

PB# 93-28

Joel Schiller

9-1-61

Walsh Rd. (Schiller)

Withdrawn 10-4-93

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

GENERAL RECEIPT

August 20 1993

Received of Jill Schiller \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

For Retaining Board Application Fee 93-98

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Ch. # 312</u>		<u>150.00</u>

By Pauline H. Townsend

Town Clerk

Title

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

GENERAL RECEIPT

August 23 1993

Received of Pauline H. Townsend \$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For Jill Schiller - Retaining Board Application Fee 93-98

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Ch. # 311</u>		<u>750.00</u>

By Hi

Capitall

Title

FUND	CODE	AMOUNT
OK 312		150.00

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By Pauline J. Townsend
 Town Clerk
 Title

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

GENERAL RECEIPT

August 23 1973

Received of Pauline J. Townsend \$ 750.00

Seven Hundred Fifty and 0/100 DOLLARS

For Bill Schiller - Planning Board (Perrow Acct # 93-88)

DISTRIBUTION

FUND	CODE	AMOUNT
OK # 311		\$ 750.00

By Di
Coyhall
 Title

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Eng. fee
 159.50

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/93

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 93-28

NAME: SCHILLER SITE PLAN (OLD AIR PRODUCTS BLDG.)

APPLICANT: SCHILLER, ARON

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
08/20/93	S.P. MINIMUM	PAID		750.00	
08/25/93	P.B. ATTY. FEE	CHG	35.00		
08/25/93	P.B. MINUTES	CHG	9.00		
10/06/93	P.B. ENGINEER FEE	CHG	159.50		
10/22/93	RETURN TO APPLICANT	CHG	546.50		
		TOTAL:	750.00	750.00	0.00

*Please issue a check in
the amount of \$546.50 to:*

*Mr. Joel Schiller
60 Highview Road
Monsey, N. Y. 10952*

SCHILLER, ARON

MR. NUGENT: Referred by Planning Board. Request for 48,000 s.f. lot area, 59 ft. lot width, 23 ft. front yard, 11.5 ft. side yard, 2.6 ft. rear yard, 2.75 max. building height and a use variance for proposed used car/boat sales with retail parts sales and associated warehouse parts storage to be located at 133 Walsh Road in a PI zone.

Mr. Aron Schiller appeared before the board for this proposal.

MR. SCHILLER: My name is Aron Schiller, my son Joel and I are planning to purchase this building on Walsh Road, it's the Air Products building and that is why and to be used for selling used cars and boats. And for this we need this variance. Now, I took a bunch of pictures on the street and I think rather than speaking towards it, I can show, I have it laid out here and I can show you that similar business in fact to the left is a large autobody shop, to the right is a large auto garage, Thompson's Garage and right across the street is auto sales, used car auto sales, also auto glass place, right, then right next to that down the block is Federal Block Corporation, Hobart and a bunch of other commercial places. And I would say the street is probably better than 95 percent commercial and to address some of the other, if you wanted to see these pictures they were just taken, I would say it would be a certain improvement to the area. The former usage of the building was hazardous type usage, they were using it for transferring flammable gases and welding and acetylene and the uses we're going to use it for certainly it's going to be environmentally clean and I think it will be, you know, an improvement to the area and the building lends itself for what we want to use it. And that is why we're seeking this variance cause the sale is contingent upon getting this variance. You know I have, this is the site plan I have something here is the same site plan maybe this is even better, it's smaller and I colored it in, I think it's the exact same thing as this, just downsized.

MR. NUGENT: Sir, these variances that you are asking

for they are all pre-existing? I mean you're buying this building?

MR. SCHILLER: I'm buying the building and making absolutely no changes, no changes at all. The only change I'm going to make and I'm extending a fence over here the fence ends here and I want to extend it over here and put a gate here, that is it. Otherwise, everything is staying the exact same. There's to be no changes at all, the footprint is going to remain exactly the same.

MR. LUCIA: The use variance, correct?

MR. TORLEY: Mike any regulations under the PI zone that would permit something close to this function?

MR. BABCOCK: Basically what it was used for that is it. Once you change the use from one category to the next, you know I have to bring the building up to code, that is why the area variance as far as setbacks we're talking about that night basically he's changing the use from a PI use which is manufacturing and distributing and whatever they did there and that comes under the PI zone and now he wants to change that to a used car lot so since he's a making that change, he must meet the code of today.

MR. NUGENT: What's the zone?

MR. BABCOCK: It's PI.

MR. LUCIA: That brings up another issue the board wants to consider. The zoning table that is shown actually is a C zone table taken from use A16 which is used car sales. Obviously I see why they did that. I think in the past this board always has said that the property stays in the zone it's in which is a PI zone and probably the closest column on the PI table would be use A2 which includes a business that combines office space with a warehouse. That covers a lot of territory, probably is as close to this use as anything else in PI. But it makes some of his variance requests larger and I think makes a couple smaller so it's probably a wash which one we use.

MR. TORLEY: Well, the key to my mind is not the problem with the area variances cause he's really not changing anything here. The key is if he has to go for a use variance, you have got a problem. The applicant has a problem. The State has rewritten the laws regarding use variances and they've made it virtually impossible to get and the attorney will be happy to tell you exactly what's going on there, I would, speaking personally, given everything else that is on that piece of property, once again we have a piece of land that is not zoned for what's there and he may be faster and better luck having the Town Board rezone this piece than going through here.

MR. BABCOCK: Mr. Chairman, maybe I can say one thing just so to clarify something that Dan was just talking about. And I don't know whether the board remembers the conversation but we were discussing whether we should use PI zones or commercial zones and I understood that we use the one in which the use is permitted now we had changed that so because if the Town allowed a body shop or auto used car sales we used regulations that went along with that. I don't know whether you gentlemen remember that discussion. And so we've changed that now we're using the regulations that pertain to that use instead of the regulations that pertain to something that is not permitted there. When you go in a PI zone, you can't find used car lot so you have really no regulations to do that. So we felt that if this is going to be used car lot and the Town was going to allow it to be there he should comply with the used car lot regulations and that is why we used that.

MR. LANGANKE: Who made that decision?

MR. BABCOCK: We did at the board meeting we discussed this.

MR. LANGANKE: You mean the Zoning Board?

MR. BABCOCK: Nobody at the Zoning Board here just to clarify remember that?

MR. NUGENT: Yes.

MR. LUCIA: I'm not sure we wanted to establish that rule in every case. I think where that came up was a funeral parlor in a PI and I think the board decided that a funeral parlor was so unique and had requirements for parking which are unique only to that use that we imported those requirements into a PI zone. I'm not sure the board wants to do that in every case but similar case is appropriate by all means.

MR. TORLEY: I have no problem with the way Mike is doing this.

MR. LANGANKE: Now what zone would he have to have?

MR. BABCOCK: A commercial zone, C zone that is the only, well, NC zone it would be allowed.

MR. LANGANKE: How about all the other businesses there?

MR. BABCOCK: Basically and I haven't done that research but I can do that if the board wants, I would assume that most of them are non-conforming. You gentlemen, Freddy Thomson has been there long before zoning has, Federal Block so I would assume they were before zoning, the body shop, Advanced Automotive across the street, that building has been there, I know that we have been working with them.

MR. LUCIA: One of the difficulties the applicant faces and he will have to decide how he wants to handle it, one of the requirements on a use variance is proving uniqueness that the hardship relating to this property is unique, doesn't apply to substantial number of properties in the neighborhood and if you come in and say it's already 95 percent commercial, that is not an argument for a use variance. That is an argument for saying the zoning is inappropriate. So what you need to do is argue why this particular property is unique as opposed to other properties in the PI zone. Zoning issues you know have different focuses depending on which way you want to go so to tell us that it is already commercial is not an argument for variance. But it's an argument to go to the Town Board and say

it around and focus differently on it. That is one of 4 hurdles you have, you have 4 hurdles, one for use and the one for area variance and the 4 requirements on use variance. First you need to show that under the applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question and that needs to be established by competent financial evidence. You may want to employ a real estate broker because that tends to be dollars and cents proof why as zoned you cannot get a reasonable return on this property for any use.

MR. SCHILLER: First of all, I'm not the owner of the property.

MR. LUCIA: Standard is the same whether you're making the application or he is.

MR. SCHILLER: I know what you're saying there, I note the property has been vacant for about a year and a half and they have been trying to sell it and they found me or I found them.

MR. LUCIA: That certainly is a factor, the salability of property typically reflects its economic use.

MARSHA LEE: I'm with Century 21 ABS Realty. The property has been vacant since Memorial Day trying to market it, Memorial Day of the previous year and nobody has put any bid on it, nobody has showed any interest. Mr. Schiller is the first one that has put any kind of bid on the property so other than that, it has been unsalable in that zone.

MR. LUCIA: The board certainly is happy to have your input, I can't tell you what to do but you obviously have a financial stake in this transaction so your input is different from an appraiser who is simply presenting us with financial data. You may want to discuss among yourselves.

MR. SCHILLER: Could you clarify you say an appraiser now appraiser is going to say this property, let's say is in this economic condition and this type of property is worth X amount of dollars, how does this--

is worth X amount of dollars, how does this--

MR. LUCIA: What the appraiser is going to say that considering all the possible uses to which this property could be devoted in a PI zone permitted lawful uses you cannot get a reasonable return on this property for any of those uses.

MR. SCHILLER: Well, I got the results on a PI zone cause I was trying to fit this into a PI zone and it's very restrictive, your rules, and in fact this piece of property had to have somewhere along the line some kind of variance because it's too small to be in a PI zone. It's a white elephant.

MR. LUCIA: That is the argument you need to make but you need to make it in dollars and cents, why it is you can't get a reasonable return from this undersized pre-existing piece of property in a PI zone now. You're certainly welcome to make it yourself, I'm not implying you ought to go and hire someone but that is one of the ways. Second we already discussed. You need to go at it the other way, forget that. Third is requested use variance if granted will not alter the essential character of the neighborhood. That uses your 95 percent commercial so you go at it from a different focus. And fourth that the alleged hardship has not been self-created. Discuss that one with the owner, the configuration of the property, how long it's had these dimensions and how it wound up to be this dramatically undersized piece of property.

MR. SCHILLER: Just to answer that question very fast this building the present owners only bought it about five years ago but prior to that, it was owned by another gentleman who used the building for the exact same type of business it was constructed and it is a unique type of building the way it's designed inside and outside. It's a one of a kind type of usage type building. It's strange.

MR. LUCIA: That certainly goes to uniqueness so make the argument by all means. That is your hurdle. The area variance is a lower hurdle since you're not changing the footprint and it's all pre-existing, you

those variances from the board.

MR. SCHILLER: This board is able to grant all this entire package.

MR. LUCIA: Yes, I'll give you a copy of Section 276B just put an arrow in the margin, the use I've already explained to you, the area there are 5 specific factors which I wouldn't waste time going over now but when you come back to the public hearing, be prepared to speak to those five factors again the board has to take into consideration the benefit to you if the variance is granted as weighed against the detriment to the health, safety and welfare of the community by allowing a variance from the Zoning Board.

MR. SCHILLER: Just to joke with you a little bit but it would seem to me the footprint is there nothing is changing, how can you even argue?

MR. LUCIA: The board still has health, safety and welfare requirements, if certain side yard requirements for fire clearance, for access, for whatever. We need to consider that as part of your variance application. The fact that it exists since prior to zoning is an argument but you still need at least to protect the neighborhood in terms of health, safety and welfare. The other thing I noticed in your survey it shows a number often encroachments on the southeast side, the Thomson property.

MR. SCHILLER: Yes, it's a problem.

MR. LUCIA: Are they going to be relocated?

MR. SCHILLER: At this point now, I'm not the owner of the building, whether they were aware of it before or not, I don't know. But they are aware of it now and that problem will have to be resolved one way or the other. I have to resolve that problem.

MR. LUCIA: I don't think it shows on the little sletcj that Mr. Schiller give us but the big sketch shows some rather substantial encroachments on the southeast side, addition on a mobile home.

MR. SCHILLER: Thomson is encroaching on this property.

MR. LUCIA: Exactly, the problem from your standpoint if you were to come in with those we'd have to include them in your variance application because you have got a building right up to the property line so I am not sure how the board wants to view those.

MR. SCHILLER: There's a dog pen and well this addition over here it's of course it's wrong, it shouldn't be there, the sheds can be moved this addition is some type I have a picture, it's a ramp, a wheelchair ramp, this is a mobile home and it's a wheelchair ramp.

MR. LANGANKE: I just want to mention that I have never seen a use variance granted, not that I have been on the board that long but it's really difficult to prove the hardship but it appears that perhaps in this case you can do it but at the same time when you come back you can really everything you do possible to his make that decision you know would be really appreciated but they are extremely difficult because we're bound by the law. I just want to say that you know it's extremely difficult thing to do.

MR. SCHILLER: I mean, well, let me ask you this then because I don't want to be wasting my time or your time I mean a scale of one to ten, I mean you're telling me it's a one or something?

MR. LUCIA: This board has granted use variances in appropriate cases. What Mr. Langanke is trying to explain to you is by State Law, the standards on use variances are difficult to meet, you have to meet all of those 4 tests, what I explained to you, the area variance is different on the 5 tests you don't have to meet them all but we need not make a finding affirmatively on that. On the use variance, all four of the tests need to be established. It's not impossible but it's a hard road.

MR. TORLEY: You have the other option of going to the Town Board and saying this is simply not PI zone, it's all commercial, rezone it to commercial.

MR. SCHILLER: That was originally I thought was the way I was going to handle it but the Planning Board suggested that this is the way to handle it.

MR. LUCIA: It's really your option and you can do both.

MR. SCHILLER: Which way is easier?

MR. LUCIA: I can't give you an answer because it depends on your proof. It's probably quicker to go for a variance although you know you certainly can get the Town Board's quickly. It typically takes a long time to go through a rezoning procedure because it involves public hearings and notices so I think this is the quicker avenue but that has to be your tactical decision. And you can do both. If you fail on the use you can go for a zoning.

MR. TORLEY: One of the things that you have going against you and I freely admit it makes no sense at all but this is what it is since everything else there is commercial PI zone, you're saying you want to put a commercial structure in, you're not unique because everybody else is. That counts against you in the fact I know it makes little sense to me.

MR. SCHILLER: I believe I've heard which I'm not sure I think this building is in a PI zone zone but some of the other businesses on that block are commercial.

MR. BABCOCK: Well, the PI zone runs up Walsh Road, the ones on his side are PI, the other side is R4, residential, so it is not, you're not going to the Town Board without a major amount of the work here and ask for a zone change because you have got a residential trailer park right next door, that is a problem.

MR. TANNER: Can we get back to these buildings? I would feel that it would be easier for you if these were taken care of before you invested money coming to us and asking for variance and everything and then try to deal with those later on, you may find that they don't want to move them later on then you're going to

have problems again.

MR. SCHILLER: There's problems and I don't think it's going to work that way.

MR. TANNER: Then they become your problems.

MR. SCHILLER: I know I agree with you 100 percent but I think in the negotiations with the owner, he doesn't want to have anything to do with that at all and I'm going to have to deal with that later on.

MR. TANNER: I don't know how we can grant a variance.

MR. LUCIA: That is where the issue comes before this board since they own the property we're considering if you were to come to us and say you I want to put this building right up to the property line that is a real steep hurdle to hit on an area variance so in addition to other variances, you may be creating an additional problem that really is none of your making.

MRS. SCHILLER: You're saying that if these encroachments exist aside from all the other hurdles, that that would be enough to turn us down?

MR. LUCIA: I'm not saying it would be enough but it might be another variance request you need to make for something.

MRS. SCHILLER: It would be another problem.

MR. LUCIA: Yes.

MR. TORLEY: Your best best have the present owner tell those people get off my property.

MR. TANNER: We can't just ignore them.

MR. HOGAN: The building itself, what used to be Air Products building do you know what year it was constructed?

MR. SCHILLER: I believe it was 1964, it's about 30 years old.

MR. HOGAN: You indicate on your plans here now we're getting into what you propose with this property one service bay.

MR. SCHILLER: Correct.

MR. HOGAN: Yet when I look at the building I notice 4 bays.

MR. SCHILLER: Yeah, but I'm not going to be using them for service bays, I'm just going to use that for storage, inside storage. The reason I had to design it this way is it was the parking problem for each service bay you need 7 parking places otherwise I would need in excess of 35 parking places and the property can't hold that so I had to.

MR. HOGAN: The intent is to only service the cars your selling?

MR. SCHILLER: Correct and I'm only going to use one bay to do that. The rest is going to be storage.

MR. HOGAN: Do any of the encroachments do we know the answer, do any of those encroachments on his property effect the variances being requested?

MR. LUCIA: They certainly would all be side yard variances down to zero because from the property line over.

MR. TANNER: Then you're talking 4?

MR. BABCOCK: What I am understanding is that he needs to ask for a variance to let those people keep the stuff on his property.

MR. LUCIA: If he doesn't intend to remove it.

MR. SCHILLER: No, I would like to have them move it but the point is at this point, I'm not the one who can really say this to them and there could be another problem, they could be there for the last 50 years for all I know and have some type of easement or whatever

all I know and have some type of easement or whatever they call it.

MR. LANGANKE: Squatter's rights.

MR. SCHILLER: It could be a different problem, maybe I can't even get them off there even if you know what I mean.

MR. LUCIA: I understand what you're saying. We need to somehow establish if you have a right to get them removed and you're going to take that action then probably the board can ignore it but the board can't condition your variance among other things on you're doing--

MR. SCHILLER: I already thought about what you're saying there and the way the property is laid out if you see it, there are several trees over here and the way, not that I am agreeing that these encroachments are good, I would rather they not be here but actually for the usage that I want for the property, it's not hurting my usage that much so if I found out let's say that they were there for the last 75 years, which I don't know the answer to this question. But if I did find out and I have no legal right to evict them, that could possibly, and if that it would not hurt you know the usage, my total usage of this property and if they had to stay there he had to stay there but if they don't have the right to belong there, I certainly want to straighten that line out and get them where they belong.

MR. LUCIA: I'll let you discuss it with your own attorney, if they did have a right to maintain it then you let him decide whether he wants a boundary line agreement or something you can come back to that at least present a picture of how it is they have a right to be there and under what terms and conditions.

MR. TANNER: What's the bank going to say when they see this?

MR. LUCIA: You may very well see that.

other thing, see I'm going to try to have this straightened out and have you know everything set back the way it's supposed to be.

MR. LUCIA: The board is not saying even though you're only the perspective owner you have to nail it down with your soon-to-be neighbors but what we're saying we need to figure out which way you're going, if they are going to continue maybe you need to add more line items.

MR. SCHILLER: I should find out at this point now if, well, one other thing I wanted to mention which was I found out that I understand that they have to apply every year for a permit.

MR. BABCOCK: Yes.

MR. SCHILLER: In order for this you know that mobile home or whatever it is and if they are encroaching are they entitled to get such a permit?

MR. LUCIA: I'm sure that when the Planning Board reviews that they had no idea this stuff encroached.

MR. BABCOCK: Apparently, their plan and I can tell you if we knew that they were encroaching, it would have been a different story. Apparently the plan that they are showing us does not show the same encroachments as your plan does so I'm not sure what the answer is.

MRS. BARNHART: The Planning Board should have tried to clear that up first.

MR. LUCIA: If they are aware of it, they would have addressed it. They are probably presented with a plan that doesn't show any encroachment.

MR. BABCOCK: They show a plan.

MR. SCHILLER: My question is though now when this comes up for renewal and they need a new permit next year whenever it is, and let's say I have you know, I'm going to try to have this straightened out and moved back, and if they don't do it and they are not issued

this permit, don't they have to move back?

MR. LUCIA: They may well, it's a different board, different criteria, different section of the Town Ordinance so I really can't speak to what they will or won't do but yes, the issues certainly should be raised and should be addressed.

MR. BABCOCK: The Planning Board is the function of that and what you should do if you do wind up taking this piece of property, you should write them a letter, we'll put it in his file.

MR. SCHILLER: Definitely, that is my intention to do it.

MR. BABCOCK: The question you're asking you need to ask the Planning Board. They are the guys that make that decision. That is their problem.

MR. SCHILLER: If we come back here, but to resolve this now I mean if I come back and I say look, I'm going to have, let's say the owners of the property now notify the people who are encroaching here, it's Thomson who owns that property and I don't know or I wouldn't know, I don't think what his intentions are whether to say I'm not going to do anything about it or I'm going to go straighten it out and move back. But if I come back saying that this is what has happened, I wouldn't know, I may not know what his intentions are, he may say look, take me to court, I'm not moving.

MR. LUCIA: I think the problem is from your standpoint if it turns out to be a long, drawnout thing, and you don't get a variance on it, then there's no legal obligation on your side of the property to let those encroachments be maintained and you need to resolve it with the neighboring owner that I guess is where the onus falls on you that if you don't get a variance on it, it's technically a structure that shouldn't be there and isn't varied so it needs to be removed somehow. It shifts I guess the burden to you to take some sort of action proceeding to have them removed at this point.

MR. TORLEY: That is not your biggest problem. Don't sweat the small stuff, your biggest problem you have to make the demstrations for a use variance.

MR. BABCOCK: Do as much as you can on it, find out as much as you can and what you're intention is and what his intention is.

MR. LUCIA: We raise it because I see it on the plan. How and when you address it, obviously is in your own discretion.

MRS. SCHILLER: I am a little confused here because when we appear before the Planning Board and all the meetings before we were really encouraged and we got a very favorable feeling and right now, I'm just not getting favorable feeling at all. I just don't know.

MR. LUCIA: I understand why you're perplexed. The reason is the different boards have entirely different standards. The Planning Board is reviewing your site for its conformity to many good planning standards for conformity to building codes for its conformity to fire codes and essentially whether it is something that the Town wants built in that particular location the way it's designed. They could not pass upon it because you need a use variance so they send it here. This board sits as a court of appeals because you were denied, you're appealing that denial up here. We're the only ones that can grant your relief, one from the use that isn't allowed in the zone and two from the area deficiencies that exist on the property. We have entirely different standards, we aren't looking at the suitability of the use to the site, whether the Town of New Windsor would like this kind of building in this area, whether it's meeting health, safety and fire codes. We're looking at specific zoning criteria. And as I explained on the use variance, some of those are difficult, not impossible, the board certainly and most zoning boards in the state historically have granted use variances where appropriate case is shown but to make appropriate case you need to get all four of those standards and establish them to this board. The area variance is a somewhat lower hurdle but similar requirements just not quite as rigorous for to us

requirements just not quite as rigorous for to us prove.

MRS. SCHILLER: I'm just wondering if we should feel this is something with we should undertake at this point. Are you saying that it can be the hurdle can be overcome?

MR. LUCIA: We can't give you a prejudgment.

MRS. SCHILLER: Are you telling us to go on or are you telling us--

MR. LUCIA: We can't make that decision. All I can tell you what your requirements are.

MR. TORLEY: Our personal feelings about whether we think that is good idea or not personally I do we're bound by the State Law as to what we can and can't do in granting a use variance as our attorney has said they have been building the barriers hire and hire even this we think it's the world's greatest thing since sliced bread if we can't meet the requirements we're stuck.

MR. LUCIA: Requirements are State Law.

MR. SCHILLER: If the 4 criteria are presented favorably, now this is before this board here, and you feel that it is presented in a favorable fashion, you then grant a variance?

MR. LUCIA: Right, then you take that variance back to the Planning Board and continue with your site plan approval.

MR. SCHILLER: That I know but and let me ask you this then. Is that done at the, let's say at the, there's a public hearing and is that done at that point or is this going to be a much longer procedure?

MR. LUCIA: Typically what you will fill out is the application Pat will give you, get it back to here. We set you up for a public hearing. It needs ten days notice. You may get on in October or November. The

available has been to close the public hearing and vote at that point. So you will know then, it may take another meeting before you get a formal written decision but you can go back to the Planning Board and keep your process going at that point.

MR. NUGENT: You're saying we should set him up for a public hearing?

MR. LUCIA: If he chooses to proceed.

MR. TORLEY: He can proceed toward a public hearing and at the same time, go to the Town Board and ask for them to consider rezoning the area. They are not mutually exclusive by any means.

MR. LUCIA: That is correct.

MR. SCHILLER: You're saying that is a much longer procedure?

MR. LUCIA: In my view, it will be by the time they do that if you have an R4 across the street you can expect a lot of public input on that one.

MR. BABCOCK: Tonight is a preliminary so you can understand what the board needs now, you need to go back out and get this stuff and bring it back to the public hearing and make your, state your case.

MRS. SCHILLER: So which is the number that is the highest hurdle in B?

MR. LUCIA: Use variance. Let me take a look at it.

MR. LUCIA: 4 B is the hire but go by Section 267 B because that lists much more completely what it is you need to show.

MR. TORLEY: You must meet all 4 of those criteria and some of those work both ways against you.

MR. LUCIA: The 4 comments are the 4 ingredients we need to find to make the finding of unnecessary hardship.

hardship.

MRS. SCHILLER: Could you just explain what that means unnecessary hardship?

MR. LUCIA: That is the 4 things, one is your economic use or benefit under the property under the present zoning. Two is uniqueness.

MRS. SCHILLER: Is that listed?

MR. LUCIA: Yes. Three, won't alter the character, and four, is since you are perspective owner, we'll need a written authorization from the current owner to allow you to make this application.

MR. BABCOCK: We have that.

MR. LUCIA: Basically you need the same thing for the Zoning Board.

MR. TORLEY: Get yourself another one for the Town Board.

MR. SCHILLER: From what I am hearing now to go the other direction that is going to take a long time and I don't know if I am going to want to pursue it, you know that far because not knowing the outcome, I may have to look elsewhere.

MR. LUCIA: The board certainly before you are through can adopt a motion to set you up for a public hearing. If you decide not to proceed, just call Pat. Just a couple other things more or less for housekeeping than your use, we need a short form EAF on this since it's a use variance.

MRS. BARNHART: I already gave him that.

MR. LUCIA: And we also need County referral, that is for our purposes, not yours, just means the plan gets sent to the County Planning Department.

MR. NUGENT: I guess the decision is yours, whether you want to go on, we'll set you up and then you need to

get the forms back to Pat.

MR. SCHILLER: Okay, I'll proceed and see.

MR. TANNER: So moved.

MR. HOGAN: Second it.

ROLL CALL

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

MR. LUCIA: When you come back, fill out the application, any questions give her a call, her number is on there. I'll also need two checks both payable to the Town of New Windsor, one for \$150 application fee and second for \$510.00 deposit against Town consultant review fees and various disbursements the board has in handling your application. Get the application back, that is your next step. When you come back for the public hearing, I don't know how far along you are but we need a copy of the present owner's deed and title policy if you have already ordered one, that is up to you.

MR. SCHILLER: Well, I don't know if I am, let's put it this way, I want to see what the outcome is, why get a title policy I would get a deed.

MR. LUCIA: Ask if they've got a title policy or search and bring back those, photographs also.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/93

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

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

FOR PROJECT NUMBER: 93-28

NAME: SCHILLER SITE PLAN (OLD AIR PRODUCTS BLDG.)
APPLICANT: SCHILLER, ARON

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/04/93	RECEIVED LETTER FROM APPLICANT	WITHDRAW APPLICATION
08/25/93	P.B. APPEARANCE	REFER TO Z.B.A.
08/18/93	WORK SESSION APPEARANCE	REVISE & SUBMIT
08/11/93	P.B. APPEARANCE (PRESUBMISSION	SUBMIT APPLICATION
08/04/93	WORK SESSION APPEARANCE	GO FOR PRESUBMISSION
	. GO TO PLANNING BOARD MEETING FOR PRESUBMISSION HEARING	

ZONING BOARD OF APPEALS
Regular Session
September 27, 1993

AGENDA:

7:30 P.M. - ROLL CALL

Motion to adopt the minutes of the 9/13/93 meeting as written if available.

PRELIMINARY MEETING:

SET UP 1
FOR P/H 1. WASHAW, SONNIE - Request for 10 ft. rear yard and 6/6 ft. side yard variances for existing deck and pool located at 23 Vails Gate Hgts. Drive in R-5 zone. (71-1-10). ✓

SET UP 2
FOR P/H 2. HANRETTA, JOHN - Request for 5 ft. side yard variance to construct a 12 x 17 ft. addition to residential dwelling located at 231 Leslie Avenue in an R-4 zone. (24-9-8). ✓

SET UP 3
FOR P/H 3. ANDERSON, HERBERT - Request for 13 ft. 8 in. front yard variance plus a variance from Section 48-14A(4) of the Supplementary Yard Regulations which allows structure to project closer to road than principal building, at 267 Riley Road in an R-3 zone. (35-1-86.1). ✓

SET UP 4
FOR P/H 4. MARSHALL, PETER - Request to allow 5 ft. fence closer to road than principal building contrary to Sec. ~~48-14C(1)~~ of the Supplementary Yard Regulations. Applicant applied for and has building permit for fence; location 12 Ona Lane in R-4 zone. (8-6-3). 48-A(1) ~~48-14C-1-C~~

SET UP 5
FOR P/H 5. SCHILLER, ARON - Referred by Planning Board. Request for 48,000 s.f. lot area, 59 ft. lot width, 23 ft. front yard, 11.5 ft. side yard, 2.6 ft. rear yard, 2.75 max. bldg. height and a use variance for proposed used car/boat sales w/ retail parts sales and assoc. warehouse parts storage to be located at 133 Walsh Road in a PI zone. (9-1-61). 48-14(B)

SET UP 6
FOR P/H 6. MORONEY'S CYCLE CENTER - Referred by Planning Board. Request for 74 ft. total side yard variance and 58% developmental coverage for construction of addition at location on Union Avenue in a C zone. Present: Greg Shaw, P.E. (4-1-9.22).

PUBLIC HEARING:

TABLE 7 7. MUGNANO, PASQUALE - Public hearing continued. Request for use variance for barber shop in residence on 2 Cimorelli Drive in n R-4 zone. (7-1-20).

TABLE TO 10-25-93

FORMAL DECISIONS: (1) KWG REALTY (GALLAGHER'S)

BERRY
MAROULI SPAT - 563-4630 (O)
HARNETT - 562-7107 (H)

APPROVED

#128A 9-27-93
SET UP 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: 93-28

DATE: 22 SEPT '93

APPLICANT: ARON SCHILLER
60 HIGHVIEW RD.
MDNSEY N.Y. 10952

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 24 AUG 1993

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT 133 WALSH ROAD

ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 61

NORTH SIDE OF WALSH ROAD
(OLD AIR PRODUCTS BUILDING)

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED USED CAR & BOAT
SALES WITH RETAIL PARTS SALES AND ASSOC. WAREHOUSE PARTS STORAGE
NOT A USE BY RIGHT OR BY SPECIAL PERMIT. USE VARIANCE REQ'D.

MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS	*BASED ON USED CAR SALES USE A-16	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	<u>C</u>	USE	<u>A-16</u>
MIN. LOT AREA	<u>80,000 SF</u>	<u>32,000 SF</u>	<u>48,000 SF</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>141 FT</u>	<u>59 FT</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>37 FT</u>	<u>23 FT</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>18.5 FT</u>	<u>11.5 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>81.6 FT</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>27.4 FT</u>	<u>2.6 FT</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>6' FT = 9.25</u>	<u>12 FT</u>	<u>2.75 FT</u>
FLOOR AREA RATIO	<u>.7</u>	<u>.22</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N-A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N-A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>12</u>	<u>13</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.

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

Rd.

Mr. Aron Schiller appeared before the Board for this proposal.

BY MR. SCHILLER: My son and myself, he's planning to use it for selling used cars and boats.

BY MR. PETRO: That is something different.

BY MR. VAN LEEUWEN: That is the second one for used cars and boats.

BY MR. BABCOCK: Mr. Chairman, and the Board, first thing is that Walsh Road is the dividing line for the residential and PI. This building is in a PI zone so it would require use variance to do that type of operation, so what you really need to know is from the Board is if he should proceed and continue to draw up some plans and get back here, coming to the Zoning Board and seek variances and he needs input to see where he should head.

BY MR. PETRO: On the right of him he has a trailer park and a body shop and on the left him you have a residence, a residential house.

BY MR. SCHILLER: The body shop is on the left as you're facing the building. On the right is Thompson's is over on that side, yes, there's a trailer park and then Thompson's with his garage and he sells used cars.

BY MR. PETRO: You're in between two body shops?

BY MR. EDSALL: One of the other items when Mr. Schiller was in to the workshop, I suggested he come in and speak to you. This is a very narrow, constrained site, and as far as operations, its got difficult to maneuver, the vehicles in concept very well may be very workable, but I just want to make sure that the Board has an opportunity to go over the concept of the layout with Mr. Schiller so that before he goes to the application expense, goes to the Zoning Board and I'd hate to have him come through that process and come back here and you say you don't think it will fit.

BY MR. SCHILLER: The original plan that I had the engineer draw up showing parking when we met with the

workshop, it was sort of, we discussed it and Mr. Edsall, you know, said that there could be this problem because the lot is narrow, so I went ahead and drew up this revised plan using a lot of suggestions that were made at the workshop showing like a vehicle storage area and parking for customers and I widened the entrance instead, cause originally I think it was only like 20 feet, now it's 50 feet, and I'm going to keep this whole thing open here.

BY MR. PETRO: Why can't we do it this way, take this approach, if you can from an engineering standpoint show that he has parking for the vehicles, he needs for the offices ad the employees and he wants to put it there, he's in between two body shops, I don't think we should have a problem with it, if he can demonstrate that.

BY MR. BABCOCK: We need to hear that for him to proceed though.

BY MR. SCHILLER: The way I worked it out here that I need eleven and I have over here I'm showing 15, so which you know, and then this area here which was suggested at the workshop just the, you know, just for storage, I'm going to have a fence. It's fenced already and I have to extend this fence.

BY MR. PETRO: Are these 20 foot spots here?

BY MR. SCHILLER: They are all 10 by 20. They are 10 by 20.

BY MR. PETRO: You have 46 foot if you go back out there, I don't see any problem.

BY MR. EDSALL: No. As a matter of fact --

BY MR. LANDER: He's got more room than the other one that's going to be in front of us in a few minutes.

BY MR. PETRO: One space for each 1,000 feet.

BY MR. SCHILLER: I'm using --

BY MR. EDSALL: Code is relatively difficult to deal with when you get the mixed uses. We have given him all the different numbers, the biggest problem if you have a lot of service space for detailing or improving these vehicles that are going to be sold,

you end up with an extraordinary amount of spaces needed.

BY MR. PETRO: He has, if you took one spot for each 1,000 feet, he only has 3,000 feet of warehouse and service bay. If you took them out, the three spots he needs for that, he still has more than what he is required, so you can use them for zero, you don't even have to demonstrate that.

BY MR. EDSALL: We can go over the final numbers with him. My biggest concern is if we could be happy with the layout of the parking in the front and then contained storage area along the side. Bob Rogers indicated that he would review the allowable maximum number in the future with you.

BY MR. PETRO: Looks good to us, good luck. That is positive outlook. Am I speaking for everyone?

BY MR. LANDER: Yes, well we can't speak for Henry, he's not here, but for everybody who's here I have no problem with it.

BY MR. EDSALL: I would say that he should start his application process and get over to the Zoning Board of Appeals.

BY MR. LANDER: What the fire inspector is going to do, he's going to limit us to how many cars you can store in this fenced in area, he'll limit it to, I don't know, pick a number, 20, 25, we don't know that.

BY MR. SCHILLER: He was here at the workshop. We sort of discussed it and cause I said, you know, I'm going to in fact I even drew up something here, I'm going to be leaving it with you cause he says they don't care, they have the hoses are long enough, but in the fenced in area, I'm going to leave the whole section open, I can't box in where I can't get myself out.

BY MR. EDSALL: Have your engineer prepare a revised plan, that is a scale plan and get an application and we'll send you along through the process.

BY MR. SCHILLER: Well, I have to bring it here?

BY MR. EDSALL: Come back.

BY MR. KRIEGER: To the Planning Board, then the Planning Board has to disapprove your plan and the result of that is you go to the Zoning Board.

BY MR. SCHILLER: For the next meeting I should have a revised plan by the engineer based on this?

BY MR. EDSALL: Set up a workshop with Myra, we'll check the plan out and get you through the process. Come back to a workshop.

BY MR. KRIEGER: Do the plan first and come to the workshop.

BY MR. SCHILLER: I'll have the plan done this week.

BY MR. KRIEGER: After the workshop, they'll indicate to you what the next step is.

BY MR. PETRO: Thank you very much.

SCHILLER SITE PLAN (93-28) WALSH AVENUE

Mr. Aaron Shiller appeared before the board for this proposal.

MR. SCHILLER: I have the plans, it shows the parking calculations and bulk table that was requested.

MR. PETRO: I think we talked about this at the last meeting.

MR. BABCOCK: What we did is we asked the applicant to straighten out some of the stuff as far as numbers on the parking spaces so that when he gets to the Zoning Board for his use variance that he won't need any area variances and as per the board and the workshop, he's done that at this point in time so what he is doing is looking for referral to the ZBA for a use variance.

MR. EDSALL: The details of the site plan we didn't burden them to fix at this time. We wanted to have the plan correct so that it could go to the Zoning Board and when they come back, if they are successful, then you can work out the details on the construction.

MR. VAN LEEUWEN: I'll make a motion we approve this.

MR. SCHIEFER: I'll second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the Schiller site plan on Walsh Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	NAY
MR. SCHIEFER	NAY
MR. DUBALDI	NAY
MR. PETRO	NAY

MR. PETRO: You have been referred to the New Windsor Zoning Board. Once you get the variances that you require, we'll see you here again.

MR. SCHILLER: Thank you very much

MR. EDSALL: With the referral, we should just include the Zoning Board in that there was discussion on the 11th of August so we'll send them those minutes as well since we didn't really discuss the plan tonight but you had in the past.

MR. PETRO: It's been reviewed at the last meeting.

MR. EDSALL: This time we'll send both so that they are aware.

MR. PETRO: I think we gave them a positive recommendation.

MR. EDSALL: You noted no exception to the plan so that they'll be aware of it.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/25/93

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 93-28

NAME: SCHILLER SITE PLAN (OLD AIR PRODUCTS BLDG.)

APPLICANT: SCHILLER, ARON

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	08/23/93	MUNICIPAL HIGHWAY	08/25/93	Approved
ORIG	08/23/93	MUNICIPAL WATER	/ /	
ORIG	08/23/93	MUNICIPAL SEWER	/ /	
ORIG	08/23/93	MUNICIPAL SANITARY	/ /	
ORIG	08/23/93	MUNICIPAL FIRE	08/24/93	APPROVED
ORIG	08/23/93	PLANNING BOARD ENGINEER	/ /	

RESULTS OF P.B. MEETING

DATE: August 25, 1993

PROJECT NAME: Scheller Site Plan PROJECT NUMBER 93-28

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) VOTE: A N YES NO ___

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: _____

Send both minutes 8/11 & 8/25



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: SCHILLER SITE PLAN
PROJECT LOCATION: WALSH AVENUE
 SECTION 9-BLOCK 1-LOT 61
PROJECT NUMBER: 93-28
DATE: 25 AUGUST 1993
DESCRIPTION: THE APPLICATION INVOLVES A CHANGE IN USE OF THE EXISTING BUILDING TO A USED CAR, BOAT SALES AND PARTS SALES OPERATION, INCLUDING STORAGE. IN ADDITION, A SINGLE SERVICE REPAIR GARAGE IS INCLUDED FOR WORK ON THE VEHICLES. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The project is located in the PI Zoning District. The proposed uses are not permitted by right or by special permit in the zone; therefore, a referral to the Zoning Board of Appeals is necessary.
2. With regard to the proposed layout of the site plan, same has been reviewed at several Technical Work Sessions and also at the most recent Planning Board meeting. The concept layout of the plan appears acceptable, given the constraints of the existing property.
3. Notwithstanding the fact that the property is located within the PI Zoning District, the Applicant has provided a bulk table referencing "C" Zone requirements consistent with the proposed used car sales use. It should be noted that this proposed site plan includes a mixture of uses, some of which may not be applicable to the referenced "C" Zone requirements. As such, the Zoning Board of Appeals will be the body which determines the application bulk requirements for the proposed uses (even though the application requires use variances).

The provided bulk information and the parking calculation appear correct for the site as proposed.

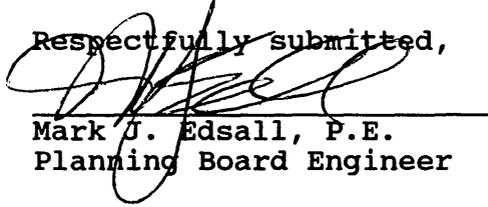
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

-2-

PROJECT NAME: SCHILLER SITE PLAN
PROJECT LOCATION: WALSH AVENUE
SECTION 9-BLOCK 1-LOT 61
PROJECT NUMBER: 93-28
DATE: 25 AUGUST 1993

4. Once the Applicant receives all necessary variances for the project, the Planning Board review of the site plan can proceed. At that time, the Planning Board should begin their review of basic site plan elements, such as details of construction, landscaping, lighting, access, etc.

Respectfully submitted,



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

MJEmk

A: SCHILLE.mk

P.B. # 93-28 L.S.S.00W

352-3717
JOEL SCHILLER
60 HIGHVIEW RD.
MONSEY, NY 10952

311

August 20, 19 93

1-7023 214
2260

PAY TO THE
ORDER OF

Town of New Windsor

\$ 750 ⁰⁰/₁₀₀

Seven Hundred Fifty and ⁰⁰/₁₀₀

DOLLARS

1ST NATIONWIDE BANK
A FEDERAL SAVINGS BANK
72 West Eckerson Road
Spring Valley, NY 10977

MEMO Re: Schiller (OLD AIR PRODUCTS BLDG)

Joel Schiller

⑆ 226070238⑆03⑆⑆ ⑈ 2⑆⑆ 40⑆246⑆⑈

P.B. # 93-28 Application fee

352-3717
JOEL SCHILLER
60 HIGHVIEW RD.
MONSEY, NY 10952

312

August 20, 19 93

1-7023 214
2260

PAY TO THE
ORDER OF

Town of New Windsor

\$ 150 ⁰⁰/₁₀₀

One Hundred Fifty and ⁰⁰/₁₀₀

DOLLARS

1ST NATIONWIDE BANK
A FEDERAL SAVINGS BANK
72 West Eckerson Road
Spring Valley, NY 10977

MEMO Re: Schiller (OLD AIR PRODUCTS BLDG)

Joel Schiller

⑆ 226070238⑆03⑆⑆ ⑈ 2⑆⑆ 40⑆246⑆⑈

Friday August 20, 1993
10:30 AM.

Dear Mr. Batecock,

As we agreed at the workshop meeting of Wednesday August 18, 1993 I am leaving the new site plan drawings showing all the information required. I am also leaving two (2) checks as required.

1. check for \$150.00 for the application fee.
2. check for \$250.00 for the Escrow account.

Also being submitted at this time is the application form for the site plan.

The first two pages of the application form were mailed to AIR Products + Chemicals Inc in Pennsylvania for their signature and notary. They are to be returned immediately and I will have them to you in a day or so.

As ~~it~~ agreed at the workshop meeting I anticipate being scheduled for the next planning board meeting on Wednesday August 25, 1993, and I will be present at 7:30 PM.

Thank you so much for your help and cooperation.

Very truly yours,
Alan Schiller
Alan Schiller

RESULTS OF P.B. MEETING

DATE: August 11, 1993

Area

PROJECT NAME: Schiller S.P. (old #10 Prod.) PROJECT NUMBER Presubmission

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)___ VOTE:A___ N___ YES___ NO___

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: _____

Need Use Variance.

Looks OK to the Board - Proceed

X

PARKING CALCULATIONS

WAREHOUSE 1 space for each 1000 sq ft
Storage " " " "
SERVICE Bay 4 spaces for each Bay
SHOW ROOM ~~1000~~ 1 space for each 1000 sq ft
office 1 space for each 200 sq ft

CALCULATION

OFFICE 11 x 12 = 132 sq ft

10 x 16 = 160 sq ft

TOTAL 292 sq ft = 2 SPACES

WAREHOUSE 39 x 50 = 1950 sq ft = 2 SPACES

SERVICE BAY = 4 SPACES

STORAGE 30 x 50 = 1500 sq ft

12 x 30 = 360 sq ft

TOTAL 2860 sq ft = 3 SPACES

TOTAL SPACES

11 SPACES



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 - 28

DATE PLAN RECEIVED: AUG 20 1993

The maps and plans for the Site Approval Schiller
Subdivision _____ as submitted by
Gray, Rauling & Heenan for the building or subdivision of _____
_____ has been
reviewed by me and is approved ✓
disapproved _____.

If disapproved, please list reason _____

Lord Zayne 08/24/93
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: TOWN FIRE INSPECTOR
DATE: 24 AUGUST 1993
SUBJECT: SCHILLER SITE PLAN

PLANNING BOARD REFERENCE NUMBER: PB-93-028

DATED: 20 AUGUST 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-049

A REVIEW OF THE ABOVE REFERENCED SUBJECT SITE PLAN WAS
CONDUCTED ON 24 AUGUST 1993.

THIS SITE PLAN IS ACCEPTABLE.

PLAN DATED: 19 AUGUST 1993; REVISION 3



ROBERT F. RODGERS; CCA



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 # 93 - 28

WORK SESSION DATE: 18 Aug 93

APPLICANT RESUB.
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: Yes

Revised & Full
APP

PROJECT NAME: Schiller s/p.

PROJECT STATUS: NEW X OLD _____

REPRESENTATIVE PRESENT: Mr. Mr. & Son

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

<u>Pkg - Auto sales. 1/1000</u>	<u>21 x ⁵⁰ 24 = 1050</u>	<u>1</u>
<u>Bay</u>	<u>4 bay</u>	<u>4</u>
	<u>50 x 25 = 1250 - 400 = 850/300</u>	<u>3</u>
	<u>39 x 50 = 1950</u>	<u>2</u>
	<u>38 x 50 = 1900</u>	<u>2</u>
		<u>12</u>

- Fence to be relocated encroachment.
- add sign
- relocated fence w/ sliding gate
- complete bulk table.

Min Escrow \$ 750

4MJ91 pbw:form



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

*after
resub
conf.*

TOWN/VILLAGE OF New Windsor P/B # 93-28

WORK SESSION DATE: 4 AUG 93 APPLICANT RESUB. REQUIRED: Full

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Schiller S/A - (Old Air Products)

PROJECT STATUS: NEW X OLD _____

REPRESENTATIVE PRESENT: Arion Schiller

MUNIC REPS PRESENT:

BLDG INSP.	<u>VAC</u>
FIRE INSP.	<u>X</u>
ENGINEER	<u>X</u>
PLANNER	_____
P/B CHMN.	_____
OTHER (Specify)	_____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

→ Thompson Trailer Pk - has encroachments on property.

*PI - used cars outside vehicle storage
small boats
retail*

- wide off access -

- may need variance # pkg spaces.

Resub Conf. ASAP

4MJE91 pbwsform

AUG 20 1993

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 Schiller (OLD AIR PRODUCTS BLDG)

2. Name of Applicant ARON Schiller Phone 914-352 3717

Address 60 Highview Road Monsey, N.Y. 10952
(Street No. & Name) (Post Office) (State) (Zip)

3. Owner of Record AIR PRODUCTS AND CHEMICALS INC. Phone _____

Address 7201 Hamilton Blvd. Allentown, Pennsylvania 18195
(Street No. & Name) (Post Office) (State) (Zip)

4. Person Preparing Plan GRAY, AILING & HEINSMAN Phone 914-297 9435

Address 1369 Route 9 Wappingers Falls, N.Y. 12590
(Street No. & Name) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street No. & Name) (Post Office) (State) (Zip)

6. Person to be notified to represent applicant at Planning Board Meeting ARON Schiller Phone 914-352 3717
(Name)

7. Location: On the NORTH side of WALSH ROAD
_____ feet of _____
(Direction) (Street)

8. Acreage of Parcel 0.82 ± AC 9. Zone PI, 9A. School Dist _____

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 9 Block 1 Lot 61

11. This application is for USAGE VARIANCE for permission for USED CAR and BOAT SALES, and certain BULK TRUCK VARIANCES.

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

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership N/A
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

(Owner's Signature)

24th day of August 1993

Don Schille
(Applicant's Signature)

Pauline G. Townsend
Notary Public

(Title)

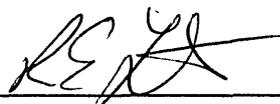
PAULINE G. TOWNSEND
Notary Public, State of New York
No. 4643692
Appointed in Orange County
My Commission Expires December 31, 1993

PROXY STATEMENT

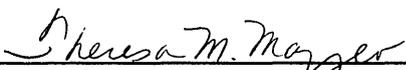
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Air Products and Chemicals, Inc., deposes and says that its offices are at 7201 Hamilton Boulevard, Allentown, 18195-1501 in the County of Lehigh and State of Pennsylvania and that it is the owner in fee of 133 Walsh Road, New Windsor, New York which is the premises described in the foregoing application and that it has authorized Aron Schiller to make the foregoing application as described therein.

Date: 24 AUG 1993



Richard E. Leighton



Witness: Theresa M. Mazzeo



PROJECT I.D. NUMBER

617.21

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 <i>ARON Schiller</i>	2. PROJECT NAME <i>Schiller (OLD AIR Products Bldg)</i>
3. PROJECT LOCATION: Municipality <i>NEW Windsor</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>133 WALSH ROAD, NEW Windsor, N.Y.</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration Other	
6. DESCRIBE PROJECT BRIEFLY: <i>USED CAR & BOAT SALES</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>NONE</i> acres Ultimately _____ 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 checked="" type="checkbox"/> Industrial <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>ZONING & PLANNING Board APPROVAL</i>	
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: <i>ARON Schiller</i>	Date: <i>8/18/93</i>
Signature: <i>Aron Schiller</i>	

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

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

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 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 8 NYCRR, PART 617.6? 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 _____

eng.

SITE PLAN CHECKLIST

PARCEL AND BUILDING IS FREE P1 ZONE

ITEM

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

By: Licensed Professional

Date: 8/17/93 GRAY, RAILING & HEINSMAN
Triad Professional Park
1369 Route 9
Wappingers Falls, NY 12590

✓ = SHOWN ON PLAN
X = NOT SHOWN ON PLAN
N/A = NOT APPLICABLE
EX = EXISTING
N = NONE

REC-102

93 - 28

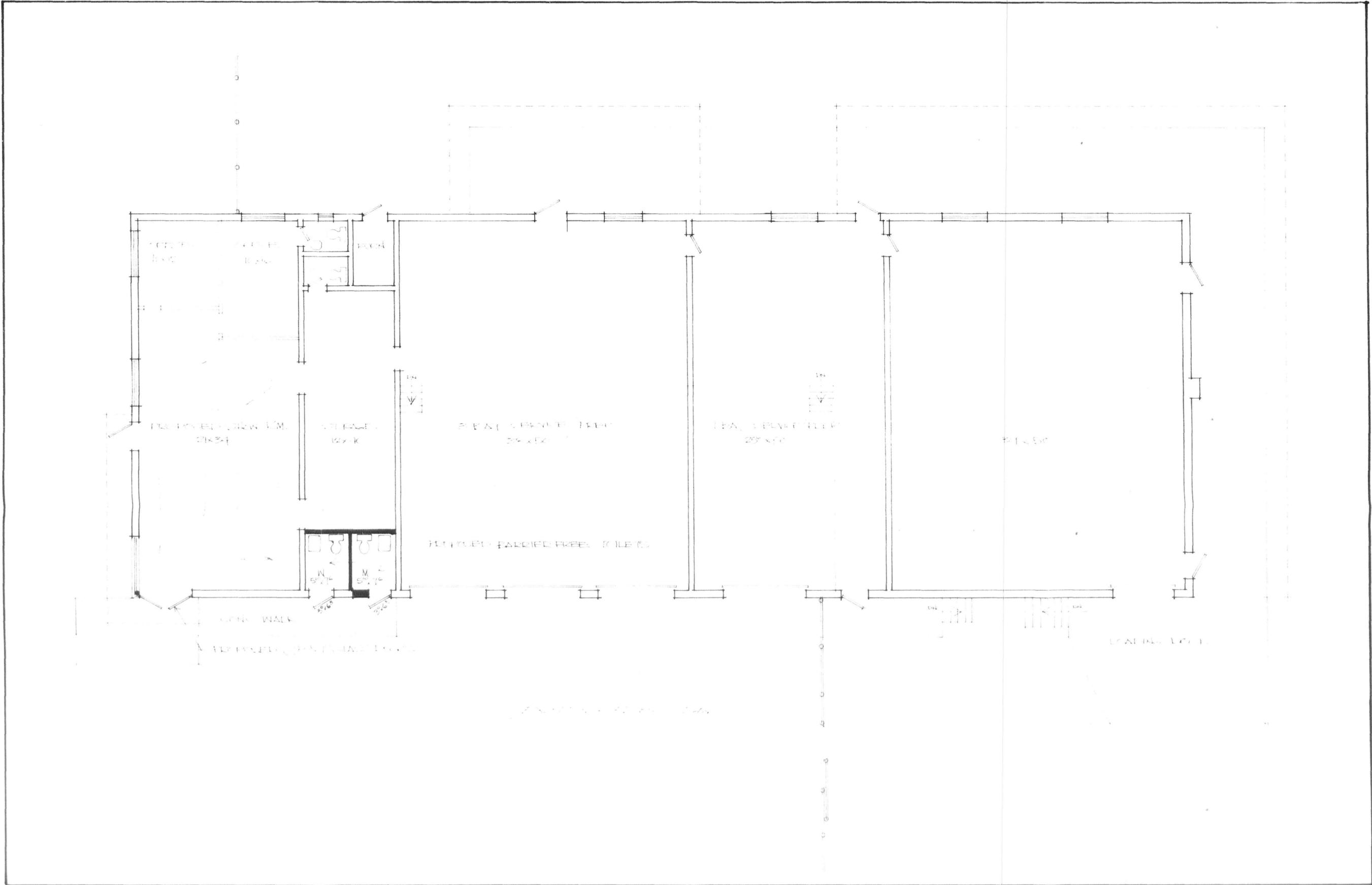
AUG 20 1993

X

ATTACHMENTS

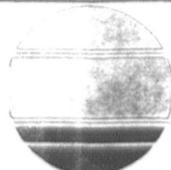
- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

NOT APPLICABLE - NOT IN FLOOD PLAIN



REVISIONS	DESIGNED BY R. J. J.
	DRAWN BY L. M. J. W.
DATE 12-1-75	SCALE 1/8" = 1'-0"

PROPOSED USED CAR SALES
133 WALSH AVE. NEW WINDSOR, NY



GRAY, RAILING & HEINSMAN
ENGINEERING & SURVEYING, P.C.

1369 Route 9 • Wappingers Falls, N.Y. 12590-4453 • 914-297-9435 • FAX 297-0212
36 Milton Ave. (Rte. 9W1) • Highland, N.Y. 12528-1724 • 914-691-9435

SHEET NO.	
OF	
JOB NO.	11100005

ZONING DESIGNATION: P1 - PLANNED INDUSTRIAL

	MINIMUM**	EXISTING	PROPOSED	VARIANCE REQUESTED
LOT AREA	80,000 S.F.*	35,733 S.F.	32,000 S.F.*	48,000 S.F.
LOT WIDTH	200'	141'	141'	59'
FRONT YARD	60'	37'	23'	23'
SIDE YARD	30'	18.5'	18.5'	11.5'
BOTH SIDE YARD	70'	81.6'	81.6'	N/A
REAR YARD	30'	27.4'	27.4'	2.6'
BUILDING HEIGHT @ 6" PER FT.	9.25'	12'	12'	2.75'
FLOOR AREA RATIO	.7	.22	.22	N/A

** BASED ON "C" ZONE
* DOES NOT INCLUDE WALSH RD. AREA

PARKING REQUIREMENT CALCULATION

- USED AUTO SALES:
1,000 S.F. @ 1 PER 1000 = 1 SPACE
 - SERVICE BAY (ONE) = 4 SPACES
 - OUTSIDE SERVICE BAY:
50 X 25 = 1250 sq ft
EXIST. BAY = 400 sq ft
850 @ 1 PER 300 = 3 SPACES
 - STORAGE/WAREHOUSE:
39 X 50 = 1950 sq ft
38 X 50 = 1900 sq ft
3850 @ 1 PER 1000 = 4 SPACES
- TOTAL REQUIRED = 12 SPACES
TOTAL PROPOSED = 13 SPACES

NOTES

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EXRESSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FROM WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

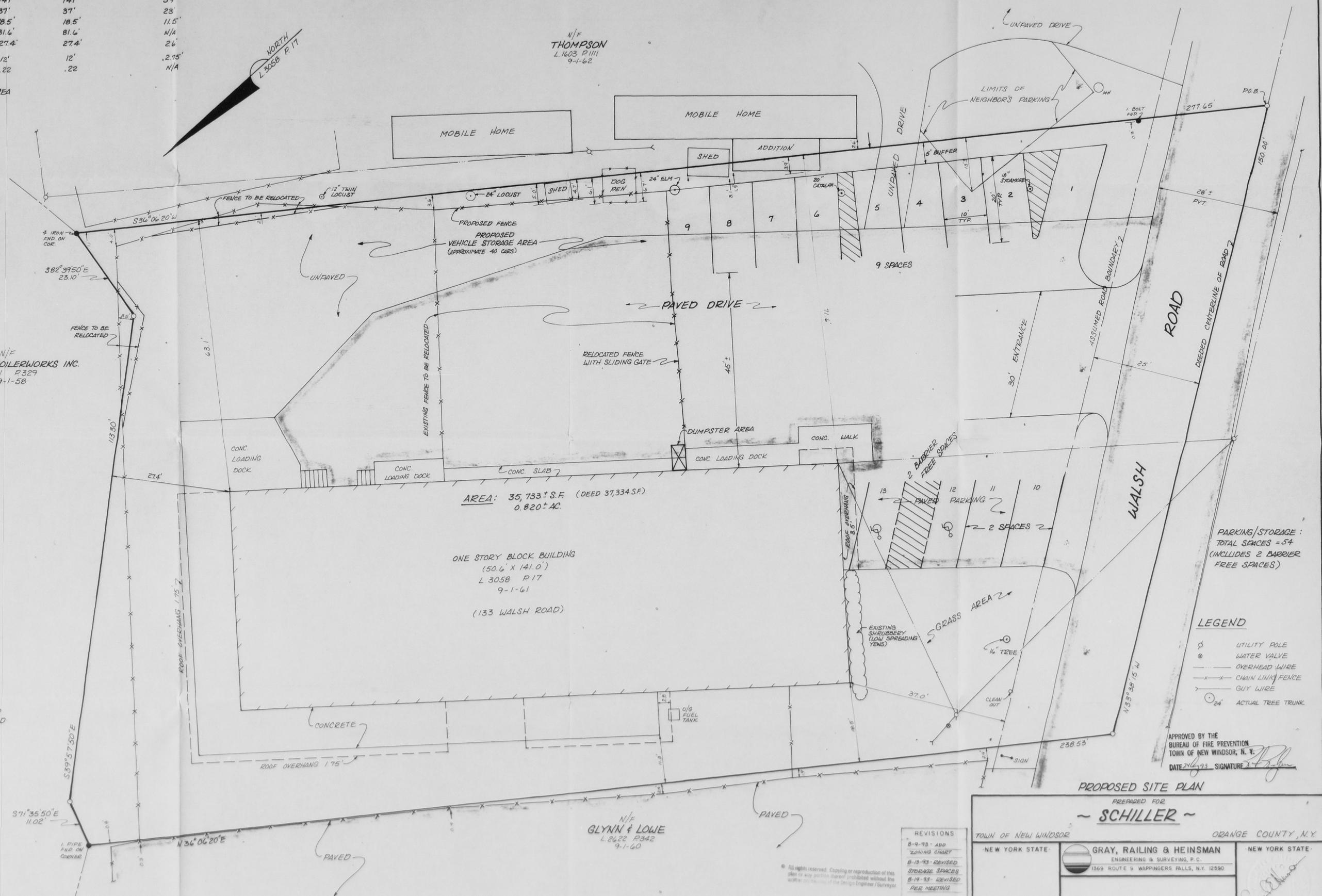
THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.

SUBSURFACE STRUCTURES AND UTILITIES WHICH WERE NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.

CERTIFICATION

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY COMPLETED ON 7-23-93.

ARON SCHILLER



AREA: 35,733 ± S.F. (DEED 37,334 SF)
0.820 ± AC.

ONE STORY BLOCK BUILDING
(50.6' X 141.0')
L 3058 P 17
9-1-61
(133 WALSH ROAD)

PARKING/STORAGE:
TOTAL SPACES = 54
(INCLUDES 2 BARRIER FREE SPACES)

- LEGEND**
- UTILITY POLE
 - ⊗ WATER VALVE
 - OVERHEAD WIRE
 - CHAIN LINK FENCE
 - GUY WIRE
 - 24" ACTUAL TREE TRUNK

APPROVED BY THE
BUREAU OF FIRE PREVENTION
TOWN OF NEW WINDSOR, N. Y.
DATE 7/26/93 SIGNATURE [Signature]

PROPOSED SITE PLAN
PREPARED FOR
SCHILLER
TOWN OF NEW WINDSOR ORANGE COUNTY, N.Y.

NEW YORK STATE
GRAY, RAILING & HEINSMAN
ENGINEERING & SURVEYING, P.C.
1369 ROUTE 9 WAPPINGERS FALLS, N.Y. 12590

NEW YORK STATE
DATE 8-2-93 SCALE 1" = 10' DRAWN BY PP CHECKED BY REH LICENSE NO 049270 SHEET OF

REVISIONS
8-9-93 - ADD ZONING CHART
8-19-93 - REVISED STORAGE SPACES
8-19-93 - REVISED PER MEETING

93-28