

ZB# 99-44

**VGR Associates /
Allstate Insurance**

69-1-6

Prelem.

Sept. 27, 1979.

Notice to Paper 10/28/99

Public Hearing:

Nov. 23, 1999.

Sign Variance

approved w/

Stip.

Refund: \$385.00

(1/2 to farrow
1/2 to Phillips)

VGR Assocs./Allstate

#99-44

Sign 69/1/6

Wilson-Jones • Cashiers • 8164-NOR-Duplicates • 816274-C. 7/19/88

© Wilson-Jones, 1988

DATE Oct 28, 1999 RECEIPT 082225

RECEIVED FROM Arthur Paras

Address _____

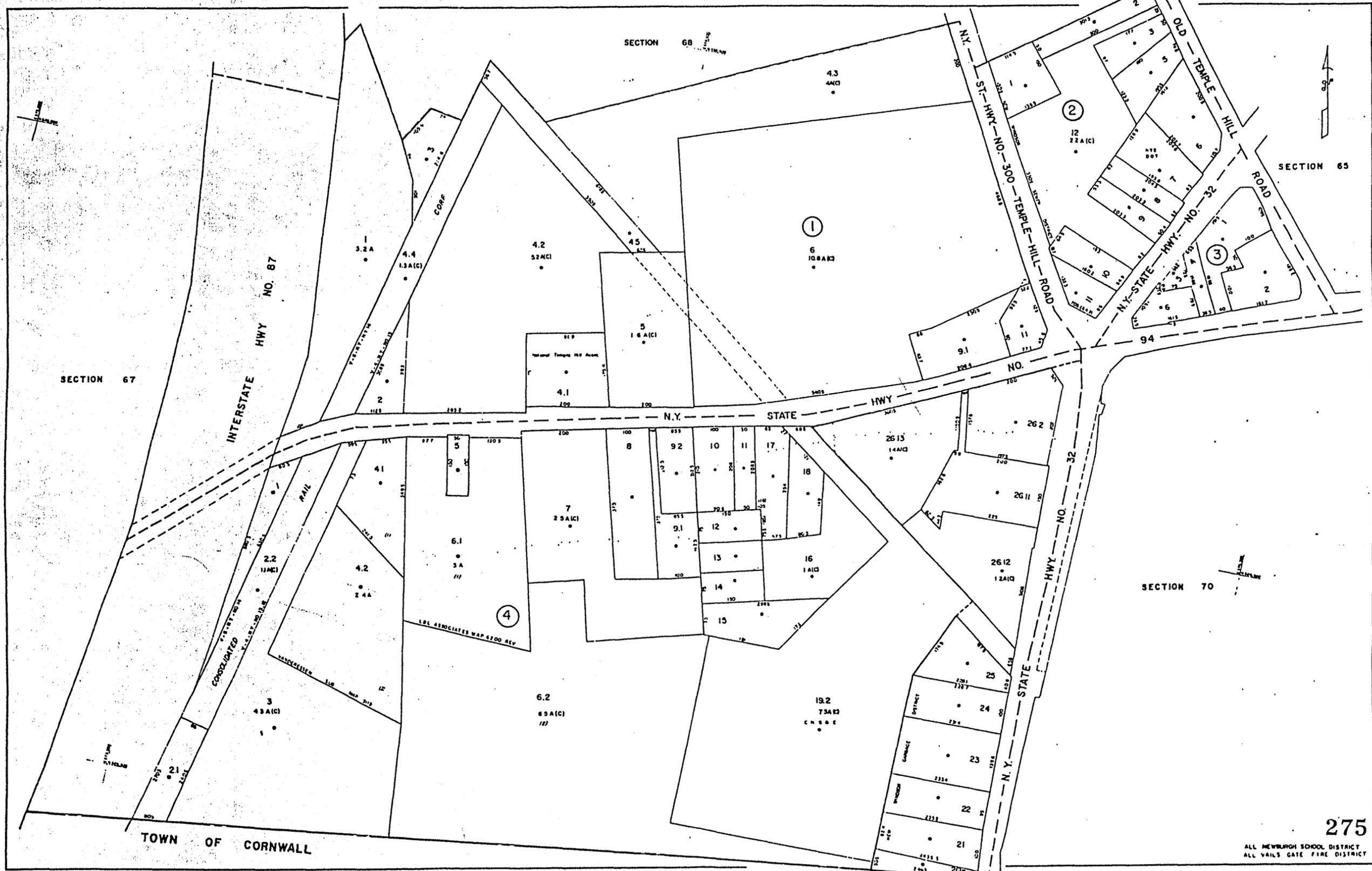
One Hundred fifty 00/100 DOLLARS \$ 150.00

FOR ZBA # 99-44

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	5950
AMOUNT PAID		CHECK	15000
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy H. Hansen
sh



AERO SERVICE CORPORATION
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PANEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MAJOR AVE	AREAS	STATE HIGHWAYS
SPECIAL PROPERTY	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
			TOWN ROADS

ORANGE COUNTY - NEW YORK

Photo No. 8-497,498-15-45 Date of Map 9-24-67
 Date of Photo 3-1-65 Date of Revision 3-1-61
 Scale 1" = 50'

TOWN OF NEW WINDSOR

Section No. 69

275

ALL NEWBURGH SCHOOL DISTRICT
 ALL VAIL'S GATE FIRE DISTRICT

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: VGR Assocs/ Allstate

FILE# 99-44

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid #5950
10/28/99.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

*paid 10/28/99.
#4312-5948*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *9/27/99-5* \$ 22.50

2ND PRELIMINARY- PER PAGE *11/22/99-5* \$ 22.50

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 45.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: *9/27/99* \$ 35.00

2ND PRELIM. *11/22/99* \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING. \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 115.00

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT . \$ 385.00

STEVEN P. PHILLIPS 11-96
INSURANCE #2
P.O. BOX 634
NEW HAMPTON, NY 10958

59-247/219
7776336

431

DATE 10-27-99

PAY TO THE ORDER OF TOWN OF NEW WINDSOR \$ 250.00
TWO HUNDRED FIFTY & 00/100 DOLLARS

orange county
TRUST

Middletown, NY 10940 company Montgomery, NY 12549

MEMO APP FOR VARIATION 42-
ZBA #99-44



⑆021902475⑆ 7776036⑆ 0431

ARTHUR N. PARAS
C/O ALLSTATE
357 WINDSOR HIGHWAY
NEW WINDSOR, NY 12553

ARTHUR PARAS INSURANCE
ALLSTATE
P.O. BOX 807
PRICE CHOPPER PLAZA
VAILS GATE NY 12584

5948

29-1/213

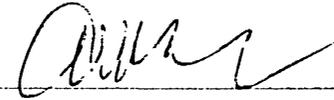
DATE 10/27/99

PAY TO THE ORDER OF Town of New Windsor \$ 250.00
One Hundred Fifty & 00/100 DOLLARS


27522 Vails Gate
Vails Gate, New York 12584

INSURANCE ACCOUNT

FOR 110 of New Windsor (sign)
ZBA #99-44 ⑆005948⑆ ⑆021300019⑆ 51850 06893⑆



ARTHUR N. PARAS
C/O ALLSTATE
357 WINDSOR HIGHWAY
NEW WINDSOR, NY 12553

ARTHUR PARAS INSURANCE
ALLSTATE
P.O. BOX 807
PRICE CHOPPER PLAZA
VAILS GATE NY 12584
PH. 914-669166

5950

29-1/213

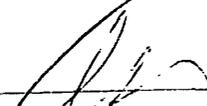
DATE 10/27/99

PAY TO THE ORDER OF Town of New Windsor \$ 150.00
One Hundred Fifty & 00/100 DOLLARS


27522 Vails Gate
Vails Gate, New York 12584

INSURANCE ACCOUNT

FOR UPA for Appleton Fee
ZBA #99-44 ⑆005950⑆ ⑆021300019⑆ 51850 06893⑆



In the Matter of the Application of
VGR ASSOCIATES/ALLSTATE INSURANCE

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#99-44.

WHEREAS, VGR ASSOCIATES, 40 East 69th Street, New York, N. Y. 10021, owner, and ALLSTATE INSURANCE, tenant, have made application before the Zoning Board of Appeals for a 3 ft. by 6 ft. façade sign in variation of Section 48-18H(1)(b) of the Supplemental Sign Regulations for property located at the Price Chopper Plaza, at 115 Temple Hill Road, Vails Gate, in a C zone; and

WHEREAS, a public hearing was held on the 22nd day of November, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Frank Rich, Esq. and Arthur N. Paras; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

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

2. The evidence presented by the Applicant showed that:

(a) The property is a portion of a large commercial shopping center located in a commercial district at the intersection of three busy state highways.

(b) The property for which the sign is sought is located in the back of the shopping center in a place that is not readily visible to the public. The Applicant seeks to place a sign on the façade of the shopping center itself, which sign would be in accordance with and no larger than the signs already there.

(c) There is already a sign on the premises. The sign requested would be an additional sign.

(d) If approved the proposed sign would be located on a façade with other signs, would be no larger than the other signs on that façade and would not project above the building.

(e) The proposed sign will not be flashing and will contain no neon.

(f) The proposed sign will not be illuminated.

(g) The situation is unique because the premises sought to be advertised by the sign is not located in the front of the plaza and would not be located beneath that sign.

(h) As a condition of the variance, the Applicant has agreed that when it moves its office from the side of the building to the main part of the building, it would remove the present façade sign over the building entrance so that only one sign would remain, in accordance with the New Windsor Zoning Code.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations, but nevertheless are warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area

variance.

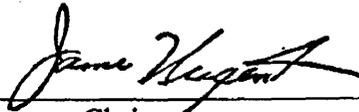
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 3 ft. by 6 ft. façade sign in variation of Section 48-18H(1)(b) of the Supplemental Sign Regulations for an Allstate Insurance sign to be located on the Price Chopper building ,with a condition that when the Applicant moves its office from the side of the building to the main part of the building, it would remove the present façade sign over the building entrance so that only one sign would remain, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 14, 2000.



Chairman

Arthur N. Paras

Exclusive Agent

P.O. Box 867

Price Chopper Plaza

Vails Gate, NY 12584

Bus: 914-569-1264

Fax: 914-569-1147

800-366-9775 (Claims)

Allstate[®]
You're in good hands.



Price Chopper sign



Arthur N. Paras
Exclusive Agent
P.O. Box 867
Price Chopper Plaza
Vails Gate, NY 12584
Bus: 914-569-1264
Fax: 914-569-1147
800-366-9775 (Claims)

Allstate
You're in good hands.



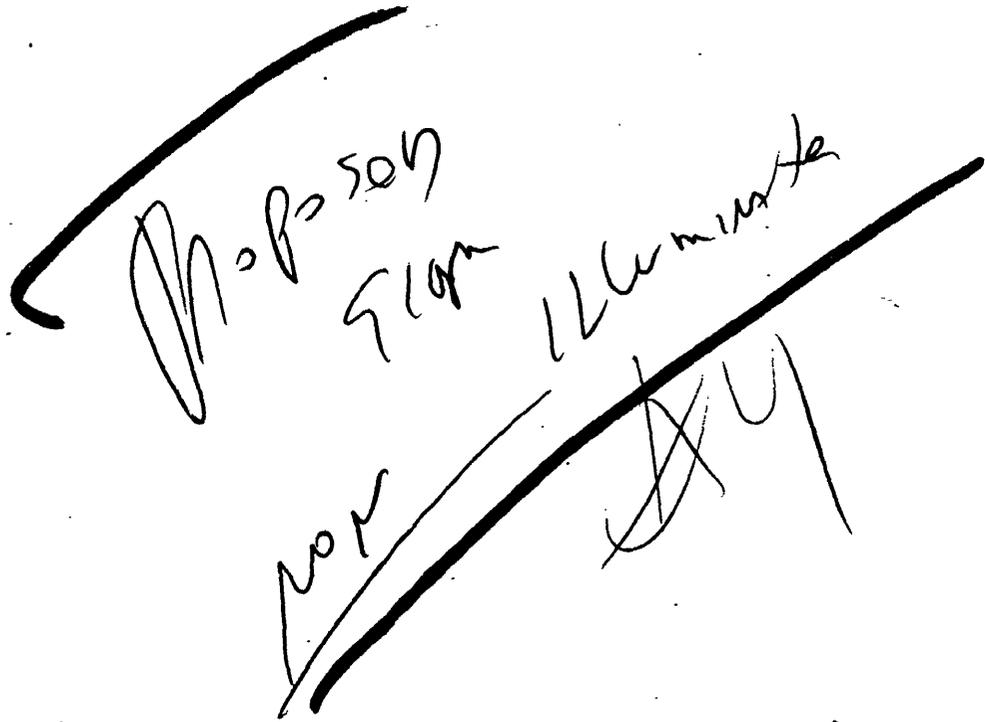
5/12/85

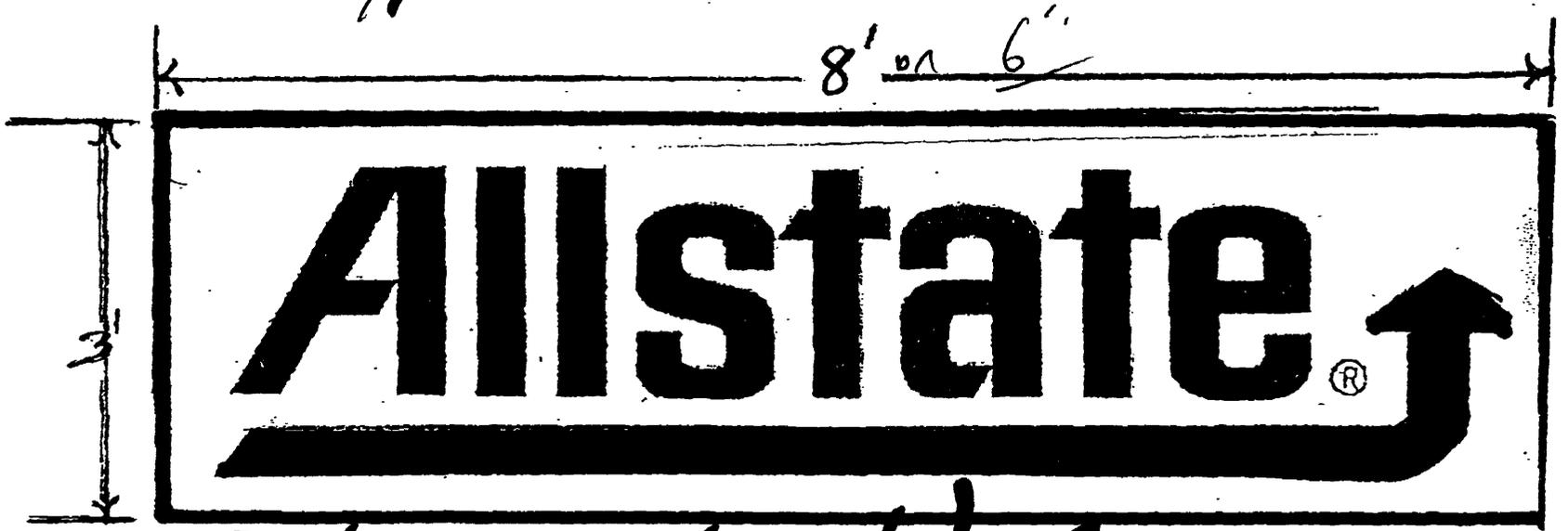


5/12/85



5/12/85


 A hand-drawn sketch of a curved neon sign. The sketch shows a thick black line representing the sign's outline, curving upwards from left to right. Inside the curve, there are handwritten notes: "No neon" at the top, "5/10m" in the middle, and "126 minutes" at the bottom. To the right of the curve, there are two vertical lines with diagonal hatching, possibly representing mounting or support details.

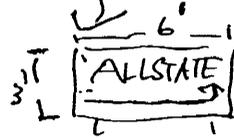


Blue letters
 white back
 to BACKLASH
 CONFAN LTD

Proposed Location: Faces parking lot
of mall

ECKERD

JC PENNEY
catalog Center



1500 metres

this is a non-electric sign and is for directional purpose.
white sign with blue letters and arrow



Allstate®

~~You're in good hands.~~

Same Blue

PMS 288

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: September 16, 1999

APPLICANT: Arthur N. Paras (Allstate)
P.O.Box 867
Vailsgate, New York 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/16/99

FOR : 3' X 6' Façade sign

LOCATED AT: 115 Temple Hill Road

ZONE: Sec/ Blk/ Lot: 69-1-6

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18-H 1 b Façade signs- only one façade sign for each permitted business may be located on the building Façade. Proposed sign will be more than 300' from the street(property) line and a height of 3.5 feet is permitted.

Louis J. Kuchner
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE:

SIGN: 1

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS: 1 Façade Sign

2 Façade Signs

1-3' X 6' Façade Signs

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

Price Chopper Plaza
(All State)

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY
FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises VGR ASSOCIATES

Address 40 EAST 69th ST. NYC, NY, 10021 Phone 212 249 1550

Mailing Address P.O. BOX 334 N.Y.C N.Y. 10021

Name of Architect _____

Address _____ Phone _____

Name of Contractor Mid-Hudson Neon, Inc.

Address 32 Walnut St. New Windsor, N.Y. 12553 phone (914) 561-5561

State whether applicant is owner, lessee, agent, architect, engineer or builder SIGN BUILDER

If applicant is a corporation, signature of duly authorized officer. Arthur Miller, pres.
(Name and title of corporate officer)

FOR OFFICE USE ONLY
Building Permit # 9901-199

1. On what street is property located? On the W side of TEMPLE HILL RD.
(N,S,E or W) and 1000 feet from the intersection of AILS GATE

2. Zone or use district in which premises are situated _____ Is property a flood zone?
Y _____ N _____

3. Tax Map Description: Section 69 Block 1 Lot 6

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy INSURANCE OFFICE b. Intended use and occupancy
SAME

5. Nature of work (check if applicable) New Bldg Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? YES SIGN 3'x6' all aluminium

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost 540.00 Fee 50.00

/ / 19

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspector: Frank Lisi
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:
Planning Board Highway Dept Sewer Water Zoning Board of Appeals

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

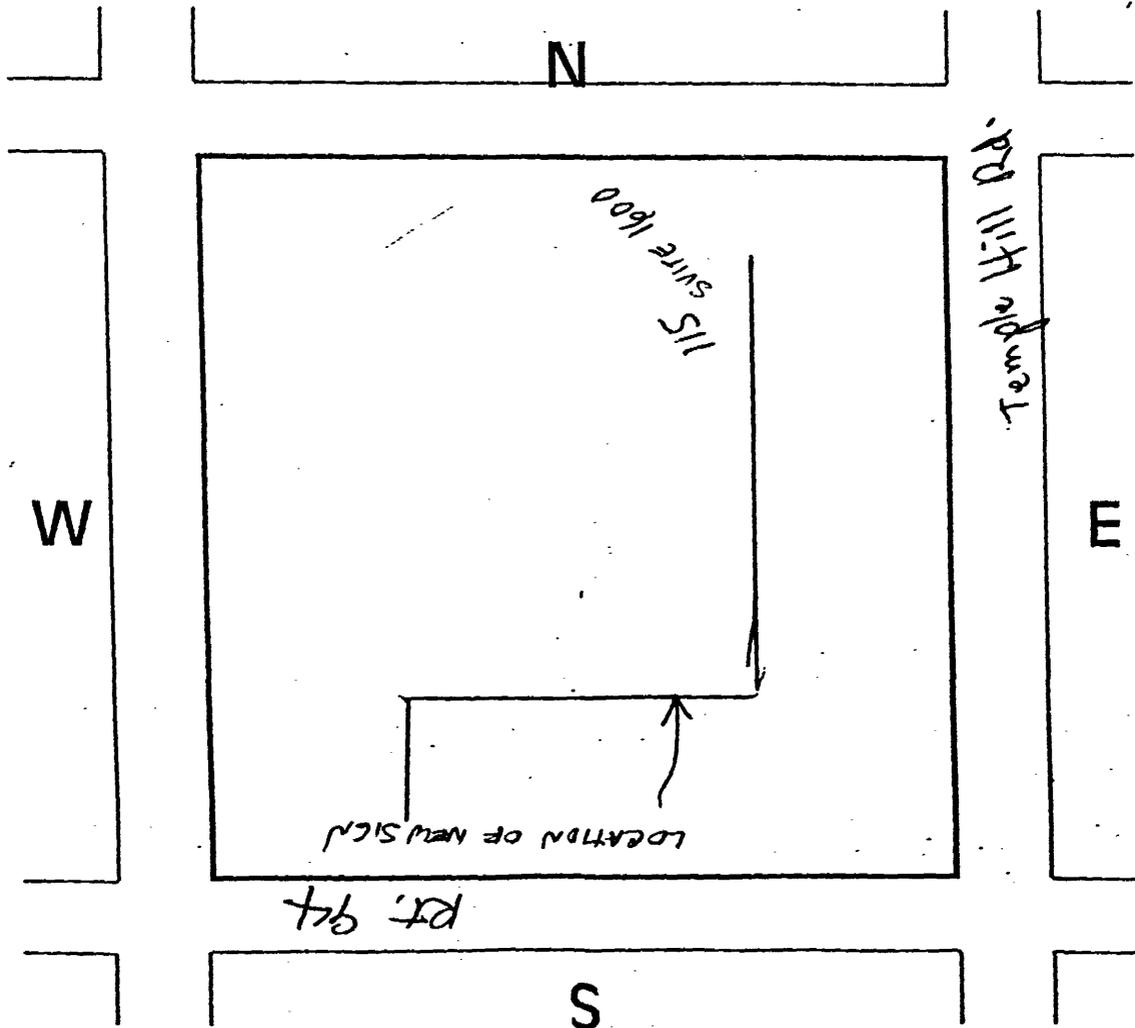
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Certhun Miller /o MID-HUDSON NEON INC.
(Signature of Applicant)

32 WALNUT ST.
NEW WINDSOR, N.Y. 12553
(Address of Applicant)

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Date 12/13/99, 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
1/22/99	Zoning Board Mtg	75 00	
	Minutola - 3		
	Accettura - 5		
	Scaglione - 5		
	VLA Assoc. - 5 \$22.50		
	Hanson - 4		
	Maurice - 5		
	Misc - 2 -		
	29	130 50	
	<i>James Wright</i>	205 50	

PUBLIC HEARINGS:

VGR ASSOCIATES/ALLSTATE

MR. NUGENT: Request for 3'x 6' facade sign in variation of Section 48-18H(1)(b) of the Supplemental Sign Regulations at Price Chopper Plaza in C zone.

Frank Rich, Esq. and Mr. Paras appeared before the board for this proposal.

MR. NUGENT: Is there anyone here for VGR Associates/Allstate Price Chopper, other than the applicant? Let the record show there's no one in the audience other than the applicants.

MS. BARNHART: Although, we sent out 47 addressed envelopes containing the public hearing notice on November 1, 1999.

MR. PARAS: One letter came back.

MS. BARNHART: Mr. Paras, you can give that to me.

MR. RICH: Very briefly, the application Section 48-18 of the regulations regarding placement of signs on the Price Chopper Plaza is as follows. The application is based on the fact that there's no such place as I believe 115 Temple Hill Road. You're not going to find an address, nothing that's going to say 115. The address of the location of the business has to be Price Chopper Plaza. Now, when you come into Price Chopper Plaza, there's nothing that says Allstate anywhere in front of the facade and that's the problem because actually, the location of the office is on the side, on the north side of the building and you wouldn't find that unless you happen to go around to the north side of the building. And a lot of perspective applicants for insurance have said that they can't find Allstate, they've gone into the various stores in Price Chopper Plaza asking where is the Allstate office and some didn't even know where it was, even though it's around their own building. And as a result, this is work, this is a hardship, not so much on the people that work in the Allstate office because they happen to know

where it is, but their insurers who want to come in with a question or a problem about their insurance can't find their own agents. So all we're asking is that there be a sign on the front of the facade with a little arrow that says around the back and I don't think there's anything about the nature of the sign that would be detrimental, either to the health or welfare of any of the tenants or the landlords in Price Chopper Plaza or any of the invitees or licensees that utilize the premises. Consequently, we would ask for a variance and it's not unique in a sense that there's a tenant in the plaza Aubechon Hardware that has a sign both on the front and on the side, so there's a precedent for this application and we respectfully request that it, that the variance be granted.

MR. KRIEGER: Where would the sign be located?

MR. RICH: Okay, we have some photographs and I don't know that you have--

MR. NUGENT: I have them right here.

MR. RICH: It would be right here where there's a vacant area so it wouldn't be a squeezed in. Its not being utilized for anything at the present time and we'd put the Allstate sign there with the arrow.

MR. PARAS: Non-illuminated.

MR. NUGENT: The store is actually like by the side of Aubechon's.

MR. PARAS: Where OTB was.

MR. NUGENT: Okay.

MR. RICH: As you can see Aubechon has a sign on the front of the--

MR. NUGENT: Yes, both sides.

R. PARAS: We have, sir, first refusal on the first office that's going to be vacant, we're trying to get into the real mall so as soon as someone moves out

we're there, landlord told us something might come up in the next year, we don't know, but in the meantime, we have this problem.

MR. RICH: This is what the sign will look like.

MR. NUGENT: Mike, the reason that this is not allowed is because of the, there are a lot of facade signs but they are not allowed because the store is not there.

MR. BABCOCK: They have one facade store over the door now.

MR. RICH: But that's not where Price Chopper Plaza sign is located.

MR. NUGENT: I understand, I was trying to get a clear view of what we're doing here.

MR. TORLEY: It just constitutes a unique situation.

MR. NUGENT: It does.

MR. TORLEY: Sir, when and if you moved--

R. PARAS: We'll take that one down.

MR. TORLEY: You would stipulate to that?

R. PARAS: Absolutely, yes.

MR. NUGENT: I'd like to, in the record--

MR. RICH: And there's no other office or store on the side, so that you would not be opening a door to 15 other applicants who are going to come in and say we want our signs up there too because it just isn't a tenant.

MR. NUGENT: Plus there isn't a lot more room on the facade to put too many more.

MR. RICH: But certainly room for one.

MR. KRIEGER: So, the proposed sign would be in

substantial conformance with the existing signs there in size and appearance?

MR. PARAS: Same color, yes.

MR. RICH: Exactly.

MR. KRIEGER: No higher than they are?

MR. RICH: No higher, no larger, no wider.

MR. KANE: And you wouldn't have a problem with us granting an approval on that as a temporary measure until you move into the plaza itself?

MR. PARAS: No, we would leave that if we did move, if we did leave it there and put our office in front, the store opens up, we're going to the first store that opens up that meets 3,000 square feet, so the sign would stay there cause we'd be in front.

MR. BABCOCK: That particular sign that he's asking for a business would stay there, he'd take down the other one.

MR. KRIEGER: So he'd go back to one?

MR. BABCOCK: Yes.

MR. RICH: Exactly.

MR. PARAS: We got nine calls, by the way, sir, from people that got letters that said people were stopping in their office looking for us, they got the notice of appeal, but attorney said we didn't need testimonials, but we can get that.

MR. NUGENT: Okay.

MR. KRIEGER: Move to approve conditioned on approval of removal of the sign or removal of the existing sign, not this sign that you are granting a variance for, but removal of the existing identification sign when they move, it's a condition.

MR. RICH: And there will be no further application.

MR. TORLEY: Sounds good to me.

MR. PARAS: That will come down.

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

MR. KANE: I move we approve the sign variance for VGR Associates with the stipulation when they move into the mall, they return to one facade sign.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

116R / Allstate

Applicant.

99-44

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 11/1/99, I compared the 47 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.


Patricia A. Barnhart

Sworn to before me this

___ day of ___, 19__.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

October 6, 1999

(47)

Mr. Arthur Paras
P.O. Box 867
Vails Gate, NY 12584

RE: 69-1-6

Dear Mr. Paras:

Please be advised that the attached list of properties within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Sincerely,


Leslie Cook
Sole Assessor

/jfi
Attachments

Cc: Pat Barnhart, ZBA

Orange County I.D.A.
C/o Strober King Building Supply
P.O. Box 726
Vails Gate, NY 12584

Property Tax Dept.
P.O. Box 8499
Philadelphia, PA 19101

Angelo Rosmarino Enterprises, Inc.
P.O. Box 392
Vails Gate, NY 12584

Sy Realty Corp.
550 Hamilton Ave
Brooklyn, NY 11232

Irwin Bergknoff
RT 32
Highland Mills, NY 10930

Amerada Hess Corp.
C/O Dean E. Cole, Mgr. Property Tax Dept
1 Hess Plaza
Woodbridge, NJ 07095

James H. & Phyllis C. Duffy
P.O. Box 214
Vails Gate, NY 12584

SNJ Corp.
C/O Big V Supermarkets
176 So. Main Street
Florida, NY 10921

MCB Partnership
521 Green Ridge St.
Scranton, PA 18509

Antonio & Giencinta Dedominicis
P.O. Box 327
Cornwall, NY 12518

Steve Prekas
3 Warden Circle
Newburgh, NY 12550

TGS Associates, Inc.
RD 3 Box 255
Red Hook, NY 12571

Robert P. Babcock Liv. Trust w/ Robert P.
Babcock or Catherine J. Babcock Trustees
324 Station Rd.
Rock Tavern, NY 12575

Steve Prekas
C/o ACSIS Foods, Inc.
P.O. Box 212
Vails Gate, NY 12584

S & S Properties, Inc.
123 Quaker Road
Highland Mills, NY 10930

Catherine J. Babcock Liv. Trust w/ Robert
Babcock or Catherine J. Babcock Trustees
324 Station Rd.
Rock Tavern, NY 12575

Albany Savings Bank
94 Broadway
Newburgh, NY 12550

Dept PT-NY24109-02
P.O. Box 25025
Glendale, CA 91201-5025

Kelly Family Partnership
P.O. Box 38
Vails Gate, NY 12584

R& S Foods, Inc.
249 North Craig Street
Pittsburgh, PA 15213

West Point Tours, Inc.
P.O. Box 125
Vails Gate, NY 12584

National Temple Hill Assoc. Inc.
P.O. Box 315
Vails Gate, NY 12584

NYS Dept. of Transportation
Office of the State Comptroller
A.E. Smith Office Building
Albany, NY 12236

Colleen J. Bernhardt
P.O. Box 407
Vails Gate, NY 12584

Graciano B. Duarte
60 Blueberry Drive
Woodcliff Lake, NJ 07675

John Grana
P.O. Box 317
Vails Gate, NY 12584

Jean C. Boneri
Box 526
Vails Gate, NY 12584

Rte 300 Associates
C/o John Yanaklis
550 Hamilton Ave
Brooklyn, NY 11232

Primavera Properties, Inc.
P.O. Box 177
Vails Gate, NY 12584

Helen Simonson
Box 486
Vails Gate, NY 12584

Ella Brewer
Box 527
Vails Gate, NY 12584

Beatrice Deyo
Hannah Marie & Lawrence
Arthur Scherf
P.O. Box 293
Vails Gate, NY 12584

House of Apache Properties, LTD
C/o Herbert Slepoy
104 S. Central Ave
Valley Stream, NY 11580

Wilbur & Mary E. Brewer
P.O. Box 610
Vails Gate, NY 12584

Central Hudson Gas & Electric Corporation
284 South Ave
Poughkeepsie, NY 12601

Hughes Terry Scott
18 Ellison Drive
New Windsor, NY 12553

Jay K. Ernst
2465 Palisades Ave
Apt. #E
Bronx, NY 10463

Franchise Realty Interstate Corp.
C/O Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519

Gardner Plus 3
104 So. Central Ave
Valley Stream, NY 11580-5461

Walter Brewer
P.O. Box 293
Vails Gate, NY 12584

Fred Gardner
Andrew & William & Jacqueline Slepoy
104 S. Central Ave
Room 20
Valley Stream, NY 11580-5461

DB Companies DBA
DB Mart Convenience Stores
P.O. Box 9471
Providence, RI 02940

Mary McMillen
P.O. Box 153
Vails Gate, NY 12584

Property Tax Department
P.O. Box 290
Dallas, TX 75221

Russell A. Jr. & Ruth Ann Brewer
Box 103
Vails Gate, NY 12584

Helen & Ida Mae & Michael Brewer
P.O. Box 293
Vails Gate, NY

Samuel Leonardo
7 Dogwood Hills Road
Newburgh, NY 12550

Pls. publish asap. Send bill to: ~~Steven Arthur Paras~~ C/o Allstate.
357 Windsor Highway, N.W.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 44

Request of VGR Assocs./Allstate Insurance

for a VARIANCE of the Zoning Local Law to Permit:

location of facade sign on building in shopping plaza
depicting Allstate Insurance as a tenant;

being a VARIANCE of Section 48-18 - Supplemental Sign Regs. -

for property situated as follows:

Route 300, Price Chopper Plaza, New Windsor, N.Y.

known and designated as tax map Section 69, Blk. 1 Lot 6.

PUBLIC HEARING will take place on the 2nd day of November, 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Bankhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-44

Date: 9/27/99

I. Applicant Information:

- 212-249-1550 (a) VGR Associates Inc PO Box 334 Lenox Hill Station NY 10021
(Name, address and phone of Applicant) (Owner)
- 914-569-1267 (b) Arthur M Pans P O B 867 Vails Gate NY 12554
(Name, address and phone of purchaser or lessee)
- 914-561-773 (c) Frank Rich Esq 19 Oak Lane New Windsor NY 12553
(Name, address and phone of attorney)
- 914-561-5561 (d) Mid Hudson Mason 32 Lenox St New Windsor NY 12553
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
 Area Variance Interpretation

III. Property Information:

- (a) Commercial 115 Temple Hill or Prime City, PA Plaza New Windsor NY (69-1-6) / 1080 Sq Feet
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1987
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

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

See attached

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only
** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-187413 Sign Regs.

	Requirements	Proposed or Available	Variance Request
Sign 1	1. P.C. one sign <u>permitted</u>	<u>illuminate 3x6</u>	<u>(additional sign on facade)</u>
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____

✓ (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

See P.H.P.C. new

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

73 S.F. est 12/14

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

**RETAKE
OF
PREVIOUS
DOCUMENT**

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18-41B Sign Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	1- FFC pane sign permit non-illuminated 3x6		(additional sign on FFC pane)
Sign			
Sign 3			
Sign			

✓ (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

See FFC pane

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

73 S.F. est 125sq

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

_____ See p 1/12/11

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: _____

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

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X

(Applicant)

Sworn to before me this
____ day of _____, 19____.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

LEASE SPECIFICATIONS

A. Execution Date of Lease: 6/3/98

B. Landlord:

Name: V.G.R. ASSOCIATES, LLC
Address: 40 East 69th St.
City, State Zip: New York, NY 10021
Phone #: (212) 249-1550
Fax #: (212) 249-5451
E-Mail: Rgplaw@aol.com
Contact: Louis James
Entity Type: New York LLC

LEASE

C. Tenant:

Name: STEVEN P. PHILLIPS D/B/A PHILLIPS AGENCY
Address: 24 Academy Ave.
City, State Zip: Middletown, NY 10940
Phone #: (914) 343-5542
Fax #: (914) 343-8984
E-Mail: phillag@warwich.net
Contact: Steven P. Phillips
Entity Type: Individual
Tax ID: 060-66-7162

Billing Address: Same as above
Contact: Steven P. Phillips

C 1 Undertenant ARTHUR N PARAS ALLSTATE INSURANCE COMPANY PO BOX 867 VAILS GATE
NEW YORK 12584

D. Shopping Center:

Name: PRICE CHOPPER PLAZA
City: New Windsor
County: Orange
State: New York

E. Premises:

Approximate Width (in Feet): 27
Approximate Length (in Feet): 40
Approximate Area (in Square Feet): 1,080

F. Use: Operating an insurance office

G. Commencement Date: The term of this Lease shall commence (the "Commencement Date") on June 1, 1998.

The term "Lease Year," as used in this Lease, shall mean the following: the first Lease Year shall be the twelve (12) month period commencing on the Commencement Date if the Commencement Date is the first day of a month, or if the Commencement Date is not the first day of a month, then the first Lease Year shall run from the Commencement Date through the end of the twelfth (12th) full calendar month next succeeding the Commencement Date; and, each succeeding twelve (12) month period after the first Lease Year shall be a Lease Year.

IN WITNESS WHEREOF, this Lease has been duly and properly executed this 3 day of JUNE, 1998.

WITNESSES

Carole B...

LANDLORD:
V.G.R. Associates, LLC

Jonathan P. Rosen
By Jonathan P. Rosen
As its Manager

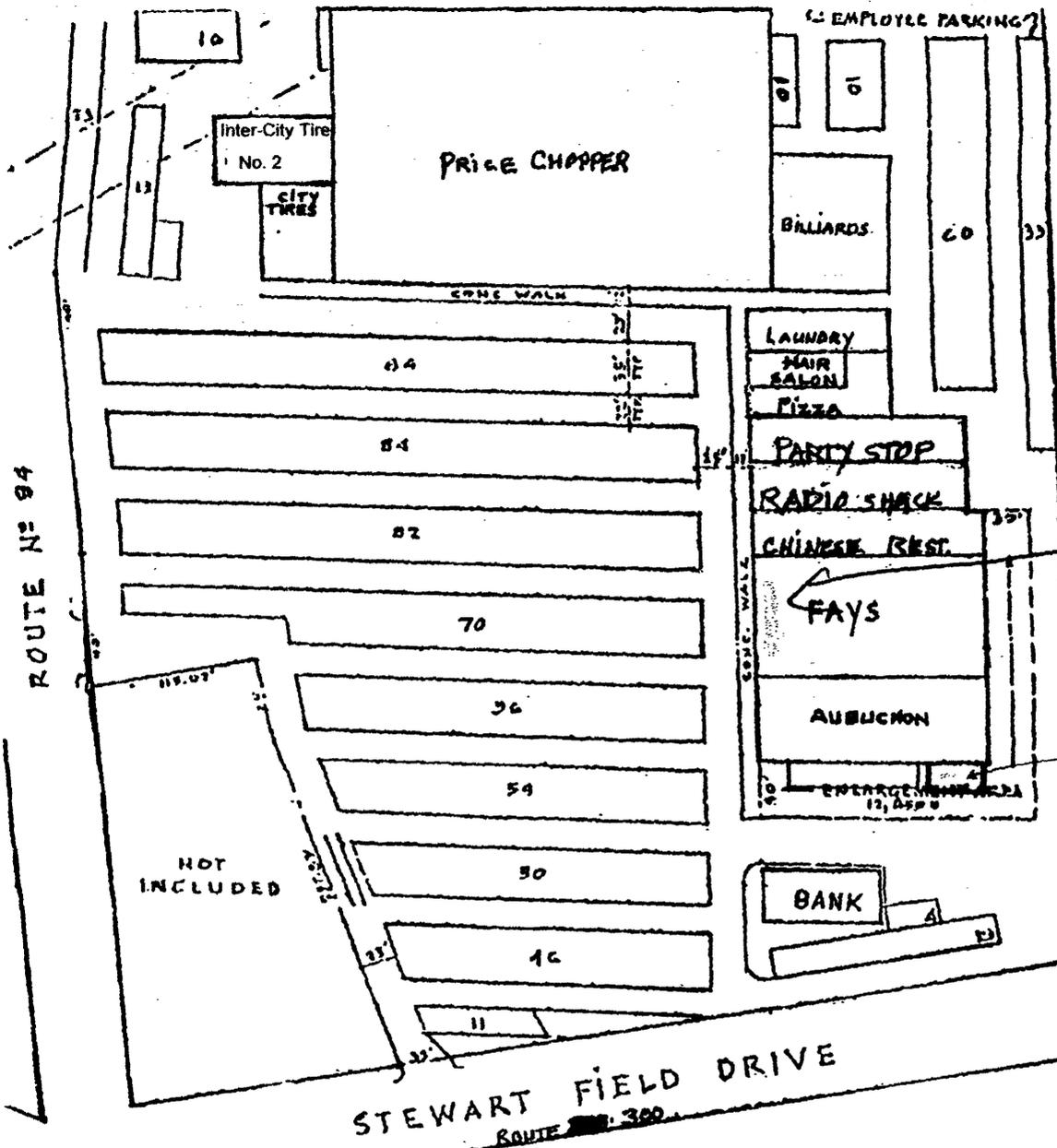
WITNESSES

Robert Wylif

TENANT:
Steven P. Phillips d/b/a Phillips Agency

Steven P. Phillips
By Steven P. Phillips

EXHIBIT A



Proposed
519
519

PREMISES

VAILS GATE SHOPPING CENTER

ROUTE # 32

SECTION IV ARTICLE B

AS DESCRIBED IN OUR ORAL TESTIMONY AT THE PRELIMINARY HEARING GRANTED US ON SEPTEMBER 27, 1999. Since we relocated our Insurance office from Windsor Highway after TWENTY SEVEN YEARS. (OCTOBER 1, 1998) My existing customers who number over 2200 have been complaining to me of the difficulty they have in locating my new office. 65% of my customers are Senior Citizens, and it is this portion of my customers that I am concerned about. I provide various services to them besides their Insurance needs. Also since the first of the year up until September 1 of this year my new business customers have fallen off well over 65%, (document provided to your Board with the application. I rely on this new business to sustain my operation since historically I lose 10% of my customers a year due to relocation, death or price pressured cancellations. I also provide gratus Notary Public FUNCTIOnS to the residents in the Community. Local Banks who no longer have a Notary Resident have been directing these people to my office, and here again these people have a problem once they enter the Price Chopper Mall from Rte 94 in finding my office. I am County Chairman of the Selective Service Draft Board and periodically representatives of the Military, and various other Draft Boards have a problem finding my office.

In trying to ALLEVIATE THIS PROBLEM at a considerable expense I have taken 6 months advertising on the New Windsor Cable TV Network , as well as Newspaper Ads, I have had three book of business mailings. The Major setback is that the new 911 rules required us to indentify my office as in the PRICE CHOPPER MAILL, but once they enter the Mall they cant find my office, since I am in the rear side of the Complex. I have the assurance of the Onwers of the Mall, that I would have first option if any vacancies occur in the main fron stores. However in the interim period I continue to suffer this hardship

In the Matter of Application for
Sign Variance (VGR associates/ALLSTATE)

Section VI. article B.

Please see Composite of proposed sign. Dimensions are three feet in height by eight feet in length(can be reduced to six feet if necessary) NON ILLUMINATED

It will have a Blue background and the letters along with an arrow showing the direction to our office in the rear will be White. This sign will conform with existing signs, we have contacted the local Merchants who have no objections. Fays Drug Store who rents the portion of the facade that our sign will be installed(if approved) has also given us permission. Our Company is a fortune 500 Corporation, and we also feel this advertising will help the Mall in general by bringing in new customers, who otherwise might go to another location. Our Existing sign, one on rte 207 is partially concealed by a large tree on the West side of Rte 300 when office was opened we were constrained in installing our sign due to the location of the Power outlet and existing pole. Quite frankly no other mall in the area has this problem since Most Malls erect an indentifying marquis at the main entrance indentifying the tenants. I come to your board to seek releif in this matter. As we testified at the preliminary hearing, I have been in business in this Community over 40 years, my parents are buried at Woodlawn cemetary, the reason I emphasize my background it to focus on the fact that I am not coming to your Board to seek a variance that would detract from the neighborhood, I come to your board to seek redress for a rare problem. Specifically, my immediate neighbor AUCHOBON HARDWARE has indentifying signs on both sides of the mall, the square footage is actually 4 times greater than our total proposal. We would not be harming any other tenant or neighbor we would only be accomodating residents in the community who seek to located my office.

In ther matter of application
for a sign variance (VRG ASSOCIATES
ALLSTATE)

Section VIII Article (a)

We have contacted MID-HUDSON Neon INC. a local firm to install and erect our proposed sign. It will not clash with existing signs since it will be the same coloration, will not be illuminated will be properly installed with all safeguards as to durability and propey support. Our final comments are that it never occured to us when we signed the lease that we would be constrained from installing a sign on the main facade of the Mall since we are BONA_FIDE tenants, we share in all of the taxes, maintenance of the plaza. I myself served as Chairman of the Planning Board for many years in Chester and when the Community was zoned it allowed all tenants to install marquis signs. This rare problem can only be releived by yor board which historically corrects inequities in the Zoning Board.

cc. Mr Frank Rich Attorney
Mid Hudson Neon Inc.
VGR Associates Inc.

*Cont
in core
Verify with*

PSAC3455
REPORT NUMBER A300

AGENT INCOME PROGRESS REPORT
2COMPENSATION BY AGENT(POST)

SEQUENCE CODE 3933
COMPENSATION DATE 09/1999

ZONE 5 REGION 010-019 TSM 4 MSM 46 DAVID SIMONS SALES LOCATION 2E5 AGENT NUMBER 41 11116
NAME PARAS, ARTHUR CLASS L CONTRT/CONVERSION 05/1964 COMP STATUS 80-R3001 NBRHD AGENT

QTR.

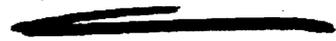
PSAC3455
REPORT NUMBER A300

AGENT INCOME PROGRESS REPORT
1COMPENSATION BY AGENT(PRE)

SEQUENCE CODE 3932
COMPENSATION DATE 09/1999

ZONE 5 REGION 010-019 TSM 4 MSM 46 DAVID SIMONS SALES LOCATION 2E5 AGENT NUMBER 41 11116
NAME PARAS, ARTHUR CLASS L CONTRT/CONVERSION 05/1964 COMP STATUS 80-R3001 NBRHD AGENT

NEW COMP(1)	AUTO (5)		LIFE (6)		ENTERPRISES (7)		CASUALTY (8)		TOTAL *	PRODUCTION * ALLOWANCE	CAREER SUPPLEMENT * COMP	AGENT COUNT
	COMP	%	COMP	%	COMP	%	COMP	%			%(4)	
1ST QUARTER	299.44	87.4	1.08	.3	.00	.0	41.90	12.2	342.42 *	.00	.00	1.00
PRIOR YR.QTR.	2261.32	70.5	280.35	8.7	20.98	.7	643.05	20.1	3205.70 *	582.20	.00	1.00
2ND QUARTER	601.17	89.9	120.81	18.1	.00	.0	53.00	7.8	668.98 *	.00	.00	.33
PRIOR YR.QTR.	2877.65	75.1	.00	.0	.00	.0	951.90	24.9	3829.55 *	677.54	.00	1.00
JULY	367.34	75.6	111.30	22.9	.00	.0	7.45	1.5	486.09 *	.00	.00	1.00
AUGUST	6.00	1.4	130.30	31.1	251.28	59.9	31.60	7.5	419.18 *	.00	.00	1.00
SEPTEMBER	319.57	80.4	.00	.0	.00	.0	77.73	19.6	397.30 *	.00	.00	1.00
3RD QUARTER	692.91	53.2	241.60	18.5	251.28	19.3	116.78	9.0	1302.57 *	.00	.00	1.00
PRIOR YR.QTR.	5253.40	80.1	.00	.0	.00	.0	1304.62	19.9	6558.02 *	724.47	.00	1.00
YEAR TO DATE	1593.52	68.9	363.49	15.7	251.28	10.9	105.68	4.6	2313.97 *	.00	.00	.78
PRIOR YR.YTD	10392.37	76.5	280.35	2.1	20.98	.2	2899.57	21.3	13593.27 *	1984.21	.00	1.00



*Arthur Miller
From L.A. 9/1/99*

AUGUST 31, 1999

ARTHUR N PARAS EXCLUSIVE AGENT/LEASEE
ALLSTATE
AGENT STEVE PHILLIPS
115 TEMPLE HILL ROAD
VAILS GATE NY 12584

TO WHOM IT MAY CONCERN:

I GIVE PERMISSION TO MID HUDSON NEON NEON, 32 WALNUT STREET,
NEW WINDSOR NY 12553 TO OBTAIN APERMIT FOR MY ALL STATE SIGN.

PROPERTY OWNER SIGNATURE

Arthur Miller

For owners of VGR Associates Inc.

THANK YOU

ARTHUR MILLER
MID HUDSON NEON
32 WALNUT STREET
NEW WINDSOR NY 12553

*Sumner (P) me
9/1/99
Arthur Miller*

ARTHUR N PARAS
Notary Public State of New York
No. 0072850
Commission Expires 09/01/2001

Date 10/19/99, 19.....

TOWN OF NEW WINDSOR

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

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

TO DR.

DATE		CLAIMED	ALLOWED
2/1/99	Zoning Board Mtg	75 00	
	Misc - 2		
	Aldridge - 3		
	VGA Assoc. - 5		
	Maurice - 3		
	Jennings - 6		
	Johnson - 5		
	Ryan - 4		
	TLAS Assoc. - 13		
	Gateway-Industrial Park - 4	802 50	
	<u>45</u>	<u>277 50</u>	

VGR ASSOCIATES/ ALLSTATE

MR. TORLEY: Request for facade sign in variation of Section 48-18H(1)(b) of Supplemental Sign Regulations at Price Chopper Shopping Plaza in Vails Gate in a C zone.

Frank Rich, Esq. and Mr. Arthur Paras appeared before the board for this proposal.

MR. PARAS: My name is Arthur Paras represented by Frank Rich of New Windsor. I'm going to give you an overview of my problem and Frank will focus on the hardship. I have been with Allstate 35 years in New Windsor, October of last year, I was downsized and I opened up a new office in the Price Chopper Plaza. Problem is in being around so long, most of my insurers are senior citizens, they cannot find me and I'm on the cable, I sent them letters and Frank will confirm what the problem is, we're not as, you come in on both sides of 94, we have no identification of my office. We have a sign on north and south, forgive me, east and west of 207 and one side, excuse me, Temple Hill Road, excuse me, and that part is obscured by the tree. We were restricted on putting the sign up there because that's where the Central Hudson has the post. I'd like to say a little bit about myself. I was Master of the Encampment when we put up the New Windsor Cantonment. I'm proud of that. I have always been active in the affairs in New Windsor. For ten years, I sponsored the Fire Prevention Week at Stewart Field. I'm a former planning board official for the County. I served five years with the County and I know what the problem is and I have a hardship here and I'd like if Frank can focus on my final thing is I'm a licensed notary public and I offer my services to all the banks. All the kids in New Windsor have to certify that they are residents to go to college and they have been sending them all, I don't charge them, they can't find me, so as a activists for the community, I'm having a problem doing something like that. Frank, could you give them my--

MR. RICH: I don't know that it's clear from what Mr. Papas was saying.

MR. PAPAS: You have the official pictures.

MR. RICH: Mr. Paras is self-employed, so this is not an application by the Allstate Insurance Company for the application, a contractor whose business has been affected by the fact that he does not have any kind of a sign indicating his presence at the Price Chopper Plaza. The address is Price Chopper Plaza. Now, if you come in to Price Chopper Plaza and come in off Route 94, there's no sign and there's no way for any of them to find the Allstate office where they can pay their insurance premiums and because of the age of most of his clients, they insist on paying in person. They don't want to put it in an envelope and mail it. And when they come in, they can't find him. So there's a sign on what would be the south side of Temple Hill Road indicating the Allstate office, but there's nothing on the left side of the plaza. Now, an application was made for a sign to be put on the facade on the west side of 94 and it was denied on the ground that only one facade sign for each business is permitted in the located area. Actually, that isn't quite true because one of the largest tenants is Aubuchon and they have a sign as you may see from the photographs, not only on the west, but on the south side. And in addition, no one has voiced any objection. We all seem to be in agreement that it's almost impossible for the Allstate office, if you come into Price Chopper from Route 94 or if you come in without seeing the sign on Temple Hill Road. Now, also, because people do retire, they do get old and sometimes they pass away, it's important in order to stay in business, that new business be constantly, new clients be found, and these new people don't know where it is and they can't see. There's complaints that come in to Mr. Paras which are we were there, we couldn't find you. So it would seem that if not only for Mr. Paras' preservation as far as his business is concerned and for the benefit of the elderly people there should be a sign on the west side of the plaza that indicates an arrow as is depicted in the photograph indicating where the Allstate office might be located. And this would be the sign and of course--

MR. PARAS: Consistent with the existing sign, it's

going to be blue and white, we want all the tenants and they have no objection, it's going to be consistent with the current sign, which is the 1-800-MATTRESS and drugstore, so basically, it's going to conform as far as the aesthetics and no one has an objection, we canvassed all the tenants there.

MR. TORLEY: Where is it you want to put the sign replacing this one?

MR. PARAS: Notice on Exhibit number 4, it's between the mattress, that's where it's going to go.

MR. TORLEY: This is a sign on the actual facade of the building?

MR. RICH: Yes, and this is the section of a facade where there's nothing and there's nothing.

MR. KANE: Michael, as a business, aren't they allowed to have one facade sign?

MR. BABCOCK: Where their business is behind the bank, if you're standing on Temple Hill Road, their business is by Aubuchon, behind the bank, they want to put a sign out by Eckerds already have a sign that has Allstate, they want to put another sign out by Eckerds Drugs.

MR. KANE: This is not over your existing building?

MR. BABCOCK: Out between Eckerds and maybe beds is where they want to put the sign.

MR. TORLEY: And you said the sign shows the arrow goes around the corner.

MR. RICH: That's all we want. If you're looking for Allstate, you have to go around.

MR. KANE: If it was permitted as far as the facade, the sign that they are showing I see meets the regulations at that point, if they are permitted extra facade.

MR. BABCOCK: Yes, what I'm saying since it's over 200 feet from the road, he's allowed a 3 1/2 foot high sign by 6, he's proposing a 3 x 6 sign so what I'm saying is he needs a variance for the whole sign.

MR. KANE: Proposing 3 x 6?

MR. RICH: Actually 3 x 6 but 3 x 6 is more than adequate.

MR. TORLEY: Is this going to be illuminated?

MR. RICH: No, no.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. RICH: I want to say if there's a schematic showing this.

MR. KANE: This is a preliminary hearing.

MR. TORLEY: Just so you can, we're going to come back, everything that this board does has to be by public hearing, so nobody gets surprises at a public hearing, particularly, you guys.

MR. KANE: I move we set up the VGR Associates for a public hearing on the requested variance.

MR. MCDONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. PARAS: I can get letters from my, I can get a bunch of letters.

MR. TORLEY: No, we need, Andy, what proxy does he need from the owners of the shopping center?

September 27, 1999

9

MR. PARAS: We already have permission to do it.

MR. KRIEGER: Yes, but you'll have to, we have to establish a record for that, so you'd probably need a proxy.

MR. PARAS: Okay.

Arthur Paras
Exclusive Agent
Price Chopper Plaza
P.O. Box 867
Vails Gate, NY 12584
Bus: 914-569-1264
Fax: 914-569-1147

Rec'd. ZBA
9/9/99 (PAB)

Agenda: 9/27/99

Allstate
You're in good hands.

cc: B.G.

September 8, 1999

Chairman
Town Of New Windsor
Zoning Board of Appeals

Dear Sir:

The Mid-Hudson Neon Inc. on our behalf, applied for a permit with the New Windsor Building Inspectors office to instal a sign on the front facade of the Price Chopper Plaza Building, in which we are tenants under Lease agreement.

Our request was denied. At this time we respectfully request a Hearing with your Board of Appeals in order to present our important facts in order to obtain a variance, our grounds are Financial Hardship and other pertinent factors that we beleive could be considered in our request.

Please advise when your Board could have us present our request.

Very Truly Yours,

Arthur N. Paras
Steven P Phillips (Co-Leasers)



CC/Mid Hudson Neon Inc.
Building Inspector Town of New Windsor
Francis Rich Attorney at Law

ANP:s