

PB# 93-25

**Coastal Gasoline
(sub.)**

70-1-1.1

(Leonardo, Sam) (Ninnie) Rt. 94 E. 32 Corner

Approved 2-3-94

Map Number 31-94
Section 70 Block 1 Lot 1.2
70 1 1.1
City ~~City~~
Town New Windsor
Village
Title: Leonardo, hands of:

Dated: 12-15-93 Filed 3-8-94

Approved by Carmen R. Dubaldi Jr

on 2/3/94

Record Owner Samuel Leonardo

Constandine Leonardo
MARION S. MURPHY
Orange County Clerk

(1 sheet)



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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3 February 1994

MEMORANDUM

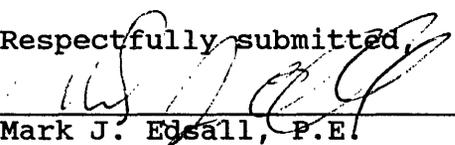
TO: Myra Mason, Planning Board Secretary

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

SUBJECT: COASTAL GAS SUBDIVISION
NEW WINDSOR PLANNING BOARD 93-25

This memorandum shall confirm my review on 1 February 1994 of the final plan for the subject project. Based on my review, it appears that the plan includes all corrections requested and is acceptable for stamp of approval. Please contact me if you have any questions concerning the above.

Respectfully submitted



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

MJEmk

A:2-3-2E.mk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/03/94

PAGE:

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 93-25
NAME: COASTAL GASOLINE
APPLICANT: LEONARDO, SAMUEL

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DU
08/04/93	2 COMM. LOTS @400.EA	PAID		800.00	
08/11/93	P.B. ATTY. FEE	CHG	35.00		
08/11/93	P.B. MINUTES	CHG	45.00		
09/08/93	P.B. MINUTES	CHG	94.50		
12/22/93	P.B. ATTY. FEE	CHG	35.00		
12/22/93	P.B. MINUTES	CHG	49.50		
02/01/94	P.B. ENGINEER FEE	CHG	443.50		
02/03/94	RETURN TO APPLICANT	CHG	97.50		
TOTAL:			800.00	800.00	0.00

*Please issue a check in the amount
of \$97.50 to:*

*Gas Land Petroleum, Inc.
785 Broadway
Kingston, N.Y. 12401*

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/03/94

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

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

FOR PROJECT NUMBER: 93-25
NAME: COASTAL GASOLINE
APPLICANT: LEONARDO, SAMUEL

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/03/94	PLANS STAMPED	APPROVED
12/22/93	P.B. APPEARANCE	LA:ND WVE P.H.
12/22/93	P.B. APPEARANCE CON'T. . PUT "TEMP." ON SHED -	APPROVED CONDITIONAL NEED BOND FOR COPPER BLDG.
12/15/93	WORK SESSION APPEARANCE	NEXT AGENDA
08/11/93	P.B. APPEARANCE	REFER TO Z.B.A.
08/04/93	WORK SESSION APPEARANCE	SUBMIT APPLICATION

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/01/94

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 93-25
NAME: COASTAL GASOLINE
APPLICANT: LEONARDO, SAMUEL

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
08/04/93	2 COMM. LOTS @400.EA	PAID		800.00	
08/11/93	P.B. ATTY. FEE	CHG	35.00		
08/11/93	P.B. MINUTES	CHG	45.00		
09/08/93	P.B. MINUTES	CHG	94.50		
12/22/93	P.B. ATTY. FEE	CHG	35.00		
12/22/93	P.B. MINUTES	CHG	49.50		
02/01/94	P.B. ENGINEER FEE	CHG	443.50		
		TOTAL:	<u>702.50</u>	<u>800.00</u>	<u>-97.50</u>

PLANNING BOARD FILE NUMBER: 93-25

MEMORANDUM FOR FILE

DATE: February 1, 1974

On this date: I spoke to Gene Ninni and gave
him the amount of all fees that are due.
I told him that once the money is received,
the plans will be stamped.

(m)

2-2-74

Received all fees due from C. Leonardo.

(m)

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00

Pd

ESCROW:

RESIDENTIAL:

LOTS @ 150.00 (FIRST 4 LOTS).....\$
LOTS @ 75.00 (ANY OVER 4 LOTS).....\$

COMMERCIAL:

LOTS @ 400.00 (FIRST 4 LOTS).....\$
LOTS @ 200.00 (ANY OVER 4 LOTS).....\$

TOTAL ESCROW DUE....\$

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00
PRELIMINARY PLAT APPROVAL\$ 100.00
FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 105.00
FINAL PLAT SECTION FEE.....\$ 150.00
BULK LAND TRANSFER...(\$100.00).....\$

TOTAL SUBDIVISION APPROVAL FEES.....\$ 255.00

RECREATION FEES:

LOTS @ \$1000.00 PER LOT.....\$

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$
PLANNING BOARD ATTORNEY FEES.....\$
MINUTES OF MEETINGS.....\$
OTHER.....\$

PERFORMANCE BOND AMOUNT.....\$

5% OF ABOVE AMOUNT.....\$

ESTIMATE OF PRIVATE IMPROVEMENTS: \$

4% OF FIRST \$50,000.00 OF ABOVE:.....\$

2% OF REMAINDER OF ABOVE:.....\$

TOTAL INSPECTION FEE DUE:.....\$

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/22/93

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 93-25
NAME: COASTAL GASOLINE
APPLICANT: LEONARDO, SAMUEL

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	08/05/93	MUNICIPAL HIGHWAY	09/15/93	SUPERSEDED BY REV1
ORIG	08/05/93	MUNICIPAL WATER	09/15/93	SUPERSEDED BY REV1
ORIG	08/05/93	MUNICIPAL SEWER	08/06/93	APPROVED
ORIG	08/05/93	MUNICIPAL SANITARY	09/15/93	SUPERSEDED BY REV1
ORIG	08/05/93	MUNICIPAL FIRE	08/09/93	APPROVED
ORIG	08/05/93	PLANNING BOARD ENGINEER	09/15/93	SUPERSEDED BY REV1
REV1	09/15/93	MUNICIPAL HIGHWAY	09/25/93	APPROVED
REV1	09/15/93	MUNICIPAL WATER	09/25/93	APPROVED
REV1	09/15/93	MUNICIPAL SEWER	10/11/93	APPROVED
REV1	09/15/93	MUNICIPAL SANITARY	12/16/93	SUPERSEDED BY REV2
REV1	09/15/93	MUNICIPAL FIRE	09/24/93	APPROVED
REV1	09/15/93	PLANNING BOARD ENGINEER	12/16/93	SUPERSEDED BY REV2
REV2	12/16/93	MUNICIPAL HIGHWAY	/ /	
REV2	12/16/93	MUNICIPAL WATER	/ /	
REV2	12/16/93	MUNICIPAL SEWER	/ /	
REV2	12/16/93	MUNICIPAL SANITARY	/ /	
REV2	12/16/93	MUNICIPAL FIRE	/ /	
REV2	12/16/93	PLANNING BOARD ENGINEER	/ /	

PLANNING BOARD FILE NUMBER: ⁹³⁻²²
93-25

MEMORANDUM FOR FILE

DATE: January 31, 1994

On this date: I spoke to Andy Kreiger to find out the
status of the bond. He said he had a conversation
with the attorney for Coastal and told him what needed
to be done to get the bonds as of this date he has
not heard from them as far as what they are going
to do.

I will wait to hear from Andy as Applicant.

(m)



McGOEY, HAUSER and EDSALL
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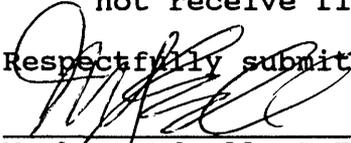
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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: COASTAL GASOLINE (LEONARDO) SUBDIVISION
PROJECT LOCATION: NYS ROUTES 32/94 (FIVE CORNERS)
SECTION 70-BLOCK 1-LOT 1.1
PROJECT NUMBER: 93-25
DATE: 22 DECEMBER 1993
DESCRIPTION: THE PLAN SUBMITTED PROPOSES A TWO (2) LOT MINOR
SUBDIVISION OF THE EXISTING COMMERCIAL PROPERTY,
TO COINCIDE WITH A PREVIOUSLY ESTABLISHED DIVISION
LINE AND A PROPOSED SITE PLAN. THE PLAN WAS
PREVIOUSLY REVIEWED AT THE 11 AUGUST 1993 PLANNING
BOARD MEETING AND WAS REFERRED TO THE ZONING BOARD
OF APPEALS.

1. To my understanding, the Applicant has received all necessary variances in connection with this proposed subdivision. Such variances have been referenced on the latest plan submitted.
2. All other technical review comments made to the Applicant's Engineer at the Planning Board meeting and Planning Board Technical Work Sessions have been addressed by the Applicant on this latest plan submitted.
3. The Planning Board may wish to assume the position of Lead Agency under the SEQRA process.
4. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
5. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
6. At this time, if the Board acts favorably on the procedural items noted above, I am aware of no reason why this application could not receive final subdivision approval from the Planning Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A: COASTAL2.mk

LEONARDO, CONSTANTINE

MR. LUCIA: They are so intertwined, it's easier to let the applicant come in and present his whole thing and at the end, unless there's some reason the board wants to break apart the separate variances or make motions that might be for less than what he is seeking, probably move it as a single motion to adopt them all unless anyone has any difficulties or you want to seek a more minimal variance than what he is applying for.

MR. NUGENT: It's up to the board if you want to do that, that is fine. If not, we can take it as one lump and address all the items on each one.

MR. TORLEY: I would suggest when and if we come to voting on the appropriate variances, then you may want to break them back down into these three sections.

MR. NUGENT: Take them in order. I'll read it into the minutes the way it is written here. Request for 92 ft. lot width, 50.4 ft. front yard and 18.8 ft. building height for canopy and various sign variances listed on site plan for Coastal Gas Station located at NYS Routes 94/32 in a C zone.

Eugene Ninnie, P.E. appeared before the board for this request.

MR. LUCIA: Why don't we get on the record exactly what those sign variances are just so we're clear. Follow me, this one looks like we have freestanding sign of 48 square feet, 40 square feet are permitted and that generates a variance request of 8 square feet. The height on that is proposed as 19 feet, 15 feet is, it generates 4 foot sign height variance. Wall signs it appears Coastal is 43 square feet and the Dive Shop is 50 square feet for a total of 93 square feet of wall signs permitted is 5 percent of the wall area which computes out to 20.5 square feet that generates a need for 69.5 square feet variance for wall sign area. Total signs, three are proposed, these are all freestanding I assume, three freestanding signs.

MR. BABCOCK: No, that is wall signs.

MR. LUCIA: Three wall signs proposed, one is permitted, we need a variance request for two wall signs. Setback from lot line sign setback from lot line, 6 1/2 inches proposed requirement is 15 feet generates a request for 14.45 foot setback from the lot line, that should be 6.05, 6.55 which is proposed, I guess last line on your--

MR. BABCOCK: I see there's a mistake on there. It might be 6.5 and the addition is wrong. Do you remember where it was again?

MR. NINNIE: Yes.

MR. BABCOCK: I don't.

MR. LUCIA: 6.55 setback.

MR. BABCOCK: What is it?

MR. LUCIA: 6.55, I would assume.

MR. NINNIE: So this has to change, this or this.

MR. BABCOCK: What it's got to say, 6.55.

MRS. BARNHART: Yes.

MR. LUCIA: Should be 6.55 inches provided instead of 6.5. Decimal point is in the wrong place.

MR. NINNIE: This is in feet and this is in inches.

MR. LUCIA: It looks like the Notice of Denial is correct, the sign setback from the lot line proposed is 6.5 inches, 15 feet is required that generates a variance request of 14.45 feet.

MR. TORLEY: Freestanding sign if I am looking at your chart, parcel 70-1, it is showing 4 by 5 which is pricing so that is, this is 40 square feet here and 56 square feet there.

MR. TORLEY: It is not 48 square, if the feet provided

it's 96 square feet, he's asking for a variance of not 8 square feet but 16 square feet, I'm sorry 56 square feet.

MR. LUCIA: We probably are going to have to amend those numbers if that has been consistent throughout. Your plans are only counting one side.

MR. NUGENT: There's only one freestanding sign, isn't there?

MR. NINNIE: That is right, just one.

MR. BABCOCK: You agree that each side of the sign is 48 square feet?

MR. NINNIE: Yes.

MR. BABCOCK: So we have to double that requirement.

MR. NINNIE: To 96 and then subtract.

MR. LUCIA: 56 square foot variance request for the freestanding sign area.

MRS. BARNHART: Mike, would you change my Notice of Denial?

MR. BABCOCK: Yes.

MR. BABCOCK: That is also an existing sign because they are putting the sign on.

MR. NINNIE: DOT took six feet so that made that closer because the back curb is the edge of the DOT right-of-way.

MR. NUGENT: Let's stop right here, right now and get some kind of law and order here because we'll be in a disaster in no time flat. I'll read 7 and 8 and then address them. How want to address them is up to you.

MR. NUGENT: Request for 25,179 s.f. lot area, 50 ft. lot width, 3.04 ft. building height on Subdivision of Lot #1 which includes gas station and retail sales on

property listed above in a C zone.

MR. TANNER: Number 7 doesn't address the residential aspect of this property. There's an apartment in there also we're talking about retail and Dive Shop and gas station they are not addressing the apartment at all.

MR. NUGENT: I was under the assumption that the apartment was pre-existing.

MR. SAMUEL LEONARDO: We have an affidavit proving that Mr. Leonardo lived there for 30 years, we have an affidavit taken.

MR. TANNER: I haven't seen that.

MR. LUCIA: We did ask that the one parking place be shown on the map.

MR. NINNIE: Which is it?

MR. TANNER: Should that be listed there also on that?

MRS. BARNHART: No, because they are not asking for a variance for it.

MR. NUGENT: It's a pre-existing use, right?

MR. BABCOCK: Yes, actually, the one family apartment Ted is a permitted use there, he won't need a variance to have that there, he would need a variance for lot area, wasn't pre-existing.

MR. TANNER: I just don't want him to get in a situation where later on he runs into a problem.

MR. BABCOCK: Lot area of 20 acres is required in a C zone, that would be the variance that they would request but the caretaker's apartment is a permitted use in that building.

MR. TANNER: I just don't want him to be back here.

MR. LUCIA: In that same connection, Mr. Leonardo, Anthony Marshall's affidavit says that he knows you

occupied it from 1957 through April of 1993, what happened after April of 1993?

MR. SAMUEL LEONARDO: Young lady that works for me, he moved out and she moved in the same day.

MR. LUCIA: My concern is if you abandon for more than a year, you're going to lose it so it is presently still occupied.

MR. SAMUEL LEONARDO: Right, for my personal preference, the lot is, the area variances are reflecting the lot line changes that the changes that were done as far as the County is concerned quite some time ago really just getting back to us and personally I have no problem with drawing the lot line where it is. But I do have some substantial questions in regard to the gas station. If you want to yield to you, how you want to handle it.

MR. TANNER: No problem with doing it that way, that is probably a good way.

MR. LUCIA: We probably should have--

MR. TORLEY: Get the lot line change out.

MR. BABCOCK: It's a subdivision.

MR. TORLEY: Sorry, subdivision which is reflecting reality.

MR. LUCIA: Have the applicant lay out, I know you have done this but the history of how the lots came to have this configuration.

MR. NINNIE: I've written you a letter for all of you to follow but I'm going to read it out loud for the public hearing. Dear Members of the Board: It was proposed back in August, 1993, that the present use of gasoline filling at Lot 1.1 be changed to gasoline filling/retail. The use change required a site plan approval from the planning board. In its review of the proposed site plan, the planning board and consultants had determined that a sub-divide of the property was

needed. The sub-divide was needed to legally divide the two lots, since only a boundary agreement separated the two parcels yet two tax numbers existed, one for Lot 1.1 and 1.2. The boundary agreement was drawn up as part of probate of the estate of the late Catherine Leonardo, to separate the site into two lots for her two surviving sons. One lot for Constantine and the other for Samuel. These are Lots 1.1 and 1.2 respectively. Known variances were there recognized from the proposed subdivision and site changes on Lot 1.1. Therefore, an appearance before zoning board was warranted. It is through the subdivision process that most of the variances occur. The variances created by the subdivision consist of area, set-back and parking space variances on both lots. The above mentioned site, Lots 1.1 and 1.2, predates Town of New Windsor zoning laws by 2 years. The pre-existing conditions are substantiated through Town Assessor records and deed dated in 1933, enclosed. Upon the adoption of the zoning laws in 1960, both lots automatically became undersized. These variances associated with the subdivision cannot be mitigated or rectified due to this condition. The adoption of the zoning law after the establishment of lot 1.2, the lot that has no proposed site improvements. Again, the adoption of the zoning law after the establishment of lot 1.2 had rendered the site undersized. Zoning law regulations pertaining to parking are directly related to retail space and site area, in which to accommodate the spaces, therefore a variance for parking is needed and therefore requested. The site plan application will create variances by virtue of the site improvements that are proposed under that application. The site plan has created variances pertaining to lot width, setback, height and signage. Variances associated with lot width is connected to the lot predating zoning law. This variance cannot be mitigated or rectified, since the site is pre-existing zoning regulation adoption and the adoption of the zoning law after the establishment of lot 1.1 has rendered the site undersized and hence lot width also becomes non-conforming. Variances associated with setback, height and signage pertain to the proposed use of the lot. Setback variances created by the canopy cannot be rectified since the DOT takings over the last 20 years has limited setback to the 9/6

feet shown. Even without the canopy, the building itself cannot meet this setback condition, due to the building and lot pre-dating zoning law adoption. The height variance cannot be met due to similar circumstances that the setback variance cannot be met. Building height requirements are based upon building setback. Since building setback cannot be met due to the pre-dated condition, building height cannot be met. Even without the canopy, the building itself cannot meet the height regulations, due to the building and lot pre-dating zoning law adoption. Variances associated with signage are needed to properly market the produce in competition with the other three petroleum establishments. The three other petroleum marketing establishments, all within 200 feet of each other have signage similar if not larger than the proposed signage. Their facade sizes are smaller or the same as the building in question. Since signage is based upon percent area of building facade, the other three establishments must be at variance with town zoning as well, including setback. Enclosed photographs substantiate this variance of sign setback with their property lines and sign square footage greater than what is being proposed at Lot 1.1. Therefore the inclusion of signage similar to other establishments within 200 feet of one another and in a neighborhood that is similar in character will not be a detriment to the public health, safety and character of the neighborhood, that the other three similar facilities now possess. The area of the 5 corners is built up with three other petroleum marketing establishments, all within 200 feet of each other. these too have canopies the same height and larger footprint than the proposed canopy. Additionally, photographs enclosed indicate a greater variance with their property lines and canopies. Therefore, the inclusion of another canopy with similar characteristics and sitting in an area that is similar in use will not be a detriment to the public health, safety and character of the neighborhood, that the other three similar facilities now provide. Canopies are now becoming the favored structure with petroleum companies, since the canopy serves a two fold purpose. One is life safety. The canopy is an excellent structure to hang Halon fire suppression systems

attractively. The canopy also serves to protect the customer from adverse weather conditions that can affect safety of mobility when dispensing petroleum products. Therefore the canopy will be beneficial to the safety of the neighborhood, by making it safer for all who use the facility and to bring the present filling station up to safety similar to the other three facilities. Overall, the applicant is not asking for variances that do not exist in the neighborhood that do not presently exist with the other establishments now. Similarly, the applicant is proposing improvements to a site that before did not conform to neighborhood characteristics. The site has been in disarray for years. The owner, Mr. Leonardo, is attempting to improve and appreciate Lot 1.1 through a lease agreement with Gasland Petroleum Company. Under the lease agreement, Gasland will renovate the gasoline station and provide site improvements. The landowner will refurbish the dive shop to improve the building and provide site improvements, through proceeds generated by the lease agreement. Without Gasland Petroleum as a new tenant, the present owner cannot afford to improve the site. The inclusion of a new tenant, Gasland Petroleum Company, has only improved the site and blend the site with the present character of the neighborhood. Gasland is the key to improving the above mentioned property. Without the Gasland agreement, the property will remain as it is. Not granting the variances requested for will terminate the lease agreement between Gasland and Mr. Leonardo and leave the site uncompleted and non-conforming to neighborhood character. The applicant is only proposing a use and variances that the neighborhood presently accommodates with three other similar establishments. We therefore ask the board to grant the necessary variances to complete this part of the planning process and improve a site which needs improvement.

MR. LUCIA: It sounds like you're saying the lots in the present configuration pre-date zoning, that is not really true, the unsubdivided lot pre-dates zoning. One thing just for the board's etification, and if you go through this and look at what's pre-existing non-conforming, nothing has to do with the subdivision

is pre-existing, there are certain setbacks that may be pre-existing but as far as the subdivision of lots 1 and 2, that is an initial application to this board at this point.

MR. NINNIE: We have some photographs here too that we have, I don't know if Steve has circulated them.

MR. LUCIA: Mr. Leonardo, Mr. Babcock corrected me before there's a 12 year time period during which you'd have to abandon that apartment, before you'd lose it as a pre-existing use. I think I said one year. I want to correct that.

MR. SAMUEL LEONARDO: That young lady has been with me 16 years, I think she's going to remain with me another 16 years.

MR. TORLEY: Right now we're talking about the subdivision.

MR. NUGENT: What would you like to do? You were concerned about doing 7 and 8 first.

MR. TORLEY: Personally, I have no problems accepting the reality of a lot line.

MR. BABCOCK: So, you keep saying lot line, I don't mean to correct you but it is a subdivision so we should refer to item number 7 on the agenda and make a separate vote on 7, I think there should be a separate on each is that what you're asking?

MR. TANNER: Let's get the subdivision out of the way.

MR. NUGENT: That would be 7 and 8.

MR. BABCOCK: One at a time.

MR. NUGENT: We'll go 7 first then 8 and go back to 6.

MR. LUCIA: I want to get more evidence on the record. I know you covered a large part of this in your presentation but just let me have you respond to some of these items. Do you feel an undesirable change will

be produced in the character of the neighborhood or detriment to nearby properties by granting all these area variances?

MR. NINNIE: No.

MR. LUCIA: Could you describe the character of the neighborhood surrounding the subject site?

MR. NINNIE: Character of the neighborhood is presently occupied by commercial retail establishments specifically petroleum, marketing and like a convenience type of stores, snack shop, all within 200 feet of this particular site plan.

MR. LUCIA: And do you find that those competing establishments within 200 feet have similar setbacks, similar signage and similar area variance problems that you are presenting to this board?

MR. NINNIE: Yes.

MR. LUCIA: Some of them you think are even worse than yours?

MR. NINNIE: They are close, I wouldn't say worse but I would say they are very, very close because some of the for example the Hess station I've noticed when I was there I did a walk-around all the sites and took a photograph I believe one of them is a black and white, the canopy is right tight up against the fence and then there's an adjacent building obviously Hess does not own that adjacent building has to be neighboring property.

MR. LUCIA: Is the benefit which you seek here achievable by some other method feasible for you to pursue other than an are variance?

MR. NINNIE: No.

MR. LUCIA: Are the requested area variances substantial in terms of numbers?

MR. NINNIE: I don't feel they are, no.

MR. LUCIA: Some of these, especially with regard to--

MR. NINNIE: Not under the present circumstances that these lots have existed for so many years like this, even without the subdivide, the lot itself was non-conforming the day that the zoning law was adopted.

MR. LUCIA: You have drawn this to minimize as much as possible the requested area variances?

MR. NINNIE: Yes.

MR. LUCIA: Will the proposed variance have an adverse effect on physical or environmental conditions in the neighborhood or district?

MR. NINNIE: No.

MR. LUCIA: You're improving the environmental conditions of the neighborhood or seeking to?

MR. NINNIE: Yes.

MR. LUCIA: And was this difficulty self-created?

MR. NINNIE: No.

MR. LUCIA: I guess the subdivision being unilateral act by the Leonardo's was self-created but you are now here doing what you can to make it legal?

MR. NINNIE: We want to rectify and correct the situation.

MR. LUCIA: At the last meeting it was mentioned that the board members were going to visit the site individually since we're now meeting together, I don't know if anyone observed anything with respect to visits, if they want to share with other board members.

MR. TORLEY: Reflecting the area variances, no.

MR. NUGENT: No.

MR. LUCIA: Okay, you had a question Herb?

MR. LANGANKE: No, I was just going to proceed.

MR. LUCIA: Motion is in order unless the board has any additional questions?

MR. NUGENT: I thought you weren't finished yet.

MR. LANGANKE: I make a motion that we grant the applicant the variance requested in item 7 as stated in the Zoning Board of Appeals agenda dated December 13, 1993.

MR. TANNER: Second it.

ROLL CALL

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

MR. NUGENT: I think we should address number 8.

MR. LUCIA: Without being repetitive, if I were to ask you each of those specific questions under Section 267B would your answers be substantially the same for this lot?

MR. NINNIE: Absolutely.

MR. TORLEY: And once again having walked there I have no objection to these area variances.

MR. NUGENT: I'll accept a motion on number 8 then.

MR. LANGANKE: I make a motion that we grant the applicant the variance requested in item 8 as stated in the Zoning Board of Appeals agenda dated December 13, 1993.

MR. TORLEY: Second it.

ROLL CALL

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

MR. NUGENT: Now we're back to number 6.

MR. TANNER: I have a question about signage here, we have been talking about all these Coastal signs, the Dive Shop goes in, there's no reflection of signs, I would assume they are not going to do business without a sign?

MR. BABCOCK: I can address that. I talked to the applicant, there will be no freestanding sign for the Dive Shop. There will only be a facade sign that is how we wrote it up.

MR. NUGENT: What's on the building now?

MR. BABCOCK: Yes, well, there's a temporary promotional sign that he was using.

MR. TANNER: Should that be reflected on here?

MR. BABCOCK: It is on the map.

MR. BABCOCK: There's a formula you have to compute it.

MR. LUCIA: 5 percent of all area, wall area, not all.

MR. BABCOCK: Which he called 50 square feet.

MR. LUCIA: One of the sign variances on the Dive Shop is 50 square foot proposed wall sign combined with the 43 square foot for Coastal.

MR. TANNER: Just so they are not back in here for another sign variance.

MR. LUCIA: Once again, if I were to ask you each of those--

MR. TORLEY: Before we get to the signs, I have one

overwhelming problem that I saw when I walked through the area as I have gone by I went over this past weekend, there's a huge pile of dirt in the back and two, 55 gallon drums with no clear legible label that I saw.

MR. SAMUEL LEONARDO: The two, 55 gallon drums belongs to the DEC which we have no jurisdiction, the dirt we're going to take the dirt away.

MRS. BARNHART: They are monitoring wells.

MR. TORLEY: That dirt has been there since August, is that dirt considered contaminated soil?

MR. SAMUEL LEONARDO: Yes, it is.

MR. TORLEY: You have had it sitting there uncovered since August?

MR. SAMUEL LEONARDO: We're waiting for this gentleman to open up so he can pay rent and we'll move the dirt.

MR. NINNIE: Most times the way the situation works not even with this station, I deal with a lot of them, it's more economical for the owner to let it sit there. Once they haul it off-site now they are liable even if you have something in writing from the DEC, the federal government can come back to you and say you're under lawsuit you have to remove it from a site 50 miles away because we have your map here.

MR. TORLEY: We know that I have a pile of dirt which you admit could be contaminated, it's uncovered and you're letting it leach out into the ground water. Personally I will not want to go forward with any of these things until the dirt is out of there and properly disposed of.

MR. STEVE KALKA: One, it's obvious to the benefit of the land owner to remove it. Two, there's nothing in the DEC regulations that require it to be moved off the site. That dirt can sit there forever literally. It's not considered hazardous waste material because of the level of contamination. One of the problems we have in

the industry is the analytical tests become more and more sensitive, the description of what's contaminated becomes larger and larger. Ten years ago parts per million were tested now we test parts per billion so consequently, what's legal to drink in Pennsylvania is contaminated in New York. So yes, the dirt is contaminated. You're concern is addressed, the DEC is aware of it. There's no wells in this particular area and the leaching effect from the dirt is basically minimal. If you take a pile of dirt even after a heavy rain storm, it doesn't penetrate very much into it. If you'd like, I would agree to it and I don't think we'd have a problem we'll cover it with plastic and keep it covered until we do get it off-site.

MR. TANNER: I don't see how you're going to do the site plan improvements without moving the dirt.

MR. KALKA: It's already been done.

MR. TANNER: This landscaping?

MR. NINNIE: Yes but in order for him to get the dirt of site which is very expensive, he has to get the proceeds from the lease agreement so he can pay for having the dirt removed.

MR. TANNER: Aesthetically, I have a real problem with the dirt to be honest with you and if you grant approval and then he says well, I got my rents, I don't need to move the dirt.

MR. SAMUEL LEONARDO: We'll put it in writing that after we collect the rent, the first rent 90 days the dirt will be out of there in 90 days. We'll put it in writing.

MR. TANNER: That is fine with me.

MR. SAMUEL LEONARDO: Right now.

MR. KALKA: As part of the approval.

MR. NUGENT: Put it right in the minutes.

MR. SAMUEL LEONARDO: Within 90 days we'll have it out of there.

MR. KALKA: Ira Conklin and another outfit by the name of Clean Earth, they are in Newburgh now so we don't want to ship it to Jersey or Buffalo or Cincinnati. What's happening right now--

MR. SAMUEL LEONARDO: The DEC just took 50 or 60 yards away. They were there yesterday and the guy told me it costs \$5,000 for the 60 yards.

MR. TANNER: It's not a reflection on Mr. Leonardo but people do just leave it and say--

MR. SAMUEL LEONARDO: We'll put it in writing. We can't have it there. And the DEC guy asked me if I can turn it over he said if you can turn it over that would help the contamination.

MR. NINNIE: Requires to turn it on over, turn it over to aerate it because it's a hydrocarbon.

MR. SAMUEL LEONARDO: We don't want to do it, we want to move it out.

MR. LANGANKE: I don't have any reason to disbelieve what Mr. Leonardo is saying. He wants the dirt out of there, he's willing to put it in writing I think it's fine.

MR. LUCIA: If the board would feel more comfortable you can make the motion subject to it being removed by a certain date so you are not always tied to his collection of rents or tenant going belly up or something that is completely beyond our control.

MR. TORLEY: No reflection, sir, we put that into the minutes so it has to be gone by February 1st, pick an arbitrary date, comes February 1st it's still there, what recourse do we have?

MR. LUCIA: He no longer has a variance. He can't build out the site plan.

MR. TORLEY: Well if he has gone beyond the point there are a lot of things that do not have variances that are churning along quite happily.

MR. LUCIA: Building inspector can cite him then.

MR. NINNIE: That is a Planning Board matter, they are definitely going to pick up on that and we're going to be held to the same type of conditions that you are requesting for here. So in order for them to grant us a viable site plan, they are going to have to somehow remove the dirt within a stipulated basis of time even if it is in writing contingent on this being removed.

MR. SAMUEL LEONARDO: Even if gasoline doesn't become the operator we have no choice, we have to get it out of there.

MR. NINNIE: Looking at parking spaces and part of the landscaping that is part of the site plan.

MR. TANNER: Why don't we take Mr. Leonardo up on his offer and take him up from there.

MR. TORLEY: My second problem is in the freestanding sign. Now, it is true that there are other signs around there that clearly are out of variance, but they are not before us now we have no control over them unless and until they do show up.

MR. NINNIE: We're just bringing out a point as comparison as part of the process of showing hardship and neighborhood character.

MR. TORLEY: Mobil lot came to the board before they put up the signs and in fact they reduced the initial requested sign areas and made substantial changes to meet the concerns of the board. We come up, we find gee, there's the sign now you're saying give us the sign regulations.

MR. SAMUEL LEONARDO: You have to remember, the base is in and the sign posts were already there.

MR. TORLEY: That doesn't matter, that sign is very

large, it's very close to the road and I'd like you to explain to me why you cannot get the same advertising coverage by putting your coverage on the canopy.

MR. MITCH NESHUWIT: If you bring the sign a little bit in, it will be a safety thing. My name is Mitch, I'm the tenant for that location.

MR. TORLEY: Get rid of the freestanding sign and put your signage on the canopy.

MR. KALKA: One thing the public has become accustomed to it, if you look at the signs in the neighborhood use the major marketing which is Mobil that the signs have become a stack system. In other words, you have vertical stack with a trademark, another trademark and price and what happens is you you have to put on the canopy you have to go horizontal. Try to think about it you don't even see a price sign on a canopy marquee type of sign but the thing is your eye tends to go where it's used to looking. Marketing and gasoline is extremely price sensitive. So if you say well, you're here in front of us so we're going to to the mark and paraphrase with you, it's not a fair situation we're asking for a variance so that we can compete on a level playing field with the people that are within 200 foot area. If this was the only site in a residential area, I wouldn't even be trying to make this argument. I think the reasons for granting a variance are very obvious. I want to be treated the same as our competition. We're not asking for more or less.

MR. SAMUEL LEONARDO: I'm glad you brought up the sign thing. If you will allow me to say a few words that touches a very tender spot in my heart. It hurts me because I had a sign up there before the ordinance was in effect, and it was three, 4 by 8 plywood boards nailed together so that would be 12 by 8, right, and the wind blew it down and I wasn't allowed to put it up and the building inspector at that time told me you only can put up a 3 by 5 sign so we couldn't fit Orange County Importing Company on a 3 by 5 sign so we had to put up Cheese Store. See so we're known as three different things. I bought the company was Orange County Importing Company, Leonardo Food Products so

we're known as Leonardo and I had to put the sign back up so what do we sell in the retail outlet, we sell mostly cheese. When I complained about it I said look I like to obey the law but how come Johnny-come-lately on the spot McDonald's we're here 70 years and we have been paying taxes for 70 years, McDonald's comes Johnny-come-lately and they ask for a variance and they get it right away. Then to add insult to injury, then comes Friendly's next door our neighbor and we look to be friendly so we're always friendly but anyway, what happened, they asked for a variance and they get it, no problem. So we're begging you that we only want you to treat us like you treated our friendly neighbors, be friendly to us.

MR. HOGAN: While you own that cheese store sign just a little aside I think I'd be happy to vote for a variance for a larger sign if the condition of the sign was much better. How long--

MR. LEONARDO: That's been there about 20 years. We have the trucks come out at nighttime from Club 32 and they have to get rid of all of that meanness in there and they throw rocks at it. That is better than breaking into the place. You know how many times I have been called down there at nighttime because one of the those drunks come out and there's a bottle through my window, you know and the alarm goes off and they call me. I bet you I have been called out ten times in 20 years. I'd like to catch one just once, I'd have him pay for the ten times.

MR. NUGENT: Let's get back to this.

MR. LEONARDO: So remember about McDonald's and remember about Friendly's, we don't ask for anymore, Mobil, Hess, you know what there excuse was.

MR. LANGANKE: I have no problem with the freestanding sign after hearing the discussion.

MR. BABCOCK: How can you do site improvements under a dirt pile, they'll bond it. It's one of the requirements. It's going to be called a cost estimate once they are ready for the C.O. I'm going to walk on

the site and look at the cost estimate what they haven't completed they are going to have to bond.

MR. NINNIE: That will probably be brought up at the Planning Board and we're anticipating it.

MR. KALKA: What we need to be able to proceed to that step which is through here and then we'll go on to that one.

MR. TORLEY: Did you ever ask for a variance for that cheese store sign?

MR. LEONARDO: Well, in order to put that one up, I had to get a permit or a variance, I don't know which in order to put up the 3 by 5.

MR. BABCOCK: Twenty years ago he probably wasn't, Jimmy, that has been changed several times.

MR. LEONARDO: Had to come before somebody, I forget, must have been the Planning Board or the Zoning Board, I don't know which and I had to get the variance to put up the sign 3 by 5. They only allowed then.

MR. BABCOCK: 1958 it was updated so I'm not sure what it changed to.

MR. LEONARDO: I think it's 6 by something now, isn't it?

MR. BABCOCK: It's 40 square feet total.

MR. TANNER: Can we get back to the Coastal signs here and try and complete this? The building signs, which ones are going on the canopy and which are going on the building?

MR. NINNIE: Okay, this one, these are going on the canopy at this location, number one, designates here on this side and this side, and C is going on this side here and here on the canopy edge and the building and the labeled number 3 that is going right here.

MR. LUCIA: Mr. Ninnie was taking the blocks labeled

building signs on sheet S 1 and relating the numbers on those 3 signs to the numbers shown on the block labeled building sign placement.

MR. TORLEY: You're putting the C on both faces on Coastal on the one face in addition to the C?

MR. NINNIE: That is correct.

MR. TORLEY: And the C markings on the front of the building?

MR. NINNIE: Yes.

MR. TANNER: That is the only one I would have a problem with. I think they are kind of being redundant with it. It's saying exactly what you already got there putting it up again. I don't know why it necessities 18 square feet. I don't feel it's necessary. I'm talking about number 2, the small C.

MR. NUGENT: That is the one on this sign right here?

MR. TANNER: It's up there already, it's also on the building evidently.

MR. NINNIE: It's on the building but not on the canopy.

MR. TANNER: I have less of a problem with it on the building than I do on the canopy.

MR. LANGANKE: On the ends there's only Coastal, this is on the ends, right?

MR. TANNER: All right, I don't have a problem with it that way at all.

MR. NUGENT: Want to explain to me what you just found out?

MR. TANNER: What he just said I don't have a problem with it.

MR. LUCIA: I think Mr. Hogan had a question on parking

and we now have an amendment.

MR. HOGAN: I still have a problem with parking. I don't have a problem with signs at all. With regard to this amendment to the lease and the amendment to the drawing, that course to this document here, just in way of summary I show that the ingress egress and the area for deliveries effects 5 of the 15 provided spots. You want me to point them out or just keep going?

MR. NINNIE: Yes, please.

MR. HOGAN: I've penciled in to the best of my ability where these number 6, number 5 is cut in half, number 6 is cut almost entirely.

MR. NINNIE: Now this piece you're getting from?

MR. HOGAN: From the original lease, this is prior I'm going back and number 9 is entirely within this area, 10 is partially within this area and 10 and 1 are also effected by the ingress egress triangle here.

MR. NINNIE: Well, this supersedes that which makes this null and void.

MR. HOGAN: That is fine. However, in terms of legality I want to take this a step further, the lease that was provided to us was between M & A Realty, I believe and Constantine Leonardo.

MR. SAMUEL LEONARDO: That is my brother.

MR. HOGAN: The problem I have this is really a question for Dan and if necessary I want to take it a step further but is this document that we're now looking at, is this going to bind all tenant, tenant and landlord to this agreement for a period of time that we're talking about, we have a ten year lease here.

MR. LUCIA: Yes it's difficult to say. You're correct the amendment says between the realty company and Constantine Leonardo which seems to be a stranger. It's signed by Leonardo, Constantine Leonardo, who is

the landlord on the basic lease. It's signed by someone indicated as Mitch Neshuwit, manager of M & A Realty Corporation. It's ambiguous to be honest.

MR. HOGAN: Because at some point in the future, once we have approved this, there's nothing stopping anyone of these three or all three together to assigning these spots strictly to other uses within this property here. I'd like this --

MR. SAMUEL LEONARDO: Doesn't it say it was agreed that both parties have permission of have ingress and access in order to park?

MR. HOGAN: I understand.

MR. LUCIA: Question is who signed it and on behalf of whom? In other words, this name the realty company is different than the name in the lease, this guy signing here doesn't indicate who he is signing on behalf of and in the lease it says he was signing on behalf of a realty corporation.

MR. SAMUEL LEONARDO: That is my nephew, that is the Dive Shop. Now Mitch is here, he's present and he can sign as M & A Realty. Can you put underneath your name M & A Realty?

MR. NESHUWIT: Yes.

MR. HOGAN: You're getting way ahead of us here. Just from my understanding, Mitch, you are in what position with M & A Realty?

MR. NESHUWIT: I'm the chairman for M & A Realty.

MR. HOGAN: I'm asking our attorney to have approve whatever document here and I'd like to make whatever we do today conditional upon document that tightens this up to the point where all of this parking is now and will forever more for at least next ten years jointly useable by both tenants on that property.

MR. LANGANKE: Can't you put that on the map and on the map put a note saying that therein.

MR. HOGAN: It's on the map.

MR. LANGANKE: In the minutes your approval per the map you referred to in the minutes.

MR. HOGAN: I don't want to drive into Coastal to run in and get a can of oil and see a sign Dive Shop parking only.

MR. NINNIE: Dan would they have to amend the deed?

MR. LUCIA: I don't think it's a matter of amending the deed, as getting the amendment to the lease to conform as to parties to the lease itself and to bring in the Dive Shop operator as by indicating exactly in what capacity he's signing it cause it looks just on the face of it he looks like he's a stranger to the whole transaction just to read the amendment.

MR. SAMUEL LEONARDO: He's my nephew and we don't know how longest going to stay. He put a lot of money and if it doesn't work out, I don't think it's going to be much longer.

MR. LUCIA: Mr. Hogan's concern is we want to tie this parking to whomever operates the Dive Shop and that is what we need to get nailed down.

MR. NINNIE: There's some legal terms that have to be added to that.

MR. SAMUEL LEONARDO: Or to any successor.

MR. LUCIA: It can be done, it's just a matter of how we're going to present it at this board. The other thing the board may once again want to take a look at on parking they are showing 15 spaces provided and you'll note as we discussed before 4 of those spaces are at the gas pumps which is not something we have ever seen in my tenure on the board and any other gas station application so depending on how you want to view that, it may increase his variance request for the number of parking spaces.

MR. BABCOCK: Dan, he only needs to provide 9 according to my calculation and if I take the four out, he will still be one over.

MR. HOGAN: My concern comes in if I take those 4 spots out and I take the fifth out could be effected by at any point in time by ingress deliveries et cetera then we're down to 6 spots for the entire site.

MR. NINNIE: If we go this route here but this has to be changed.

MR. KALKA: We'll tie that back into the lease.

MR. HOGAN: I'd like to make it conditional on whatever we do.

MR. KALKA: That is acceptable, it's reasonable.

MR. TANNER: Do we have any precedent for using gas pumps as parking spaces?

MR. LUCIA: Not that I have seen.

MR. KALKA: We discussed this at the last meeting and one of the problems in the Town of New Windsor and other jurisdictions where we go in front of converting service stations into convenient stores is that convenient store has been around for a long time, used to be called general store with a couple gas pumps out in front. In the zoning laws, as they have been rewritten, it is not addressed. If you look, you'll not find the word convenient store. It's like a hole, what's a convenient store and it doesn't fit the normal retailing. It's like delivery areas some of the zoning regulations require 15 by 65 foot long spot for a trailer truck to unload at a retail establishment that would be a year's supply at a convenience store. it doesn't fit and that is why I said to you when we addressed it the first time it's almost an educational process not a smoking mirrors type of thing. People do use the gas pumps for parking. They don't at a full service gas station because the attendant is going to show them out but at a convenient store, where you don't control them I get annoyed, I pull into the

convenient store and the guy, a driver in front of me being non-sexist, isn't getting gas but they park at the closest place where the gas pump is and decide to do the shopping. So in effect, I don't think we're pushing it. I think they truly are used for both.

MR. LUCIA: You can make the argument I think the board's concern is since we have had a number of convenient store gas stations before us and we haven't previously counted spaces at the pumps, I'm not sure they want to set a precedent for saying I've got 4 spaces under the canopy.

MR. KALKA: We don't need it, we can, I have waive that requirement.

MR. BABCOCK: They don't need the parking spaces for the gas station. It's not required. The parking spaces are there for the retail store. So if you just for a second thought about it and took the gas pumps out, you would have 4 retail parking spaces there so basically, like you said, you don't want to set a precedence where you are counting them but you could count them because they are there for retail not there for the gas pump.

MR. NUGENT: He has enough with or without so it's irrelevant really. Is there any other questions?

MR. LUCIA: On the cheese factory for parking we do have the 2 parking space variance requests?

MR. BABCOCK: That was on number 8.

MR. LANGANKE: That is already done.

MR. TANNER: Even if we eliminate the 4 spaces we have enough parking for the Dive Shop apartment and retail space?

MR. BABCOCK: Yes.

MR. LANGANKE: I have no further questions.

MR. TANNER: No questions.

MR. TORLEY: No.

MR. NUGENT: At this point, I'll open it up to anyone in the audience that would like to comment. Hearing none, I'll open it back to the board.

MR. LUCIA: Mr. Ninnie, if I were to ask you once again all the specific requirements of Section 267B of the Town Law would your answers be substantially the same as you gave them on the earlier operation?

MR. NINNIE: Absolutely yes.

MR. HOGAN: Before we go any further, in terms of back to this amendment to a lease, how just in the matter of mechanics how would you like that to be handled?

MR. LUCIA: I think if you want to condition your motion on them providing us with an amendment to the lease that is signed by the same parties to the original basic lease and is also signed by the leasee of the Dive Shop agreeing to the disposition of the parking spaces, I think that would be a, would meet our requirements as long as Mr. Leonardo says it will apply to assessors and assigns to those leases in case the tenant should change over the years.

MR. HOGAN: Do we need a copy of the lease between Constantine and--

MR. LUCIA: Yes, to establish his interest in the Dive Shop property, if there's a lease. If not, we can cover it by recitation of this agreement that this is your only agreement.

MR. SAMUEL LEONARDO: He's leaving anyway.

MR. KALKA: There's no problem.

MR. LUCIA: If you are in possession of the property, as the owner then you can represent that whoever you lease it to would be bound by the same terms.

MR. SAMUEL LEONARDO: Constantine will have to do it,

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we'll do it, no problem.

MR. NUGENT: Also Mr. Hogan are you going to make the motion?

MR. HOGAN: I'll make the motion.

MR. NUGENT: Included in that has to be the stipulation on the dirt that it will be within 90 days or 120 days you want to give them a little leeway to have it removed?

MR. HOGAN: We're talking whatever date we a sign on the pile of dirt, whether it's 90 days which is what Mr. Leonardo is agreeing to, if it is 90 days from the day we grant the variance.

MR. NUGENT: 90 days from the formal decision.

MR. NINNIE: It will be a Planning Board decision I'm sure.

MR. LUCIA: It's kind of a belt and suspenders type thing. You may get a separate condition by the Planning Board hopefully the signatures will coincide. You can do it either way, it can be a date from tonight or from the formal decision that is up to you.

MR. NESHUWIT: Go for 120 days.

MR. NUGENT: From the formal decision.

MR. HOGAN: Mr. Leonardo, I don't mean to be presumptuous at all, you're speaking here for your brother, Constantine and can we get Constantine on the record that he is in agreement with everything?

MR. LUCIA: There was the lease that you originally signed with M & A Realty for the Coastal Gas Station. The board is concerned about how the parking is distributed between the gas station and the dive shop so they asked for an amendment to the lease, a change in the lease to tell us how that is going to be handled. The problem is that the amendment came in signed by you, that is fine, signed by Mitch and he

doesn't indicate that he is M & A Realty. So we need to change that. We also need to have John Antonori, we need some lease with him to show that he is also agreeing to the same thing or if he is leaving just as the owner agreeing that this is the deal on the parking and if you lease the property to somebody else, you don't know who it is but somebody in the future, he is going to be bound by it too.

MR. CONSTANTINE LEONARDO: No problem.

MR. LUCIA: We want you under agreement that you'll do all these things.

MR. CONSTANTINE LEONARDO: No problem.

MR. NUGENT: Then we'll accept that motion now.

MR. HOGAN: I move that we grant the variances requested, 92 foot lot width, 50.4 foot front yard and 18.8 foot building height for the canopy and sign variances as we previously discussed earlier in the record.

MR. LUCIA: Spell them out again, just clarity, 56 square foot variance for freestanding sign, a 4 foot height variance for freestanding sign, a 69.5 square foot area variance for total wall signs, a variance of 2 wall signs where only one is permitted and 3 are requested and a 14.45 foot setback from the lot line variance for the freestanding sign.

MR. HOGAN: All applying to the Coastal sign owned by Constantine Leonardo subject to the pile of dirt located on the southeast side of the parcel being removed within 120 days of the date of the formal variance being granted. And additionally conditioned on--

MR. LUCIA: Formal decision.

MR. HOGAN: And conditionally conditioned on all of the, we're saying 11 parking spots all of the 11 parking spots being shown as available for use of the 2 tenants identified and their successors.

MR. LUCIA: And an agreement to the satisfaction of the board that those terms will be incorporated in present leases and all future leases in the property.

MR. HOGAN: Evidenced by the amendment that is satisfied to you, our attorney.

MR. LANGANKE: I'll second it.

ROLL CALL

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

COASTAL GASOLINE SUBDIVISION (93-25) CORNER OF RT. 32 &
RT. 94 VAILS GATE

Mr. Eugene Ninnie and Steven Kalka appeared before the board for this proposal.

MR. PETRO: I believe first we're going to be looking at the subdivision.

MR. NINNIE: Correct.

MR. PETRO: Before you get started, you have been to the Zoning Board, I assume you were here prior, we had asked you to go to the Zoning Board, you need a number of variances. Those variances have been granted from what I understand? Are they on this plan?

MR. NINNIE: Yes, they are.

MR. PETRO: Area, lot width and building height and lot width, front yard, total side yard, building height, parking and sign so that is what we're looking at from the Zoning Board, correct?

MR. NINNIE: That is correct.

MR. PETRO: Proceed, please.

MR. NINNIE: To refresh your memories here, this is the piece of property that has been around for well over 30 years, way passed the zoning law adoption and the improvements that are being proposed are on the other half lot, 1.1 on the tax rolls right here. The improvements are a canopy, a change of use on the inside to go from gasoline filling to retail.

MR. EDSALL: We have two applications, I think we should talk about the subdivision independently of the site plan because the two items on the agenda.

MR. PETRO: We're going to do the subdivision first, I thought I had said that.

MR. NINNIE: So the subdivision is a subdivide of this property of lot 1.1 and 1.2 utilizing the old boundary

agreement which was filed in the clerk's office in 1982.

MR. PETRO: Mark, can you clear this up, the variances were any variances needed for the lot line change?

MR. EDSALL: Yes, because the, you mean the subdivision?

MR. PETRO: Subdivision, I'm sorry.

MR. EDSALL: Yes, because the lines were being created such that they were setbacks to existing buildings that were less than would be required under the current standards, and also because the setback dictated building heights that were less than what the existing buildings had, the creation of the line created a need for variances. So yes, in fact the subdivision itself required variances.

MR. NINNIE: The addition of that line created variances on all these both parcels and those are the variances that are listed on here.

MR. PETRO: ZBA approvals of these variances some of these are directly related to the subdivision and some of them are related to the building of the property, the build-out of the property, the site plan itself.

MR. EDSALL: Correct and what again we have to differentiate because they are separately referred to on the two plans again has shown those variances that are relative to the subdivision are shown on the subdivision plan, the variances that are in relation to the development of the gas station lot with the canopy are shown on that plan.

MR. PETRO: You have answered my question, that is perfect, thank you.

MR. EDSALL: He worked very well with us in the workshop to get it all ironed out.

MR. PETRO: These variances go with this subdivision.

MR. NINNIE: Just the subdivision only we have the variances for the site plan over here.

MR. VAN LEEUWEN: One thing that I see a shed sitting in the center of the line.

MR. NINNIE: That was brought up at the Zoning Board meeting, that is a DEC shed that is owned by the State of New York, that is part of there, is like a temporary structure that is going to be removed. It's going to stay there.

MR. VAN LEEUWEN: Put it right on the map what it is.

MR. SCHIEFER: Either that for DEC.

MR. VAN LEEUWEN: Give us a date when it's going to be removed because we can't approve a subdivision with a shed in it, it just can't be done.

MR. NINNIE: If we label it at temporary or find out a date sure.

MR. PETRO: Also, Mr. Ninnie, the conditions of some of the variances I happen to see some of the minutes from the Zoning Board, the dirt pile that is remaining behind the site we can address this for the subdivision or we can address it for the site plan but let's bounce it off you now, it has to be removed within a certain period.

MR. NINNIE: That is correct.

MR. PETRO: Can you state that for the minutes.

MR. NINNIE: The dirt pile that was left from the tank removal and subsequent remediation of this section for the tanks was piled in the back, it's in the process of being removed until such time the owner gets enough money up to move it. But there's a stipulation in the Zoning Board minutes that it will be removed by such a date, I don't know what that date was.

MR. SAMUEL LEONARDO: 120 days.

MR. PETRO: The ZBA approval, is it contaminated soil, is that what it is called?

MR. NINNIE: Gasoline contaminated.

MR. PETRO: So it has to be hauled off?

MR. KALKA: Eventually, yes.

MR. BABCOCK: Mr. Chairman, maybe I can just say one thing, we have explained at least I've explained to the applicant that the dirt piles will have to be removed for them to be able to complete his site improvements and if he wants a C.O. prior to that he's going to have to bond that so we're going to take that into consideration.

MR. PETRO: Are there parking spots underneath the pile?

MR. BABCOCK: There's improvements, I'm not sure exactly where the dirt pile is and they've agreed.

MR. PETRO: We should note now that the dirt is contaminated and the bonding should be considered, might be \$100 a ton to get rid of it, not some guy saying I'll move it out for \$250 bucks.

MR. NINNIE: In addition the improvements that have to be done naturally will also have to be lumped into there to be bonded as well.

MR. BABCOCK: The applicant has shown he'd like to have this removed more than we would.

MR. PETRO: He's aware it's going to be expensive to remove it.

MR. BABCOCK: Sure, that is one of the problems.

MR. VAN LEEUWEN: We can't declare neg dec on this, no way in the world we can do it.

MR. PETRO: The dirt is their--

MR. VAN LEEUWEN: We cannot do it.

MR. PETRO: Mark?

MR. VAN LEEUWEN: You won't get my yes vote on it.

MR. EDSALL: I don't know for site plan approval you'd have a problem with a negative dec I think what you're looking at here it's under DEC regular to be properly disposed of it doesn't pose any imminent danger sitting there, if he illegally dispose of it, that is a violation that the State will obviously take someone to jail on.

MR. PETRO: It's partly my fault we're getting away from the subdivision. Why don't we finish this up and let's address Mr. Van Leeuwen's question though because I want to go further with that.

MR. EDSALL: Do that at the site plan.

MR. PETRO: Any other questions about the lot line change?

MR. VAN LEEUWEN: Well, my question can be posed now or later, doesn't make any difference. I still want to know what you're going to do with the building.

MR. PETRO: Subdivision I keep saying lot line.

MR. VAN LEEUWEN: I'd like to know.

MR. NINNIE: There are improvements forthcoming, siding, windows to improve that--

MR. VAN LEEUWEN: When?

MR. NINNIE: Well, as soon as he starts to open up business here, the idea is to generate revenue from this so the owner can pay to have these improvements done.

MR. SCHIEFER: Who is the owner of this lot?

MR. NINNIE: Samuel Leonardo.

MR. SCHIEFER: But he's not going to, you mean generate income, I see what you mean.

MR. NINNIE: Gasland Petroleum is a tenant and he's paying rent to Mr. Leonardo. Once he generates enough revenue.

MR. SCHIEFER: That was my understanding. One reason I questioned when you said income, I didn't realize what you were referring to.

MR. LANDER: We're going to have to have some timeframe on that?

MR. VAN LEEUWEN: We were promised to get the building fixed before by the two guys that went in and nothing happened, you have to understand that. This is Vails Gate, it's the entrance transmission to our Town, the whole corner don't look that great.

MR. NINNIE: Could that be bonded as well as lumped into because the--

MR. VAN LEEUWEN: If he hasn't got the money to fix the building, he hasn't got the money to lay up front.

MR. NINNIE: There's another player that is Gasland Petroleum Company, he's the one with the money so the Gasland Petroleum would like to have a C.O. for the site and he will bond whatever is necessary to get the C.O. once that C.O. is obtained, he can open up for business, revenue starts to be generated and then these things can be started to improve.

MR. VAN LEEUWEN: That is not my interest.

MR. PETRO: Can we bond a building to be fixed up?

MR. BABCOCK: As long as the applicant agrees, we have done it in the past.

MR. VAN LEEUWEN: I'll tell you something as we go along we're trying to upgrade the Town of New Windsor and coming into the Town, that has been an eyesore for

15 years.

MR. EDSALL: In answer to your question, legal law reads it references some improvements if the board and the applicant agree that the rectification of the problem with that building is a key site improvement, I would imagine that as long as everyone's in concurrence on it you can fit that right in.

MR. PETRO: Only other thing I would see with the building that should be in consideration it should be discussed before the board would be the amount whether they can put some shutters on it and it's cleaned up and it would be a \$200 amount.

MR. KRIEGER: You better identify specifically what they are going to do, make it somehow look better in the future.

MR. LANDER: I think not only should we have a bond but we should have a date a schedule when this reasonably can be done.

MR. VAN LEEUWEN: We should have a contractor's estimate in front of us to see what these things are going to cost and bond that amount of money that is the fairest way to do it for the Leonardos.

MR. LANDER: We've done that before all right and I have seen a bond sit for five, six years before anything is done.

MR. VAN LEEUWEN: We have to make a decision how much to bond it for.

MR. LANDER: I'm not saying that they can put the money up.

MR. PETRO: He's talking about the amount you're talking about a timeframe.

MR. LANDER: They can put the money up but they can sit for five years that way I don't know that one fella there he had ten grand he left for five years. I don't want to see that.

MR. NINNIE: If you notice that the timeframe that the station has improved from so looking at that timeframe of how long it took for those improvements, it's probably going to be about the same amount of time cause he was in there pretty quick. He did a lot of good improvements. The other building is going to go that much faster

MR. LANDER: Well, we can get--

MR. VAN LEEUWEN: We've had some problems, Mr. Ninnie, let me go back a little bit. You had promised the building inspector when you were here at another meeting that the canopy would not go up and it went up and I understand the circumstances what happened, let's forget about that. Let's concentrate on the issues that we have here on the table and let's get those ironed out to the best way for everybody for the Town, the people in the Town and the owners and then we'll all be satisfied because we're all in the same mind, we all want to get the site plan cleaned up.

MR. PETRO: Mark?

MR. EDSALL: We have varied quite a bit from the subdivision. Why don't we get the subdivision.

MR. VAN LEEUWEN: I said I can get into it now or later.

MR. EDSALL: You have got two different applications and the minutes are going to be all mixed up as far as what concerns you have for what application.

MR. PETRO: Let's table Mr. Van Leeuwen's concern right now with the building. We have some ideas we can hash out when the proper allocation is before us. Anyone on the Planning Board have any other questions about the subdivision?

MR. SCHIEFER: I have a comment I'd like to see this because I hate to see 4 businesses on one lot now it's at least getting down to two. I think it's a good idea to break it up.

MR. DUBALDI: How does the dirt effect us under SEQRA? I mean it's contaminated.

MR. VAN LEEUWEN: Mark just explained that.

MR. EDSALL: For the subdivision, it clearly has no impact on your decisions for the SEQRA and for approval for the site plan, I think realistically you could in good conscience set a timeframe for the removal of the soils as well as requirement to bond it but again do that for site plan.

MR. VAN LEEUWEN: I'd like to make a motion to declare ourselves lead agency.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and second that the New Windsor Planning Board declare itself lead agency on the Coastal Gasoline subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

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

MR. VAN LEEUWEN: I make a motion to waive public hearing.

MR. SCHIEFER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Coastal Gasoline subdivision.

ROLL CALL

MR. SCHIEFER	AYE
MR. VAN LEEUWEN	AYE
MR. LANDER	AYE

MR. DUBALDI AYE
MR. PETRO AYE

MR. VAN LEEUWEN: I'd like to make a motion for negative dec, declare negative dec.

MR. SCHIEFER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec on the Coastal Gasoline subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

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

MR. SCHIEFER: I'd like to make a motion we approve this two lot subdivision subdivision with the single subject to of removing the shed, nothing physical but at least identify that shed as being temporary because I don't want to put a boundary through a building that is going to stay there with that exception I see no problem with the subdivision whatsoever.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board give Coastal Gasoline subdivision approval subject to the shed being--

MR. VAN LEEUWEN: It's not Coastal Gasoline.

MR. PETRO: This application is made in whose name if it is not Coastal Gasoline? Do we have a proxy?

MRS. MASON: Applicant is Sam Leonardo.

MR. PETRO: I'll rephrase it. New Windsor Planning Board has made motion and seconded that the New Windsor Planning Board give Leonardo subdivision approval

subject to the shed being either a re-shown on the map as to be removed by the DEC in the near future. Any further discussion from the board members? If not, roll call.

ROLL CALL

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

LEONARDO, SAMUEL

MR. NUGENT: Request for 61,478.4 s.f. lot area, 75 ft. lot width, 25.0 ft. side yard (rear building) and 11.4 ft. side yard (front building), 56.9 total side yard (rear building), 11.37 ft. max. building height (rear building), 12.7 ft. maximum building height (front building) and 2 o/s parking spaces for subdivision of lot #2 which includes bar/restaurant and processing/manufacturing/retail on property listed above in a C zone.

Eugene Ninnie, P.E. appeared before the board for this proposal.

MR. LUCIA: Notice of Denial is page 4 of 4.

MR. NINNIE: Those variances are listed on the table where it says lot 17.2.

MR. TORLEY: How much of building on lot 2 are pre-existing?

MR. NINNIE: All of them, both of them. The cheese factory and the bar restaurant.

MR. TORLEY: And the storage area that is part of the cheese factory, that structure is also constructed before zoning?

MR. TORLEY: No, I don't believe so.

MR. SAMUEL LEONARDO: The other building was put up in '61, our building has been there for-- bar building has been there for 100 years.

MR. LUCIA: Just come forward and show what part of the building pre-exists zoning and what part was added. I'm not sure that is evident from the record.

MR. SAMUEL LEONARDO: Sure.

MR. SAMUEL LEONARDO: In 1961, we put in this building in here.

MS. BARNHART: Which is this building?

MR. LUCIA: Just for the record since we're--

MR. SAMUEL LEONARDO: It's 40 by 100, that was our storeroom and kitchen.

MR. LUCIA: The southern-most building on the lot.

MR. SAMUEL LEONARDO: Yes, in '72, we got a permit and we put this up that is our storage area.

MR. LUCIA: So the L-shaped part of the building that goes off towards the gas station property is the '72 addition, is that correct?

MR. SAMUEL LEONARDO: Yes, what we wanted to do we wanted to put this here but at time, we couldn't because there was a new ordinance said you had to go 15 foot in so we went 15 foot in.

MR. LUCIA: Thank you.

MR. SAMUEL LEONARDO: You're welcome.

MR. TORLEY: So the 13.1.

MR. TORLEY: Required total side yard total side yard 70, provided 13'1", so those side yards are now--

MR. TORLEY: Showing one said yard of 18'5" and the other 6.0.

MR. LUCIA: Yes, 18.6 is the bar to the new subdivision line.

MR. TORLEY: But the limiting factor really sum total being 14.5 feet total side yard for the cheese factory and storage area.

MR. LUCIA: We're looking for side yard on both buildings.

MR. TORLEY: Here we're carrying the total side yard as

reflecting the cheese factory not the restaurant.

MR. LUCIA: Isn't it five feet to the gas station?

MR. BABCOCK: It's 5.

MR. LUCIA: And eight foot one and the Friendly side?

MR. LUCIA: It's 5 on the Notice of Denial, I'm not sure what it is on the map.

MR. NINNIE: Should be five, Mike is right so the plan has to be changed but the numbers on the table and here does not.

MR. LUCIA: If you rotated that towards that, is that what you're trying to do?

MR. NINNIE: Yes.

MR. BABCOCK: If you look at the plan and you measure straight out from the corner of the cheese shop, it shows 6 foot. But if you measure as a diagonal, you'll see that it is a lot closer which is 5 foot, that is why we did that.

MR. TORLEY: So we're looking for 2 side yard variances, one for the cheese, one for the restaurant and total side yard only reflecting the restraints imposed by the cheese factory.

MR. LUCIA: That is correct because the restaurant has adequate total side yard.

MR. SAMUEL LEONARDO: Two things I want to correct I want to set the record straight, it's not a cheese factory. It's a cheese store and we manufacture Italian food items because we don't want the storage people to come down on us because they don't like cheese factories. Understand just get that straight. Number 2, it's not a restaurant, it's just a bar, they don't serve any food at all.

MR. TORLEY: Best change that on the plans because you show restaurant and cheese manufacturing.

MR. SAMUEL LEONARDO: No cheese manufacturing, please, I'll have the law after me.

MR. TANNER: When they compute the parking for bar or restaurant, it's not based on square footage then just based on the number that the applicant gives us for the number of seats.

MR. BABCOCK: One per three seats is what you need.

MR. TANNER: But it's based on the number the applicant gives us?

MR. BABCOCK: Yes and it's eating and drinking places, we don't have, it doesn't really matter.

MR. LUCIA: We need the parking places shown on the plan.

MR. NINNIE: It's on the site plan one but it never got put on to the one for the subdivision.

MR. TORLEY: With regards to the subdivision, does that subdivision require the input from the fire department for access, et cetera?

MR. NINNIE: For the Planning Board.

MR. TANNER: Fire Department says they can't get in, there's no access. Then you're not going to get that.

MR. LUCIA: You can ask for a letter from Bobby Rogers before the public hearing, if that is a concern.

MR. TORLEY: Yes.

MR. BABCOCK: I can tell you that on September 15, 1993, Bob Rogers and I will be more than happy to make a copy for your file, has reviewed this plan and finds this subdivision to be acceptable.

MS. BARNHART: Can I have a copy for the file, Mike?

MR. BABCOCK: Yes.

MR. TANNER: He's showing a walk here.

MR. NINNIE: It will either come off or I'll say grass area.

MR. TANNER: There's nothing alongside of this, just the wall and the parking lot is going to put up against the, but the plan is showing walkway and steps on there.

MR. NUGENT: Changes the side yard.

MR. TANNER: No, if you are not going to put them in don't show them on the plan.

MR. LUCIA: For handicapped.

MR. NINNIE: No, it's not even a walkway. On the surveyor's plan, it was given to us and it's just a grassy area, it's not designated as anything.

MR. TANNER: They are going to have to come up with handicapped access to that, to the bar.

MR. BABCOCK: No, it's pre-existing, if they change the use, then they would.

MR. LUCIA: Put a footnote saying grass area or something.

MR. NUGENT: Accept a motion.

MR. TORLEY: I move we set up Mr. Leonardo for requested for variances listed under item 3 in our agenda.

MR. LANGANKE: Second it.

ROLL CALL

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

MR. NUGENT AYE

MR. HOGAN: Mr. Chairman, before we finish with these applicants, I'd like to just make a couple of requests. Some of the changes that we discussed particularly with the first section tonight, I would like to be able to look at them prior to having to vote on them at a public hearing and I don't know how I want to word that, maybe the counsel can help here. I'd like to be able to look at them on the drawing such as this in other words, I don't want to have to study them while we're also conducting the public hearing and then have to vote.

MR. LUCIA: Maybe we can very 6 copies of your plan say a week in advance of the public hearing so they can be circulated to the members of the board? Were you interested in proposing a site visit or is that something we want to discuss?

MR. HOGAN: Might be something we want to discuss. But I would like to see deeds that corresponded to the parcels.

MR. LUCIA: The only deed that they submitted was a rather old one.

MS. BARNHART: 1933.

MR. HOGAN: We have two deeds, is that correct?

MR. LUCIA: You're correct, Mr. Leonardo, we had submitted an old deed dating back to 1933.

MR. SAMUEL LEONARDO: My father sold the property and the guy couldn't make the payments so he had to take it back.

MR. LUCIA: That is the source of the title, we'd like to see the most recent deed which goes back to 1982 when you and your brother subdivided the parcel.

MR. SAMUEL LEONARDO: Mr. Hoyt took care of that, I'll be able to pick that up from him.

MR. LUCIA: Do you know if there was any title work, did you get title work or get a search?

MR. SAMUEL LEONARDO: Nope, we did not, that is why we went through that recently.

MR. LUCIA: I'd like to see a copy of the deeds and photographs of the site. We have photographs of the bar. Do we have anything else?

MR. NINNIE: You want them now?

MR. LUCIA: No, at the public hearing.

MR. TORLEY: I would like to have, I would prefer doing it as a formal site inspection.

MR. LUCIA: What I just explained if we visit the premises as a board, that is a public meeting which needs public notice and the public is welcome to come. If we visit individually as board members, we can apprise the public that is what we intend to do but it does not constitute a public meeting but no two board members should go together.

MR. TORLEY: I would prefer a public notice which can consist of on a bulletin board.

MR. LUCIA: And publication in the Sentinel.

MR. TANNER: I have one question, I'd like to see that frame building where the Dive Shop and apartment is on the site plan indicated what's the Dive Shop, what's the apartment and what's the garage so we know exactly what we're looking at with that building and where the entrance is to the garage.

MR. TORLEY: And further again for the public hearing, I would ask you to be prepared to make a very strong case as to why when you pulled out the existing underground tanks, re-did everything you didn't build the whole structure back away from the street so you wouldn't be needing these variances. Why wasn't it just reconstructed 20 feet further back or whatever the appropriate distance would be cause there seems to be

room in the back of the lot for this.

MR. HOGAN: Where?

MR. TORLEY: Towards the back side of the lot, the gas station, when the gas station was reconstructed why wasn't it reconstructed further back?

MR. BABCOCK: It wasn't re-constructed. The building they just re-modeled.

MR. NINNIE: We replaced the tanks right where the old ones were.

MR. TORLEY: If you have done all that, if you have done all that work, why wasn't it put back in further from the road.

MR. SAMUEL LEONARDO: Because we used the same structure that was there.

MR. NINNIE: More or less the same footprint on the pumps and the piping that were underground and the islands that accommodate the pumps were in front years and it would be logical to put the canopy over top of the pumps.

MR. TANNER: They'd have to start all over.

MR. KALKA: Economics.

MR. NINNIE: So the answer to your question would be economic hardship to replace all that and throw it in the back.

MR. TORLEY: Moving the pumps and everything, slide it all back away you're gutting out the building, why didn't you reconstruct everything?

MR. NUGENT: Then it wasn't pre-existing.

MR. BABCOCK: Yes, if they took down the building they'd be applying for a variance to put the building back in that spot. If you take down a building, you have to, you want to rebuild a building you have to

comply with the zoning code. The building is pre-existing. They didn't take down any walls of the building, just re-modeled it.

MR. SAMUEL LEONARDO: Building was pre-existing.

MR. TORLEY: You wouldn't have the canopy right next to the road and the sign wouldn't be six inches from the road, things like that.

MR. NINNIE: That opens up a whole plethora of things.

MR. TORLEY: The applicant has to publish 3 notices, if the board can agree upon a time, I don't see why we couldn't include that in the public meeting notice, if you want to give it on a given hour of the day of the public meeting we can include that.

MR. NUGENT: You can't do that, suppose it's raining that day or snowing.

MR. LUCIA: That is why you have a canopy. That is up to the board.

MR. TORLEY: I'm not, by going as a group, gee, you notice this or that, and we talk about what we see.

MR. LUCIA: That is the board's pleasure.

MR. LANGANKE: Let's move the project along and let's go individually and keep it simple.

MR. LUCIA: Applicant has no objection to us visiting individually?

MR. NINNIE: No.

MR. LUCIA: Thank you.

LEONARDO, CONSTANTINE

MR. NUGENT: Request for 25,179 s.g. lot area, 50 ft. lot width, 3.04 ft. building height on subdivision of lot #1 which includes gas station and retail sales on property listed above in a C zone.

Eugene Ninnie, P.E. appeared before the board for this proposal.

MR. TORLEY: Now referring to SD1.

MR. NINNIE: That is correct, this is relating to the subdivision.

MR. NUGENT: This is page 3 of 4 in your packet. And as you see, it's the same lot but as you see there's a lot of line items that he has to look at but they only end up needing three. This little asterisk being required front yard does that mean?

MR. LUCIA: I think the front yard is in fact pre-existing non-conforming, is that correct?

MR. BABCOCK: Yes.

MR. LUCIA: So that footnote is correct on page 3 of 4?

MR. TORLEY: What front yard are we talking about?

MR. LUCIA: Only on lot one which is the gas station.

MR. TORLEY: Where are you measuring this from because the previous one had only 9.6.

MR. BABCOCK: Dive Shop is right on the property line.

MR. TORLEY: In that case, so it's a 60 foot variance.

MR. NUGENT: They don't need any if you read the little asterisk it's a pre-existing use.

MR. BABCOCK: If you look at the gas station without the canopy, cause you just took care of the canopy so just look at it without the canopy that is pre-existing

setback of the 3.3 feet, we looked at the subdivision first without the canopy, and we said that he has a pre-existing setback condition of the gas station so that is why we have indicated 3.3 three feet and then we put an asterisk saying that it is a pre-existing condition. The gas station is pre-existing, so is the Dive Shop.

MR. LUCIA: I think what Mr. Torley is asking since the Dive Shop is closer to the property line why is there not a line showing that front yard setback and also pre-existing.

MR. TORLEY: Yes, it is the one that is, that is really closest to the property line.

MR. BABCOCK: If that is what you're saying they don't really need a variance for the canopy then.

MR. TORLEY: So on this one, you indicate that this 32.9 feet is referring.

MR. BABCOCK: To the gas station so we'll put another one in there for front yard zero and they need 600, it's pre-existing so we won't put anything, we'll just take it right out just say pre-existing.

MR. NUGENT: All the front yards.

MR. HOGAN: Pre-existing, as this lot not as this lot.

MR. NUGENT: Pre-existing for lot one.

MR. BABCOCK: Right now we're calling this lot one and the both buildings on lot 1 without the benefit of the canopy are pre-existing setbacks. Those buildings have been there before zoning.

MR. NUGENT: Has this subdivision been done?

MR. LUCIA: No, we're getting it as part of this application. It needs variances before it can subdivide.

MR. BABCOCK: So instead of putting in 3.3, should have

just put pre-existing all the way.

MR. LUCIA: For both buildings cause I guess that applies to side yard and other requirements that aren't close.

MR. TORLEY: So we're looking at lot--

MR. BABCOCK: Building height has changed because of the new property line that goes through the center.

MR. NUGENT: Because of the lack of distance from the line is that what you're saying?

MR. BABCOCK: I'm confused.

MR. LUCIA: Yes, yes, that is correct. If you look at the computation of building height, it shows four inches per foot times 32.9 feet which is the offset in the new subdivision line to the corner of the gas station.

MR. BABCOCK: Lot is 14 feet which allows ten feet, 10.96 where they are proposing 14 feet which is the building so they need a variance of 3.04.

MR. NUGENT: Biggest variance they need is the lot area, really the other two aren't really that substantial.

MR. TORLEY: You're telling me that building is 14.0 feet high?

MR. BABCOCK: I'm not saying that at all.

MR. NINNIE: That is how we measured it.

MR. NUGENT: We're only going by his numbers.

MR. LUCIA: If he says it's 14 feet high it's 14 feet high.

MR. NUGENT: Any other questions from the board?

MR. HOGAN: I have a question for Dan in terms of lot

area here, if the lease excludes portions does this matter for the subdivision?

MR. LUCIA: Is that correct, there are reservations for the additional lot?

MR. BABCOCK: If there is, that includes it.

MR. LUCIA: Are there criss-cross easements between lots 1 and 2?

MR. NINNIE: I doubt that very much. The easements are written into the lease as far as use between one to the other.

MR. SAMUEL LEONARDO: No.

MR. NINNIE: I know what you're saying.

MR. LUCIA: I assume it's probably I think the only thing we discussed last time was the shack on the property line.

MR. SAMUEL LEONARDO: DEC.

MR. NINNIE: DEC placed that right there and that is where it is going to go.

MR. TORLEY: What we're doing is taking pre-existing lot by our definition and creating two non-conforming by size lots.

MR. NUGENT: Right.

MR. TORLEY: Would you speak to why it's necessary to do that?

MR. NINNIE: Because that is what the Planning Board had more or less told us to do.

MR. SAMUEL LEONARDO: We had a meeting with the Town attorney, the supervisor, the building inspector and the fire inspector and they all agreed that we should do that.

MR. NINNIE: It had to be subdivided in order to go through the site plan process because they more or less preferred us to subdivide it and when they subdivided it, it created a host of variances and we had to run through the gamut of the variances that are created by the subdivision as well as the ones created by the site plan that we're proposing to do.

MR. LUCIA: You may recall the owner subdivided by deed some ten plus years ago I guess never receiving any approvals whatsoever from the Town. They now are coming in to try and have approved what they previously have got.

MR. NINNIE: That is correct and that line that was on the deed that was in the County Clerk's Office dated 1982.

MR. TORLEY: Has it been carried as 2 separate tax lots since then?

MR. NINNIE: Yes.

MR. LUCIA: County has no choice if they accept a deed for recording they have to cut it into 2 tax lots that has no effect whatsoever on the municipal approvals so they are really here as if this is a new application.

MR. TORLEY: It was the preference of the Planning Board to treat this as two separate lots.

MR. BABCOCK: Well, I think it was the preference of the Planning Board to straighten it out while it's here. Same thing as preference of this board while we went back and modified the denials so we straighten everything out while he's here. Basically it's two tax maps the line has been there since 1982, we just want to officially put it there.

MR. NUGENT: With all the variances in place.

MR. BABCOCK: Right and get the necessary variances to do that.

MR. LUCIA: It's essentially an applicant's request.

MR. BABCOCK: Yes.

MR. NUGENT: Now I'll accept a motion.

MR. HOGAN: Make a motion we set up for public hearing the subdivision of the parcels in front of us, Constantine and Samuel Leonardo.

MR. TORLEY: Second it.

ROLL CALL

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

MR. LUCIA: Same requirements as on the previous one.

LEONARDO, SAMUEL

MR. NUGENT: Request for 50.4 ft. front yard variance and 14.8 ft. maximum canopy height for Coastal Gas Station located at Five Corners in a C zone. Referred by the Planning Board.

Mr. Eugene Ninnie appeared before the board representing the applicant on this proposal.

MR. LUCIA: Just mention for the board members before they get stated, there are two Leonardo applications. This first one only refers to the impacts of a canopy being put up at the site. It's supposed to be a Coastal Gas Station, this is part of the Leonardo property. Apparently there was an illegal subdivision and when you get to the next one, you'll find a number of other area variance applications on this same site as well as the site next door so they've split it up, I guess for their own purposes into Coastal's part of the variance application on this one site. And the next one you'll see additional area variances on the same site as well as on the adjacent site with that Club 32 Bar and the Leonardo Cheese place behind it.

MR. NUGENT: They are straightening the whole piece of property out.

MR. LUCIA: They are attempting to. There is a lot to it. The reason I mention it, it's unusual to get two separate applications that involve variances on the same piece of property but you can see this piece of property and the next.

MR. TANNER: How do we do this when they both impact each other?

MR. LUCIA: You have to ask them to go, it's tough in terms of making a decision because you're dealing with cumulative impacts so--

MR. SAMUEL LEONARDO: We had a meeting with the building inspector, the Supervisor and the Town Attorney and they had advised us to separate the two properties and we went through the expense of doing

that so you'll have to judge them as two separate properties, not one.

MR. LUCIA: I understand that. What I want the board to understand is they are going to see this gas station property on two separate applications, this one and the next one, that is unusual for the board. So I want them to know they are going to see this property with more variances again on the next application.

MR. SAMUEL LEONARDO: Fine.

MR. NUGENT: You can start.

MR. NINNIE: My name is Eugene Ninnie, I represent my client, Mr. Leonardo. We're here tonight to get a host of variances, one of which is the lot area, the setback, front yard setback, building height and lot width.

MR. BABCOCK: This is the site plan, okay, this one here looking for a front yard setback and maximum building height.

MR. NINNIE: As per your Notice of Disapproval.

MR. LUCIA: This is front yard on a canopy request, variance request of 50.4 feet and maximum building height and the canopy variance request of 14.8 feet.

MR. NUGENT: We're going to address that one first.

MR. NINNIE: Yes. The canopy presently is the one that is installed there now at the site is 14.8 feet high which is higher than the four inches per foot that is required by the Town Zoning.

MR. LUCIA: Mr. Ninnie, if I could, at least the way I read this, the canopy is actually 18 feet high and I believe you're only permitted a height of 3.2 feet and that generates a variance request of 14.8 feet?

MR. NINNIE: That is correct, yes.

MR. LUCIA: On the front yard, it appears that 60 feet

front yard is required, you're proposing only 9.6 feet and that is what generates a variance request of 50.4 feet.

MR. NINNIE: Yes.

MR. LUCIA: If you would, why don't you lay out for the board the history on this and why it is you need a canopy that is--

MR. NINNIE: The history of the project is started where Coastal Petroleum had come in and is leasing the site from Mr. Leonardo to operate a mixed use facility which is a retail gas line filling station. We went to the Planning Board and they had given us a recommendation to come here because of the incorrect lot size presently that is there and for setback. In order to meet certain dead lines, certain parts of the site is being constructed along with the canopy under a building permit that was issued and under that building permit was the canopy, so when the canopy went up, the issue of variance came to light at the Planning Board meeting after the building permit was issued.

MR. LUCIA: Was that building permit for the canopy or tanks?

MR. BABCOCK: It was for the tanks and canopy.

MR. NINNIE: So the Planning Board found this out after the fact and we're here to correct the problem.

MR. LUCIA: Just in looking over your application for the board's benefit, the retail store use is permitted by right in the C zone, that is not a problem. The gas line filling station and I guess service repair garages, if that is anticipated are permitted by special permit so assuming they get a variance, they still have to go back for a special permit. Are you going to need sign variances on this?

MR. NINNIE: I don't believe so. We've changed the present location of the sign, we're going to eliminate its location as shown on the plan here and we're utilizing the old concrete footing base that is

presently there from the old ATI station and the present sign is at the height permitted by zone.

MR. LUCIA: Have it set back from the road.

MR. BABCOCK: This says remove existing sign.

MR. NINNIE: This has to change, we're not going to put a new sign here. We're going to put the new sign back on the old foundation. It's there now.

MR. LUCIA: I raise it for your own protection, you might want to check both the sign height, site setback and sign area requirements. It doesn't, you might as well take care of it in one shot. I'm not sure what the sign area permitted is but you need to consider the freestanding sign or signs or whatever signs you have on the building so review your numbers.

MR. TANNER: What about parking?

MR. LUCIA: That is another thing, when we get to the next one, there's a note on the map that parking is going to be determined by the Planning Board. Again, I think that is something you might want to do your homework on to determine whether or not you have sufficient parking for the mixed uses you have on both of these sites because if you don't have it, you're going to have to be back here for parking variance, number of parking space variances.

MR. TANNER: Just on this section you have gas station and two story frame building.

MR. NINNIE: Based on the first review at the, well, we have been to two workshops so far, the engineer, Mark Edsall, had looked at the parking and at that time, he thought that the number of parking spaces was sufficient for what is required for both the existing building, the dive shop and the gasoline filling retail.

MR. LUCIA: I certainly defer to mark's opinion on it but my suggestion is doublecheck those numbers because what we're seeing here looks like an awful lot of

things on these relatively small sites and if there's space for parking great but if there isn't, determine it before you come back.

MR. NUGENT: According to the drawing, they have 15 and they only need 9.

MR. TORLEY: I can't see 15 spaces.

MR. NINNIE: It's hard to see because what we've shown is the asphalt that is going to be put down.

MR. BABCOCK: What Dan is saying he's recommending to the applicant to take a close look so if they need a parking variance, they would apply for it while they are here, if they don't get a parking variance and they go back to the Planning Board and do not have the parking they have to go back to the Zoning Board. That is why he wants to make sure.

MR. LUCIA: Try and do it in one big bite so check all your numbers.

MR. NINNIE: They were checked, that is what's puzzling me, the numbers were checked by Mark Edsall. He agrees with me and I can get it in writing if you'd like.

MR. LUCIA: I'll defer to his expertise but it's one of those things save yourself another trip back by doublechecking.

MR. NUGENT: Dan, this drawing that we're looking at is only taking into consideration that gas station?

MR. LUCIA: That is correct, the next drawing you see on the next application will be both pieces of property and with a lot more variances.

MR. TANNER: But the parking would have to be for the whole site?

MR. NUGENT: The parking on this building is correct, matter of fact, it's over correct, they only need 9, they've got 15.

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MR. LUCIA: I think what they mean there is the dive shop is the exact same size it was previously. They are proposing a very slight increase in area on the gas station after its remodeled so what they are attempting to convey is that they provide, the provided size is somewhat larger than the existing size, it's a slight addition.

MR. TORLEY: I see there's also building coverage looks like you're over on that too, required 14.5 which I assume is maximum coverage.

MR. BABCOCK: That would be an existing situation there.

MR. TORLEY: No, it's--

MR. BABCOCK: He's not changing anything as far as building coverage.

MR. LUCIA: Wouldn't expansion of the gas station increase it?

MR. BABCOCK: Expansion is interior, there's no addition, just, it's a relocation of retail space within the gas station.

MR. LUCIA: Footprint is not increase of the gas station, right?

MR. NINNIE: We're putting this extension in the back as a cooler but the cooler is attached to the building but it's a 5 foot extension we've shown it as 8 but the manufacturer has come back and said all we need is 5.

MR. LUCIA: If it increases the footprint on the grounds, it probably does effect developmental coverage, that might be a line item you need to add if it is over as it appears to be on this table.

MR. BABCOCK: What about the canopy?

MR. LUCIA: Certainly, yes.

MR. NINNIE: That is counted as a footprint.

MR. LUCIA: It's certainly not open to the sky, that really does increase your percentage coverage that is a good size canopy.

MR. TORLEY: Why is it that big?

MR. NINNIE: That is just the way it's manufactured for that particular set of pumps that are there.

MR. TORLEY: You had no option on the size?

MR. NINNIE: For fire protection, there's a haylon (phonetic) system that goes inside of it.

MR. SAMUEL LEONARDO: It has to be so big for the fire protection applicant we put a small, the island is there now smaller than the one used to be before.

MR. LUCIA: But there was no overhead canopy over the previous one.

MR. SAMUEL LEONARDO: No but I didn't think you can operate a gas station without the canopy because of the fire laws.

MR. LUCIA: You certainly need the fire protection, I'm not sure you need a canopy of this size. There was comment by Bobby Rogers before the Planning Board that the canopy that is there is not necessarily mandated by fire regulations. That is his field, not mine but I just recall that from the Planning Board minutes you certainly need the haylon but whether you need a canopy of exactly this size is the open question.

MR. NINNIE: Even if it was of size you're still going to have to go back for a variance because the inclusion of the canopy square footage alone with the building footprint.

MR. TORLEY: I'm concerned about the space between the canopy and the road.

MR. LUCIA: I think what the board members are saying is reduce the size of the canopy you are making your

variance request smaller in terms of numbers and the board is bound to minimize your variance so if it is possible to get the same fire protection with a smaller canopy, that might be an issue the board would ask you about.

MR. BABCOCK: The other half of the canopy situation is that so that a car can park under there, get out of the rain, I don't know whether this will be but most of them are self-serving, applicant has to be 9 feet passed the island so somebody gets out of the car so it won't rain on them.

MR. LUCIA: Can we have your name?

MR. NASHWITH: Mitch Nashwith. This is the smaller size, the smallest size width wise 24 feet wide we can't get it any smaller than that.

MR. SAMUEL LEONARDO: It's manufactured in Albany and brought up here and erected here.

MR. NINNIE: It's a company standard size.

MR. BABCOCK: I'm sure there's other stations with smaller canopies if there was a different arrangement.

MR. LUCIA: The board as you may have indicated when I was speaking with the previous applicants we have to balance the benefit to you of the variances you're seeking against the detriment to the health, safety and welfare. So even though that may be a standard canopy size, if we can get a lesser impact on health, safety and welfare regulations by reducing it, that might be something the board would consider. I'm sure it can be cut down but that is something the board obviously will deal with when we get there. Couple other things I want to ask you, I notice a number of the items on your data table are labeled as pre-existing, non-conforming and the board would be interested in knowing how it is those items are pre-existing non-conforming.

MR. LUCIA: I guess specifically we're talking lot area, lot width, front yard, side yard, rear yard, I don't see a total side yard or we don't have a total

side yard, this is two front yards, is it not? Or do you want to get to those on the next application?

MR. NINNIE: What's your question?

MR. LUCIA: If you look at your first 1, 2, 3, 4 items on your data table, it's listed as pre-existing non-conforming from a zoning standpoint that would mean that they would have been in that prior location prior to January 1, 1966.

MR. NINNIE: That is correct.

MR. LUCIA: I think we would need some evidence on that if that is the case, whether it's from Mr. Leonardo or whoever can give us some indication that it has been in that location that long.

MR. NINNIE: What, the property or--

MR. LUCIA: The buildings with this footprint creating those non-conformities but we'll deal with that on the next application that is when we're going to get into that.

MR. BABCOCK: On this particular one, Dan, the lot area is clearly not because they are creating the lot today, you know what I am saying? The lot area, by putting this line through the subdivision which will be the next application, you're clearly creating this lot today so the lot area would be pre-existing so if there's a difference in what you have is there a difference?

MR. LUCIA: Yes, they are, that 14,000 whatever it is, I think the lot was just about divided in half, was it not, so the total lot size really is about 29,000, I guess.

MR. NINNIE: If you take into consideration this entire piece, it's not the 14,000, 14,000 is just what you see here for the gasoline.

MR. LUCIA: I know we're anticipating the next application but for clarity, we need to get some of

these items on record, this was apparently an illegal subdivision that we've done by deed in 1982 by an agreement between Leonardo's, they cut the property in half and they do have two separate tax bills on it, apparently the subdivision by deed which never went through any Planning Board anywhere and issued two separate tax lots. But that doesn't make a legal subdivision so they are now backtracking and doing what they should have done then so the lot area is not pre-existing non-conforming because they are recreating it now in effect an many of the variances you're going to see on the next application also are not pre-existing non-conforming because they are created by this new lot line separating lots 1 and 2 so we're certainly going to have to deal with those issues. I only raise it because it's shown on this map and I didn't want this first one to go by with the impression that it really is pre-existing non-conforming, some of it may be but all of it certainly isn't.

MR. TORLEY: When were you made aware that this was not going to be meeting the zoning code requirements?

MR. NINNIE: When?

MR. TORLEY: When, during this time, line of construction and everything else?

MR. NINNIE: I don't understand.

MR. TORLEY: Did you have everything up and you found out you're not meeting requirements?

MR. NINNIE: No, we were issued a building permit to do the improvements which included the canopy and to open as a gasoline retail and that is when the issue was brought up and then we came to the Planning Board and to go through to get this changed for the use because the use that was being proposed was retail gasoline filling which means you're going to sell cigarettes and soda, along with gasoline that is when it was found when we went to the first workshop.

MR. TORLEY: Before the construction was everything up when you went?

MR. NINNIE: Yes, everything was up when we went to the first workshop because the building permit was issued to us.

MR. BABCOCK: The canopy wasn't up at that time.

MR. LUCIA: First mention I see in the Planning Board minutes would have been July 21 of '93 and I guess in speaking with another representative of your office at that point, they did raise the point it was not a legal subdivision. And they needed variances.

MR. BABCOCK: When I issued a building permit for the replacement of the tanks, the canopy, and the remodel of the gas station, it's been a gas station for ever and there was no problem in doing that, when I issued the permit for the canopy, I did not think about zoning. It was a situation, it's a gas station, they were putting up a canopy, they called me up and told me that they wanted to put a small section of retail in this building. That is when I told them that they had to go to the Planning Board because it changes the parking regulations. So when they went to the Planning Board workshop session, which I wasn't at it at that time, Mark Edsall looked at it and realized that the canopy was close to the road. That is when he called me in. I was in another meeting and I talked to Mr. Ninnie in reference to that. And at that time, the canopy was not installed and I told Mr. Ninnie that he should not, he should tell his applicant, he's the engineer for the application, that the canopy should not be installed until he obtains the variances and then he can go ahead and put it up. And how I understand it was is that Coastal had already contracted with the people to install the canopy and they showed up and installed it.

MR. NINNIE: Cause there's like a 6 to 8 month waiting period for the next time they come back because they have one crew that goes over the country and does canopies.

MR. BABCOCK: Then we went to the Planning Board meeting, back to the Planning Board meeting and at the

meeting it was more or less agreed that stop work order would be put on the project until such time as they received the Zoning Board and Planning Board approvals. Then after that meeting, we had another meeting which it was during the day with everybody here that was present and it was decided that the stop work order that we wanted to do as far as the canopy would not effect anything, the canopy was already up, as far as the rest of the construction on the building they had a right to go ahead and do that if they wanted to block out the parking lot, they could do that. So it was decided at that moment that the stop work order really was not affecting anything, the canopy was already there to effect the rest of the work as far as getting rid of the contaminated material and finishing the tank removal, it didn't make any sense to continue to keep the stop work order so we lifted it and let them continue their work. And this is where we are tonight. The work that they've done since the day that the canopy went up till today, they were blacktopping, they have a right to do that, so really what's in question in this application in my mind is the front yard setback of the canopy, the height of the canopy. I think we should add the sign once we figure out what size is and how far off the property it is.

MR. NINNIE: Check some of the other numbers for the building footprint.

MR. BABCOCK: Developmental coverage and also lot area for this lot.

MR. NUGENT: Basically what we're doing is putting a blessing on it because it's already done.

MR. LUCIA: No, that is not correct. There's an agreement or proposed agreement I'm not sure the Town never signed it. Do we know that?

MR. BABCOCK: You have the same copies I have.

MR. LUCIA: I have an unsigned agreement proposed by Coastal's attorney or Mr. Leonardo's attorney, that said Coastal was proceeding with this work at their own risk and if it should turn out that they don't get the

necessary approvals, either from the Planning Board and/or from the Zoning Board, it's going down so the applicant certainly is aware if they went ahead certainly at the, clearly at their own risk and substantial expensive stuff is not approved, I'm not sure that agreement has ever been signed but its certainly been spoken about a number of times at Planning Board and Town Board meetings.

MR. NINNIE: You have to understand for the, you mentioned what was it public health or welfare?

MR. LUCIA: Public health, safety and welfare.

MR. NINNIE: The old site was far more detrimental than it is now or what we propose to do so we're improving the site.

MR. LUCIA: There was a tank leakage problem.

MR. NINNIE: Yes, they've removed the tanks as per DEC requirements, everything has been done to the T, we're actually improving the site.

MR. TORLEY: Do they have to go back to the Planning Board after this?

MR. BABCOCK: Yes, they do.

MR. TANNER: Planning Board will probably require a bond then on the site to see that the work is completed.

MR. BABCOCK: Yes, well, it won't be a bond, what it will be, it will be a cost estimate. They'll have to give us a cost estimate on anything that is not completed at the time of the Planning Board stamp. Once they are ready for a C.O. on this building, anything they don't do, maybe striping, blacktopping, so any site improvements that they wouldn't complete, they'd have to bond before they get a C.O.

MR. TORLEY: One thing before we finish this process, I do need to know what the requirements are for the canopy size for fire and safety we need to know what

size is actually required.

MR. LUCIA: I don't know that he has ever appeared, in the Planning Board records, they say there was a comment attributed to Bobby Rogers that it did not need to be that big.

MR. TORLEY: I'd like to know how big it has to be.

MR. TANNER: I'd imagine it's a state or national code with a minimum size.

MR. LUCIA: I'm not even sure that a canopy per se is required, you have to have the fire suppression but you can do it in other formats than a canopy. There are new service stations that have overheads with haylon nozzels that shoot down from light fixtures or any other decorative things above the pumps.

MR. NINNIE: Canopy looks better, I mean with the pipe work that is used for the haylon system is ugly, you want to cover it up with some kind of canopy, put some lights to dress it up.

MR. BABCOCK: It's a two-fold system, I don't--

MR. NINNIE: You have to accommodate lenghts of cars that are parking underneath for the pumps.

MR. BABCOCK: I don't think we've had a new gas station in the last three or four years that didn't put a canopy up with their system in it.

MR. TORLEY: Did they put them up 9 feet from the road?

MR. BABCOCK: Well, you'll see them.

MR. SAMUEL LEONARDO: I'm one of the owners, you see the State came by there about a year and a half ago and took, condemned some of the property so I think it's about three or four feet that they condemned so you have to take that into consideration. We had no say in the matter naturally and another thing, we had a court order to remove those tanks and we had to remove them we had a court order and we did that, it was supposed

to be \$8,500 and my poor brother ended up spending \$20,000, cost \$20,000 to take that tank out and the contaminated water and soil and we're not done with the soil yet. So he's 80 years old and he's not too well and that is the only means of support he has and we have been residents and taxpayers for that property has been in our family 70 years, you know, and you guys talk about variances and parking. You know there's something that bothers me and it's bothered me for a long time. There's a, behind us there's a lot right in Monro's building and next to Monro there's American Seafood, used to be the ambulance place now that place was a public place for years and years. All of a sudden, American Seafood comes in, he has no parking at all because on the east side, he only owns six inches, on the west side, he only owns three feet. They were parking on my property and I had to move them out. And I want to know please in a nice, fair way because you look like nice, fair gentlemen, in a nice, fair way and equitable way, explain to me how that happened. First of all, that never was a commercial place. You talk about grandfather clauses, that never was. How did that man get a permit to put that in there, number one, and you're talking about safety and health. Let me tell you another thing. The Town is going to be subject to some liability some day there is going to be some accident there and you do, you know why, I'll tell you why, there's no room for parking. When a man gets a delivery, it's a delivery with a ten foot truck and a big, big straight job 10 or 12 foot wide when he parks, he sticks halfway out on the left lane and right at that point, that road 94 when you're going west is two lanes, one lane is for left turn and one lane's for straight and where does it begin, right along at that building. Some day, that truck is going to be parked there and it's a good thing he comes 8 or 9 o'clock in the morning because even at 8 or 9 o'clock in the morning, I had to wait to get through. I was wondering how that ever occurred? Was it because the man that owned it was once on the Planning Board and his brother was a supervisor? Now we're not looking for anything more or we're not looking for anything less. I told you you're fair and equitable gentlemen and if that man has the right to operate that American Seafood, we have a right to open that gasoline station so this man can

live.

MR. LUCIA: Mr. Leonardo, I have no idea why.

MR. SAMUEL LEONARDO: As a tax payer and private citizen, I demand an answer.

MR. LUCIA: I would suggest you take your complaint to the Town Board. This board never considered American Seafood that piece of property.

MR. SAMUEL LEONARDO: I want to know how he existed without having letters sent out to everybody that is within the 300 foot area like everybody else has to do.

MR. LUCIA: I have no idea.

MR. SAMUEL LEONARDO: I want to know why.

MR. LUCIA: They never come before this board.

MR. SAMUEL LEONARDO: I beg you then to give this man the same consideration that they gave American Seafood. I'm not looking for any more or any less.

MR. LUCIA: Do you understand American Seafood never came before this board. This board has never seen that application.

MR. SAMUEL LEONARDO: That is besides the point.

MR. LUCIA: No it is not besides the point.

MR. SAMUEL LEONARDO: Yes, it is because how does he exist then?

MR. LUCIA: You have to complain to the Town Board maybe you're right, I'm not saying you're wrong.

MR. SAMUEL LEONARDO: Then you go down the street and you go down to Mr. Mann's, he keeps a junk yard there, that is a junk yard. He likes Fiat cars, I notice he's got about 16 Fiat cars all burned up, all disassembled, must be selling for parts. We're honest people, we have been here, we work hard. When I started, I worked

double shift, you know, we don't begrudge anybody anything. When Monro came, I came and says let Monro come, we all have to. I didn't put any objection it's live and let live. But I don't think we're being treated fairly and I'm looking for equitable treatment.

MR. LUCIA: I can assure you this board will treat you fairly and equitably. If American Seafood never came here, we can't comment, we have no idea what they did.

MR. SAMUEL LEONARDO: Still the injustice was done, I don't know how.

MR. NUGENT: Nothing to do with us, we only go by what's on this pad in front of us.

MR. TORLEY: Mike, am I correct in assuming that a person who feels there is a building violation can complain to you?

MR. BABCOCK: That is right, from 8:30 to 4:30.

MR. SAMUEL LEONARDO: I don't like to complain, I like to live and let live.

MR. LUCIA: You may have a very legitimate complaint.

MR. TORLEY: You pointed out your legitimate fears of a hazard of public safety, if you feel there's a danger, complain to--

MR. BABCOCK: --the building inspector.

MR. SAMUEL LEONARDO: I'll make a formal complaint right now, put it in the record, put it in the record, thank you.

MR. LUCIA: That is this application. You want to move on to the next one or do you want to hear more on this one?

MR. NUGENT: We have to do them both at the same time because they are all in the same piece of property.

MR. HOGAN: Currently, they are the same piece of

property legally.

MR. LUCIA: That is correct.

MR. HOGAN: Let's have the next one.

MR. BABCOCK: Should we make sure that the applicant knows what we need so we can proceed? We're going to need a new denial, you're going to have to do the lot area of this site plan versus what's required and what the difference is. You're going to have to tell us what you're signage is and how high and how far off the property line it is and you're going to have to give us a developmental coverage and what the difference in that is.

MR. LUCIA: Again, just for your own protection, I'd suggest you check your numbers.

MR. BABCOCK: And the rest of the non-conforming pre-existing, I guess what the board is going to need to see is something that either a property record card from the assessor's office maybe again to indicate when these buildings were built, you know, this building was built in 1950.

MR. NINNIE: The assessor's office will have that.

MR. BABCOCK: Yes.

MS. BARNHART: Not if you can go back to '50.

MR. BABCOCK: If it is before '66 it will say. Basically, you're saying they are pre-existing. We want some information what made you say they are pre-existing. You can come back and show us evidence that the building was built in whatever.

MR. NINNIE: Back to the comment on lot area, none of these really change because if you are looking at this one piece these are the numbers, I have to remove the asterisk.

MR. BABCOCK: And put in what the variance request is, you need a third column.

MR. LUCIA: Just so we close out this one first Pat will give you an application form and set of instructions. This is commercial property so fill it out, return that to here with two checks, both payable to the Town of New Windsor for \$150 application fee and \$482 deposit against Town consultant review fees and various disbursements the board has in handling your application. I'll give you a copy of Section 267B of the Town Law and I just put an arrow in the margin next to the applicable variance standards. There are 5 standards listed there. All of which will enable this board to pass on your application. As I said we have to engage in a balancing test benefit to you if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by giving you that variance from the Zoning Ordinance.

MR. NINNIE: Something in writing.

MR. LUCIA: It's included in the application when you come back to the public hearing, you have to speak to it orally on the record. We'd like to see photographs of the site, please, I guess everything on the site.

MR. NUGENT: Do you want a motion on that one?

MR. LUCIA: It's up to you if you want to table it until we hear the next one.

MR. NUGENT: I'm reading on through the next line item and now we're taking, if I read it correctly, we're taking in the other lot. Are we doing both lots?

MR. LUCIA: That is correct. So application number one is technically only the gas station and variance requirements on the corner lot. Application number 2 is all the other variance requirements except for the new gas station construction on both lots. Maybe you want to treat that as three separate applications, I don't know but that is up to you.

MR. BABCOCK: Basically, Jimmy, we couldn't look at the site plan for the gas station and the dive shop because

it was on the same lot. So when we started out here, we started out looking at a site plan for the gas station here except it was all one lot. When Mr. Ninnie came in and provided us with the deeds and so on, that is when we realized the deeds were made out but it was never legally done through the Planning Board. So we suggested since the deeds were done, it was already registered in Goshen tax map department, gets two tax map bills, the only thing that didn't happen is Planning Board approval. So we said let's put in this line in as a Planning Board approval then we can look at this as a site plan, how can you look at part of a lot as a site plan so that is why we're really doing it and it's just clarifying everything, just cleaning it up which variances goes with what lots that is a good question.

MR. NUGENT: But the second preliminary is actually taking in both lots?

MR. BABCOCK: Yes.

MR. NUGENT: Not just the second lot?

MR. BABCOCK: Correct.

MR. TORLEY: Both lots together are substandard size?

MR. BABCOCK: Yes.

MR. LUCIA: For reasons unrelated to the new gas station construction, merely based on existing buildings that are there.

MR. NUGENT: None of that information is on this drawing or is it?

MR. LUCIA: It is in part but there is a new drawing for the next one that more clearly lays out the two lots. This one has so much on it, it's tough to read the next one is a little clearer.

MR. TORLEY: For purposes as our attorney, are you informing us that it is more proper legally to accept separate it out as we're doing it?

MR. LUCIA: I would say two or three applications really are appropriate certainly two, one for each lot, you know the way they have broken it up is part of one lot one and both lots on the second. Now, they did that I assume because Coastal has the new gas station requirements and the Leonardo's have the old subdivision requirements. So I guess the question is do you want to break the Leonardo application into two further applications, one on each lot? That is up to you, makes no difference to me.

MR. BABCOCK: I think what we did--

MR. LUCIA: Why don't we table the first Leonardo application.

MR. NUGENT: Motion to table the first.

MR. TANNER: So moved.

MR. TORLEY: Second it.

ROLL CALL

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

LEONARDO, SAMUEL

MR. NUGENT: Now the second preliminary request question for Sam Leonardo. Request for 25,179 s.f. lot area, 36.5 ft. lot width, 46.6 ft. front yard, 24 ft. side yard, 55.9 ft. total side yard, 11 ft. and 12.6 ft. maximum building height for each building on lot which includes bar/restaurant and retail/warehouse located at Five Corners in C zone. Referred by Planning Board.

MR. LUCIA: There are new maps on this one which lay it out a little better, if we switch to that set of maps. just to go back to a point that I think Mr. Leonardo raised about the state taking, there was a question whether the maps included the most recent State taking, I assume it did.

MR. NINNIE: It includes the most recent one, yes.

MR. LUCIA: Assuming that had some effect on the front yard variances you're seeking, you might want to determine the amount of that taking when you come back for your public hearing and just lay that out on the record to show us how much of that is not your fault.

MR. LUCIA: Mike, on lot 2, this has mixed uses, it's a bar restaurant retail warehouse is all that is permitted in the C zone.

MR. BABCOCK: Yes, the bar restaurant is.

MR. LUCIA: Retail/Warehouse.

MR. BABCOCK: Well, I think--

MR. SAMUEL LEONARDO: It's a manufacturing plant and a warehouse and a retail store and it's been there since 1961 and the bar has been there for about 40 years. Why are we talking about my establishment now and my bar, that is my part of the property, not you, my brother's, why are we talking about that now?

MR. LUCIA: Because that part of the property is also

before this board now to make legal that subdivision.

MR. SAMUEL LEONARDO: That line between us.

MR. LUCIA: And we need to look at the use has it been used as a warehouse since 1961?

MR. SAMUEL LEONARDO: The warehouse went up in '72, that was an addition but the building, the plant and the store has been there since '61.

MR. LUCIA: Just focusing on the use now it was a--

MR. SAMUEL LEONARDO: The bar has been there for 40 or 45 years.

MR. LUCIA: WE have no problem with the bar, the question is on the retail store on the plant has been there since '61 but the warehouse has been there only since the '70's.

MR. SAMUEL LEONARDO: '72, I think it was that we put that up, it's I think 35 by 60, 65, I think.

MR. LUCIA: I don't think a warehouse is permitted in this zone.

MR. NUGENT: It's a storeroom to the retail sales.

MR. NINNIE: If you go inside, it's a manufacturing facility. It has cheese making facility and packaging equipment.

MR. SAMUEL LEONARDO: Our kitchen is 1,200 square feet, just our kitchen.

MR. LUCIA: I'm not arguing with you. I'm just trying to lay it out on the record, the application came in as warehouse/warehouse.

MR. SAMUEL LEONARDO: It's a retail outlet and it's a warehouse and it's been that way since '61 as far as the manufacturing and the store goes and since '71 or '72, with a warehouse.

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MR. LUCIA: Just let the board understand what changed in '72 to make it a warehouse. Did you expand it or what happened?

MR. SAMUEL LEONARDO: No in 1971 or '72, we put an addition on, an L shape addition, I think it was 35 by 65, I think or 35 by 60.

MR. TORLEY: That still basically is part of your manufacturing.

MR. SAMUEL LEONARDO: Yeah, we keep all the canned stuff, the oil, the flower, it's a warehouse.

MS. BARNHART: Don't call it a warehouse.

MR. SAMUEL LEONARDO: It's a pantry for our kitchen how. Is that okay? The beautiful English language, one word makes such a big difference.

MR. LUCIA: It does for zoning purposes, that is the reason I'm asking you about it.

MR. TORLEY: This is clearly this is remaining just as a manufacturing retail for a long time, you haven't changed its use, you simply expanded one area for ancillary storage.

MR. SAMUEL LEONARDO: Right for storage we're under federal inspection there also and we are very, we're very restricted in what we can do and what we can't do, we get inspected every day, you know.

MR. TANNER: Dan, there's a shed shown on there, it's on both pieces of property. If you are treating it as two separate ones or depending how we're looking at this.

MR. LUCIA: You're right. Back of the cheese property, there's a shed on both pieces of property.

MR. LUCIA: Thank you, didn't see that myself, the shed there actually goes across the property line.

MR. SAMUEL LEONARDO: What shed?

MR. NINNIE: The one where we have the--

MR. HOGAN: Off the pantry.

MR. SAMUEL LEONARDO: The shed the DEC put up. We've got no control over that. The DEC comes in and they do just about what they want to do. They did ask me permission if they can attach that to my building and they said they'd appreciate it because before that they had that shed on the south side of the gas station and they wanted to move it since we excavated all the soil out of there, the contaminated soil, they had to put in a bigger unit to take care of the rest of the soil that was there and they asked my permission, the shed doesn't belong to me, the shed belongs to the State of New York DEC.

MR. LUCIA: Will it be removed?

MR. NINNIE: At some point, it's going to go.

MR. SAMUEL LEONARDO: Maybe in years to come it will be removed.

MR. NASHWITH: It's nothing but a device inside the shed to clean up the soil, maybe one year, two years we'll remove it.

MR. LUCIA: Maybe the best way to handle it if that is what they wanted, that is fine, we'll just do an accessory building with a zero clearance on both lots and that many cover it either way.

MR. TANNER: Got to do something.

MR. LUCIA: It needs to be handled and that is probably the most effective way to do it. We'll just add a line item.

MR. NUGENT: I don't think we ought to do that. I think it doesn't belong to the man, it doesn't even have anything to do with him.

MR. SAMUEL LEONARDO: That is right.

MR. LUCIA: If it is on his property and it's there for a number of years, as it apparently will be similar to the trailers on Walsh Road wasn't his property but we need to handle it.

MR. SAMUEL LEONARDO: Just for point of order, you have to realize what and who the DEC is, they have more power than the regular policeman. They can burst into your house without anything if they think there's damage being done to a neighbor because of your sess pool or something. Who was I to argue with them. Matter of fact, they said to me we want to thank you for your cooperation cause I didn't have to grant that. I thought by granting it, it would make things easier for us. Thank you, the man is an absolutely right when he says what I got to do about the shed, I don't have anything to do, I don't own it and they've got a couple of tanks there that they have to remove. Nobody else can touch them because that is the stuff they extracted from the ground. Here I think I'm doing something good by allowing them to attach the shed to the building.

MR. LUCIA: No problem with that, we're just trying to get everything done in one application here.

MR. TORLEY: We want to make sure that you don't have to come back.

MR. SAMUEL LEONARDO: Thank you, I appreciate that.

MR. TANNER: On the other plan we were just talking about, there's like a grassy area there, maybe they can pull it forward a few feet and just leave it as freestanding. It's on one piece of property at that point.

MR. LUCIA: I guess the shed is a fixed dimension and they put it all the way up against your building because they didn't have enough clearance.

MR. SAMUEL LEONARDO: It's only three sided because the wall, one of the walls is my building, it's a three sided shed and instead of buying a shed, the guy came in and put it up and it took him three weeks to put up

the shed. I bet that shed cost the State of New York \$3,000 at least.

MR. NUGENT: I don't think we ought to deal with the shed at all, forget about the shed, it's not his shed.

MR. SAMUEL LEONARDO: Take it up with the DEC, how do the rest of the guys feel about it?

MR. TANNER: It will be his problem down the line.

MR. NUGENT: Has nothing to say about it really, it's not something if it was his auxiliary shed or temporary shed then he'd have to deal with it but it's not.

MR. HOGAN: Either way, I don't see where it's a big difference, we've got a lot of variances. I think we ought to take the advice of the attorney.

MR. TANNER: I'd prefer to ignore it before I give it a variance.

MR. LUCIA: Usually, we don't have both adjacent property owners so we could have them ask for accessory building right on the property line.

MR. TANNER: Later on, if the property is sold, you're creating a whole can of worms there, if you ignore it, down the line if either piece of property is sold then the property owners got to worry about it at that point.

MR. NUGENT: Or it may be gone.

MR. LUCIA: Mr. Ninnie or maybe Mr. Leonardo the building on the other property, are those the existing buildings both of them the original gas station?

MR. SAMUEL LEONARDO: Original gas station was put up by Sun Oil some 50 years ago, maybe more than 50, more than 50 at least 50, the other building, the dive shop, believe it or not that was the hospital during the Revolutionary War and Marshall's place was the morgue, the walls were 6 foot thick. I don't know how it was ever knocked down because it was supposed to be an

historical site so the dive shop was a hospital from the Revolutionary War so that is about 200 years old, right? And Marshall's property was the morgue, center walls are about 6 foot thick.

MR. NUGENT: Are we finished?

MR. LUCIA: I think he's finished with, yes, it's just a lot here.

MR. TORLEY: I appreciate the idea of why it should be split into two separate applications. Would you like a motion on application for public hearing?

MR. NUGENT: Well, I think we have to combine 3 and 4 for the public hearing, right? We tabled 3 now we're going go pick it up again or 4 you want one for both.

MR. LUCIA: All right, no, I have a problem.

MR. NINNIE: To expedite it, we'd appreciate it.

MR. LUCIA: The question is whether you want to separate it into three.

MR. TORLEY: Well, it's another 400 bucks for the applicant.

MR. HOGAN: What would be the third one?

MR. LUCIA: If they want to keep the Coastal application separate from the Leonardo application so you could separate the Leonardo application into two separate Leonardo applications, one on each piece of property.

MR. TORLEY: I would oppose that since by the letter of the application, if we accept it into the application, there's another set of fees involved. It's one piece of property. Let's not cost the applicant more money.

MR. NUGENT: Plus the fact that I think the board members now understand the variances better maybe.

MR. LUCIA: Just a couple other things you might want

to check for your own protection is the parking on lot number one, I guess that is the, I'm sorry, lot number 2, is that adequate?

MR. TANNER: What's the parking requirements for restaurants?

MR. BABCOCK: One for each three seats.

MR. LUCIA: Similarly the signage problem.

MR. SAMUEL LEONARDO: He's a bar, he's not a restaurant.

MR. BABCOCK: It's an eating and drinking establishment is how it's worded.

MR. TORLEY: So the question is whether we have to add a variance request for parking spaces on this section.

MR. LUCIA: I just asked him to check his signage also since it's two separate businesses and developmental coverage you might want to check the number on that. It's a lot of coverage, just eyeballing them out.

MR. TORLEY: No matter how many we add in, it's the same dollars so I don't care.

MR. LUCIA: We're just trying to get it all out of the way.

MR. NINNIE: Basically, it's the same as the first whatever.

MR. TANNER: Know ahead of time whether we have to deal with parking rather than go ahead when we come back for public hearing, it could be parking, it could be all kinds of things involved here and we don't have time to discuss them. It might be better to do it that way.

MR. HOGAN: He may want to table and when the applicant has his numbers set in, set him up.

MR. HOGAN: I'm getting requirements confused, if we table 4 which is the property as it exists currently,

and we're going to proceed on three which is new additions to the property, are--

MR. LUCIA: I don't think they are going to proceed on either one of them, they are going to proceed together.

MR. TANNER: Let's clean both of them up and know exactly what we're dealing with and go from that point so we don't end up in the same discussion that we have all over again.

MR. HOGAN: I'm not following you.

MR. TANNER: I have parking that has to be addressed. We aren't going to know that until he shows up for a public hearing and we aren't even going to have a chance to see before he shows up. Personally, I would prefer to have them all straightened out. What he needs for the variances and in front of me before we go to a public hearing. In other words, show us we need some variances here where it's all labeled, we've got a table in front of us we know what we're talking about and then go from that point.

MR. LUCIA: What I might suggest if it is an undue burden on the applicant, you might want to submit copies of the map in advance to the next meeting so we can send them out. It's real difficult to see these maps at the meeting and try and digest them. There's an awful lot of data on here.

MR. NINNIE: These were given to the--

MR. LUCIA: It's a separate file; these board members have never seen these maps before this evening.

MR. NINNIE: She had called me up and asked me for 8 copies.

MS. BARNHART: We don't get those.

MR. BABCOCK: They get one, that is it.

MS. BARHNART: One copy that comes with the Notice of disapproval from the Planning Board along with their

minutes.

MR. NINNIE: This can be arranged, I can get them to you.

MR. HOGAN: Planning Board send any comments?

MS. BARNHART: Just a copy of the minutes that I sent to you today so that you would be able to clarify in your mind.

MR. LUCIA: The only thing we haven't dealt with the Planning Board is aware of the appearance both of the dive shop and bar and certainly I think would like that approved as a part of the application but once we're through with them, they'll be back to the Planning Board. We'll give you another set of applications on the second Leonardo application, two checks both payable to the Town of New Windsor, one for \$150 application fee and \$482 deposit against Town consultant review fees. You have to submit a separate application on that one.

MR. NINNIE: They can't be lumped together.

MR. LUCIA: No, the requirements on 267B are the same so you need to speak to the same issues on both applications.

MR. NINNIE: Okay.

MR. LUCIA: Again some photographs of this site showing the buildings on this lot.

MR. BABCOCK: The other reason why it's broken into 2 is one is a site plan and one is a subdivision and in referencing this in future time, these are not going to stay together forever. These are two different numbers, two different Planning Board numbers and two different--

MR. NUGENT: We were just discussing why they couldn't be lumped into one cause they are the same owner but as you just brought up is a very good point.

MR. BABCOCK: Once the site plan going to be in a different department and it should be done separate.

MR. NUGENT: I'll accept a motion to table the remaining until we get the redesigned drawings.

MR. LUCIA: For the data we need from the applicant in order for the building inspector to amend his Notice of Denial and we have the power then to review something.

MR. TANNER: So moved.

MR. LANGANKE: Second it.

ROLL CALL

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

ZONING BOARD OF APPEALS
Regular Session
December 13, 1993

AGENDA:

7:30 - ROLL CALL

Motion to accept minutes of the 10/25/93, 11/08/93 and 11/22/93 meetings as written.

PRELIMINARY MEETING:

SET UP FOR P/H
1. RUMSEY, JACQUELINE - Request for 7 ft. 8 in side yard variance for existing cabana and 5 ft. 6 in side yard variance for existing inground pool at 392 Union Avenue in an R-4 zone. (4-1-53).

DOES NOT NEED VARIANCE PER SEC. 48-15B
2. VANDENBERG, KAREN - Request for existing accessory bldg. (shed) to be located less than 10 ft. from any lot line contrary to Sec. 48-14A(1)(b) at 53 Harth Drive in an R-4 zone. (39-1-5).

SET UP FOR P/H
3. CAVALARI, AGNES - Request for 50 s.f. sign variance located on the east side of Windsor Highway (Sign Guys) in a C zone. (35-1-51.0).

NEED COPY OF DISAPPROVAL
SET UP FOR P/H - ~~DISAPPROVAL~~
4. UCHACZ, GENE - Request for 5 ft. variance for Shed #1 and 3 ft. variance for Shed #2 located at 33 Beattie Road in an R-1 zone. (55-~~3~~-63.4).

PUBLIC HEARINGS:

APPROVED
5. WARSHAW, DIANE - Request for 6 ft./6 ft. variance for each side of pool and 10 ft. variance for deck at 23 Vails Gate Heights Drive in an R-5 zone. (71-1-10).

APPROVED
6. LEONARDO, CONSTANTINE - Request for 92 ft. lot width, 50.4 ft. front yard and 18.8 ft. bldg. height for CANOPY, and various sign variances listed on site plan for Coastal Gas Station located at NYS Routes 94/32 in a C zone. Present: Eugene Ninnie, P.E. (70-1-1.1).

APPROVED
7. LEONARDO, CONSTANTINE - Request for 25,179 s.f. lot area, 50 ft. lot width, 3.04 ft. bldg. hgt. on SUBDIVISION of LOT #1 which includes gas station and retail sales on property listed above in a C zone. (70-1-1.1).

APPROVED
8. LEONARDO, SAMUEL - Request for 61,478.4 s.f. lot area, 75 ft. lot width, 25.0 ft. side yard (cheese store) and 11.4 ft. side yard (bar), 56.9 ft. total side yard (cheese store), 11.37 ft. max. bldg. hgt. (cheese store), 12.7 ft. max. bldg. hgt. (bar) and 2 o/s parking spaces for SUBDIVISION of LOT #2 which includes bar and processing/retail, on property listed above in a C zone. (70-1-1.2).

FORMAL DECISIONS:

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

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-25

DATE: 22 SEPT 93

APPLICANT: SAMUEL LEONARDO

ROUTE 32

NEW WINDSOR NY. 12553

SUBDIVISION
APPLICATION

LOT 1

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 AUGUST 1993

FOR (SUBDIVISION - ~~SUBDIVISION~~)

LOCATED AT NYS ROUTES 94 AND 32

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 70 BLOCK: 1 LOT: 1.1

PROPOSED LOT WHICH INCLUDES

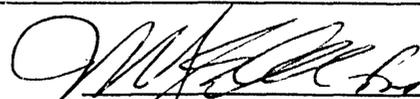
GAS STATION AND RETAIL SALES, BASED

ON SUBDIVISION APPLICATION ONLY.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

VARIANCES REQUIRED FOR LOT AREA, LOT WIDTH,

FRONT YD. SETBACK, AND BUILDING HEIGHT.



MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A1 & B5</u> ^{SAME BULK} <u>REQ'TS</u>		
MIN. LOT AREA	<u>40 000 SF</u>	<u>25 179 SF</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>60 FT</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>22.7 FT</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>—</u>
MAX. BLDG. HT.	<u>4"/FT = 10.97 FT*(1)</u>	<u>.03 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N-A</u>	<u>—</u>
DEV. COVERAGE	<u>N-A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>TO BE CONSIDERED AS PART OF SITE PLAN</u>	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS. ^{*(1) GAS STA. BLDG.}

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

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-25

DATE: 22 SEPT 93

APPLICANT: SAMUEL LEDNARDO

ROUTE 32

NEW WINDSOR NY 12553

SUBDIVISION
APPLICATION
LOT 2

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 AUGUST 1993

FOR (SUBDIVISION - ~~SITE PLAN~~)

LOCATED AT NYS ROUTES 94 AND 32

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 70 BLOCK: 1 LOT: 1,2

PROPOSED LOT WHICH INCLUDES
BAR/RESTAURANT AND RETAIL/WAREHOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

VARIANCES REQUIRED FOR LOT AREA, LOT WIDTH, SIDE YARD,
TOTAL SIDE YARD, BUILDING HEIGHT (BOTH BUILDINGS),


MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u> USE <u>A-1/A-17/A-26</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>14,821 SF</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>163.5 FT</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>13.4 FT *⁽²⁾</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>6.0 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>14.1 FT</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>5.1 FT *⁽²⁾</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>—</u>
MAX. BLDG. HT.	<u>4" / FT = 2.0' *⁽³⁾</u> <u>6" / FT = 9.3' *⁽¹⁾</u>	<u>13 FT</u> <u>22 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>.40 %</u>
MIN. LIVABLE AREA	<u>N-A</u>	<u>N-A</u>
DEV. COVERAGE	<u>N-A %</u>	<u>N-A %</u>
O/S PARKING SPACES	<u>EXISTING</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS. *⁽¹⁾ BASED ON A-26 USE & BAR STRUCT. FOR NEW LOT LINE

*⁽²⁾ PRE-EXISTING - NOT CREATED BY PROPOSED SUBDIV.
CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

*⁽³⁾ BASED ON A-1 USE FOR RETAIL (REAR BLDG) FOR NEW LOT LINE



Civil Technologies & Engineering

Construction & Engineering Consultants • Civil-Architectural-Structural

September 24, 1993

McGoey & Hauser and Edsall
45 Quassaick Ave.
New Windsor, NY 12553

Re: MHE Job # 93-25

Dear Mr. Edsall:

The following field data was obtained for the variances required for the above mentioned project.

1. Cheese Factory L shaped Bldg ... 13' height
2. Club 32 Bar..... 22' height
3. Proposed Coastal Station..... 14' height

If you have any questions please do not hesitate to call

Sincerely,

CIVIL TECHNOLOGIES AND ENGINEERING

A handwritten signature in black ink, appearing to read 'Eugene D. Ninnie', with a long horizontal line extending to the right.

Eugene D. Ninnie, P.E.

EDN/wp
93025lt5

COASTAL GAS

MR. SCHIEFER: I would like you to read into the minutes what the Town Board did on our stop work order on the gasoline station. I want that in the minutes.

MR. PETRO: Mike?

MR. BABCOCK: We had a meeting today, myself, the attorney for the Leonardos, the Leonardos, Tad Seaman and George Green and basically what they explained to us was that if the stop work order stays on the project, that it's the end of the project. They have the time commitments and they have signed contracts so on and so forth and they have spent a ton of money getting the tanks out and doing the restoration that is there and if they can't continue with the restoration at their own risk, they are going to lose the whole project. So it was agreed upon that they made up an agreement, it was a written agreement that was sent back to me couple hours after the meeting stating that they would proceed with the construction of the project, the stop work order would be lifted, they would proceed with the construction on the project and that they would continue the process to the Zoning Board to get their appropriate variances and then back to this board to get their final approval and that they would not go into operation until they had those approvals.

MR. DUBALDI: How did the Town Board vote on that?

MR. BABCOCK: Town Board members weren't there.

MR. DUBALDI: Who lifted the stop work order?

MR. BABCOCK: I did based on that meeting.

MR. VAN LEEUWEN: Mike has a right to do that.

MR. SCHIEFER: I'd rather agree Mike can do it but I thought the Town Board--

MR. VAN LEEUWEN: That is the way it was explained to me.

MR. DUBALDI: So the Town Board didn't lift the stop work order, you did?

MR. BABCOCK: Yes.

MR. PETRO: You were in George Green's office?

MR. BABCOCK: Yes.

MR. PETRO: Mr. Green was privy to what was going on?

MR. BABCOCK: Yes.

MR. DUBALDI: Not the rest of the Town Board members, just George?

MR. BABCOCK: Yes.

MR. SCHIEFER: I feel a little better.

MR. VAN LEEUWEN: Town Board is the one that wants something done with the house which we're trying to do, okay, forget it, it's okay with me. Doesn't make any difference, they want the eyesore there, let it stay there, done.

MR. SCHIEFER: Thank you.

MR. DUBALDI: I move we adjourn the meeting.

MR. SCHIEFER: Second it.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. SCHIEFER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

Respectfully Submitted By:

Frances Roth
 Frances Roth
 Stenographer

8/30/93

COASTAL GASOLINE SUBDIVISION (93-2⁵) Rt. 207

Eugene Ninnie appeared before the Board for this proposal.

BY MR. SCHIEFER: Has everyone read the letter enclosed in your file on this issue?

BY MR. DUBALDI: Oh, yes.

BY MR. SCHIEFER: Just asking.

BY MR. VAN LEEUWEN: I'd like to make a motion, okay, that we order the Town Building Inspector to put a stop work order on this project immediately. We were told that the canopy would not be installed. They installed the canopy. They didn't go through the Zoning Board. They didn't do nothing.

BY MR. PETRO: Have they made application to the Zoning Board?

BY MR. BABCOCK: It's on my desk right now.

BY MR. PETRO: Just now? Application has been on.

BY MR. BABCOCK: Well, they got referred from this Board the last meeting and I have to wait for the minutes and whatever it is on my desk right now and we have some technical questions to ask them. We need a new plan with some more information on it before we can refer it. I just realized that, today. Matter of fact, we called him today and he delivered it, so it's just a matter of doing that.

BY MR. PETRO: There's a motion before the Board. Let me just clarify one other thing. Did we not in fact say at the last meeting they could continue with work on the canopy as long as they were going to go through the correct steps to the Zoning Board, if they had application to the Zoning Board and then they were going to be referred back to us later that a top work order would not be issued?

BY MR. VAN LEEUWEN: Not to put the canopy up, Mr. Chairman.

BY MR. BABCOCK: It was not. What I understood was that we could let them go ahead and put the footings and continue doing tank work and so on and so forth

that they had the permit for, but not to install the canopy until the Zoning Board of Appeals and at that time Mr. Van Leeuwen wanted to stop work order then or not let them put up the canopy and so on and so forth. I said we are going to have to give them a stop work order if you guys aren't going to send them to the Zoning Board of Appeals. So the referral was done from this Board to the Zoning Board of Appeals and Mr. Ninnie is the one that wrote that letter to me, saying that he did advise his clients not to install the canopy and you --

BY MR. PETRO: That was going to be my next question. Was your client aware of our request to not put up the canopy?

BY MR. NINNIE: That is correct, he was, but there is another stipulation here and that is the people are contracted to erect the canopies are all over the country. They are only one contractor. He wouldn't be back here in six months, so he elected to take the chance of putting it up.

BY MR. VAN LEEUWEN: Well, he took that chance, now he's out of luck.

BY MR. NINNIE: The recourse is probably a stop work order and he is well aware of that and I told him what is going on.

BY MR. DUBALDI: Why couldn't you contact us while you're doing it? You had ample time.

BY MR. NINNIE: Well --

BY MR. VAN LEEUWEN: Our building inspector didn't even know it was going up. Nobody even made a phone call. They just put the thing up. That is why you people want to play games, we can play games also.

BY MR. LANDER: I second the motion.

BY MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board issue a stop work order or have the building inspector's office of the Town of New Windsor issue a stop work order on the Coastal Gasoline Station subdivision on the corner of Route 32 and 94 in Vails Gate due to the lack of cooperation with this Board. Is there any further discussion with the Board members? If not, roll

call.

ROLL CALL:

MR. SCHIEFER: Aye.

MR. VAN LEEUWEN: Aye.

MR. LANDER: Aye.

Mr. DUBALDI: Aye.

Mr. PETRO: Aye.

BY MR. PETRO: I think, in lieu of that, I think to further show to your client that we mean business, we are not going to review this tonight and he can further review the comments and there are some comments Mike can go over with Mark. We don't want to prolong it forever. He has the mess on the house on the corner there. There was a young lady here last time which was aware there was many problems with the house on the corner and with this site plan and that we are looking at tonight, so we are not going to review it. You can further your application again and come back with Mark and start over.

BY MR. KRIEGER: When was this plan submitted?

BY MS. MASON: The subdivision?

BY MR. KRIEGER: When was the application made or is it subdivision we're looking at or --

BY MR. NINNIE: I'm assuming it's a subdivision and we already presented the Board with the site plan on July 21st as a recommendation from the engineer and the Board, we were going --

BY MR. VAN LEEUWEN: There is also a subdivision.

BY MR. NINNIE: So I'm really satisfying a formality here.

BY MR. KRIEGER: when was this submitted?

BY MS. MASON: August 3rd.

BY MR. SCHIEFER: That is a week ago.

BY MR. KRIEGER: Mark, did you review this at a workshop, this plan? I mean did you review it for comments for tonight?

BY MR. EDSALL: Yes, I did, the plan needs some work, but they have a similar situation where their subdivision application as they do with their site plan application. They need variances. So although you may not want to talk about the site plan tonight, you may want to disapprove the subdivision or take action, not to approve it as it may be, because their subdivision cannot comply with the zoning either. They need variances for that.

BY MR. SCHIEFER: So they have to go to the Zoning Board of Appeals.

BY MR. EDSALL: If they are going to go forward.

BY MR. VAN LEEUWEN: I am going to take the same stance last time because I knew what was coming. I'm not going to give them anything until they comply with the rules of this town. You have to comply. You have to comply. You have to comply and I have to comply. Why should they not have to comply? That is what we sit here for, gentlemen, to protect the people of this town. It's not being done. They just go ahead and do what the hell they want to do. Now let them do what the heck they want to do. They are going to do it anyway.

BY MR. PETRO: I really am in some agreement with Mr. Van Leeuwen this time. He went ahead and put up a canopy against our wishes.

BY MR. VAN LEEUWEN: We are going to make him tear it down. That is my motion.

BY MR. PETRO: To deny this and send it to the Zoning Board, there is no time lost, not that we are trying to make an applicant lose time, but nothing has been lost or gained here. It's just you are getting a stop work order but he can say so what.

BY MR. NINNIE: So what is our next step here?

BY MR. VAN LEEUWEN: Take the canopy down, comply with what the law is and the rules of the town of New

Windsor and every other town has the same type of rules. We are no different than anybody else. Anybody want to come into this town and just because they have got to wait two or three months to have the canopy go up and they say they are going to put it up anyway, as far as I'm concerned --

BY MR. NINNIE: I don't think that was the intent. It was a misunderstanding. What I'd like to do --

BY MR. VAN LEEUWEN: Our building inspector received a letter from you people stating that the canopy would not go up and under those agreements he gave the permit to put the footings in and put the tanks in, change the tanks. That was as far as you were supposed to go. Now, all of a sudden I go past last week and I see the canopy up. Why don't you put the whole thing up and we'll tear the whole thing down.

BY MR. PETRO: What do you think the intentions were?

BY MR. NINNIE: His agreement was to go ahead and erect the canopy, the footings, and put in the tanks as per his permit. He's entitled to it. The best I can do is advise him and tell him what he's doing is wrong. He elected to do it on his own. Fine. I told him the consequences. That is all I can do. I can't put a gun to his head and make him stop.

BY MR. NINNIE: I think it best at this time we are not going to take any action tonight, let's table this. Make your request on the next agenda. I'd advise you to get with Mark. Maybe clear up a few things. At that time we'll again look at the subdivision and if we disapprove it at that time, go to the Zoning Board.

BY MR. NINNIE: Back to my original question here, he take the canopy down, now what is our next step after we take the canopy down?

BY MR. BABCOCK: Come back for the denial to go to the Zoning Board. Right now they are not going, you need denial for the subdivision to go to the Zoning Board because they need to clear it all up. The subdivision and the site plan and the canopy. So it all needs to go to the Zoning Board.

BY MR> VAN LEEUWEN: At the last meeting, your young lady was here, she was told explicitly this Board

will work with them 100% providing they do something with the eyesore of the house there. That house has been there for years. It's in the entrance of our town. People are disgusted with it. The Board is disgusted with it and she said she would discuss it with you and get back to you. Also, there is a letter, our building inspector was told that the canopy would not be erected, only the footings and the tanks and that is what he has got a permit for. He didn't get a permit for the, get a permit for that.

BY MR. BABCOCK: He got a permit for the tanks, the pumps and the canopy when we realized that the canopy was in violation of the zoning ordinance, the reason we realized that is because Mr. Ninnie came into the workshop and Mark picked that up, Mark called me up, I came in and we discussed it and I said to Mr. Ninnie what we'll do now at this point is get in front of the Planning Board so we can get the approval to have the canopy there. At the next workshop I talked to Mr. Ninnie and I advised him as their engineer that not to put up the canopy and he told me at that day he can only refer that information to the applicant.

BY MR. NINNIE: That day I called him and I told him and I told him.

BY MR. VAN LEEUWEN: I'm not mad at you.

BY MR. NINNIE: I understand.

BY MR. BABCOCK: He said that he would agree with me that the canopy should not be placed except they go ahead since they are doing the ground work and put the footings in, that is not a problem with me. And then you can see the letter that Mr. Ninnie wrote advising his client not to put it up. What the problem here is that the application cannot go anywhere unless you give this thing a denial to go to the Zoning Board of Appeals. So I think in all fairness what we have to do is tell the applicant what do you want me to do and then we'll proceed with your application. If you want him to take down the canopy and then you proceed with the application or come in next week or next agenda or what you want to do. That is, cause right now it's stalled.

BY MR. PETRO: What I would like to do --

BY MR. BABCOCK: If we don't proceed, it's never going to get approved.

BY MR. PETRO: Let me give you my personal opinion. I think taking down the canopy, even though I believe it should be, might be somewhat harsh. I would say in my opinion to allow, we'll continue with this but I would tell you and your client that the Planning Board procedure is very long and tedious and this particular application is going to be held really to the letter of the law from here on in and out and I mean everything and he's not going to, it's going to take quite a while. Not that we are going to make him do more than he should do, but sometimes instead of a six foot tree, we might say okay four foot tree. We want six foot tree and it's going to be that all the way through as far as I'm concerned. I think it should proceed. We can get the thing moving but I think he's going to have to really toe the line.

BY MR. SCHIEFER: I personally am as annoyed as anyone else, but at this stage, I don't see that taking down the canopy is going to achieve a hell of a lot. If they get the variance and the same thing goes right back up again.

BY MR. PETRO: We want the corner cleaned up. Everyone agrees to that.

BY MR. SCHIEFER: I completely agree with the stop work order, stop this thing, but I don't think we ought to go as far as taking the canopy down.

BY MR. BABCOCK: I think the work is pretty much at an end right now.

BY MR. NINNIE: Almost sure it is.

BY MR. SCHIEFER: They can't use anything.

BY MR. BABCOCK: No, the stop work order is just a matter of paperwork.

BY MR. PETRO: Ron?

BY MR. LANDER: Stop work order, I think we could proceed with sending him to the Zoning Board of Appeals with this other thing, but I'm only one member here.

BY MR. DUBALDI: Same thing as Ron.

BY MR. VAN LEEUWEN: What are your plans to do with the house, have you discussed that, the old house at all?

BY MR. NINNIE: This is another thing I'd like to ask the Board is what apparently that house has been an eyesore spot. Okay, so that is an understatement, but what I would like to do is find out what would you think in your own mind on what the problem there is, what is the problem?

BY MR. DUBALDI: It's there.

BY MR. NINNIE: Just doesn't have a coat of paint?

BY MR. PETRO: You have to provide proper parking.

BY MR. VAN LEEUWEN: That house has been there for 20 years. It is an eyesore coming into Vails Gate. I think it's very unfair for one person we just cleaned up a building down there on 207, okay, which is this town is going to be a popular town. We want the eyesore taken down or redone. It should be taken down because it doesn't come anywheres near the zoning. The zoning codes of this town, there's no parking there.

BY MR. NINNIE: Redone cosmetically on the outside?

BY MR. VAN LEEUWEN: It will never get done. I have been on this Board over 20 years and it's been promised before.

BY MR. PETRO: Any use in the building has to get together and provide on the site plan ample parking spots.

BY MR. VAN LEEUWEN: What we are going to do if this thing ever does get approved, we are going to tie that house right into the rest of it and it's going to be bonded, so he's either going to pay or he's got to get a bulldozer to get rid of it. Those are the choices or fix it up. But it can't stay the way it is.

BY MR. DUBALDI: How about tear down the building and we'll let you keep the canopy.

BY MR. NINNIE: You have two tenants here. One tenant is in the house, the other tenant is with the gas station. The proper owner is Leonardo himself.

BY MR. VAN LEEUWEN: He owns both pieces, he owns the building.

BY MR. NINNIE: He owns everything.

BY MR. VAN LEEUWEN: You go right around the corner from the gas station, somebody else owns another eyesore. That old gin mill, that's another eyesore, that is all we have got on the corner, eyesores.

BY MR. KRIEGER: I'm confused, others may be confused. Are you, when you're talking about the eyesore that you find particularly irritating in the beginning are you talking about the one known as Club 32 or the other one?

BY MR. SCHIEFER: The dive shop is the primary, the other one is Club 32.

BY MR. PETRO: Let's recap this. We did have a motion and seconded. We voted that a stop work order will be issued tomorrow morning for this site. Secondly at this time, we polled the Board and I think we could go further if we had a motion to approve this, it would be sent to the Zoning Board I assume, assuming that the motion would do that. Motion was defeated and it would be sent there and again, I think we have ample time to convey to the owner of this project the seriousness of this Board and that it's intentions will be met.

BY MR. NINNIE: If you're tying in the dive shop with the entire parcel.

BY MR. VAN LEEUWEN: Absolutely.

BY MR. NINNIE: What do you want to see, other than a site plan?

BY MR. VAN LEEUWEN: We want you to come up with something for the dive shop, either tear it down or show us a plan where you're going to rehabilitate it.

BY MR. PETRO: It's that simple. We don't have to go any further than that.

BY MR. SCHIEFER: We don't want to design it.

BY MR. DUBALDI: We want to bulldoze it.

BY MR. PETRO: Can I have a motion, please, from somebody for Zoning Board of Appeals, motion to approve this?

BY MR. SCHIEFER: I make a motion we approve the Coastal Gasoline subdivision site plan.

BY MR. DUBALDI: I'll second it.

BY MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grants approval to the Coastal Gasoline subdivision. Is there any further discussion from the Board members? If not, roll call.

ROLL CALL:

MR. VAN LEEUWEN: Abstain.

BY MR. SCHIEFER; No.

BY MR. LANDER: No.

BY MR. DUBALDI: No.

BY MR. PETRO: No.

BY MR. PETRO: You have been referred to the Zoning Board, good luck.

BY MR. EDSALL: There are comments on the subdivision and they will have to be addressed before the referral can be made.

2 ZBA 11-23-93
SETUP FOR P/H

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-25

DATE: 1 NOVEMBER 1993

APPLICANT: SAMUEL LEONARDO
ROUTE 32
NEW WINDSOR NY 12553

REVISED REFERRAL
SUBDIVISION LOT 1

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 AUGUST 1993

FOR (SUBDIVISION - ~~SITE PLAN~~)

LOCATED AT NYS ROUTES 32 AND 94

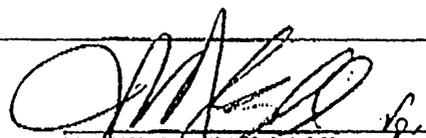
ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 70 BLOCK: 1 LOT: 1.1

PROPOSED LOT WHICH INCLUDES
GAS STATION AND RETAIL SALES, BASED
ON SUBDIVISION APPLICATION ONLY.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

VARIANCES REQUIRED FOR LOT AREA, LOT WIDTH
AND BUILDING HEIGHT.


MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>	
ZONE <u>C</u> USE <u>A1 & B5</u> ^{JAME BULK} <u>REQUIREMENTS</u>			
MIN. LOT AREA	<u>70,000 SF</u>	<u>14,821 SF</u>	<u>25,179 SF</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>150 FT</u>	<u>50 FT</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>37.3 FT * (1)</u>	<u>* (1)</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>32.9 FT</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N-A</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>57.37 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>N-A</u>	<u>—</u>
MAX. BLDG. HT.	<u>4"/FT * 32.9 = 10.96 FT</u>	<u>14 FT</u>	<u>3.04 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>< .20</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N-A</u>	<u>N-A</u>	<u>—</u>
DEV. COVERAGE	<u>N-A %</u>	<u>N-A %</u>	<u>— %</u>
O/S PARKING SPACES	<u>ANY CHANGES TO BE CONSIDERED AS PART OF SITE PLAN</u>		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS. *1 PRE-EXISTING CONDITION

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

ZBA 11-22-93
LET UP FOR P/A

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-25

DATE: 1 NOVEMBER 1993

APPLICANT: SAMUEL LEONARDO
ROUTE 32
NEW WINDSOR, NY 12553

REVISED REFERRAL
SUBDIVISION LOT 2

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 AUGUST 1993

FOR (SUBDIVISION - ~~SITE PLAN~~)

LOCATED AT NYS ROUTES 94 AND 32

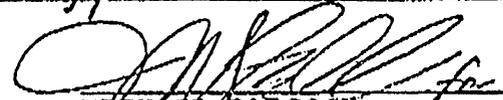
ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 70 BLOCK: 1 LOT: 1.2

PROPOSED LOT WHICH INCLUDES BAR/RESTAURANT
AND PROCESSING/MANUFACTURING/RETAIL

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

VARIANCES REQUIRED FOR LOT AREA, LOT WIDTH,
SIDE YARD (BOTH BLDGS), TOTAL SIDE YARD,
BUILDING HEIGHT (BOTH BLDGS), PARKING.


MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-1/A-20/A-26</u>		
MIN. LOT AREA	<u>80 000 SF</u>	<u>18,521.6</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>125 FT</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>13.4 *(1)</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>5.0 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>18.6 FT</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>13.1 FT</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>78.6 FT</u>
MAX. BLDG. HT.	<u>4" FT x 5 FT = 1.66 FT</u> <u>6" FT x 18.6 FT = 9.3 FT</u>	<u>5.1 FT *(1)</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>—</u>
MIN. LIVABLE AREA	<u>NA</u>	<u>11.37 FT REAR BLDG.</u>
DEV. COVERAGE	<u>NA %</u>	<u>12.7 FT FRONT BLDG.</u>
O/S PARKING SPACES	<u>17</u>	<u>2</u>

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

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



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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

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

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: COASTAL GASOLINE SUBDIVISION
PROJECT LOCATION: NYS ROUTES 32/94 (5 CORNERS)
SECTION 70 - BLOCK 1 - LOT 1.1
PROJECT NUMBER: 93-25
DATE: 11 AUGUST 1993
DESCRIPTION: THE PLAN SUBMITTED PROPOSES A TWO (2) LOT
SUBDIVISION OF THE EXISTING PROPERTY, TO COINCIDE
WITH A DIVISION LINE WHICH WAS PREVIOUSLY CREATED
BASED ON A BOUNDARY AGREEMENT ESTABLISHED DURING
1982. THE PLAN WAS REVIEWED ON A CONCEPT BASIS
ONLY.

1. The plan submitted is proposed as a Subdivision Plan. The plan is unacceptable in that same does not bare the stamp and signature, and certification, of a licensed Land Surveyor of the State of New York.

In the letter from the Applicant's Consultant dated 4 August 1993 comment is made that the subdivision plan is "based upon a certified map" from Kartiganer Engineers. Further, the letter indicates that a "Professional Engineer directly supervised the as-built information" on the submitted drawing. It is my recommendation that the Board not accept the "second hand" information. Further, the submitted plan is not complete since it does not provide setback information from the proposed property line to all structures. This is critical information to determine the extent of certain necessary variances.

2. I recommend that the Board require a complete and accurate subdivision plan from a Licensed Land Surveyor.
3. The "required" information shown on the Bulk Table appears correct for the Zone and use. Corrections appear necessary for the "provided" values for the individual lots. The Bulk Table must be corrected.

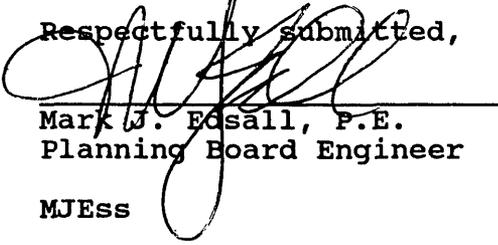
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: COASTAL GASOLINE SUBDIVISION
PROJECT LOCATION: NYS ROUTES 32/94 (5 CORNERS)
SECTION 70 - BLOCK 1 - LOT 1.1
PROJECT NUMBER: 93-25
DATE: 11 AUGUST 1993

-2-

4. Based on the information submitted it appears that area variances will be required for the proposed subdivision. As such, a referral to the Zoning Board of Appeals appears necessary. I recommend that this referral not be made until a complete and accurate subdivision plan is before the Planning Board.

Respectfully submitted,



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

MJEss

A:coastal.ss

RESULTS OF P.B. MEETING

DATE: August 11, 1973

PROJECT NAME: Coastal Shoreline Sub. PROJECT NUMBER 73-25

LEAD AGENCY: _____ * NEGATIVE DEC: _____
M) ___ S) ___ VOTE: A _____ N _____ * M) ___ S) ___ VOTE: A _____ N _____

CARRIED: YES _____ NO _____ * CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A _____ N _____

WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

SEND TO DEPT. OF TRANSPORT: M) ___ S) ___ VOTE: A _____ N _____ YES _____ NO _____

DISAPP: REFER TO Z.B.A.: M) S S) 0 VOTE: A 4 N 0 YES NO _____
(V) abstain

RETURN TO WORK SHOP: YES _____ NO ~~_____~~

APPROVAL:

M) ___ S) ___ VOTE: A _____ N _____ APPROVED: _____

M) ___ S) ___ VOTE: A _____ N _____ APPR. CONDITIONALLY: _____

NEED NEW PLANS: YES _____ NO _____

DISCUSSION/APPROVAL CONDITIONS: _____

(M) (S)
L To issue stop w.o. on site plan 5 Ayes
0 Nay
Board was polled - Voted to continue review of
tabled to next agenda this project tonight.



August 4, 1993

**Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553**

Re: Sub-division of the Lands of Leonardo (Coastal Gasoline filling Retail Facility)

Gentlemen:

Enclosed please find 14 copies of the engineering plans for the above mentioned subdivision. This subdivision is part of the change of use process that was previously submitted. We have changed the plan based upon the July 21, 1993 meeting. Planning board comments and engineering comments have been accommodated on the revised plan.

As per planning board checklist procedure we have check-listed the drawing. We have checked most of the items listed on your checklist. We also have added an N/A in others. The reasoning is as follows:

Item 11.

All survey information is based upon a certified map dated 21 November 1974 made by Kartigainer Engineers on Blooming Grove Turnpike in New Windsor.

Item 12

Since all survey information, is based upon a certified map dated 21 November 1974 made by Kartigainer Engineers on Blooming Grove Turnpike in New Windsor, seal and signature is on that drawing. In addition a professional engineer directly supervised the as-built information that is on the drawing and is certifying the map for completeness for any changes that have occurred on the property from 1974.

Item 14

No wetlands exist near the property and hence is not applicable

Item 15

No floodplain(s) exist near the property and hence is not applicable

Item 16

No sanitary disposal systems are proposed and since the entire area is sewered this item is also not applicable

Item 18

Name and width of adjacent streets with road boundary to be a minimum 25 feet from the physical centerline of the street we are assuming pertains to residential sub-division work and hence is not applicable here.

Item 20

No right of ways exist and hence this is not applicable

Item 21

Road profile and typical section pertains to residential or commercial sub-division work with roads. Since this project has none it is not applicable.

Item 24

No waterways exist in the area

Item 25

No roads exist on the site and hence no maintenance agreement, therefore not applicable.

Item 29

Similar to Item 16. No sanitary disposal systems are proposed and since the entire area is sewered this item is also not applicable

Item 30

Ibid

Item 31

The entire site is flat with a change of grade +/- 1-1.5'. Therefore 2' contours will not be beneficial. In addition since minor site work is proposed, paving and repaving, and no structures are being built grading is minimal. To subject the applicant to an expensive topography survey would only serve to squander money on something he does not need.

If you have any questions please do not hesitate to call me at (914)-831-2829.

Sincerely,

CIVIL TECHNOLOGIES AND ENGINEERING

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Eugene D. Ninnie, P.E.

EDN/wp
930251t2



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93-25

DATE PLAN RECEIVED: DEC 16 1993 Rev 2

The maps and plans for the Site Approval ✓

Subdivision _____ as submitted by

_____ for the building or subdivision of

LEONARDO has been

reviewed by me and is approved ✓

disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

[Signature] 12.23.93

SANITARY SUPERINTENDENT DATE

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 29 December 1993
SUBJECT: Leonardo Subdivision

PLANNING BOARD REFERENCE NUMBER: PB-93-25
DATED: 16 December 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-075

A review of the above referenced subject subdivision plan was conducted on 17 December 1993.

This subdivision plan is acceptable.

PLANS DATED: 13 December 1993; Revision 6.



Robert F. Rodgers; ECA
Fire Inspector

RFR:mr
Att.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93-25

DATE PLAN RECEIVED: DEC 16 1993 Rev 2

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

If disapproved, please list reason _____

[Signature] 12/23/93
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

** GIVE PAT COPY OF FIRE INSPECTORS REPORT B.D.*

ZONING BOARD OF APPEALS
Regular Session
November 22, 1993

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of the 10/25/93 meeting as written if available.

PRELIMINARY MEETING:

SET UP FOR P/H
1. LEONARDO, CONSTANTINE - (2nd Preliminary). Request for 92 ft. lot width, 50.4 ft. front yard and 18.8 ft. bldg. height for CANOPY, and various sign variances listed on site plan for Coastal Gas Station located at NYS Routes 94/32 in a C zone. Present: Eugene Ninnie, P.E. (70-1-1.1).

SET UP FOR P/H
2. LEONARDO, CONSTANTINE - Request for 25,179 s.f. lot area, 50 ft. lot width, 3.04 ft. bldg. hgt. on SUBDIVISION of LOT #1 which includes gas station and retail sales on property listed above in a C zone. (70-1-1.1).

SET UP FOR P/H
3. LEONARDO, SAMUEL - Request for 61,478.4 s.f. lot area, 75 ft. lot width, 25.0 ft. side yard (rear bldg.) and 11.4 ft. side yard (front bldg.), 56.9 ft. total side yard (rear bldg.), 11.37 ft. max. bldg. hgt. (rear bldg.), 12.7 ft. max. bldg. hgt. (front bldg.) and 2 o/s parking spaces for SUBDIVISION of LOT #2 which includes bar/restaurant and processing/manufacturing/retail, on property listed above in a C zone. (70-1-1.1).

4. SUN OIL COMPANY - Request for ~~65~~ ^{55 FT.} ft. 6 in. front yard set back for canopy located on Route 32 in a C zone. Present: Frank Daley of Sun Oil and Eric Holt of Environmental Design Partnership. (71-3-2).
NEED #1 CANOPY HEIGHT

PUBLIC HEARING: *#2 SIGN'S*

APPROVED
5. MARSHALL, PETER - Request to allow existing 5 ft. fence closer to road than principal building contrary to Sec. 48-14C(1)(c)[1] and 48-14B of the Supplementary Yard Regs. on premises located at 12 Ona Lane in an R-4 zone. (8-6-3).
48-14 A-4 REVISION 11-22-93

APPROVED
6. SWEENEY, JOHN - Request for 8 ft. 6 in. side yard for existing shed and 4 ft. rear yard variance for existing deck located at 347 Nina Street in an R-4 zone. (73-3-6).

APPROVED
7. PACIONE, TOBIO - Request for 200 s.f. lot area, 20 ft. front yard for residence; 2 ft. 4 in. side yard and 14 ft. rear yard for deck and 7 ft. rear yard for shed, all existing at 30 Melrose Avenue in an R-4 zone. (13-11-4).

FORMAL DECISIONS:

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

ZONING BOARD OF APPEALS
Regular Session
December 13, 1993

AGENDA:

7:30 - ROLL CALL

Motion to accept minutes of the 10/25/93, 11/08/93 and 11/22/93 meetings as written.

PRELIMINARY MEETING:

- SET UP FOR P/H*
1. RUMSEY, JACQUELINE - Request for 7 ft. 8 in side yard variance for existing cabana and 5 ft. 6 in side yard variance for existing inground pool at 392 Union Avenue in an R-4 zone. (4-1-53).
DOES NOT NEED VARIANCE PER SEC. 48-15B
 2. VANDENBERG, KAREN - Request for existing accessory bldg. (shed) to be located less than 10 ft. from any lot line contrary to Sec. 48-14A(1)(b) at 53 Harth Drive in an R-4 zone. (39-1-5).
SET UP FOR P/H
 3. CAVALARI, AGNES - Request for 50 s.f. sign variance located on the east side of Windsor Highway (Sign Guys) in a C zone. (35-1-51.0).
NEED COPY OF DISAPPROVAL
 4. UCHACZ, GENE - Request for 5 ft. variance for Shed #1 and 3 ft. variance for Shed #2 located at 33 Beattie Road in an R-1 zone. (55-~~2~~-63.4).
SET UP FOR P/H - ~~NEED COPY OF DISAPPROVAL~~

PUBLIC HEARINGS:

5. *APPROVED* WARSHAW, DIANE - Request for 6 ft./6 ft. variance for each side of pool and 10 ft. variance for deck at 23 Vails Gate Heights Drive in an R-5 zone. (71-1-10).
6. *APPROVED* LEONARDO, CONSTANTINE - Request for 92 ft. lot width, 50.4 ft. front yard and 18.8 ft. bldg. height for CANOPY, and various sign variances listed on site plan for Coastal Gas Station located at NYS Routes 94/32 in a C zone. Present: Eugene Ninnie, P.E. (70-1-1.1).
7. *APPROVED* LEONARDO, CONSTANTINE - Request for 25,179 s.f. lot area, 50 ft. lot width, 3.04 ft. bldg. hgt. on SUBDIVISION of LOT #1 which includes gas station and retail sales on property listed above in a C zone. (70-1-1.1).
8. *APPROVED* LEONARDO, SAMUEL - Request for 61,478.4 s.f. lot area, 75 ft. lot width, 25.0 ft. side yard (cheese store) and 11.4 ft. side yard (bar), 56.9 ft. total side yard (cheese store), 11.37 ft. max. bldg. hgt. (cheese store), 12.7 ft. max. bldg. hgt. (bar) and 2 o/s parking spaces for SUBDIVISION of LOT #2 which includes bar and processing/retail, on property listed above in a C zone. (70-1-1.2).

FORMAL DECISIONS:

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



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
Millford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 99-75
 WORK SESSION DATE: 15 Dec '93 APPLICANT RESUB.
 REAPPEARANCE AT W/S REQUESTED: No REQUIRED: Revised Plan
 PROJECT NAME: Coastal Subdiv
 PROJECT STATUS: NEW _____ OLD X
 REPRESENTATIVE PRESENT: Glen W.
 MUNIC REPS PRESENT: BLDG INSP. Several
 FIRE INSP. _____
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Corrections all made re Bulk-
add variances & date
Hildreth sign & stamp.
Approval box
next avail
agenda

PLANNING BOARD

B.S.

ZONING BOARD OF APPEALS
Regular Session
October 25, 1993

AGENDA:

7:30 P.M. - ROLL CALL

MOTION TO ACCEPT MINUTES OF THE 09/13/93 AND 09/27/93 MEETING. APPROVED

PRELIMINARY:

SET UP FOR P/H 1. DEVITT, JOHN - Request for 6 ft. chain link fence contrary to Section 48-14C 1 - of the Supp. Yard Regs. (structure projects closer to road than principal bldg.) located at Devitt's, 59 Windsor Highway in a C zone. (9-1-33).

SET UP FOR P/H 2. PACIONE, TOBIO - Request for 200 s.f. lot area, 20 ft. front yard, 2 ft. 4 in. side yard, 14 ft. rear yard variances for existing deck and 7 ft. rear yard variance for existing shed at ~~30 Melrose Avenue in an R-4 zone.~~ (13-11-4). *SHED WILL BE REMOVED BY OWNER*

TABLE 3. LEONARDO, SAMUEL - Request for 50.4 ft. front yard variance and 14.8 ft. maximum canopy height for Coastal Gas Station located at Five Corners in a C zone. Referred by Planning Board.

TABLE 4. LEONARDO, SAMUEL - Request for 25,179 s.f. lot area, 36.5 ft. lot width, 46.6 ft. front yard, 24 ft. side yard, 55.9 ft. total side yard, 11 ft. and 12.6 ft. max. bldg. height for each building on lot which includes bar/restaurant and retail/warehouse located at Five Corners in C zone. Referred by Planning Board.

PUBLIC HEARING:

DISAPPROVED

5. MUGNANO, PASQUALE - CONTINUED - Request for use variance for barber shop in R-4 zone - 2 Cimorelli Drive. (7-1-20).

APPROVED

6. MORONEY, JAMES - Request for 26 ft. side yard, 44 ft. total side yard, 15.75 ft. maximum bldg. hgt., 26 parking area variances and sign variances in order to construct addition at Moroney's Cycle Center on Union Avenue in a C zone. Present: Greg Shaw, P.E. (4-1-9.22).

APPROVED

7. HANRETTA, RUTH - Request for 5 ft. total side yard variance to construct addition with ramp at 231 Leslie Avenue in an R-4 zone. (24-9-8).

APPROVED

8. STROHL, ALBERT - Request for 10 ft. side yard variance for addition to existing garage at 8 Park Road, Salisbury Mills in an R-4 zone. (58-6-4).

- FORMAL DECISIONS:
- (1) TOYOTA OF NEWBURGH
 - (2) GREENE
 - (3) KIEVA

APPROVED

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

#9 LOUISE SCHUMACHER
1 YEAR EXTENSION APPROVED



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93 - 25

DATE PLAN RECEIVED: SEP 15 1993

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

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

[Signature] 10.11.93

SANITARY SUPERINTENDENT DATE

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 24 September 1993
SUBJECT: Leonardo Subdivision

PLANNING BOARD REFERENCE NUMBER: PB-93-25
DATED: 15 September 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-053

A review of the above referenced subject subdivision plan was conducted on 20 September 1993.

This subdivision plan is acceptable.

PLANS DATED: 4 September 1993.


Robert F. Rodgers; C.A.
Fire Inspector

RFR:mr
Att.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93 - 25

DATE PLAN RECEIVED: SEP 15 1993

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

If disapproved, please list reason _____

Gord S. [Signature] 9/25/93
HIGHWAY SUPERINTENDENT DATE

FF
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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

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

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

93-25

TOWN/VILLAGE OF New Windsor

P/B # 93-22

WORK SESSION DATE: 18 Aug 93

APPLICANT RESUB.
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: _____

PROJECT NAME: Coastal S/P & Subdiv.

PROJECT STATUS: NEW _____ OLD X

REPRESENTATIVE PRESENT: Ernie Minnie

MUNIC REPS PRESENT:

BLDG INSP.	<u>X</u>
FIRE INSP.	<u>X</u>
ENGINEER	<u>X</u>
PLANNER	_____
P/B CHMN.	_____
OTHER (Specify)	_____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Review Pine Shop bldg. app.

Disc fill survey needed for ZSA
referral. - all dimensions of
setbacks etc both lots -

Bill Bulk table
Need new plans

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 9 August 1993
SUBJECT: Leonardo Subdivision

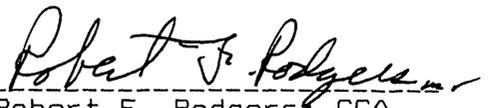
PLANNING BOARD REFERENCE NUMBER: PB-93-25
DATED: 4 August 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-044

A review of the above referenced subject subdivision plan was conducted on 5 August 1993.

This subdivision plan is acceptable.

PLANS DATED: 3 August 1993.



Robert F. Rodgers, CCA
Fire Inspector

RFR:mr
Att.

✓
CC: M.E.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93 - 25

DATE PLAN RECEIVED: AUG - 4 1993

The maps and plans for the Site Approval _____

Subdivision ✓ _____ as submitted by

_____ for the building or subdivision of

LANDS OF LEONARDO _____ has been

reviewed by me and is approved ✓ _____,

disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

[Signature] 8.6.93

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
Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B # 93 - 25
 WORK SESSION DATE: 4 AUG 93 APPLICANT RESUB. REQUIRED: New plans
 REAPPEARANCE AT W/S REQUESTED: No
 PROJECT NAME: Coastal S/P & Subdiv
 PROJECT STATUS: NEW _____ OLD _____

REPRESENTATIVE PRESENT: _____

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Fix Dive Shop Bldg
- Subdiv - should be separate plan
- shift planter

Will be two separate
apps
next avail agenda
after plans

4MJE91 pbwsform

X

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

(This is a two-sided form)

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

1. Name of Project Coastal Gasoline filling station and retail facility
2. Name of Applicant Samuel Leonardo Phone 561-2660
Address Route 32 New Windsor, NY 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Same Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan E. Ninnie, P.E. Phone 831-2829
Address Route 9D Wappingers Falls, NY 12590
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney Julius Hoyt Phone 562-3540
Address 233 Liberty Street Newburgh, NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Eugene D. Ninnie, P.E. Phone 831-2829
(Name)
7. Location: On the eastern side of Route 94
(Street)
0 feet east of Route 32
(Direction) (Street)
8. Acreage of Parcel 0.78 a 9. Zone C, 9A. School Dist New Windsor
9B. If this property is within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District, please complete the attached Agricultural Data Statement.
10. Tax Map Designation: Section 70 Block 1 Lot 1.1
11. This application is for subdivision of 70-1-1.1 and 70-1-1.2
based upon boundary agreement established 1982. Subdivision also
needed to satisfy town requirements for use change.

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No (in process)

If so, list Case No. and Name _____

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

_____ being duly sworn, deposes and says that he resides at _____ in the County of _____ and State of _____ and that he is (the owner in fee) of _____ (Official Title) of the 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 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

3 day of August 1993

Nora Knapp
Notary Public

Samuel Leonardo
(Owner's Signature)
Samuel Leonardo
(Applicant's Signature)
owner
(Title)

NORA KNAPP
Notary Public, State of New York
County of Orange
Commission Expires 4/30/95
Notary Reg. No. 4832491

PROJECT I.D. NUMBER

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)

1. APPLICANT /SPONSOR Samual Leonardo	2. PROJECT NAME Coastal Filling Station/Retail
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange	
4. PRECISE LOCATION (Street address and road Intersections, prominent landmarks, etc., or provide map) At the corner of Routes 94,300 and 32	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Conversion of present use as gasoline filling to retail. Subdivide of property is also in process, since half of the property is in action.	
7. AMOUNT OF LAND AFFECTED: Initially .78 acres Ultimately .78 acres	
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	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input 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:	
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	
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	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Samual Leonardo	Date: Aug 2, 1993
Signature: <u>Samual Leonardo</u>	

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

OVER

PART II—ENVIRONMENTAL ASSESSMENT (to be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

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:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

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:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

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.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency _____

_____ Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer _____

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer) _____

_____ Date _____



PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Samual Leonardo, deposes and says that he
resides at 7 Dogwood Hills Road Newburgh, NY 12550
(Owner's Address)
in the County of Orange
and State of New York
and that he is the owner in fee of 70-1-1.2

which is the premises described in the foregoing application and
that he has authorized Eugene D. Ninnie, P.E.
to make the foregoing application as described therein.

Date: Aug 27 1993

Samual Leonardo
(Owner's Signature)

Eugene D. Ninnie
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

TOWN OF NEW WINDSOR PLANNING BOARD

MINOR SUBDIVISION CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. XX Environmental Assessment Statement
- *2. XX Proxy Statement
3. XX Application Fees
4. XX Completed Checklist

II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. XX Name and address of Applicant.
- *2. XX Name and address of Owner.
3. XX Subdivision name and location.
4. XX Tax Map Data (Section-Block-Lot).
5. XX Location Map at a scale of 1" = 2,000 ft.
6. XX Zoning table showing what is required in the particular zone and what applicant is proposing.
7. XX Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. XX Date of plat preparation and/or date of any plat revisions.
9. XX Scale the plat is drawn to and North Arrow.
10. XX Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. N/A Surveyor's certification.
12. N/A Surveyor's seal and signature.

*If applicable.

13. XX Name of adjoining owners.
14. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- *15. N/A Flood land boundaries.
16. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. XX Final metes and bounds.
18. N/A Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical centerline of the street.
19. XX Include existing or proposed easements.
20. N/A Right-of-Way widths.
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. XX Lot area (in square feet for each lot less than 2 acres).
23. XX Number the lots including residual lot.
24. N/A Show any existing waterways.
- *25. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. XX Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. XX Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including location, size and depths).
28. XX Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

*If applicable.

29. N/A Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30. N/A Provide "septic" system design notes as required by the Town of New Windsor.
31. N/A Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
32. XX Indicate percentage and direction of grade.
33. XX Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34. XX Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35. XX Indicate location of street or area lighting (if required).

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 plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: 
Licensed Professional

Date: 8/9/93

- AS PER JULY 21 1993 PLANNING BOARD COMMENTS
- AS PER SEPTEMBER 8 1993 PLANNING BOARD COMMENTS
- AS PER OCTOBER 25 1993 ZONING BOARD COMMENTS
- AS PER NOVEMBER 1 1993 MEETING OF ZONING BOARD ATTORNEY, TOWN ENGINEER AND BUILDING INSPECTOR
- AS PER NOVEMBER 8 1993 MEETING OF ZONING BOARD AND VARIOUS CORRESPONDENCE RELATED TO SITE
- VARIANCES GRANTED BY ZONING BOARD OF APPEALS 12/13/93 MEETING.
- PLANNING BOARD APPROVAL 12/22/95

ADJACENT PROPERTY OWNERS

HOUSE OF APACHE 11193 PANELLA BROWN AS TRUSTEE 155 W. 25th St NEW WINDSOR, NY 12554	STANLEY EDWARD BARK 1250 155 W. 25th St NEW WINDSOR, NY 12554	ROBERT M AND CHRISTINA M 1250 155 W. 25th St NEW WINDSOR, NY 12554	JOHN A. BIVONA 1250 155 W. 25th St NEW WINDSOR, NY 12554
BARBARA JOHN 1250 155 W. 25th St NEW WINDSOR, NY 12554	FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554	FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554	FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554
FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554	FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554	FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554	FRANK J. STEWART 1250 155 W. 25th St NEW WINDSOR, NY 12554

DATA TABLE Lot #1.1

ITEM	REQUIRED	PROVIDED	GRANTED VARIANCE
MINIMUM LOT AREA	40,000 SQ.FT.	14,821 SQ.FT.	25,179 SQ.FT.
MINIMUM LOT WIDTH	200 FEET	150 FEET	50 FEET
REQUIRED FRONT YARD	N/A	N/A	N/A
REQUIRED SIDE YARD	30 FEET	32 FEET	N/A
REQUIRED REAR YARD	30 FEET	57.37 FEET	N/A
REQUIRED TOTAL SIDE YARD	N/A	N/A	N/A
REQUIRED FRONTAGE	N/A	N/A	N/A
MAXIMUM BUILDING HEIGHT	10.98 FEET	14 FEET	3.04 FEET
MINIMUM LIVABLE AREA	N/A	N/A	N/A
DEVELOPMENTAL COVERAGE	N/A	N/A	N/A
FLOOR AREA RATIO (FAR)	.5	.2131	-----
PARKING (1 SPACE/150 SQ.FT. RETAIL)	N/A	N/A	N/A

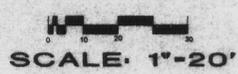
DATA TABLE Lot #1.2

ITEM	REQUIRED	PROVIDED	GRANTED VARIANCE
MINIMUM LOT AREA	80,000 SQ.FT.	16,521.6 SQ.FT.	61,478.4 SQ.FT.
MINIMUM LOT WIDTH	200 FEET	125 FEET	75 FEET
REQUIRED FRONT YARD	50 FEET	13.40 FEET	46.60 FEET
REQUIRED SIDE YARD FACTORY	30 FEET	5 FEET	25 FEET
REQUIRED SIDE YARD RESTAURANT	30 FEET	18.6 FEET	11.40 FEET
TOTAL SIDE YARD	70 FEET	13.1 FEET	56.9 FEET
REQUIRED REAR YARD	N/A	N/A	N/A
REQUIRED STREET FRONTAGE	N/A	N/A	N/A
MAXIMUM BUILDING HEIGHT FACTORY	1.86 FEET	13 FEET	11.14 FEET
MAXIMUM BUILDING HEIGHT RESTAURANT	9.33 FEET	22 FEET	12.67 FEET
MINIMUM LIVABLE AREA	N/A	N/A	N/A
DEVELOPMENTAL COVERAGE	N/A	N/A	N/A
FLOOR AREA RATIO (FAR)	.7	.3916	-----
TOTAL PARKING	17 SPACES	15 SPACES	2 SPACES

ITEM	EXISTING	PROPOSED
DIVE SHOP BUILDING GROSS SQ.FT.	2486 SQ.FT.	2486 SQ.FT.
DIVE SHOP BUILDING RETAIL SQ.FT.	605 SQ.FT.	605 SQ.FT.
GASOLINE FILLING GROSS SQ.FT.	745 SQ.FT.	745 SQ.FT.
GASOLINE FILLING/RETAIL SQ.FT.	225 SQ.FT.	225 SQ.FT.
SITE BUILDING COVERAGE	2,165 SQ.FT.	2,165 SQ.FT.
BUILDING COVERAGE (% OF TOTAL AREA)	14.50%	14.50%
PAVEMENT COVERAGE	5,587 SQ.FT.	5,587 SQ.FT. (3)
PAVEMENT COVERAGE (% OF TOTAL AREA)	37.70%	37.70%
OPEN SPACE (NOT BLDG OR PAVEMENT)	7,069 SQ.FT.	7,069 SQ.FT.
OPEN SPACE (% OF TOTAL AREA)	47.70%	47.70%

ITEM	EXISTING	PROPOSED
RESTAURANT BUILDING GROSS SQ.FT.	1065 SQ.FT.	1065 SQ.FT.
RESTAURANT SEATS	15 SEATS	15 SEATS
RESTAURANT PARKING (1 SPACE/3 SEATS)	5 SPACES	5 SPACES
CHEESE RETAIL SQ.FT.	900 SQ.FT.	900 SQ.FT.
CHEESE MANUFACTURING SQ.FT.	5,288 SQ.FT.	5,288 SQ.FT.
CHEESE PARKING: 1 SPACE/1000 SQ.FT.	6 RET.-+ 5.28 WHOLE = 11.28	6 RET.-+ 5.28 WHOLE = 11.28
SITE BUILDING COVERAGE	7,253 SQ.FT.	7,253 SQ.FT.
BUILDING COVERAGE (% OF TOTAL AREA)	39.16%	39.16%
PAVEMENT COVERAGE	3,689 SQ.FT.	3,689 SQ.FT.
PAVEMENT COVERAGE (% OF TOTAL AREA)	19.92%	19.92%
OPEN SPACE (NOT BLDG OR PAVEMENT)	7,579.6 SQ.FT.	7,579.6 SQ.FT.
OPEN SPACE (% OF TOTAL AREA)	40.92%	40.92%

SUBDIVISION OF THE LANDS OF CONSTANTINE AND SAMUEL LEONARDO TOWN OF NEW WINDSOR, COUNTY OF ORANGE



SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY TO SAMUEL LEONARDO AND CONSTANTINE LEONARDO THAT THIS PLAN RESULTED FROM AN ACTUAL FIELD SURVEY OF THE INDICATED PREMISES COMPLETED ON 25 AUGUST 1993 PERFORMED IN ACCORDANCE WITH THE CODE OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. AND IS TO THE BEST OF MY KNOWLEDGE AND BELIEF CORRECT.
BY: William B. Hildreth, L.S.

OWNER'S CERTIFICATION
THE UNDERSIGNED, OWNER OF THE PROPERTY HEREON, STATES THAT HE/SHE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS, AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON, AND TO THE FILING OF THIS MAP.
BY: Constantine Leonardo / 11/19/94



ZBA APPROVALS
(VARIANCES GRANTED ON 12/13/93)

VARIANCES LOT #1
AREA
LOT WIDTH
BUILDING HEIGHT
SUBDIVISION APPROVAL GRANTED BY TOWN OF NEW WINDSOR PLANNING BOARD ON FEB 3 1994
BY: CAROLAN B. DUBALDI, JR. SECRETARY

TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL

Grevas & Hildreth P.C. LAND SURVEYORS
33 GUANASACK AVENUE, NEW WINDSOR, NEW YORK 12553
TEL: (518) 562-8667

VARIANCES LOT #2
AREA
LOT WIDTH
FRONT YARD SETBACK
SIDE YARD SETBACK
TOTAL SIDE YARD
BUILDING HEIGHT
PARKING
SIGN
NONE (BOTH BLDGS HAVE 1 - 15 SQ.FT. EACH)

CIVIL TECHNOLOGIES
CONSTRUCTION & ENGINEERING
SUBDIVISION OF THE LANDS OF LEONARDO

LEGEND

♿	HANDICAPPED SPACE
↑	TRAFFIC FLOW
□	ELECTRICAL PULL BOX
○	GUY/SUPPORT POLE
○	UTILITY POLE
⊙	SEWER MANHOLE
⊙	EXISTING WATER VALVE
⊙	TRAFFIC CONTROL BOX
⊙	EXISTING CURB BASIN
⊙	SPOT ELEVATION
⊙	EXISTING SITE LIGHTING
⊙	PETROLEUM FILL PORT
⊙	EXISTING MONITORING WELL
⊙	EXISTING BUSH
⊙	EXISTING TREE

GENERAL NOTES

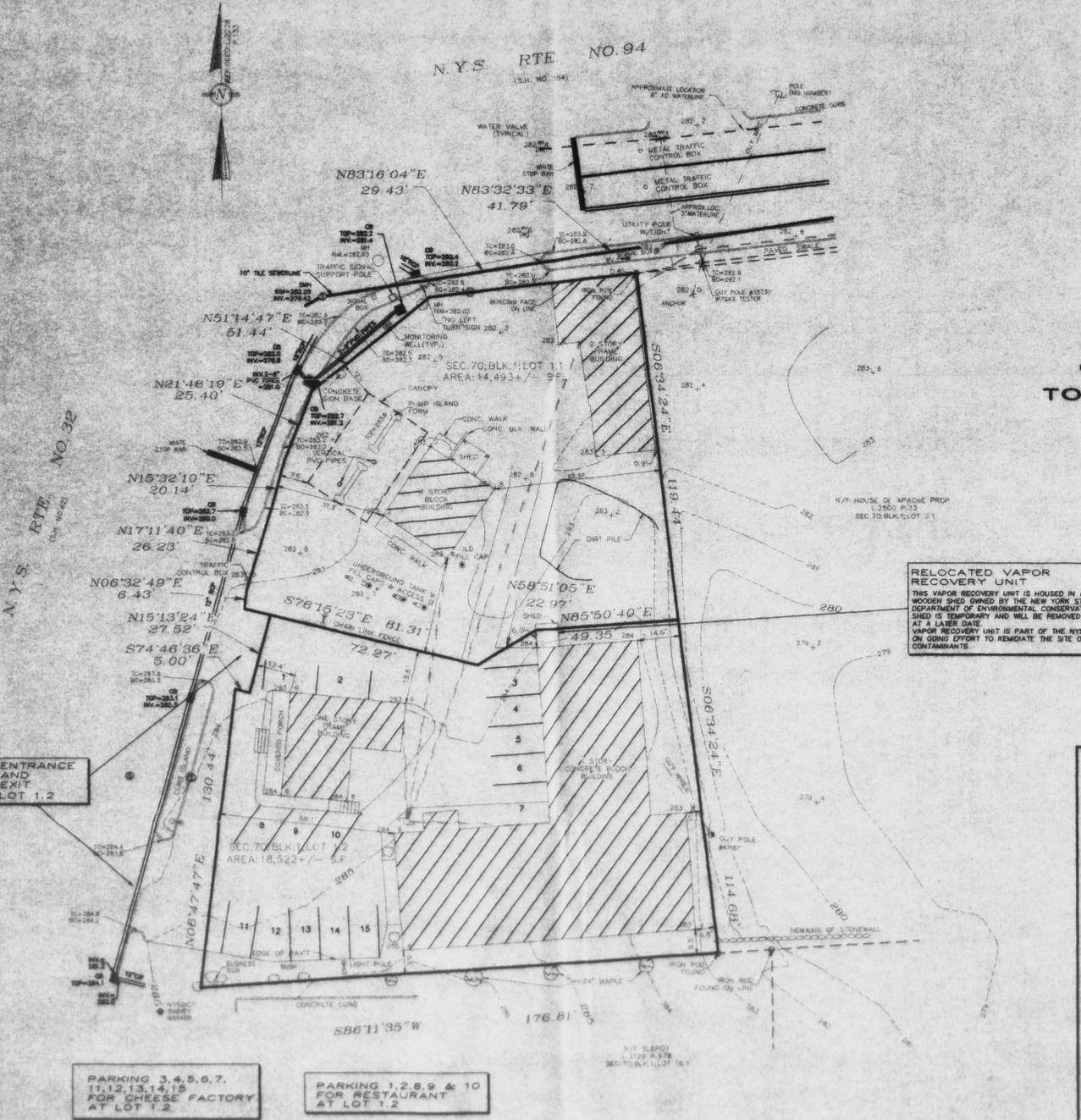
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
- ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL OF LAND SURVEYOR'S INKED SEAL, SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
- CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SPECIAL NOTES

- BEING A SURVEY OF LANDS SHOWN ON TOWN OF NEW WINDSOR TAX MAPS AS SECTION 70 BLOCK 1 LOT 1.1 AND 1.2.
- SURVEYED IN ACCORDANCE WITH DEEDS AND MAPS OF RECORD INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:
A. MAP ENTITLED "MAP OF THE LANDS OF CATERINA LEONARDO BOUNDARY MAP AND BUILDING LOCATION PLAN" PREPARED BY KARTIGAINER ENGINEERS DATED 21 NOVEMBER 1974.
B. NEW YORK STATE DEPARTMENT OF TRANSPORTATION ACQUISITION MAP NO. 111 PARCEL NO. 151 AND MAP NO. 113, PARCEL NO. 153 FOR THE ACQUISITION OF PROPERTY FOR THE NEWBURGH-WOODBURY STATE HIGHWAY NO. 42
C. DEED LIBER NO. 2228 PAGE 133, BOUNDARY AGREEMENT BETWEEN CONSTANTINE LEONARDO AND SAMUEL G. LEONARDO.
- ELEVATIONS SHOWN HEREON ARE BASED ON APPROXIMATE U.S.G.S. DATUM AS INTERPOLATED FROM THE CORNWALL QUADRANGLE, CONTOUR INTERVAL, 1 FOOT
- OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES.
- NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT THE GROUND SURFACE AT THE TIME OF SURVEY.
- THIS PLAN WAS PREPARED PRIOR TO THE RECEIPT OF A TITLE REPORT OR ABSTRACT OF TITLE AND IS THEREFORE SUBJECT TO EASEMENTS AND OTHER GRANTS NOT VISIBLE IF ANY.

SUBDIVISION NOTES

- PROPERTY ZONE: C
- PARCELS SHOWN WERE CREATED BY A BOUNDARY AGREEMENT DATED 25 JUNE 1982 BETWEEN CONSTANTINE LEONARDO AND SAMUEL G. LEONARDO AND FILED IN LIBER 2228 OF DEEDS AT PAGE 132
- THERE ARE NO EXTENSIONS OF MUNICIPAL WATER OR SEWER SERVICE REQUIRED OR PROPOSED AS PART OF THIS SUBDIVISION.
- PARCEL AREAS
TAX LOT 1.1 15,883 SQ. FT.
TAX LOT 1.2 15,883 SQ. FT.
- PROPERTY OWNERS
TAX LOT 1.1 CONSTANTINE LEONARDO
TAX LOT 1.2 SAMUEL G. LEONARDO



PARKING 3,4,5,6,7, 11,12,13,14,15 FOR CHEESE FACTORY AT LOT 1.2

PARKING 1,2,8,9 & 10 FOR RESTAURANT AT LOT 1.2

ALL SURVEY AND FIELD INFORMATION PROVIDED BY: William B. Hildreth, L.S.