNICIPAL SEWER	03/16/93	SUPERSEDED BY REV2
REV1 10/08/92	MUNICIPAL SANITARY	03/16/93	SUPERSEDED BY REV2
REV1 10/08/92	MUNICIPAL FIRE	03/16/93	SUPERSEDED BY REV2
REV1 10/08/92	PLANNING BOARD ENGINEER	03/16/93	SUPERSEDED BY REV2
REV1 02/25/93	N.Y.S. DEPT OF TRANSPORTATION	03/08/93	DISAPPROVED
	. EXISTING DRIVEWAY DOES NOT MEET REQUIREMENTS: S/B 24' WIDE		
	. THIS REVIEW SUPERSEDED BY REVIEW RECEIVED 3/11/93		
REV1 02/25/93	O.C. PLANNING	03/11/93	LOCAL DETERM.
REV1 03/10/93	N.Y.S. DEPT. TRANSPORTATION	03/11/93	NO OBJECTION
	. THIS REVIEW REPLACES THE REVIEW RECEIVED ON 3/8/93		
REV2 03/16/93	MUNICIPAL HIGHWAY	/ /	
REV2 03/16/93	MUNICIPAL WATER	/ /	
REV2 03/16/93	MUNICIPAL SEWER	/ /	
REV2 03/16/93	MUNICIPAL SANITARY	/ /	
REV2 03/16/93	MUNICIPAL FIRE	03/22/93	APPROVED

March 24, 1993

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BERNHART, ROBERT SITE PLAN (92-36) ROUTE 94

Robert Bernhardt appeared before the board representing this proposal.

MR. PETRO: For the board's information, on 3/10/93, New York State Department of Transportation no objection. On 2/25/93, Orange County Planning Department local determination. Fire again has been approved on 3/22/93. I think last time Bob was here, we had asked him to make some minor alterations such as putting the zoning requirements on the map. I don't think Paul had them on the map at the time so you have done that I see. Go ahead, why don't you start.

MR. BERNHART: Well, I indicated what you said here where it says area to be paved it says it with an arrow to it, that is in front of the garage in back of the house there that one spot that is on the map here.

MR. LANDER: By the retaining wall, Bob?

MR. BERNHART: Yeah, on the other side of the retaining wall arrow says to be patched.

MR. LANDER: The only thing we have to have on this nap is the variances that were given so I make a motion that we approve the Bernhart Muffler Repair Site Plan.

MR. VAN LEEUWEN: We've got to back off a little bit, we have to see if we're going to put this up for public hearing.

MR. LANDER: We already did that.

MR. PETRO: Yes.

MR. VAN LEEUWEN: We had a public hearing, Zoning Board, correct?

MR. DUBALDI: We asked for the minutes of the Zoning Board meeting.

MR. PETRO: We have the minutes.

March 24, 1993

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MR. VAN LEEUWEN: What about declare negative or positive?

MR. LANDER: We waived the public hearing at the last meeting, didn't we?

MR. EDSALL: No, you postponed that till this meeting until you had an opportunity to read the ZBA minutes.

MR. PETRO: Can I have a motion to waive or not waive?

MR. LANDER: So moved.

MR. VAN LEEUWEN: Seconded.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing on Bernhart.

ROLL CALL

MR. LANDER	AYE
MR. DUBALDI	AYE
MR. VAN LEEUWEN	AYE
MR. PETRO	AYE

MR. PETRO: Lead agency and negative dec?

MR. VAN LEEUWEN: I make a motion we declare negative dec.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded New Windsor Planning Board declare negative dec for Bernhardt Muffler Repair Site Plan Route 94. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. DUBALDI	AYE
MR. VAN LEEUWEN	AYE
MR. PETRO	AYE

MR. PETRO: Before you make a motion the only thing that is missing here is the zoning that is subject to being on the map. Why wasn't this done because we talked about this last time, the zoning variances that were given to you?

MR. VAN LEEUWEN: Should be on the map.

MR. BERNHART: I told Mike to call Mark, he says he called them and remember Myra he--.

MR. VAN LEEUWEN: That has got nothing to do with Paul's got to do that.

MR. BERNHART: It's just a matter of him putting it on I mean I called him and I told him to call Mark and Mark was going to--

MR. PETRO: We agree it's just a matter of him putting it on but it's three weeks ago.

MR. BERNHART: I can't believe he didn't do it. I'm surprised he dropped it off at Myra's, I never took a look at it.

MR. PETRO: It's this simple, until you get it done if the board does grant approval, it's going to be subject to the zoning easements put on this map and it will never be stamped until you have the sets of maps up here that have that shown.

MR. BERNHART: At least I got the approval, at least I can do something.

MR. VAN LEEUWEN: You can't start something until you get the maps signed.

MR. BERNHART: I'll get it done. Paul just came back from vacation.

MR. PETRO: Can I have a motion somebody?

MR. VAN LEEUWEN: I'll make the motion to approve subject to the variances listed, to be listed on the

March 24, 1993

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map.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that New Windsor Planning Board grant approval to Bernhart site plan muffler site plan Route 94 once the zoning requirements and variances have been added to the site plans. Mark, do you have anything to add?

MR. EDSALL: My comments are on record.

ROLL CALL

MR. LANDER	AYE
MR. DUBALDI	AYE
MR. VAN LEEUWEN	AYE
MR. PETRO	AYE



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

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: BERNHARDT MUFFLER REPAIR SITE PLAN  
PROJECT LOCATION: NYS ROUTE 94  
SECTION 69-BLOCK 4-LOT 9.1  
PROJECT NUMBER: 92-36  
DATE: 24 MARCH 1993  
DESCRIPTION: THE APPLICATION INVOLVES AN ADDITION TO AN  
EXISTING GARAGE ON THE SITE, AS WELL AS A CHANGE  
IN USE FROM THE PREVIOUS APPROVAL GRANTED. THE  
APPLICATION WAS MOST RECENTLY REVIEWED AT THE  
24 FEBRUARY 1993 PLANNING BOARD MEETING.

1. This application was referred to the Zoning Board of Appeals at the 14 October 1992 Planning Board meeting. It is my understanding that the Applicant has received all necessary variances from that Board. A copy of the decision should be on record with the Planning Board, and it should be verified that all necessary variances have been received.

As per the Board's normal requirements, this plan should include a reference to the action of the Zoning Board of Appeals and the date of the meeting at which the required variances were granted.

2. The Board, at their 24 February 1993 meeting, decided to postpone a decision with regard to the need for a Public Hearing, until such time that the ZBA minutes are available. The Board should consider making the determination of the need for a Public Hearing at this time.
3. The application was referred to the New York State Department of Transportation and a response has been received. The Board may wish to discuss the DOT response at this meeting.

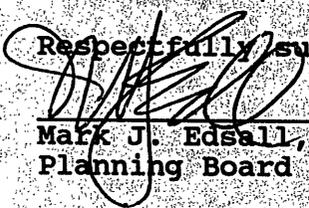
TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

-2-

PROJECT NAME: BERNHARDT MUFFLER REPAIR SITE PLAN  
PROJECT LOCATION: NYS ROUTE 94  
SECTION 69-BLOCK 4-LOT 9.1  
PROJECT NUMBER: 92-36  
DATE: 24 MARCH 1993

4. A review of the files indicates that a note on the plan, prohibiting any retail sales on the site, was previously requested. The Board should determine if this note is still desired.
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

MJEmk

A: BERNHAR2.mk

RESULTS OF P.B. MEETING

DATE: March 24, 1993

PROJECT NAME: Burnhart, Robert

PROJECT NUMBER 92-36

LEAD AGENCY: \_\_\_\_\_

NEGATIVE DEC: 3/24/93

PUBLIC HEARING: Waived 3/24/93

DISCUSSION:

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

SEND TO ORANGE CO. PLANNING: \_\_\_\_\_

DISAPPROVED AND REFERRED TO Z.B.A.: YES \_\_\_\_\_ NO \_\_\_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED CONDITIONALLY 3/24/93

(M) Y (S) L

NEED NEW PLANS: YES  NO \_\_\_\_\_

REASON FOR NEW PLANS OR CONDITIONS OF APPROVAL: \_\_\_\_\_

Variances being put on the plan  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board Members,

As requested at the 2/24/93 Planning Board meeting,  
please find attached a copy of the minutes for  
the Z.B.A. Public Hearing for Robert Bernhart.

Also find attached a copy of the formal decision.

Myra

BERNHARDT, ROBERT

MR. NUGENT: Request for (1) 22,288 s.f. lot area, (2) 100 ft. lot width, (3) 25 ft. front yard, (4) 29 ft. side yard, (5) 26 ft. total side yard, (6) 15 ft. rear yard, and (7) 19 ft. 8 in. max. building height variances for muffler shop and service repair garage in a C zone.

Robert Bernhardt appeared before the board representing this proposal.

MR. BERNHARDT: We're putting on a 16 by 24 foot garage smaller than the size of this room to the existing garage. That is it.

MR. LUCIA: Thank you for dropping off a copy of your deed. I see that apparently title to the property is just in Colleen's name?

MR. BERNHARDT: No, it's joint.

MR. LUCIA: There must be a more recent deed than the one you dropped off.

MR. BERNHARDT: Just this weekend, it was in joint. We had it taken out seven years ago for a reason and we had it put together. Al Cavalari did it. I have a copy of it.

MR. LUCIA: Just drop it off. Did you have a title policy?

MR. BERNHARDT: No, there's no mortgage or title insurance. I think back in '72, somewhere, yeah.

MR. LUCIA: Typically, that turns out certain restrictions and covenants and easements and sort of things that everybody's property is subject to. If this board does grant you a variance, is there anything in the title to the property which would prevent you from doing what is it you propose to do on this property?

MR. BERNHARDT: I've read it, it just describes the

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property. That is all it does.

MR. LUCIA: Thank you.

MR. BERNHARDT: I gave you a copy of it, it's here.

MR. LUCIA: We didn't have the title policy but the deed.

MR. BERNHARDT: We've got a lot of opposition here tonight.

MR. LUCIA: You really need to lay out to the board why it is you are hear and why it is, what it is you want.

MR. BERNHARDT: Well, I was working on cars since 1986 when I was granted a special permit to work on cars. I was selling cars, I was working on cars until the recession came along and put me out of business for several other reasons, some of which became illegal and I had to diversify and this is the only other thing I can possibly find is to do muffler repair and do something that is more necessity. My special permit only entitles me to do service work on cars so this is how I'm trying to specialize only in that field. The addition I'm asking for I think is 400 square feet which is 16 by 24 pole barn, it's a pole barn is what it is with metal siding screwed to it, very similar. That is all it is.

MR. NUGENT: That is going to be attached directly to your existing garage?

MR. BERNHARDT: That is correct, absolutely, one will support the other.

MR. TORLEY: You need the height for the lifts?

MR. BERNHARDT: At first I asked for 16 foot then I found out through other investigation that really I can really get away with 13 foot. I didn't know that in the beginning so 13 or 16 foot, it doesn't make a difference. Most places that I have investigated recently I found out that they have 13 foot ceilings, a 16 foot ceiling is you know is something that I though

is a--

MR. NUGENT: Luxury?

MR. BERNHARDT: I guess so.

MR. NUGENT: This is asking for 19 foot 8 inches, that is maximum height.

MR. BABCOCK: Yeah, that is the ceiling height that Bob is referring to is not the height of the building, it's the peak of the building.

MR. BERNHARDT: That is the 4 on 12 roof on top.

MR. TORLEY: This is based on 16 or 13 foot high ceiling?

MR. BABCOCK: It's based on a 20 foot high roof peak. Just for clarification, he's allowed a building because of the distance to the property line, he's allowed a building four inches high by the zoning code.

MR. LUCIA: You are applying for a variance total building height of 19 feet 8 inches, should you choose to put up something less than that is fine you can't go over that.

MR. BERNHARDT: I didn't know that, I just found this out over the weekend with continued investigation that a 16 foot ceiling is really not necessary.

MR. LUCIA: If that variance is granted anything under that is acceptable but since you're only allowed 6 inches, you'd need a variance for any building you put there you also might explain to the public that although you're looking for 7 separate variances, they are not all generated just by this new construction. Some of them are inherent from previously.

MR. BERNHARDT: I don't know if that has got you scared. I didn't even see the letter but most of the variances that I am asking for have nothing to do with this little building itself. It's measurements that make the property conform, is that true?

MR. LUCIA: The property was undersized and Bob got a special permit back in '85 to operate certain auto service on the site. Unfortunately, when they did that site plan, they didn't have the distances all shown on the plan and he didn't realize that he needed specific variances. So now what we're doing since he's coming in with this new application he's been cited for absolutely everything that is wrong with the property, both pre-existing and as a result of his new construction so we're trying to get everything before the board all in this one application but I didn't want you to when you looked at the 7 variances, it sounds like this is a dramatic change. And it's not such a dramatic change. I think Bob has indicated that this new building of 400 square feet everything else is pre-existing on the site, is that correct?

MR. BERNHARDT: Yes.

MR. NUGENT: In going over the minutes because I missed the second preliminary that we had with Bob, I read an article in there that you brought up and it said if he lays out on the record exactly what et cetera includes to this point in time and he wants to add to that a muffler shop, where did you et cetera from?

MR. LUCIA: Original Planning Board application and I think we have it in here referred to certain specific items and it then said et cetera and it's difficult for this board or anybody to look at that and say what it was that was approved so I think the easiest way now is just tell the board everything you contemplate doing there and we'll have it on the record and it will be a definite statement.

MR. BERNHARDT: Muffler and exhaust repair.

MR. BABCOCK: Service repair garage is what it comes under.

MR. BERNHARDT: Probably shocks and brakes that go with that, we're going to put a lift in this building, incidentally, I don't know if we mentioned that so it is just a hydraulic lift.

MR. NUGENT: Mike, then all these variances are predicated on a service repair garage?

MR. BABCOCK: Yes, sir and the new proposed addition the only variance that he is creating to my knowledge is the building height. The rest of the variances are required on the existing building. This is not getting any closer to any property lines than the existing building or developmental coverage or any of that stuff.

MR. LANGANKE: This really isn't a substantial variance request. We're just trying bring him in compliance?

MR. NUGENT: That is exactly right.

MR. BABCOCK: Basically, at the last time that he got his special permit, there's a very good chance that he should have come in at that time and got the other 6 variances which they weren't sought at that time and now what we're trying to do is clear up the whole map at one time. That is why it looks substantial.

MR. NUGENT: Planning Board gives special permits, not us. We used to but.

MR. LANGANKE: Is he going to need a sign?

MR. BABCOCK: There's an existing sign that is in compliance.

MR. LANGANKE: I don't have any questions.

MR. HOGAN: No questions.

MR. NUGENT: At this time, we'll open it up to the audience. Anybody wants to speak on this matter, please mention your name and address and try not to be repetitious.

RUSS MC MILLAN: I live in Vails Gate there, that driveway where we are right now and where we are is the last existing homestead down there. We've got children, we understand you want to build a garage.

Are you going to have access to that driveway?

BRENDA PETERSON: This is the existing driveway here, the entrance to where they live down in the valley I call them, they want to know are you going to be entering or coming out of there premises as far as their driveway?

MR. BERNHARDT: That is not my property. I negotiated but I didn't get it, oh, no, I didn't get it.

MS. PETERSON: What they are thinking you are extending up on your own premises, what they are thinking you're bringing it in this way on the other property that little--

MR. BERNHARDT: No, I don't even own that property no, I looked at it but it's not getable, he's not selling that. Virginia Curry sold that to a guy in Arizona.

MR. LUCIA: Are you opposed to Mr. Bernhardt's application?

MR. MC MILLAN: The way I was figuring it I thought that Mr. Bernhardt was buying the property of Virginia Curry. And he was going to put the building on Mrs. Curry's property here which is not big enough for a muffler shop to put there.

MR. BABCOCK: Do you know where his existing garage is now, where he did work, he's going to put an addition onto that garage and the access to 94 is going to be the same.

MR. BERNHARDT: The rest is all fenced out, that is all fenced out. I don't own anything else.

MR. MC MILLAN: And I was thinking if you were going to put a shop, there's kids going up and down the driveway on bikes and you have an existing garage, you have access to the driveway, you know what I mean with traffic.

MR. BERNHARDT: That is why I fenced it out because I didn't want any trouble you know what I am saying that

is all. If you haven't heard me in seven years I have been working back there, you're not to hear now.

MR. LUCIA: Do you have an opinion on Mr. Bernhardt's variance application? Are you opposed or in favor of it or you have no opinion?

MR. MC MILLAN: I'm not hurting the man, I'm in favor of it.

MR. BERNHARDT: They were curious. I didn't realize that. I didn't mention it to any of us, I didn't think it was anything.

MR. LUCIA: Mrs. Peterson, do you have an opinion on Mr. Bernhardt's application?

MRS. PETERSON: Doesn't matter to me.

MARY BREWER: Route 94, Vails Gate. You're talking muffler and putting new exhaust and stuff in there, right, I'm concerned about you are right directly behind me and it's not going, there's not going to be a lot of smoke and fumes and stuff like that.

MR. BERNHARDT: No, not from that, no. I'm only laughing because it's, do you know what the exhaust on a car is, it's the pipes underneath the car, this is all, bolt on accessories maybe some pipe ending but--

MR. BABCOCK: He's not going to be doing any spray painting or anything like that of cars right now. He has approval to do service repair right now. He's just putting in a higher building for a lift so that he can work underneath the cars.

MR. LUCIA: Mrs. Brewer, do you have an opinion on Mr. Bernhardt's application? Are you in favor of it, opposed to it or have any opinion on it?

MRS. BREWER: Doesn't matter to me.

JAY ERNST: I own that property that you mentioned.

MR. BERNHARDT: That is right on the side here. What

he is talking about West Point School Bus is all on this side, his property is right here.

MR. ERNST: I just want to clarify a point, the land is available if the gentleman is interested in purchasing it and it could be helpful to him, it's negotiable, okay. I want to raise a couple of questions and concerns about that property, the building of the muffler shop and how that may impact on the either use, potential use of the property that I have now or the marketability of that property. I was concerned about the use of that and how the refuse might be piled up on the outside, mufflers and things like that. I was concerned about the noise pollution and other pollution that may come from that shop and how it may impact on let's say even the sale of that property maybe combined with other properties, let's say to a medical center or a luncheonette and it might not be attractive in the future with a muffler shop there right next to that property. So these are some of the questions and concerns that I have about the variance for the muffler shop.

MR. LUCIA: Just to clarify what may not have been entirely clear when you got the legal notice from Bernhardt is not seeking a use variance, he has every legal right to put a service repair garage and a muffler shop there. All he's seeking is area variances what he doesn't have is a sufficiently large lot to put those uses there but you really don't have any objection to use he puts to the property because it's a legal use. How that may impact your sale of the property is certainly relevant to you as an owner but it's not an issue that is before this board. The only issue before this board is the size of the property. Now Bob, I think you said you investigated looking at this property next door?

MR. BERNHARDT: His.

MR. LUCIA: And weren't able to reach any agreement?

MR. BERNHARDT: It used to be his father's and I guess your pop just died a year or so ago and we negotiated but we couldn't come to a price.

MR. LUCIA: The reason that is relevant since Mr. Bernhardt is seeking area variances, theoretically if he could acquire additional lands, he might not need these area variances but at the time he presented this obviously he investigated and is coming here on the basis that he couldn't get any additional lands and therefore needs the area variances. You're saying maybe it is available. I think the board has to proceed with it based on the fact that Bob once tried and it wasn't then available. If you and he can come to some agreement in the future, that is a different case but we have to take it on its face value, I tried with the then owner, couldn't reach an agreement and he's here. Do you have an opinion on this area variance application?

MR. ERNST: Just the concerns that I mentioned. Other than that, I really don't.

MR. LUCIA: Since the use is permitted, he has to comply with outside storage and refuse but although you may not if in a perfect world like to be next to a muffler shop, if it is a permitted use, it's a permitted use.

MR. NUGENT: Any further comments from the audience?

FRANK SIGNORELLI: I reside at Route 94, Post Officer Box 153, Vails Gate. Proposed area variance that the lot is too small for that, where would your parking be?

MR. BERNHARDT: That is what I had to lay out to the Planning Board before I came here and I already passed that, that there's parking that I had to show for 11 cars including handicapped which are indicated see right here? Here's handicapped then 1, 2, 3, 4, 5, 6, it's all laid out. I had to do this before I came here. And this was passed by the Town Engineer, here's three, here's another.

MR. SIGNORELLI: These three are right alongside here?

MR. BERNHARDT: Right.

MR. SIGNORELLI: Where are the other two?

MR. BERNHARDT: Alongside the garage and the back of the garage there's the school buses back here. So I just conformed to what they actually, what the Town Code recommended and I showed that.

MR. BABCOCK: He complies with the Town regulations for parking or else he'd be seeking a variance for that also.

MR. SIGNORELLI: So the main variance is that the lot is too small for what he is proposing to do?

MR. BABCOCK: Yeah, the variance that the new addition is creating is building height. By the Town Ordinance, he's allowed to put a building four inches high, he's asking to go 20 inches high, 20 feet, I'm sorry.

MR. SIGNORELLI: 20 feet higher than what your roof is now?

MR. BABCOCK: No, 20 feet total.

MR. BERNHARDT: Existing garage is 13 foot 2 inches now, I even mentioned that upon my investigation I don't even need 16 foot, I need 13 foot, which is slightly above the garage, existing garage itself.

MR. LUCIA: Mr. Signorelli, do you have an opinion on Mr. Bernhardt's application?

MR. SIGNORELLI: Well, I don't want to hurt Mr. Bernhardt but I would appeal against it because of the size of the lot limitations that is there, insufficient lot area, insufficient parking.

MR. LUCIA: Thank you.

MR. NUGENT: Any further comments from the audience? At this time, I'll close the public hearing and open it back up to the board for any further questions.

MR. LUCIA: Should this board grant you the variance you're seeking, do you feel that an undesirable change.

will be produced in the character of the neighborhood or detriment to nearby properties?

MR. BERNHARDT: Not at all.

MR. LUCIA: Is the benefit which you seek that is the variance you're seeking from this board achievable by some other method feasible for you to pursue other than that variance? Can you do this without getting variances?

MR. BERNHARDT: Absolutely not.

MR. LUCIA: Are the variances you're seeking substantial that is in terms of numbers? You're looking for 22,288 square foot lot area variance. I think all by itself is pretty substantial in terms of numbers. The basic problem is that you have a very small lot in a C zone. Is that substantially the gist of why you are here?

MR. BERNHARDT: Well, that is right to seek a variance to make it possible.

MR. LUCIA: Will the proposed variance have an adverse affect or impact on physical or environmental issues in the neighborhood?

MR. BERNHARDT: Absolutely not.

MR. LUCIA: Did you create this difficulty yourself?

MR. BERNHARDT: I'm confused.

MR. LUCIA: That goes to whether or not the condition that you are seeking relief from was of your own doing. Now I guess when you applied for the special permit in '86 to the Planning Board, it was a self-created hardship but they granted you that permit. They apparently just didn't realize that you needed all these variances when they gave you the permit so I guess you did create the problem but you did at that time what you thought was necessary to get it approved and you are now seeking to correct that by dotting all the i's and crossing the t's.

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MR. BERNHARDT: That is correct.

MR. LUCIA: Thank you.

MR. NUGENT: Any further questions? I'll entertain a motion.

MR. TANNER: I make a motion we grant the variance.

MR. LANGANKE: I second it.

ROLL CALL

MR. HOGAN	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. TANNER	AYE
MR. NUGENT	AYE

-----X

In the Matter of the Application of  
ROBERT BERNHARDT,

DECISION GRANTING  
AREA VARIANCE

#92-45.

-----X

WHEREAS, ROBERT BERNHARDT, Route 94, P. O. Box 407, Vails Gate, N. Y. 12584, has made application before the Zoning Board of Appeals for (1) 22,288 s.f. lot area, (2) 100 ft. lot width, (3) 25 ft. front yard, (4) 29 ft. side yard, (5) 26 ft. total side yard, (6) 15 ft. rear yard and (7) 19 ft. 8 in. maximum building height variances for construction of an addition to an existing garage to be used as a muffler shop and service repair garage located at the above address located in a C zone; and

WHEREAS, a public hearing was held on the 8th day of February, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were six (6) spectators appearing at the public hearing, five of whom spoke concerning the application and, of those, only one of whom was opposed to the granting of the requested variances; to wit, RUSS MC MILLEN raised a question about the applicant's access over a driveway and, after receiving applicant's answer, was in favor of the application; BRENDA PETERSON, who, along with RUSS MC MILLEN, had thought that the application pertained to other property with a different means of access, and after learning the actual means of access, had no opinion on the application; MARY BREWER raised a question about smoke and fumes and, after the same was discussed, had no opinion on the application; WILLIAM BREWER, who did not speak or state any opinion; JAY ERNST, who owns adjacent property, which he said was available for purchase by the applicant, and who was concerned about refuse, noise and other pollution, but who had no opinion on the application other than the above concerns, (and, it should be noted parenthetically, that the applicant stated that, before proceeding with the instant application, he had investigated the possibility of purchasing additional land from Mr. Ernst's father and was unable to reach any agreement so he proceeded with the instant application, having been informed for the first time at the public hearing that Mr. Ernst now would consider selling him additional land; and FRANK SIGNORELLI, who questioned the parking (which complies with the bulk regulations) and was opposed to the granting of the requested variances upon the grounds that the applicant has insufficient lot area; and

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

-----X

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 provisions of the bulk regulations relating to lot area, lot width, front yard, side yard, total side yards, rear yard and building height in order to construct an addition to his existing garage to be used as a muffler shop and service repair garage at the above location in a C zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable lot area, lot width, front yard, side yard, total side yards, rear yard and more than the allowable building height would be required in order to allow construction of an addition to the existing garage which otherwise would conform to the bulk regulations in the C zone.

4. The evidence presented by the applicant indicated that the house was constructed approximately in 1972. Apparently the property had been used for both residential use and used car sales before the time of applicant's purchase of the property since a Certificate of Occupancy was issued on March 1, 1984 for "one family residential and used car sales" and said Certificate of Occupancy further stated "CO for use only".

5. The evidence presented by the applicant further indicated that in 1986 he applied to the Town of New Windsor Planning Board for site plan approval and for a special use permit in order to construct a then-new garage to be used as a service repair garage. The Site Plan for New Garage (special use), dated 6/5/86, which was submitted to the Planning Board did not contain a zoning table and did not show that any variances were required. The only offsets to property lines shown were for the new garage and these showed 15 ft. clear on both side and rear yards.

6. The current Building Inspector for the Town of New Windsor, Michael Babcock, was present at the second preliminary hearing on this applicant's proposal, on the 28th day of December, 1992, and stated that in 1986 and 1987, when the applicant's site plan and special use permit applications were before the Planning Board, it was not the then policy of the Planning Board to require that an existing building be brought up to current code specifications on a change of use. This is in contrast to the current policy of citing an applicant for all deficiencies of the building or site, relative to the current code specifications, upon any application, unless the same are shown to be pre-existing, non-conforming or permitted by virtue of a previously granted variance.

7. Thus, it is the finding of this Board that the Planning Board is considering applicant's site plan and special use permit application never raised or considered the several deficiencies from the requirements of the bulk regulations which were inherent therein, and the applicant was never directed to seek relief from

the Zoning Board of Appeals by way of an area variance application, for the failure to comply with the bulk regulations.

8. The Town of New Windsor Planning Board at its August 26, 1986 meeting approved the special use permit application of the applicant "to permit working on cars, waxing, body side mouldings and pinstriping, etc." with the following limitation "Note: Not to exceed more than ten (10) cars".

9. Thereafter, the applicant's map of the Site Plan for New Garage was stamped "Site Plan Approved Granted by the Town of New Windsor Planning Board on November 13, 1987".

10. The applicant presented evidence that he previously was in the business primarily of installing window tinting and rustproof coatings on new cars. Due to changes in laws and automobile manufacturers' warranties, these two activities are no longer in much demand and the applicant believes that he must expand his business to be able to continue operating a business. Consequently, the applicant desires to operate his business as a muffler shop and service repair garage. However, in order to perform these services, applicant needs to install a four-post automotive lift and this in turn requires a higher building than he has at the present time. Consequently the applicant is seeking permission to construct a 16 ft. by 24 ft. addition to his existing garage with a maximum building height of 20 ft. in order to accommodate the necessary lift.

11. This proposed construction generates the need for the 19 ft. 8 in. maximum building height variance because of the close proximity to a property line. This is the only one of the instant variance requests which is created by the applicant's proposed new construction. All six of the other area variance requests made on this application arise from the existing conditions on the site which have been operating there pursuant to the previously issued Certificate of Occupancy and the previously granted site plan approval and special use permit.

12. The applicant submits the instant application in order to seek area variances for all currently existing, as well as the one proposed, deficiencies from the requirements of the bulk regulations pertaining to this property.

13. It is the finding of this Board that the applicant possibly could have eliminated or reduced the magnitude of his area variance requests if he had been able to acquire additional contiguous property. The applicant indicated that he had investigated the possibility of acquiring the adjacent Curry property but was unable to reach an agreement with the then-owner (who is now deceased). Thus, he submitted the instant application. This Board has not considered the offer by JAY ERNST, the current owner of the Curry property, made for the first time at the public hearing that the land is now available. The applicant proceeded with the instant application based upon what he thought was an inability to acquire adjacent land, after his inquiry. It would appear to be grossly unfair to this applicant to delay decision on the instant area variance

application in order that the applicant now seek to negotiate with the new owner of the Curry property who appears at the public hearing and indicates that the land is now available for sale. This Board does not wish to force an applicant into negotiations to acquire additional land so late in the application process since it would appear to give the adjacent landowner a negotiating advantage which is unwarranted, given applicant's prior unfruitful inquiry into purchasing additional lands.

14. It is the finding of this Board that the applicant has proceeded with his prior application to the Planning Board, and with this application, in good faith. It has applied for all permits or variances which were disclosed to him to be necessary. Had he been referred to the ZBA for the six are variances inherent in his 1986 site plan and special use permit application, he undoubtedly would have pursued that remedy at the time. The applicant now comes before this Board seeking to obtain the necessary variances for a site which he thought in good faith was fully approved in 1986 and which he now seeks to expand marginally by adding a somewhat higher building.

15. It is the finding of this Board that the applicant would suffer severe financial loss and functional loss if the existing deficiencies from the bulk regulations are not approved through the instant variance application. Going further, this marginal increase in the existing variances by the addition of the proposed building seems minimal given the slightly higher building which creates the need for the seemingly dramatic maximum building height variance.

16. The evidence presented by applicant substantiated the fact that the variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the zoning classification is C (commercial) and applicant's property has been utilized for used car sales and as a service repair garage for many years.

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

1. The requested variances will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the bulk regulations for lot area, lot width, front yard, side yard, total side yard, rear yard and building height. However, it is the conclusion of this Board that the granting of the requested substantial variances are warranted here because of the fact that applicant has a very small parcel located in a C zone which has been utilized for used car sales and as a service repair garage for many years. The granting of the requested substantial variances do not appear to create substantial adverse

impacts upon either the neighborhood (judging by the number of neighbors who held no opinion concerning the application) or the applicant.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one. However, applicant applied to the Planning Board in 1986 for a site plan and special use permit approval. The Planning Board at that time granted such applications without considering the deficiencies from the bulk regulations which were inherent in the site plan since that was the then applicable policy of that Board. The policy of the Planning Board has now changed and the applicant is now in the process of applying for the variances which arose upon his prior application, as well as upon this application to construct an addition to his existing garage in a C zone.

6. It is the finding of this Board that the benefit to the applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

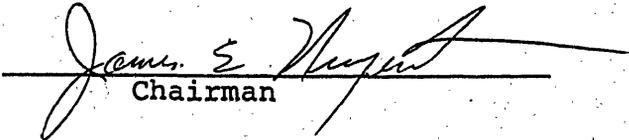
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT (1) 22,288 s.f. lot area, (2) 100 ft. lot width, (3) 25 ft. front yard, (4) 29 ft. side yard, (5) 26 ft. total side yard, (6) 15 ft. rear yard, and (7) 19 ft. 8 in. maximum building height variances in order to permit the construction of an addition to the existing garage to be used as a muffler shop and service repair garage at the above location in a C zone as sought by applicant 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: March 22, 1993.

(ZBA DISK#10-031593.rb)

  
Chairman

FEBRUARY 24, 1993

ROBERT BERNHART-SITE PLAN

MR. PETRO: On the regular items tonight we start with Mr. Bob Bernhart, site plan Route 94 represented by Paul Cuomo.

MR. BERNHART: I'm going to represent myself.

MR. PETRO: Come on up, Bob.

MR. BERNHART: I don't know what else I was supposed to do. I finished the Zoning Board and I passed the public hearing. I conformed to everything that the town engineer told me to do. What do I do?

MR. LANDER: Mr. Chairman, do we have anything from the Zoning Board on this application?

MR. PETRO: ZBA, it appears variances approved on 2/8/93. Stamp to put on the plan with all the approval of the zoning requirements.

MR. LANDER: Mr. Chairman, how many variances did he need?

MR. DUBALDI: I think seven.

MR. VAN LEEUWEN: He needed quite a few, I remember.

MR. PETRO: Mark, can you answer that?

MR. EDSALL: I'm not quite sure what he ended up with. I can look in the referral.

MR. PETRO: Six. I have six on here.

MR. LANDER: Six and they were?

MR. PETRO: Lot areas, lot width, front yard, side yard, both sides, rear yard, maximum building height.

MR. DUBALDI: Seven.

MR. EDSALL: Looks like seven.

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MR. PETRO: You're correct, I'm wrong.

MR. VAN LEEUWEN: I will make a motion to declare ourselves lead agency.

MR. DUBALDI: Second.

MR. PETRO: Motion has been seconded that the New Windsor Planning Board be lead agency for the Bernhart Muffler Repair site plan. Is there any further discussion from the board members? If not roll call.

MR. VAN LEEUWEN: Aye.

MR. DUBALDI: Aye.

MR. LANDER: Aye.

MR. PETRO: Aye.

MR. VAN LEEUWEN: I think what we should do is go for public hearing.

MR. LANDER: Mr. Chairman, does it have the results of the public hearing there?

MR. PETRO: Bob, you did go through a public hearing?

MR. BERNHART: Sure did.

MR. PETRO: Zoning Board is automatic.

MR. VAN LEEUWEN: We really can't do that until we have the minutes of the Zoning Board. We should look at those minutes first and see what comments were made, then we can make a decision whether to have a public hearing or not. I hate to make them do it, to go through a second public hearing.

MR. LANDER: Right.

MR. VAN LEEUWEN: I would like to read the comments that was made on the Zoning Board comments. I think that is very important to us.

MR. BERNHART: There was hardly any opposition. There was some people in the audience. Is it the

FEBRUARY 24, 1993

minutes that we have to wait for?

MR. VAN LEEUWEN: Yes. You see, Bob, otherwise we got to make you go through public hearing again. As it is there is quite a few people living up this end. We don't want somebody coming in later on and say well, you know, he's operating on a property, the Planning Board didn't have a public hearing.

MR. PETRO: We'll get the minutes from the public hearing. We'll have our attorney read them and go through them. If he doesn't see any concern and problems with it then I think if he recommends to the New Windsor Planning Board that we don't put you through that step again you would be much further ahead than having the Planning Board go through the same.

MR. BERNHART: Is it possible I can start next month?

MR. PETRO: Start what?

MR. BERNHART: The construction.

MR. PETRO: If we get through this procedure you can.

MR. BERNHART: I was just wondering what to do next.

MR. KRIEGER: What day did he appear before the Planning Board?

MR. PETRO: February 8th.

MR. VAN LEEUWEN: Bob, you can't get in the ground anyway. There is no way you can get in the ground right now. I tried to get a project going at my place, I can't. I had a backhoe there for two hours, forget it. Almost three feet of frost in the ground.

MR. BERNHART: Wait for the minutes then?

MR. VAN LEEUWEN: The only reason I am saying

FEBRUARY 24, 1993

this is to protect you. We don't want any problems coming down the road, somebody coming to the Planning Board and saying you didn't have a public hearing.

MR. PETRO: You received seven variances which is quite a bit. If anybody can hang their hat on anything and then ask us why did we not have a public hearing we want to have the ammunition saying our attorney reviewed it and that was his recommendation and that's the reason we didn't have a public hearing.

MR. BERNHART: So, in other words, we just wait for the minutes then and that's it?

MR. PETRO: Well, let's go over a couple of other things before you pack up and leave here. Submittal of this application to Department of Transportation, Orange County Department of Public Works will be required. I think we can at least do that at this time. Get that ball rolling. That takes thirty days anyway so you don't lose that time.

MR. BERNHART: What's that?

MR. PETRO: Maximum of thirty days. It has to go to New York State D.O.T. and to Orange County Planning Department, file a copy of this.

MR. VAN LEEUWEN: Anybody five hundred feet of a county highway must go to the county. The county has 30 days to act on it.

MR. BERNHART: What do I do?

MR. PETRO: Nine times out of ten it comes out, we will look at the determination. It is up to this board. They stay out of it unless there is a major impact on the surrounding area which obviously your site plan does not. So I would not concern yourself as a matter of procedure and I would be amazed if we heard back anything different than local determination.

MR. BERNHART: Who files this letter?

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MR. VAN LEEUWEN: We take care of all of that.

MR. BERNHART: Okay.

MR. PETRO: This young lady right here.

MR. VAN LEEUWEN: Myra takes care of that. Otherwise, Mr. Chairman, I don't see any big problem. We know what the problems are.

MR. PETRO: Let's address the map for one second.  
MR. LANDER: He doesn't have to go back to D.O.T., he has already got a curb cut. There was a business being run in this building in the rear, right, Bob?

MR. BERNHART: Preexisting, since '86.

MR. LANDER: Does he have to go back to D.O.T. for this?

MR. VAN LEEUWEN: Not for curb cut.

MR. PETRO: They just want to review the plan that's before the Planning Board that affects the highway.

MR. VAN LEEUWEN: Within the state highway five hundred feet you have to send it, you have no choice. If we didn't and we passed it through they can come right back at you.

MR. BERNHART: Okay.

MR. PETRO: Mark, we originally looked at this sometime ago and gave him some input. I guess he went through a workshop session. We looked at it and sent him to the Zoning Board for his variances. Does any of the members or do you have any comments to the plan itself? I don't have any problem with myself. It looks like he has done everything we have asked of him.

MR. EDSALL: I believe the, all the corrections that we had requested have been accomplished. One minor one which I was going to wait till we heard all the other agency comments on was we had

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suggested a slight paving modification near the handicapped parking space. That's very minor. I believe everything else that we talked about at the workshops has all been included on the plan.

MR. LANDER: This is the first time you have seen this besides at the workshop?

MR. EDSALL: No.

MR. PETRO: He has been here before.

MR. LANDER: I know that with all of the corrections on here.

MR. EDSALL: We have seen it at five different workshops and at three different meetings. This is the first time they have come back since ZBA, yes.

MR. BERNHART: All he's saying is that that one handicapped spot that's on the lawn has got to be paved. That's nothing.

MR. VAN LEEUWEN: That's law.

MR. BERNHART: Pardon me?

MR. VAN LEEUWEN: That's the law again, that's not us doing this.

MR. PETRO: You have to show on the map, also.

MR. BERNHART: It shows it. It shows the parking spot.

MR. PETRO: Area to be paved?

MR. BERNHART: Yes.

MR. PETRO: Mark?

MR. EDSALL: Actually what we are talking about where there is the short retaining wall right in front of the handicapped space we had suggested that the paving be included in that area in front of the striped area.

FEBRUARY 24, 1993

MR. BERNHART: Oh, it is paved.

MR. EDSALL: It's not what your plan shows. That slight correction, just so that there would be a better turning radius.

MR. BERNHART: I see.

MR. EDSALL: Very minor. That's why I didn't even mention. We were going to work directly with you on that.

MR. PETRO: Just have Paul fix that on the map.

MR. BERNHART: Let me understand that then, it's the middle spot here with the handicapped?

MR. EDSALL: Why don't you have Paul get a hold of me, I will work it out directly with him. Have him stop in or we will work it out.

MR. BERNHART: All right.

MR. PETRO: I think that's as far as we can go. In other words, none of the board members have any problems with the site plan itself. We'll get it off to Orange County Planning and we'll get the minutes from the ZBA. Our attorney will review it and at the next meeting if there is not any substantial problem you should not have a problem.

MR. BERNHART: Then we should have three things then, I will have Paul Cuomo adjust that one thing, what you have to send to the State D.O.T. and the minutes.

MR. PETRO: All you have to do is get Paul to revise.

MR. BABCOCK: My thought, I heard one of the members saying they wanted the Zoning Board decisions on this plan, is that not what I heard?

MR. VAN LEEUWEN: We want a copy of the minutes, yes.

FEBRUARY 24, 1993

MR. EDSALL: The variances you received should be referenced on the plan as well.

MR. BABCOCK: When he goes back.

MR. EDSALL: I just gave Bob a copy of my comments so Paul can add that on.

MR. BABCOCK: So Bob knows what he's doing because he didn't mention that.

MR. PETRO: Do you understand that?

MR. BERNHART: Yes.

MR. PETRO: The variances that you received from the Zoning Board have to be put on this plan in the form of a ledger or one of these boxes. Paul should know how to do that.

MR. BERNHART: Onto the plan?

MR. PETRO: Onto the plan.

MR. BERNHART: Signed or sealed.

MR. PETRO: Stamped by the Planning Board secretary and approved.

MR. BERNHART: Okay.

MR. PETRO: You have those two things to do. Get those findings put on this plan and take care of the blacktop.

MR. BERNHART: Did Pat get back from vacation yet?

MR. BABCOCK: Yes.

MR. BERNHART: She is back, I will see her tomorrow then.

MR. KRIEGER: Before you leave there is one thing about reviewing the Zoning Board minutes. I would ask the members of the Planning Board each

FEBRUARY 24, 1993

to review the minutes also because they have, the board has its own discretion to exercise as to whether or not it's going to want to have the public hearing. I can advise the board as to what I see what is necessary. But the board ultimately is going to have to decide whether they want it or not.

MR. VAN LEEUWEN: I want to see what the minutes say so I can see what the comments are from the people living in the area. If there is no comments I have no problem. If there is a lot of comments and problems we will have the hearing for his own protection.

MR. KRIEGER: As long as it's understood it's a recommendation, that's fine.

MR. PETRO: Thanks, Bob.

RESULTS OF P.B. MEETING

DATE: 2-24-93

PROJECT NAME: Bernhart, Robert

PROJECT NUMBER 92-36

LEAD AGENCY: 2-24-93

NEGATIVE DEC: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

DISCUSSION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Send to D.O.T.

SEND TO ORANGE CO. PLANNING: Yes ?

DISAPPROVED AND REFERRED TO Z.B.A.: YES \_\_\_\_\_ NO \_\_\_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED CONDITIONALLY \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

REASON FOR NEW PLANS OR CONDITIONS OF APPROVAL: \_\_\_\_\_

for Paul to Call Mark Edsall  
Need minutes from Z.B.A. 2/8/93  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date 3/8/93, 19.....

**TOWN OF NEW WINDSOR**

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

TO Frances Roth 384 Moores Hill Rd DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
3/7/93	Planning Board Meeting		75.00	
	Misc - 2	9.00		
92-36	Bernhart - 9	40.50		
93-6	Toohy - 6	27.00		
	Windsor Woods - 2	9.00		
92-9	Park View - 7	31.50		
	Foxwood - 21	94.50		
92-42	Windsor Crest - 41	184.50		
	Bucciarelli - 2	9.00	405.00	
			450.00	

for *[Signature]*  
3/10/93

ZONING BOARD OF APPEALS  
Regular Session  
February 8, 1993

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept the minutes of the 01/25/93 meeting as written, if available. **APPROVED**

PRELIMINARY MEETINGS:

*SET UP FOR P/A*  
1. KEYSER, KEVIN - Request for 3 ft. rear yard variance for existing deck located on Walnut Avenue in R-4 zone. Present: William Ochs. (62-3-2).

PUBLIC HEARINGS:

*TABLE 3-8-93*  
2. MORIN, ANDRE - FURTHER ADJOURNMENT FROM 01/25/93 pending drafting of agreement. Decision to be made on street frontage variance. (63-1-1.2).

*APPROVED*  
3. STOCKDALE/STEWART'S - Request for 24 s.f. sign variance for freestanding sign, 28 s.f. sign variance for 2 wall island signs and a variance for a total of 4 wall signs (only 2 permitted) for Stewart's to be constructed at the intersection of Old Windsor Road and Old Temple Hill Road in a C zone. (65-2-42). Present: Mr. Graham P. Franks of Stewarts.

*APPROVED*  
4. SLIFSTEIN, ARNOLD - Request for variance for 5 ft. high existing fence around inground pool and variance to permit structure closer to road than principal building, Section 48-14C(1)(c) 1 - Supplementary Yard Regs. *48-14 A 1 B* ←  
*48-14 A 4* ←

*APPROVED*  
5. BERNHARDT, ROBT. - Request for (1) 22,288 s.f. lot area, (2) 100 ft. lot width, (3) 25 ft. front yard, (4) 29 ft. side yard, (5) 26 ft. total side yard, (6) 15 ft. rear yard, and (7) 19 ft. 8 in. max. bldg. hgt. variances for muffler shop and service repair garage in a C zone. (69-4-9.1)

FORMAL DECISIONS: (1) LEDWITH/BAKER  
WALSH

**APPROVED**

PAT - 562-7107 (h)  
563-4630 (o)

ZONING BOARD OF APPLICANTS  
Regular Session  
December 28, 1992

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of 12/14/92 meeting as written if available.

PRELIMINARY MEETING:

SET UP FOR P/H  
1. BERNHARDT, ROBT. - SECOND PRELIM. - Request for (1) 22,288 s.f. lot area, (2) 100 ft. lot width, (3) 25 ft. front yard, (4) 29 ft. side yard, (5) 26 ft. total side yard, (6) 15 ft. rear yard, and (7) 19 ft. 8 in. max. bldg. hgt. variances for muffler shop and service repair garage in a C zone. (69-4-9.1)

SET UP FOR P/H  
2. CLEMENZA, ANTHONY - Request for 84 s.f. sign area variance for freestanding directory sign at Heritage Square on Rt. 32 (adjacent to St. Joseph's School) in an NC zone. (9-1-12.1).

PUBLIC HEARING:

TABLE FOR C.C.P.D.  
3. SARINSKY, DAVID - Request for use variance and 20 ft. rear yard and 50 ft. street frontage to construct a single family residence on a flag lot off Old Little Britain Road in an NC zone. (34-2-8).

FORMAL DECISIONS, IF ANY.

MOBIL OIL } APPROVE  
CARROLS CORPORATION }  
PAT - 562-7107 (h)  
563-4630 (o)

Happy  
Holidays!

ZONING BOARD OF APPEALS  
Regular Session  
November 23, 1992

*Letter for  
reappointment  
(1) Dan Konkol  
(2) Rich F.  
(3) Ted Tamm*

AGENDA: (REVISED)

7:30 p.m. - ROLL CALL

Motion to adopt the 10/26/92 minutes as written if available.

DECISIONS: (HELD OVER FROM 11/09/92 MEETING)

- 1. AQUINO/MELICK - CAPTAIN VIDEO SIGNS.
- 2. BONURA, MARY - FRONT YARD FOR EXTENSION OF CANOPY, plus additional variances for pool (fountain) fence - Sec. 48-21(2) Sec. 48-14(E) 1 (D), 5 ft. fence projecting closer to road than principal building.

PRELIMINARY MEETINGS:

- 3. WALSH, JOHN - Request for 6 inch side yard variance for existing pool and <sup>(1) 186</sup> 5 ft. 6 in. side yard variance for existing - *Shed = 12'* wooden deck located at 20 Clarkview Road in R-4 zone. (6-1-11) *Need new (3) NOI*
- 4. BERNHARDT, ROBERT - Request for (1) 20,683 s.f. lot area, (2) 100 ft. lot width, (3) 25 ft. front yard, (4) 29 ft. side yard, (5) 26 ft. total side yard, (6) 15 ft. rear yard, and (7) 19 ft. 8 in. maximum building height for proposed muffler shop and service repair garage located on Rt. 94 in C zone. (69-4-9.1) *Also. Tabled for more...*
- 5. MORIN, ANDRE - Request for 35 ft. variance from required street frontage in order to create buildable lot on south side of Hickory Avenue in R-4 zone. (63-1-1.2) *Send copies of P. 4/13/92 all mem.*

PUBLIC HEARING:

- 6. ROSE, JEFFREY - Request for 22 ft. 9 in rear yard variance for existing addition located at 6 Riverview Avenue in R-4 zone. (20-1-27). *4-0 approved.*
- 7. JONES, GRACE - Request for 6 in, rear yard variance for existing pool, 6 ft. side yard variance for existing shed and 20% developmental coverage at location: 123 Cedar Avenue in an R-4 zone. (19-4-90). *Need 10% variance on dev. coverage. Addl: →*

FORMAL DECISIONS: *[Handwritten signatures]*

PAT - 563-4630 (O)  
562-7107 (H)

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 MY TERMINAL CORP  
 LIBER 1784  
 PAGE 789

EASEMENT

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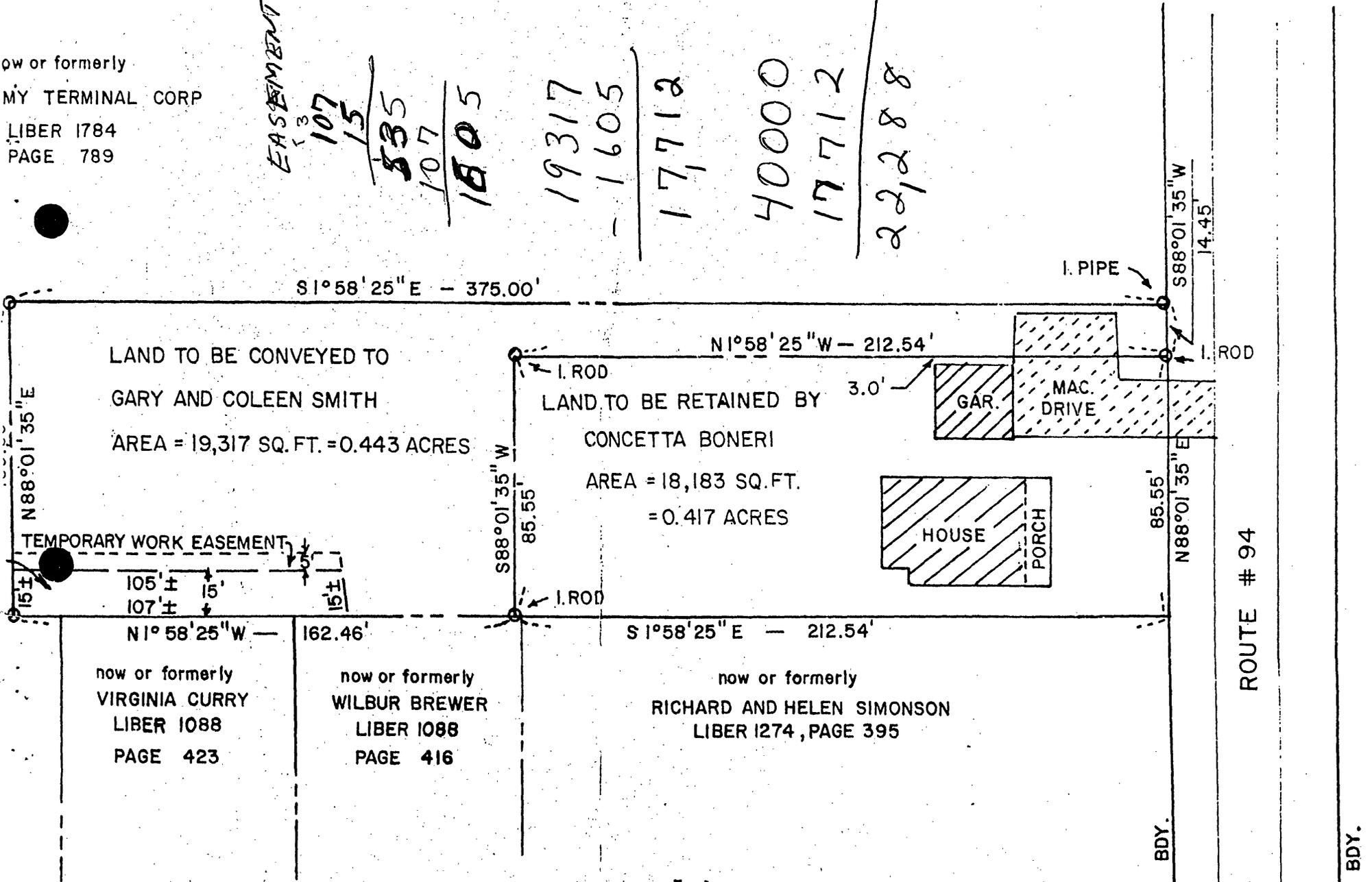
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 VIRGINIA CURRY  
 LIBER 1088  
 PAGE 423

now or formerly  
 WILBUR BREWER  
 LIBER 1088  
 PAGE 416

now or formerly  
 RICHARD AND HELEN SIMONSON  
 LIBER 1274, PAGE 395

ROUTE # 94

BDY.

# SEARCH

---

File No. 105-72

GOSHEN ABSTRACT CORPORATION DOES HEREBY CERTIFY, *That it has caused the Indices and Dockets in the County Clerk's Office of Orange County, N. Y., to be searched for Deeds, General Assignments, uncancelled Mortgages and Mortgages to Loan Commissioners, executed by, and uncancelled Lispendens, Collectors' Bonds, Sheriff's Certificates of Sale, Orders Appointing Receivers, Insolvent Assignments, Foreclosure by Advertisement, Homestead Exemptions, Contracts for Building Loans, Conditional Sales Contracts for three years past and Federal Tax Liens docketed during the period or periods stated, and for liens filed pursuant to Sect. 150-a C. P. A. and, since February 26, 1936, for Notices filed under Article 10-B of the Lien Law, against the following person or persons, corporation or corporations:*

Joseph Basile from November 9, 1924 to February 14, 1962.  
\*Concetta Boneri from February 7, 1962 to February 11, 1972.  
Gary Smith from February 7, 1972 to March 6, 1972.  
Coleen Smith from February 7, 1972 to March 6, 1972.

*and also that it has caused the Dockets of Mechanics' Liens in said office, to be searched for uncanceled Mechanics' Liens docketed against*

Same names as above beginning with \* from March 6, 1970 to respective last dates.

*and also that it has caused the Dockets of Judgments, in said office to be searched for unsatisfied Judgments and Transcripts of Judgments docketed against*

Same names as above in Paragraph One beginning with \* from March 6, 1962 to respective last dates.

*and finds as follows affecting lands in the Town of New Windsor, County of Orange, State of New York, as described in Deed Concetta Boneri to Gary Smith and Coleen Smith, husband and wife, dated February 8, 1972 and recorded February 10, 1972 in Liber 1898 of Deeds at page 501 in the Orange County Clerk's Office.*

Dated, Goshen, N.Y. March 6, 1972

D.E.T.

VALENTINE J. KOHL and  
CHARLOTTE KOHL, his wife and  
JACOB A. DECKER and  
ELIZABETH S. DECKER, his wife

to

JOSEPH BASILE

FCW DEED

Dated: Nov. 10, 1924

Ack. Nov. 10, 1924

Rec. Nov. 12, 1924

Cons'd. \$10

Liber 647 cp. 586

Hab Fee

*status?*

Grant and release unto party of the second part his heirs  
and assigns forever, same premises by same description as in  
Liber 1610 cp. 768 post.

\* \* \* \*

?

JOSEPH BASILE

to

CONCETTA BONERI

FCW DEED

Dated. Feb. 8, 1962

Ack. Feb. 8, 1962

Rec. Feb. 13, 1962

Cons'd. \$10 & OG & VC

Liber 1610 cp. 768

Hab Fee

Grant and release unto the party of the second part, his heirs and assigns forever, all that certain piece or parcel of land, situate, lying and being in the Town of New Windsor, Orange County, New York, bounded and described as follows,  
to wit:

BEGINNING at a point in the center of the Newburgh-Salisbury Mills-Washingtonville State Road, which point is in the westerly line of lands now belonging to the party of

the first part, and running thence southeasterly along the westerly line of lands belonging to the party of the first part for a distance of four hundred (400) feet; thence westerly and at right angles to the first described course for a distance of one hundred (100) feet; thence northerly and parallel with the first described course for a distance of four hundred (400) feet to the center of the Newburgh-Salisbury Mills-Washingtonville state road, and thence easterly and along the center of said state road for a distance of one hundred (100) feet to the point or place of beginning.

BEING the same premises which were conveyed by Valentine J. Kohl, Charlotte Kohl, Jacob A. Decker and Elizabeth S. Decker to Joseph Basile, by deed dated November 10, 1924, and recorded in the Orange County Clerk's Office on November 12, 1924 in Liber 647 of Deeds at Page 586.

CONTAINS LIEN LAW TRUST COVENANT

STATE OF NEW YORK  
COUNTY COURT: ORANGE COUNTY

-----X  
Town of New Windsor AS AND ON BEHALF OF  
The Town of New Windsor Sewer District  
No. 14.

INDEX NO.

Petitioner,

NOTICE OF PENDENCY

-against-

CONCETTA BONERI, JOHN DOE, JANE ROE and  
JOHN ROE, the names "JOHN DOE", "JANE  
ROE" AND "JOHN ROE" being fictitious,  
the true names being unknown to plain-  
tiff, the persons intended having some  
interest in, lien or claim upon the  
real property herein described,

Respondents.

NOTICE IS HEREBY GIVEN that a proceeding has been commenced and is pending in this Court upon the petition of the above named Petitioner against the Respondents above named for an Order of Condemnation and for an Order directing the Petitioner be permitted to enter immediately upon the real property to be taken herein, in accordance with Section 24 of the Condemnation Law of the State of New York.

The premises affected by this proceeding are wholly situate in the Town of New Windsor, County of Orange and State of New York and are particularly bounded and described as follows:

BEGINNING at the southeasterly corner of lands of the Grantor, said point being in the westerly line of lands now or formerly of Brewer and running thence, along the southerly line of lands of the Grantor, in a westerly direction of 20'± to a point; thence, through lands of the Grantor, in a

northerly direction 105'± to a point; thence, still through lands of the Grantor, in an easterly direction 20'± to a point in the easterly line of lands of the Grantor; thence, along said easterly line of lands of the Grantor, and along lands now or formerly of Brewer and lands now or formerly of Curry in a southerly direction 107'± to the point or place of beginning.

Dated: June 28, 1971.

Rec. July 12, 1971

L 54 Lpp 578

SIEGEL, GREEN & FIEDELHOLTZ  
Attorneys for Petitioner  
Office & P.O. Address  
185 Grand Street  
Newburgh, New York 12550  
Tele. No. (914) 562-1100

File No. 2062 - 1971

County Court Minutes of Action B16 p. 234 shows several papers filed among which is November 22, 1971, Stipulation of Discontinuance.

EASEMENT FOR PUBLIC SEWER

In consideration of the sum of One Dollar (\$1.00) lawful money of the United States, the receipt whereof is hereby acknowledged, the undersigned, CONCETTA BONERI, residing at Box 526, Vails Gate, Orange County, N.Y. 12584, hereinafter called, "Grantor", hereby grants unto the TOWN OF NEW WINDSOR, a municipal corporation of Sewer District No. 14, a perpetual right of way over the following parcel of land to enter upon and lay, install, operate, maintain and replace a pipe, manhole and appurtenances for conveying sewage under the property of the Grantor, situated in the Town of New Windsor, Orange County, New York, described as follows:

BEGINNING at the southeasterly corner of lands of the Grantor, said point being in the westerly line of lands now or formerly of Brewer and running thence, along the southerly line of lands of the Grantor, in a westerly direction 15'± to a point; thence, through lands of the Grantor, in a northerly direction 105'± to a point; thence, still through lands of the Grantor, in an easterly direction 15'± to a point in the easterly line of lands of the Grantor; thence, along said easterly line of lands of the Grantor, and along lands now or formerly of Brewer and lands now or formerly of Curry in a southerly direction 107'± to the point or place of beginning.

All of which is shown on Map No. 9 of Sewer District No. 14 prepared by Kartiganer Consulting Engineers dated Sept. 1970, revised November 1, 1971, a copy of which is hereto attached.

Together with a temporary easement, for the purpose of installation of the sanitary sewer line, five feet (5) in width and parallel and adjacent to the westerly bounds of the above described parcel.

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 sewer line or appurtenances thereto.

This grant is made upon the express conditions and reservations which shall continue and run with the land:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction or the completion of future repairs to the sewer line, restore the surface of said lands and premises to substantially the same conditions as before such construction or repairs.

(b) That the sewer line and appurtenances placed in or under said right of way shall, at all times, remain the property of the Grantee and under its control and supervision and the Grantor shall not interfere with or cause injury or damage to said sewer line or appurtenances.

This grant shall be binding upon the Grantor and the Grantee and their respective successors, heirs, or assigns.

CONCETTA BONERI L.S.

Dated. Nov. 11, 1971  
Ack. Nov. 11, 1971  
Rec. Nov. 30, 1971  
Liber 1891 cp. 953

\* Diagram Attached

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

**THIS INDENTURE**, made the 7 day of December, nineteen hundred and eighty-six.  
**BETWEEN** ROBERT G. BERNHARDT AND COLEEN J. BERNHARDT, residing at no number  
NYS Route 94, PO Box 407, Vails Gate, Town of New Windsor, Orange County, NY,

party of the first part, and COLEEN J. BERNHARDT, residing at no number NYS Route 94,  
PO Box 407, Vails Gate, Town of New Windsor, Orange County, NY,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

Ten (\$10.00) ----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, Orange County, New York, bounded and described  
as follows:

069155

69-4-9.1

BEGINNING at an iron pin in the southerly highway lane of Route 94, said point being the division line between Concetta Boneri and Academy Terminal Corp. also being the northwest corner of the herein described parcel; thence south 1 degree 58 minutes 25 second East 375.00 feet to an iron pin; thence North 88 degrees 01 minutes 35 seconds East 100.00 feet to an iron pin; thence North 1 degree 58 minutes 25 seconds West 162.46 feet to an iron pin; thence South 88 degrees 01 minutes 35 seconds West 85.55 feet to an iron pin; thence North 1 degree 58 minutes 25 seconds West 212.54 feet to an iron pin; in a southerly highway line of Route 94; thence South 88 degrees 01 minutes 35 seconds West along the southerly highway line of said road, 14.45 feet to the point of beginning, containing 19,317 square feet.

BEING the southerly part of property owned by Concetta Boneri.

BEING a portion of the premises conveyed by Joseph Basile to Concetta Boneri by deed dated February 8, 1962 and recorded in the Orange County Clerk's Office on February 13, 1962 in Liber 1610 of Deeds at Page 768.

This parcel is defined as Section 69, Block 4, Lot 9 in the Orange County Tax Department.

BEING the same premises described in a deed dated October 17, 1974 made by Gary Smith and Coleen Smith, to Coleen Smith and recorded in the Orange County Clerk's Office on October 24, 1974 in Liber 1992 of Deeds at Page 883. Said Coleen Smith is now known as Coleen J. Bernhardt.

LIBER 2635 PG 290

LIBER 2635 PG 292

STATE OF NEW YORK, COUNTY OF Orange ss:

On the \_\_\_\_\_ day of December 19 86, before me personally came

Robert G. Bernhardt

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

  
WARREN GREHER  
Notary Public, State of New York  
No. 4625563  
Qualified in Orange County  
My Commission Expires 9-30-88

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he is the  
of \_\_\_\_\_

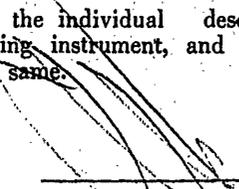
\_\_\_\_\_, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF Orange ss:

On the \_\_\_\_\_ day of December 1986, before me personally came

Coleen J. Bernhardt

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

  
WARREN GREHER  
Notary Public, State of New York  
No. 4625563  
Qualified in Orange County  
My Commission Expires 9-30-88

STATE OF NEW YORK, COUNTY OF ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_;

that he knows \_\_\_\_\_

\_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. \_\_\_\_\_

SECTION 69  
BLOCK 4  
LOT 9.1.1  
COUNTY OR TOWN

16  
141  
5

BERNHARDT

TO

BERNHARDT

RETURN BY MAIL TO:

Feinman, Greher & Kave, P.C.  
532 Blooming Grove Turnpike  
Newburgh, NY 12550  
Zip No.

Reserve this space for use of Recording Office.

RECEIVED  
\$ *0919*  
REAL ESTATE  
DEC 31 1986  
TRANSFER TAX  
ORANGE  
COUNTY

Orange County Clerk's Office S/S  
Recorded on the *31st* day of *Dec* 1986 at *4:47* PM  
OK *C.P.P.* in Liber *2635*  
..... at page *292*  
and Examined.

*Murphy*

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: \_\_\_\_\_

DATE: 13 NOV 1992

APPLICANT: ROBERT BERNHARDT

REVISED 30 NOV, 1992

P.O. BOX 407

#1 ZBA 12-28-92  
SET UP FOR P/H

VAILS GATE N.Y. 12584

#2 ZBA 3-8-92

APPROVED

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 11 SEPT 1992

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT RT 94

ZONE "C"

DESCRIPTION OF EXISTING SITE: SEC: 69 BLOCK: 4 LOT: 9.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED MUFFLER SHOP  
(SERVICE REPAIR GARAGE) REQUIRES BULK AREA VARIANCES AS  
NOTED BELOW.

  
PLANNING BOARD CHAIRMAN  
MARK J. EDALL FOR JAMES PETKO

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE *</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u>	USE <u>B-5</u>	NET 17 712 SF	NET 22,288
MIN. LOT AREA	<u>40 000 SF</u>	<u>19 377 SF</u>	<u>20 683 SF</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>100 FT</u>	<u>100 FT</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>35 FT</u>	<u>25 FT</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>1 FT</u>	<u>29 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>44 FT</u>	<u>26 FT</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>15 FT</u>	<u>15 FT</u>
REQ'D FRONTAGE	<u>NA</u>	<u>NA</u>	<u>—</u>
MAX. BLDG. HT.	<u>4" <sup>per ft</sup> = 4"</u>	<u>20 FT</u>	<u>19'-8"</u>
FLOOR AREA RATIO	<u>0.50</u>	<u>0.08</u>	<u>—</u>
MIN. LIVABLE AREA	<u>NA</u>	<u>NA</u>	<u>—</u>
DEV. COVERAGE	<u>NA %</u>	<u>NA %</u>	<u>— %</u>
O/S PARKING SPACES	<u>11</u>	<u>11</u>	<u>1</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
 (~~914-565-8550~~) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
 OF APPEALS. <sup>569-4630</sup>

\* VALUES PER APPLICANT'S PLAN

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

BERNHARDT, ROBERT SITE PLAN (92-36) ROUTE 94

Mr. Paul Cuomo appeared before the board representing this proposal along with Mr. Robert Bernhardt.

MR. CUOMO: This project was worked on during the workshop session and reflects workshop session for the Planning Board and what happened was that we have here 7 potential variances, the lot area, lot width, front yard, side yard, both side yard and building height and we're in a situation where we would have to get variances before we can come back here again.

MR. PETRO: Gentlemen, if the applicant receives the variances in question from the New Windsor Zoning Board, does anyone see any major difficulties or problems with the site plan as represented to us tonight?

MR. SCHIEFER: I don't, if he can get the variances, I have absolutely no problem but if you are suggesting giving approval subject to the variances--

MR. PETRO: Oh, no.

MR. SCHIEFER: I thought that was going to go too far.

MR. PETRO: I'm a liberal chairman.

MR. BABCOCK: I think they need a referral to the ZBA.

MR. PETRO: Before we send them there, I wanted to make sure there wasn't any problems.

MR. LANDER: Paul, let me know what variances you think you need here.

MR. CUOMO: Lot area we're short 20,000, lot width we're short 100 feet, front yard we're short 25 and the side yard, where the carport is, right Bob, we want to get that one because we're only a foot away with the carport, we're five foot off the line and then we're going for both sides, has to be total of 70 and we only got 44 so we're going to go for 26 feet there and the rear yard we're short 15 feet and the height of the

October 14, 1992

59

building we're short 15 feet.

MR. SCHIEFER: Short or too tall?

MR. CUOMO: So it only allows us a 5 foot high building and that is kind of hard.

MR. LANDER: Mr. Chairman, I make a motion that we approve the Bernhardt Muffler Repair Site Plan.

MR. SCHIEFER: I'll second it.

MR. PETRO: Motion has been made and seconded to approve Bernhardt Muffler Repair Site Plan. Roll call.

ROLL CALL

MR. DUBALDI	NO
MR. LANDER	NO
MR. PETRO	NO
MR. SCHIEFER	NO



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

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: BERNHARDT MUFFLER REPAIR SITE PLAN  
PROJECT LOCATION: NYS ROUTE 94  
SECTION 69-BLOCK 4-LOT 9.1  
PROJECT NUMBER: 92-36  
DATE: 14 OCTOBER 1992  
DESCRIPTION: THE APPLICATION INVOLVES AN ADDITION TO AN EXISTING GARAGE ON THE SITE, AS WELL AS A CHANGE IN USE FROM THE PREVIOUS APPROVAL GRANTED (SEE FIRST COMMENT). THE APPLICATION WAS PREVIOUSLY DISCUSSED AT THE 26 AUGUST 1992 PLANNING BOARD MEETING.

1. A review of the records on file with the Planning Board indicate that an application was made for "used car sales" during 1983, a Certificate of Occupancy was issued during 1984 for a one-family residence and used car sales, with the Certificate indicating that the C.O. for use only. Subsequently, the Planning Board, at a meeting held on 26 August 1986, approved the special permit application for the property with the condition "not to exceed more than ten (10) cars". The public notice for the hearing for the special permit (held on 13 August 1986) indicated the use as "working on cars, waxing, body side moldings and pinstriping, etc."

This application proposes a 16' x 24' addition on the east side of the existing garage, as well as the auto repair use for brakes, shocks and muffler repair.

Based on the above, the application appears to be for Special Permit Use No. 5 of the Design Shopping (C) Zoning District. At minimum, the application involves a change in the special use permit previously granted. The site plan submitted also includes a carport shown as existing, which was not indicated on the previously approved plan (see next comment regarding variances).

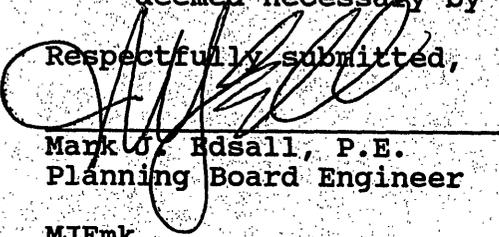
TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

-2-

PROJECT NAME: BERNHARDT MUFFLER REPAIR SITE PLAN  
PROJECT LOCATION: NYS ROUTE 94  
SECTION 69-BLOCK 4-LOT 9.1  
PROJECT NUMBER: 92-36  
DATE: 14 OCTOBER 1992

2. The plan, as submitted, indicates that several variances are required for the application. Any variances which may have been granted as part of previous applications/approvals should be indicated on the plan. With regard to variances required at this time, the plan should indicate the amount/degree of variance required, such that same can be considered by the Zoning Board of Appeals.
3. Once the Applicant has received any and all variances necessary for this project, and the plan is returned to the Planning Board for consideration, further engineering reviews can be made, as deemed necessary by the Planning Board.

Respectfully submitted,

  
Mark O. Rdsall, P.E.  
Planning Board Engineer

MJEmk

A:BERNH.mk

# TOWN OF NEW WINDSOR

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

TO Frances Roth 359 Morris Hill Rd DR.  
New Windsor, NY 12550

DATE		CLAIMED	ALLOWED
6/24/92	Planning Board Meeting		75 00
	Misc - 2		9 00
	Windsor Heights - 1		4 50
	AHES - 3		13 50
	Fox River - 17		76 50
	Dantas - 14		63 00
	Park, Fly + Drive - 21		94 50
	Bernhardt - 2		9 00
	Windsor Counseling - 4		18 00
	N.W. Business Park - 4		18 00
	Hogain - 6		27 00
	Boss - 1 / Windsor Fire House - 2		4.50 / 9.00
	Washington Green - 1 / Hilltop - 6 / Foxwood - 2		4.50 / 27.00 / 9.00

462.00

RESULTS OF P.B. MEETING

DATE: October 14, 1992

PROJECT NAME: Bernhardt, Robert

PROJECT NUMBER 92-36

LEAD AGENCY: \_\_\_\_\_

NEGATIVE DEC: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

DISCUSSION:

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

SEND TO ORANGE CO. PLANNING: \_\_\_\_\_

DISAPPROVED AND REFERRED TO Z.B.A.: YES  NO  10-14-92

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED CONDITIONALLY \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

REASON FOR NEW PLANS OR CONDITIONS OF APPROVAL: \_\_\_\_\_

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

NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
EAST ORANGE AND ROCKLAND OFFICE  
PERMIT INSPECTION  
112 DICKSON STREET  
NEWBURGH, NEW YORK 12550  
Telephone ( 914 ) 562-4094

Albert J. Bauman  
Regional Director

Franklin E. White  
Commissioner

March 2, 1993

Planning & Zoning Board  
Town of NEW WINDSOR  
55 Union Ave.  
New Windsor, N.Y. 12553

Re: Robert Bernhart  
ROUTE 94 Vails Gate  
P.B.# 92-36

Dear Chairperson;

We have reviewed this matter and please find our comments checked below.

A highway work permit will be required. Please ask Building Department not to issue building permit without proof of State Highway Work Permit.

Objection as submitted.

No objection.

Need additional information; Traffic study \_\_\_\_\_, and or Drainage study \_\_\_\_\_.

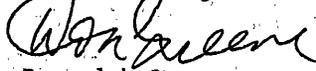
To be reviewed by Regional Office.

Does not effect New York State Department of Transportation.

PLEASE NOTE: Entrance must conform to state highway work permit.

ADDITIONAL COMMENTS: The existing driveway does not meet state requirements for a commercial access to Route 94. The minimum width should be 24' not 14' as shown on the plan.

Yours truly,



Donald Greene  
C.E.I Permits  
East Orange and Rockland Counties.

*Superseded by  
attached review  
received 3/11/93*

3/8/93 @  
cc: P. Cuomo  
M. Edsall



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

1763

## MEMORANDUM

TO: NEW YORK STATE DEPT. OF TRANSPORTATION

ATTENTION: MR. DON GREENE

FROM: TOWN OF NEW WINDSOR PLANNING BOARD  
MYRA MASON, SECRETARY TO THE BOARD

DATE: FEBRUARY 25, 1993

SUBJECT: REVIEW OF SITE PLAN FOR: ROBERT BERNHART  
RT. 94  
VAILS GATE, NY  
P.B. # 92-36

PLEASE FIND ATTACHED FOR YOUR REVIEW THE SITE PLAN FOR SUBJECT LOCATION.

PLEASE BE AWARE THERE IS NO CHANGE IN THE CURB CUT, HOWEVER, YOUR REVIEW OF THE PROJECT IS GREATLY APPRECIATED.

IF YOU SHOULD HAVE ANY QUESTIONS IN THIS MATTER, PLEASE CONTACT THE PLANNING BOARD OFFICE AT 563-4615.

VERY TRULY YOURS,

MYRA MASON,  
SECRETARY FOR THE PLANNING BOARD



**COUNTY OF ORANGE**  
**Department of Planning**

124 MAIN STREET, GOSHEN, NEW YORK 10924  
TEL: (914) 294-5151 FAX: (914) 294-3546

Mary M. McPhillips  
County Executive

Peter Garrison  
Commissioner of Planning

R. Vincent Hammond  
Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING  
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

OCDP Reference No.: NWT 1 93 M

County I.D. No.: 69 4 9.1

Applicant:

Robert Bernhart

Proposed Action:

Site Plan - Muffler repair shop

State, County, Inter-Municipal Basis for Review:

Within 500' of NYS Rte. 94

Comments:

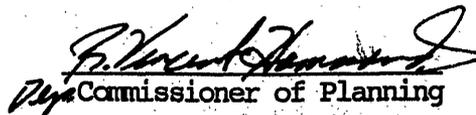
There are no significant Inter-community or Countywide concerns to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X Disapproved Approved

Approved subject to the following modifications and/or conditions:

Date: 3/8/93

  
Deputy Commissioner of Planning

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 92-36

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date \_\_\_\_\_  
 City, Town or Village Board  Planning Board  Zoning Board

2. Owner: Name Bernhart, Robert  
Address P.O. Box 407 - Vails Gate, 12584

3. Applicant\*: Name \_\_\_\_\_  
Address \_\_\_\_\_

\* If Applicant is owner, leave blank

4. Location of Site: Rt. 94 (South)  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 69 Block 4 Lot 9.1  
Present Zoning District C Size of Parcel .44 Ac

5. Type of Review:  
Special Permit: \_\_\_\_\_  
Variance: Use \_\_\_\_\_  
Area \_\_\_\_\_  
Zone Change: From \_\_\_\_\_ To \_\_\_\_\_  
Zoning Amendment: To Section \_\_\_\_\_  
Subdivision: Number of Lots/Units \_\_\_\_\_  
Site Plan: Use Muffler Repair Shop

2/25/93  
Date

Mural Mason, Secy to the P.B.  
Signature and Title

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board  
FROM: Town Fire Inspector  
DATE: 25 September 1992; Revision 7.  
SUBJECT: Robert & Colleen Bernhardt

PLANNING BOARD REFERENCE NUMBER: PB-92-36  
DATED: 11 March 1993

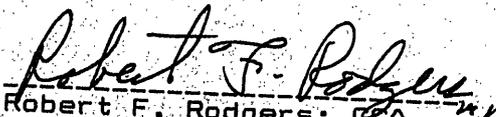
FIRE PREVENTION REFERENCE NUMBER: FPS-93-011

A review of the above referenced subject site plan was conducted on 22 March 1993.

This site plan is acceptable.

PLANS DATED: 25 September 1992; Revision 7.

RFR:mr  
Att.

  
Robert F. Rodgers; GCA  
Fire Inspector

CC: M. E.

92-36

SEP 28 1992

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP  
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 R. & C. Bernhardt  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved   
disapproved \_\_\_\_\_

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

Fred Sapp  
HIGHWAY SUPERINTENDENT

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

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

Oct. 15 1992  
DATE



INTER OFFICE CORRESPONDENCE

TO: Town Planning Board  
FROM: Town Fire Inspector  
DATE: 13 October 1992  
SUBJECT: Robert & Colleen Bernhardt

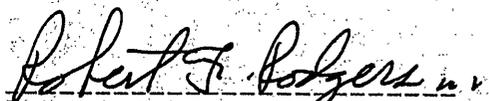
PLANNING BOARD REFERENCE NUMBER: PB-92-36  
DATED: 28 September 1992

FIRE PREVENTION REFERENCE NUMBER: FPS-92-058

A review of the above referenced subject site plan was conducted on 13 October 1992.

This site plan is approved.

PLANS DATED: 25 September 1992.

  
Robert F. Rodgers, CCA  
Fire Inspector

RFR:mr  
Att.

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 12553  
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 Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 92-36

WORK SESSION DATE: 16 Oct 1998 APPLICANT RESUB.  
REQUIRED: no

REAPPEARANCE AT W/S REQUESTED: no

PROJECT NAME: Bob Bernhart 5/P

PROJECT STATUS: NEW \_\_\_\_\_ OLD X

REPRESENTATIVE PRESENT: Bob B.

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- modify paving @ is to maximize width
- ZBA → fix bulk table (call out all variances req'd)  
→ height variance
- lot area/side yds/rear yd/  
separate bldgs comm & residential

- Bob wants to go to ZBA to get everything resolved.
- set for 10/14 mtg (if plans submitted)  
for ZBA referral

10/10 - 11/05

9-30-92

92-36

SEP 28 1992

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.  
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  
Paul V. Cuomo

for the building or subdivision of  
Robert & Colleen Bernhardt - \_\_\_\_\_

has been reviewed by me and is approved

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

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

Notify water dept. if location of  
water service is needed.

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

*James D. ...*  
\_\_\_\_\_  
WATER SUPERINTENDENT

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

\_\_\_\_\_  
DATE

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  
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New Windsor, New York 12553  
(914) 562-8640
- Branch Office  
400 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B #      -     

WORK SESSION DATE: 15 SEPT 1992 APPLICANT RESUB.  
REQUIRED:     

REAPPEARANCE AT W/S REQUESTED:     

PROJECT NAME: Bernhardt S/P

PROJECT STATUS: NEW      OLD X

REPRESENTATIVE PRESENT: Bob Bernhardt

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- ① add pks spec @ rear of house to  
add 1' for space outside bay
- ② modify paving to maximize width @ 8' space
- ③ add in sign
- ④ get notes re previous off 1' (addition to ...)
- ⑤ pt add'n limited to exist 5' by 10'
- ⑥ tie pks calc.
- ⑦ verify pks ok; gravel drive

RESULTS OF P.B. MEETING

DATE: August 26, 1992

PROJECT NAME: Bob Bernhardt

PROJECT NUMBER \_\_\_\_\_

LEAD AGENCY: \_\_\_\_\_

NEGATIVE DEC: \_\_\_\_\_

PUBLIC HEARING: \_\_\_\_\_

DISCUSSION:

Discussed a muffler shop in a pole building on his property.

Have no retail on the map.  
Need accurate plan and a ~~site~~ map

SEND TO ORANGE CO. PLANNING: \_\_\_\_\_

DISAPPROVED AND REFERRED TO Z.B.A.: YES \_\_\_\_\_ NO \_\_\_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED CONDITIONALLY \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

REASON FOR NEW PLANS OR CONDITIONS OF APPROVAL: \_\_\_\_\_

\* Pull out previous approval of minutes for Mark for Work Shop.

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 389 Morris Hill Rd DR.  
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
8/26/18		Planning Board Meeting	75 00	
		Misc - 1	4 50	
		Walter's Mobile - 1	4 50	
2-18	✓	Lorraine's Flowers - 4	18 00	
2-5	✓	Jagger - 5	22 50	
2-31	✓	Coloni - 4	18 00	
2-32	✓	Kelly - 9	40 50	
		Forwood - 14	63 00	
		<del>Bernhardt - 7</del>	31 50	
		Windsor Woods - 7	31 50	
			<u>1309 00</u>	

August 26, 1992

39

PRESUBMISSION: ROBERT BERNHARDT SITE PLAN - ROUTE 94

Robert Bernhardt came before the Board representing this proposal.

MR. BERNHARDT: Very simple here, very simple proposal, after a year of searching for something that will fit in my perspective here I finally come up with a very small muffler franchise which my C.O. covers. I've already spoke to the Building Inspector. All I need is a proposal of a 16 by 24 pole building, you can see it to the right of my garage which is 380 square feet to the house, a four-post lift. Now, with that I'm in business and I have got everything.

Now, I went to a workshop and I spoke to the Town Engineer and he advised me to put in 12 spots, four for each bay and one for the house. Now, I've got 12 and more. It's a pole building, 16 by 24, 14 foot high with one overhead door that's all. No heat, no nothing.

MR. VanLEEuwEN: No heat?

MR. BERNHARDT: Don't need it. It's just going to be overhead exhaust.

MR. PETRO: Bob, the straight lines are existing and this is the proposed addition on the garage?

MR. BERNHARDT: Yes, that's the existing garage 24 by 24 and I'm 16 foot from the property line on the side and in the back.

MR. PETRO: This is a separate use, Mark?

MR. EDSALL: It's a special permit use.

MR. PETRO: He already has a special permit.

MR. EDSALL: We don't have an application yet so Myra hasn't pulled out any of the records so --

MR. BERNHARDT: I do have it since '86. I have one for the sign, I have one for the usage, one to sell cars, one for the sign out there in front and one for special use.

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MR. PETRO: And you never stopped doing that business?

MR. BERNHARDT: No, never.

MR. DUBALDI: I'm a little confused on where the existing asphalt is out here, where is it right now?

MR. BERNHARDT: What you see all black is paved.

MR. DUBALDI: This area here is not paved?

MR. BERNHARDT: No, it stops here, it goes around the house, that's a dirt driveway and continues out.

MR. DUBALDI: So, it's all paved?

MR. PETRO: Bob, I don't want to throw a pail of water on the fire but we had one problem last time with the use then that was that the fire trucks getting down this driveway and the problem obviously still exists for this use. Have you seen Bob Rogers and talked with him? I don't know why it would change.

MR. BERNHARDT: They didn't say it was a problem, it never was a problem before.

MR. PETRO: The driveway is how wide, I remember it was like 14 feet or something like that?

MR. BERNHARDT: It's really 18 foot, see West Point Tours has 1 foot on the other side of this fence which I paved which they give me a letter for so that's included right here, I own the telephone pole, right from the telephone pole is paved which is 18 foot. Now, for seven years, that's been okay. I have been inspected every year with fire extinguishers and everything and I have never had a problem.

MR. VanLEEuwEN: Actually, this is an existing --

MR. PETRO: I know it but I remember the last plan question was brought up quite a few times.

MR. BERNHARDT: That was for retail which I didn't even realize this is.

MR. PETRO: This is not going to be retail?

MR. BERNHARDT: No, special usage to work on cars.

MR. PETRO: Why do you need 12 parking spaces?

MR. BERNHARDT: That was the Town Engineer that said that.

MR. EDSALL: That was my --

MR. PETRO: I'll tell you what you have to do, you have to go to a workshop and get Mark's comments.

MR. EDSALL: Let me throw some information in the record as far as parking spaces that was my quick calculation at the workshop. That is what we get plans for, that is what the engineer has to confirm based on my quick calculation at the workshop, he needs 12 spaces by code, don't have any flexibility whatever the code says that is what we do.

One of the problems I think the Board should look at is that this is showing access that loops around and goes back out but between the addition and the retaining wall, there's only about 9 or 10 feet and then as far as the 15 foot that goes behind it, they are being used for two of the parking spaces so one of the things you have to be really careful is you can get out.

MR. BERNHARDT: I have a problem here, I can go down the road to George Chaliff's house which is the same set of circumstances as mine. He's got about 12 foot driveway going in. He doesn't have parking for more than four cars. He's got three bays and he was just approved here a couple years ago on Route 32, he's got four houses, he's got a three-bay garage which he should have parking for probably 30, 40 cars. He ain't got parking for 10 cars.

MR. EDSALL: Question is not what he has, question is what was approved. If he failed to comply maybe you're bringing to the Board's attention. That is Chaliff. Chaliff did receive final and the number of spaces he needed for the number of bays he has and the uses he has, he met the required parking. The only other problem he had one handicapped spot that was not properly paved.

MR. PETRO: Aside from that, that is not the right avenue to take, what somebody else did. If they happen to get away, each case is looked at.

MR. BERNHARDT: Why should this be a problem for seven years first of all my driveway has never been a problem and I have been approved for that. All I'm asking for is what they call practical difficulty, just give me this little extension here so I can go back into business again, that's all I need. Three hundred and eighty square feet.

MR. PETRO: We'd like to do that if you meet all the requirements. One would be how you're going to get cars around here, this is 9 foot.

MR. BERNHARDT: No, no, no, no. That's not 9 foot, that's 30 feet. That's 30 feet. Maybe Cuomo did that wrong.

MR. EDSALL: What's 30 feet?

MR. BERNHARDT: You see the concrete retaining wall right here and the garage right here, that's 30 feet in between here.

MR. EDSALL: Well, then the plan is inaccurate so you have to get --

MR. BERNHARDT: Maybe it was right once before and I took it out a lot more which was about six or seven years ago and maybe Paul didn't take that into consideration.

MR. EDSALL: My suggestion is an accurate plan Number 1 and Number 2 make a site visit because it's too tight. For 90 degree parking, you need 24 foot behind the --

MR. VanLEEUEWEN: Why don't you go back to the, go back to Paul and let Paul get this thing accurate.

MR. BERNHARDT: The only thing that's not accurate is the concrete wall.

MR. VanLEEUEWEN: If worse comes to worst, you have to take the retaining wall out, you have to take it out.

MR. BERNHARDT: There's 30 foot there, I can put

parking right here, what's the difference? I can take these cars out of here and put them over here.

MR. VanLEEUEWEN: Why don't you sit down with Paul, realign this thing, go to a workshop meeting and get all your problems ironed out and come back if we have to put you on for a public hearing.

MR. BERNHARDT: I went to a workshop and I thought I had my problems ironed out. I did exactly what you told me to do.

MR. EDSALL: I never saw this version of the plan just handed to me and I did not review access being 9 foot wide nor the parking spaces being behind there. We talked about the number of spaces on August 18th we talked about the parking, we talked about the fact that it was a special permit and we talked about the fact that you indicated you had a previous approval, I have seen no previous approval documents. I have no idea what was approved previously and the bottom line is I have to depend upon the accuracy of the plan you submit. If the plan is inaccurate, there's not much more the Board could do.

MR. BERNHARDT: If I took this parking here and I put it over here right on the other side of the retaining wall and just showed spots for 12 spaces with a drive around and move this over 30 feet back which it is by scale.

MR. PETRO: You don't have enough room to put parking on the opposite side of the parking, you have your going to need 20, 24.

MR. EDSALL: Sixty-four foot is what is required for back-to-back 90 degree spaces. The bottom line is we need accurate plan.

MR. BERNHARDT: There's 18 feet here.

MR. VanLEEUEWEN: The problem is the plan is not accurate.

MR. PETRO: Is this a dirt road in front of the house?

MR. BERNHARDT: Yes, that is not paved.

MR. PETRO: Do you intend on paving it?

MR. BERNHARDT: Why, is that a problem?

MR. PETRO: It should be a dust free surface if you're going to be running a business, cars coming out, in other words you're going to have traffic exiting, your neighbors could complain. I think it's --

MR. SCHIEFER: Yes, I noticed that but at this point that's minor.

MR. BERNHARDT: If I took these spots here and put them here, I wouldn't have enough room?

MR. PETRO: You find space on your property, we're not designers, you can talk with Mark, you can talk with Paul Cuomo and design 12 parking spots to work on this property, you might have to take the wall out, you might have to take the deck down. I don't know, whatever you have to do to get 12 spots, get an accurate plan, show us the blacktopping, get it to the Fire Department, get Mark's comments so we have an approval we'll set you up for another meeting and come back.

MR. BERNHARDT: In other words, if I show appropriate 12 spots and that's a confirmation and everything then I could get an approval?

MR. PETRO: I think conceptually anybody has a problem with it, if it works on the map?

MR. VanLEEUEWEN: If it works on the map, fine.

MR. SCHIEFER: He doesn't have to go to the Zoning Board of Appeals, I have no problems with any of it once he gets the spaces in.

MR. EDSALL: Myra, can you pull out between now and the next appearance this point you haven't submitted an application, correct?

MR. BERNHARDT: No, I didn't do that.

MR. PETRO: At this point, you're getting conceptual approval from us, we're saying that the idea could work, make a formal application, get set up for a

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workshop, go back to the workshop and this time bring Paul with you, make sure you get everything correct and draw up a plan that's right. Mark will review it again and we'll put you on the next meeting or the meeting after and you should be on your way.

MR. BERNHARDT: This piece of property is for sale, I have been negotiating but I haven't gotten it yet but if I get approval from this guy to use this as parking here, would that be okay?

MR. SCHIEFER: Which are you talking about?

MR. PETRO: You'd have to own it. If he takes your approval to use the property away, and you still have the business there, then what? See, that is why it wouldn't work.

MR. KRIEGER: If you own it, nobody can take it away.

MR. LANDER: We have had that come in before.

MR. PETRO: I think you'll be able to find 12 spaces if you sit down with Mark and your engineer, you should be able to work that out. Come up and see Myra and make an application. You have to bring her checks. Work that out with her and she'll give you all the information. Couple comments being made already, I think on the map you should put no retail.

MR. BERNHARDT: No retail?

MR. PETRO: Have Paul put it on the map.

MR. BERNHARDT: No, the C.O. I have is to work on cars, special permit only.



**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

**PLANNING BOARD WORK SESSION** 1-3  
**RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B #     

WORK SESSION DATE: 18 Aug 1992 APPLICANT RESUB. REQUIRED:     

REAPPEARANCE AT W/S REQUESTED:     

PROJECT NAME: Bernhart

PROJECT STATUS: NEW    OLD   

REPRESENTATIVE PRESENT: Bob Bernhart

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

S/p for Special Use Garage Plan PVC dated 6/5/86  
(24x24 garage 15' setback) Typ I stamp 11/13/87  
"C" zone P/H?

Present Conf ASAP

2 bay 960 sf gross - 400 = 560/300 = 2  
4+4+2+2 res = 12



McGOEY, HAUSER and EDSALL  
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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

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # \_\_\_\_\_

WORK SESSION DATE: 8 Oct 1991 APPLICANT RESUB. REQUIRED: \_\_\_\_\_

REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_

PROJECT NAME: B. B. Bernhardt

PROJECT STATUS: NEW  OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: Pvc/Manti

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

14.45 not wide enough - 20' wide needed

another variance for liv Q rest in retail bldg.

Recommend Presub Conf

next avail agenda

DATE ..... 19.....

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

TO Andrew S. Krieger, Esq. DR.

219 Quassaick Avenue, New Windsor, New York 12553

DATE Re: Bernhart

CLAIMED ALLOWED

DATE	Re: Bernhart	CLAIMED	ALLOWED
10-16-91	Planning Board Meeting		
	.3	30	00
	11/19/91 @		

October 16, 1991

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**BERNHARDT, BOB SITE PLAN - ROUTE 94**

Mr. Robert Bernhardt came before the Board representing this proposal.

MR. BERNHARDT: This is for change in special uses from service to retail. Six years I have been in business, this year the recession but me out of the service business. I have had this work for six years under service conditions, cleaning, washing cars, selling cars, okay, and I have no problem, no complaints for six years. I'm out of business now. The recession took me under. I have to change to a retail. I have a disability, I can't even work anyplace else. And the retail that I want to do out of this garage would be baking bread wholesale and the making of sandwiches to the bus company next door to me and to possibly Tarkett which I would cater but there would be some retail involved like the bus company it wouldn't be on a wide scale.

What I would like to do and I spoke to Mike about this is that even on a wholesale level of baking bread, I would still would need retail useage. Now, I just want to say that in the past six years, since I've been approved for this, this road is 18 foot wide which I already spoke to the Fire Inspector and that is why I didn't have the turn around before which I do now and I also have parking paved for 15 cars alongside the garage. So, I have made many improvements on this since. I have a handicapped parking here which one is supposed to be I was told for every 150 square foot of garage space, I would need one spot which I have three or four times that. Now, being so far off the road, I certainly don't anticipate doing a convenient shop retail, that isn't going to happen. It's not going to be a deli. It's going to be a commercial baking of bread with some sandwiches, mostly commercial and catering.

MR. VAN LEEUWEN: But the catering is done off the premises?

MR. BERNHARDT: Yes, the bus company is going to be done on premises with the exception of the bus company.

MR. PETRO: He wants the ability to have people come

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here and buy something out of the store.

MR. BERNHARDT: Yes, that would include the bus company.

MR. SCHIEFER: You're talking about the employees?

MR. BERNHARDT: Yes, I would have to include that because there's going to be some, like the garage across the street from me and Tarkett which the only problem with Tarkett I'm going to have to cater there because they are not allowed to leave the premises once they are there so I can build up taking orders and catering and delivering that but as far as the bus company and the garage.

MR. VAN LEEUWEN: They'll just walk across.

MR. BERNHARDT: Well, the bus company is right along side me. They won't even have to drive down but I'll say in the past six years that this has worked. I have had an awful lot of traffic down there, nobody has ever backed out of the driveway. I have never had an accident, there's never been an accident here. I've never had a complaint from any neighbor around me.

MR. MC CARVILLE: Off the record.

(Whereupon a discussion was held off the record.)

MR. VAN LEEUWEN: Get the applicant in and come to us to the next meeting and we'll turn it down for you and you can go to the Zoning Board.

MR. SCHIEFER: We have nothing to turn down, that's the problem. You come in with an application and we'll send you to the Zoning Board of Appeals. In the meantime, fill them out.



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

*new - not assigned*

TOWN OF New Windsor P/B #      -       
 WORK SESSION DATE: 5-2-89 APPLICANT RESUB.  
 REAPPEARANCE AT W/S REQUESTED: Yes/plan REQUIRED:  
 PROJECT NAME: Auto Lovers  
 COMPLETE APPLICATION ON FILE No NEW  OLD   
 REPRESENTATIVE PRESENT: Bob Berahardt  
 TOWN REPS PRESENT: BLDG INSP.   
 FIRE INSP.   
 P/B ENGR.   
 OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- \* Existing - flag lot - w/ frame ranch & garage used for turn drop etc.
- \* Will need to go to ZBA for bulk variances for special permit use - caretaker
- \* need complete plan.
- \* original pla app'd Nov 13 87 - site Plan

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, SUBDIVISION PLAN,  
OR LOT LINE CHANGE APPROVAL

- BRAKES AND SHOCKS
1. Name of Project PROP. MUFFLER REPAIR SHOP COLLEEN BERNHART
  2. Name of Applicant ROBERT BERNHART Phone 914-561-0644  
Address RT 94 PO BOX 407 VAILS COTE NY 12584  
(Street No. & Name) (Post Office) (State) (Zip)
  3. Owner of Record ABOVE Phone ABOVE  
Address ABOVE  
(Street No. & Name) (Post Office) (State) (Zip)
  4. Person Preparing Plan LUOMO ENGINEERING Phone 562-0063  
Address STEWART INT. AIRPORT  
2005 D. ST. BLDG 704 NEW WINDSOR NY 12553  
(Street No. & Name) (Post Office) (State) (Zip)
  5. Attorney NONE ON RECORD Phone N/A  
Address N/A  
(Street No. & Name) (Post Office) (State) (Zip)
  6. Person to be notified to represent applicant at Planning Board Meeting ROBERT BERNHART Phone 914-561-0644  
(Name)
  7. Location: On the South side of NYS RT 94  
\_\_\_\_\_ feet \_\_\_\_\_  
(Direction)  
of \_\_\_\_\_  
(Street)
  8. Acreage of Parcel .44 AC. 9. Zoning District C
  10. Tax Map Designation: Section 69 Block 4 Lot 9.1
  11. This application is for MUFFLER REPAIR SHOP BRAKES AND SHOCKS

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? NO

If so, list Case No. and Name N/A

13. List all contiguous holdings in the same ownership  
Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

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

Colleen Bernhardt being duly sworn, deposes and says that he resides at RT 94 PO Box 407 in the County of ORANGE and State of New York and that he is (the owner in fee) of Property  
(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized Robert Bernhardt 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

11 day of September 1992

Nora Knapp  
Notary Public

Colleen J Bernhardt  
(Owner's Signature)

Robert C Bernhardt  
(Applicant's Signature)

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

NORA KNAPP  
Notary Public, State of New York  
County of Orange  
Comm's on Expires 4/30/93  
Notary Reg. No. 4832491

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 SPECIAL PERMIT

1. Name of Project PROP. MUFFLER REPAIR - ROBERT & COLLEEN BERNHARDT  
BRAKES AND SHOCKS
2. Name of Applicant ROBERT BERNHARDT Phone 914-561-0644  
Address RT 94 PO BOX 407 VAILS GATE NY 12584  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record ABOVE Phone ABOVE  
Address ABOVE  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan WOMO ENGINEERING Phone 567-0063  
STEWART INT. AIRPORT  
Address 1005 D ST. BLDG. 704 NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney NONE ON RECORD Phone N/A  
Address N/A  
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting ROBERT BERNHARDT Phone \_\_\_\_\_  
(Name)
7. Location: On the EAST SOUTH side of NYS RTE 94  
(Street)  
\_\_\_\_\_ feet \_\_\_\_\_  
(Direction)  
of \_\_\_\_\_  
(Street)
8. Acreage of Parcel .44 ACRES 9. Zoning District C
10. Tax Map Designation: Section 69 Block 4 Lot 9.1
11. Describe proposed use in detail: ADD TO EXISTING  
AUTO DETAIL SHOP & USE AS MUFFLER REPAIR  
BRAKES AND SHOCKS

12. Other Property Information:

- a.) Is the proposed use in or adjacent to a Residential District? No
- b.) Is a pending sale or lease subject to Planning Board approval of this application? No
- c.) When was property purchased by present owner? 1970 (GRIFFIN)
- d.) Has property been subdivided previously? No When? \_\_\_\_\_
- e.) Has property been subject of special permit previously? YES When? 11-13-87
- f.) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- g.) Is there any outside storage at the property now or is any proposed? Describe in detail: No

13. Attach a proposed plan showing the size and location of the Lot and location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the Lot. Plan should also comply with the Site Plan Checklist, as applicable.

AFFIDAVIT

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

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The Applicant further understands and agrees that the Planning Board may require you to periodically renew a Special Permit and withhold renewal upon a determination that prescribed conditions have not been or are no longer complied with.

  
(Applicant)

Sworn to before me this  
11 day of Sept., 1992  
Nora Knapp  
(Notary)

NORA KNAPP  
Notary Public, State of New York  
County of Orange  
Comm'sion Expires 4/30/93  
Notary Reg. No. 4832491

P.C. X

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT /SPONSOR  <b>ROBERT BERNHARDT</b></p>	<p>2. PROJECT NAME  <b>PROPOSED MUFFLER SHOP - ROBERT &amp; COLEEN BERNHARDT</b></p>
<p>3. PROJECT LOCATION:                  Municipality <b>NEW WINDSOR</b> County <b>ORANGE</b></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)  <b>SEE SITE PLAN</b></p>	
<p>5. IS PROPOSED ACTION:  <input type="checkbox"/> New    <input checked="" type="checkbox"/> Expansion    <input type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY:  <b>ADD A ADDITION TO EXISTING AUTO DETAIL SHOP                  &amp; CHANGE TO MUFFLER REPAIR</b></p>	
<p>7. AMOUNT OF LAND AFFECTED:                  Initially <b>.44</b> acres    Ultimately <b>.44</b> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?  <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No    If No, describe briefly</p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?  <input checked="" type="checkbox"/> Residential    <input type="checkbox"/> Industrial    <input checked="" type="checkbox"/> Commercial    <input type="checkbox"/> Agriculture    <input type="checkbox"/> Park/Forest/Open space    <input type="checkbox"/> Other                  Describe:</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals</p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE.</p>	
<p>Applicant/sponsor name: <u><b>Robert Bernhardt</b></u></p>	<p>Date: <b>9-24-92</b></p>
<p>Signature: _____</p>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b>    If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b>    If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b></p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>_____</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>_____</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>_____</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>_____</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>_____</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.</p> <p>_____</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.</p> <p>_____</p>
<p><b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No    If Yes, explain briefly</p> <p>_____</p>

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p>	
<p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (if different from responsible officer)</p>
<p>_____</p> <p style="text-align: center;">Date</p>	

P.C. X

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Site Plan Title                     | 29. ___ Curbing Locations   |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)                 | 30. ___ Curbing Through Section   |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)             | 31. ___ Catch Basin Locations   |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name           | 32. ___ Catch Basin Through Section   |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address        | 33. ___ Storm Drainage  |
| 6. <input checked="" type="checkbox"/> Drawing Date                        | 34. ___ Refuse Storage  |
| 7. <input checked="" type="checkbox"/> Revision Dates                      | 35. ___ Other Outdoor Storage   |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                      | 36. <input checked="" type="checkbox"/> Water Supply                        |
| 9. <input checked="" type="checkbox"/> Site Designation                    | 37. <input checked="" type="checkbox"/> Sanitary Disposal Sys.              |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site | 38. ___ 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. ___ Front Building Elevations   |
| 14. <input checked="" type="checkbox"/> Metes and Bounds                   | 42. ___ Divisions of Occupancy  |
| 15. <input checked="" type="checkbox"/> Zoning Designation                 | 43. ___ 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. ___ Building Coverage (sq. ft.)   |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas               | 47. ___ Building Coverage (% of Total Area)                                 |
| 20. <input checked="" type="checkbox"/> Existing Vegetation                | 48. ___ Pavement Coverage (Sq. Ft.)   |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress           | 49. ___ Pavement Coverage (% of Total Area)                                 |
|  | 50. ___ Open Space (Sq. Ft.)  |
|  | 51. ___ Open Space (% of Total Area)  |
|  | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed.     |
|  | 53. <input checked="" type="checkbox"/> No. of Parking Required.            |

PROPOSED IMPROVEMENTS

- 22. \_\_\_ Landscaping
- 23. \_\_\_ Exterior Lighting
- 24.  Screening
- 25.  Access & Egress
- 26.  Parking Areas
- 27. \_\_\_ Loading Areas
- 28. \_\_\_ 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: *[Signature]*  
Licensed Professional

Date: 9-24-92

REC'D BY

P.C.

X

No Flood Zone!  
9-24-92

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

Handwritten signature  
9/24/92

HANDICAPPED PARKING SIGN  
WHITE LETTERING  
W/ BLUE BACK-  
GROUND



7'-0"

FINISHED GRADE

24" x 24" POURED  
CONCRETE FOOTING

**HANDICAP SIGN DETAIL**

NO SCALE



LOCATION MAP

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

7-17-82	PL. BOARD	MR.
8-28-82	PL. BO. PRES. BOARD	MR.
8-18-82	PL. BO. W/SHOP	MR.
10-4-82	PL. BO. W/SHOP	MR.
DATE	ISSUANCE	BY
2-23-82	VAR. TABLE	NS
3-15-83	AREA VARIANCE	MR.
3-14-83	FRSE. AREA	NS
2-28-82	PL. BO. W/SHOP	MR.
2-25-82	SHW. BL. PAVE.	MR.
6-17-81	LA. USE TO EXST.	MR.
DATE	REVISIONS	BY

**ZONING REQUIREMENTS**

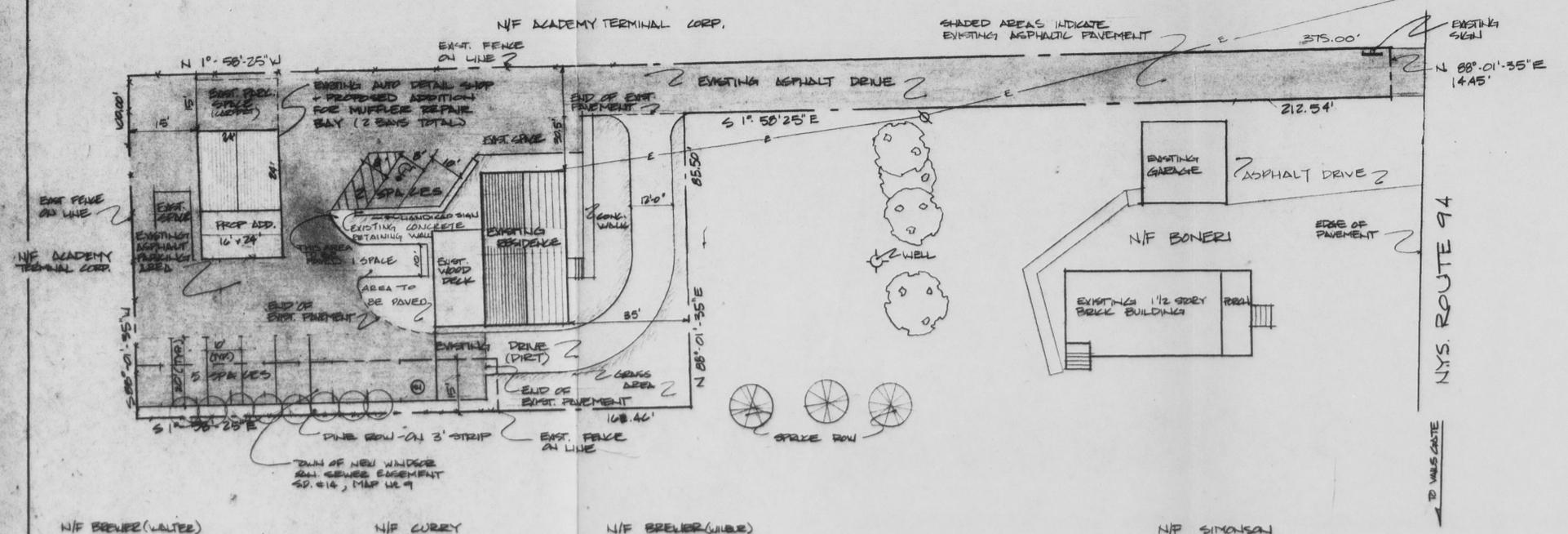
VARIANCES GRANTED 3-22-93		DISTRICT C - DESIGN SHOPPING USE COL. B, 5	
LOT AREA	22,288 SF	SECTION 69, BLOCK 4, LOT 47	
LOT WIDTH	100'	REQUIRED	PROPOSED
FRONT YD.	25'	LOT AREA	40,000 SF / 19,217 SF
SIDE YD.	29'	LOT WIDTH	200' / 100' / 100'
BOTH SIDE YD.	26'	FRONT YARD	60' / 35' / 25'
REAR YD.	15'	SIDE YARD	30' / 1' / 29'
MAX BLDG. HGT.	19'-8"	BOTH SIDES	70' / 44' / 57'
MUFFLER SHOP IN A/C ZONE		REAR YARD	30' / 15' / 15'
		FRONTAGE	N/A / N/A / N/A
		MAX. BLDG. HGT. (5')	4' FT. TO ULINE / 20' 2' / 19'-8"
		FLOOR AREA RATIO	0.5 / 0.05 / 1
		LOT COVERAGE	N/A / N/A / N/A

**PARKING REQUIREMENTS**

REQUIRED: 4 PER BAY + 1 FOR EACH 300 SF  
OUTSIDE OF SERVICE AREA  
2 BAYS x 4 = 8 SPACES  
HOUSE 2 SPACES REAR  
TOTAL 11 SPACES  
PROVIDED: 11 SPACES INCLUDING 1 HANDICAP

**GENERAL INFORMATION**

- SURVEY INFORMATION:  
INFORMATION SHOWN TAKEN FROM PREVIOUS  
SITE PLAN APPROVED FOR AUTO DETAIL  
SHOP ON NOV. 13, 1987 + FIELD OBSERVATIONS  
BY THIS OFFICE  
OWNER + APPLICANT:  
ROBERT + COLLEEN BERNHARDT
- ADDITION TO EXISTING USE WHICH RECEIVED  
STAMP OF PLANNING BOARD APPROVAL  
DATED NOVEMBER 13, 1987
- HEIGHT OF PROPOSED ADDITION: 18'-8"



**SITE PLAN**  
SCALE: 1"=20'

**PAUL V. CUOMO, P.E. & ASSOCIATES**  
STEWART INTERNATIONAL AIRPORT, NEW WINDSOR, N.Y. 12553 (914) 567-0063  
PROJECT: PROPOSED MUFFLER REPAIR  
OWNER: ROBERT + COLLEEN BERNHARDT

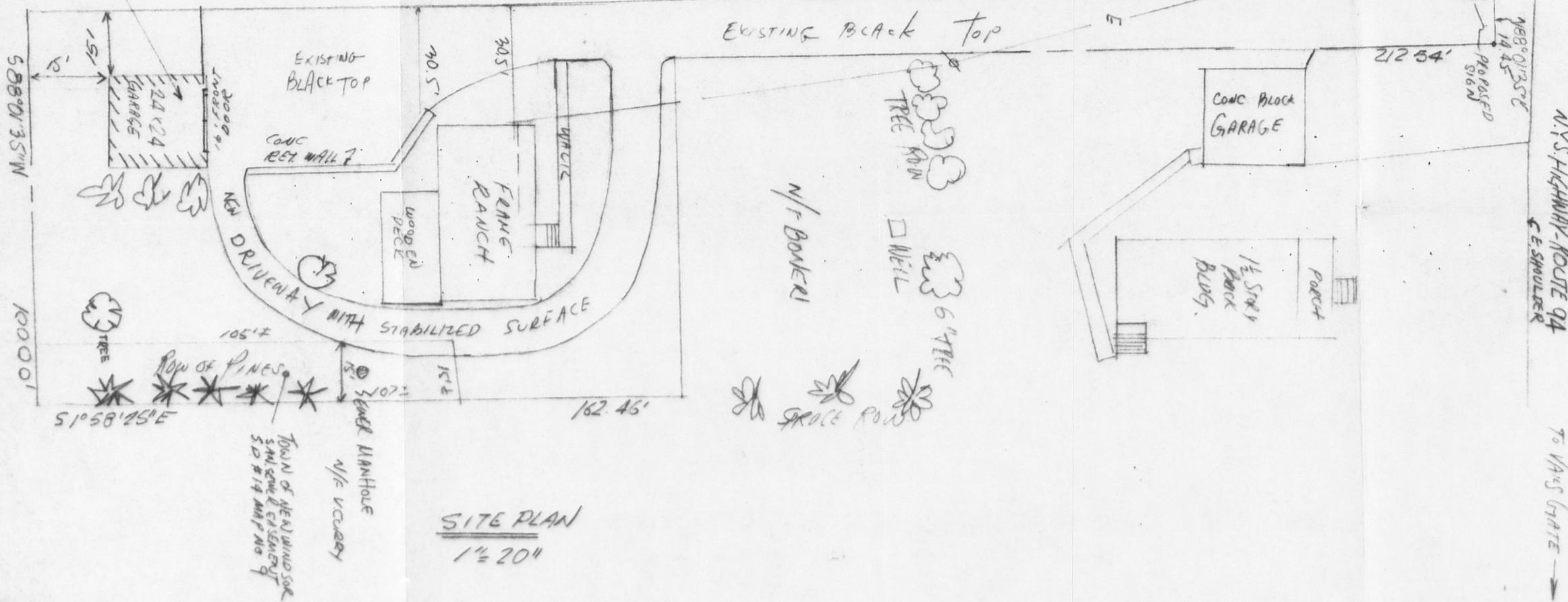
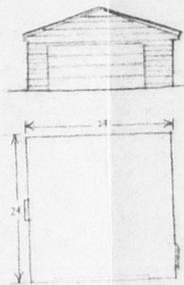


DATE	SEPTEMBER 8, 1991
DRAWN BY	MCHE
CHECKED BY	PVC
SCALE	AS NOTED
PROJECT NO.	41345

SITE PLAN APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
ON **MAR 29 1993**  
BY **GARDNER R. DUNN, JR.**  
SECRETARY

**SP-1**  
SHEET 1 OF 1

SPECIAL USE - TRIM WORK ON CARS



SITE PLAN  
1" = 20'

NORTH

N.Y.S. HIGHWAY - ROUTE 9A  
E SHOULDER

TO VAN'S GATE

APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
ON 10/13/87  
BY *Paul V. Cuomo*  
LAW OFFICES  
SECRETARY



LANDS OF ROBERT & COLLEEN BERNHARDT	
SCALE: 1" = 20'	APPROVED BY:
DATE: JUNE 5, 1988	DRAWN BY: PVL
SITE PLAN FOR NEW GARAGE (SPECIAL USE)	
PAUL V. CUOMO, P.E. VALES PARK NY 10511	