

ZB# 06-53

Moroney's Cycles

4-1-9.22 & 9.23

06-53

MORONEY'S CYCLES (Patrick)
833 UNION AVE (AREA) (SHAW)
(4-1-9.22 & 9.23)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 11-13-06

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 4-1-9.22 & 9.23

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

MORONEY'S CYCLE SHOP

AREA

CASE # (06-53)

WHEREAS, Gregory Shaw, P.e. represented the , owner(s) of 4-1-9.22 & 9.23, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

3.365 Acres Minimum Lot Area
46 ft. Side Yard Setback
62 ft. Total Side Yard Setback
50 Parking Spaces

20 ft. Rear Yard Setback
12 ft. Building Height
0.4% Developmental Coverage

For proposed New 4,950 s.f. building on Union Ave. (Rt. 300) in a C Zone (4-1-9.22 & 9.23)

WHEREAS, a public hearing was held on November 13, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Gregory Shaw, P.E. who appeared on behalf of this Application; and

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

WHEREAS, no one spoke in favor of 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 published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:

- (a) The property is a commercial property located on a busy multi-lane commercial highway in an C zone.
- (b) The applicant seeks to construct a building on its property to assist it in motorcycle sales.
- (c) In constructing the building, the applicant will not remove any trees or substantial vegetation.
- (d) In constructing the building the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In constructing the building the applicant will not create the ponding or collection of water or divert the flow of water drainage.

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 requested variance(s) 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 that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) 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/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

3.365 Acres Minimum Lot Area
46 ft. Side Yard Setback
62 ft. Total Side Yard Setback
50 Parking Spaces

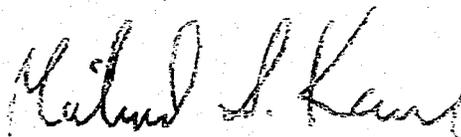
20 ft. Rear Yard Setback
12 ft. Building Height
0.4% Developmental Coverage

For proposed New 4,950 s.f. building on Union Ave. (Rt. 300) in a C Zone (4-1-9.22 & 9.23) 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/or Building Inspector and Applicant.

Dated: November 13, 2006



Chairman

Applicant: Patrick Moroney

In 1993 Moroneys Cycle Shop made application to the Zoning Board of Appeals for selected Area Variances. At that time the property was located in the C Zone (Design Shopping) which as a Retail Use required a Minimum Lot Area of 40,000 SF along with associated setbacks from property lines. On October 25, 1993 the Zoning Board of Appeals granted 4 Area Variances for Moroneys Cycle Shop for Side Yard Setback-One, Side Yard Setback-Both, Building Height, and Parking Spaces. In the Years following the granting of these Variances, New Windsor created in their Zoning Ordinance a classification of Motor Vehicle Sales, which by their new definition included motorcycles. This new classification requires a Minimum Lot Area of 5 acres along with associated setbacks from property lines commensurate the larger lot area. Thus, the need for 7 Area Variances from the Zoning Board of Appeals.

James Moroney owns a 1.076 acre of land on Union Avenue which is the home of Moroneys Cycle Shop. Immediately north of Moroneys Cycle Shop is a 0.559 acre parcel which is owned by Patrick Moroney. It is the Moroney family's intention to merge the two parcels into one 1.635 acre parcel and to construct a 4,950 SF building on the northerly portion of the combined parcel. This building would be used for certain manufacturer lines such as Honda and Suzuki that presently operate out of the Moroneys Cycle Shop building. As the majority of the 0.559 acre parcel is surfaced with macadam pavement, the new site improvements will solely consist of 23 parking spaces and site lighting.

The construction of this proposed 4,950 SF building will require the following 7 Area Variances:

<u>Variance</u>	<u>Required</u>	<u>Provided</u>	<u>Variance Req'd</u>
1. Min. Lot Area	5.0 acres	1.635 acres	3.365 acres
2. Side Yard Setback-One	50 feet	4 feet	46 feet
3. Side Yard Setback-Both	100 feet	38 feet	62 feet
4. Rear Yard Setback-Both	50 feet	30 feet	20 feet
5. Maximum Building Height	18 feet	30 feet	12 feet
6. Development Coverage	85%	85.4%	0.4%
7. Parking Spaces	93 spaces	43 spaces	50 spaces

The need for Variances 1 through 5 is a direct result of New Windsor revising the Zoning Ordinance to increase the Minimum Lot Area from 40,000 SF to 5 acres (217,800 SF), along with the associated setbacks. The fact that New Windsor changed the Zoning to make the property non-compliant does not mean that there will be a change in the character of the neighborhood, nor will there be an adverse impact on the physical or environmental conditions in the neighborhood. Because the adjacent parcels are owned by other property owners and because the subject two parcels abut the NYS Thruway, the statement can be made that there is no other feasible method for the Applicant to pursue other than the Area Variances. The need for the 5 Variances

was not self-created, as they resulted from the revised Bulk Requirements for a Motor Vehicle Sales facility.

Development Coverage represents the surface area of the lot that is covered by buildings, parking areas, accessory structures, and any impervious materials. Because the Development Coverage for the site will not be increased with the construction of the new building, Variance No. 6, Development Coverage, can be considered an Existing Non-Conforming Condition. As it has been the Zoning Board of Appeals policy to request a Variance for non-conforming conditions such as this, this Variance and Variance No. 7 have been incorporated into the Application.

The same argument of an Existing Non-Conforming Condition can be made for Variance No. 7, Required Parking Area. Presently at the site there are 20 parking spaces, and based upon the present use of the property, 71 spaces are required. This results in an existing deficiency of 51 parking spaces. It must be noted that a Parking Area Variance for 26 spaces was granted by the Zoning Board of Appeals in 1993. The construction of the new 4,950 SF building will require 22 new parking spaces, and the development of the site will generate 23 additional spaces. Thus the deficiency in parking spaces will not be increased. Actually, the existing deficiency will decrease by 1 parking space after the combination of the two parcels, and the creation of the 23 new parking spaces.

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

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 06-23

DATE: 7-7-06

APPLICANT:

Patrick J. Moroney
833 Union Avenue
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 6-2-06

FOR: SITE PLAN

LOCATED AT: 833 Union Avenue

ZONE: C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 9.22 & 9.23

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Lot Area, Side Yard, Total Side Yard, Rear Yard, Building Height and Development Coverage Variances Required

TOWN OF NEW WINDSOR CODE: Bulk Tables

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

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # 06-23

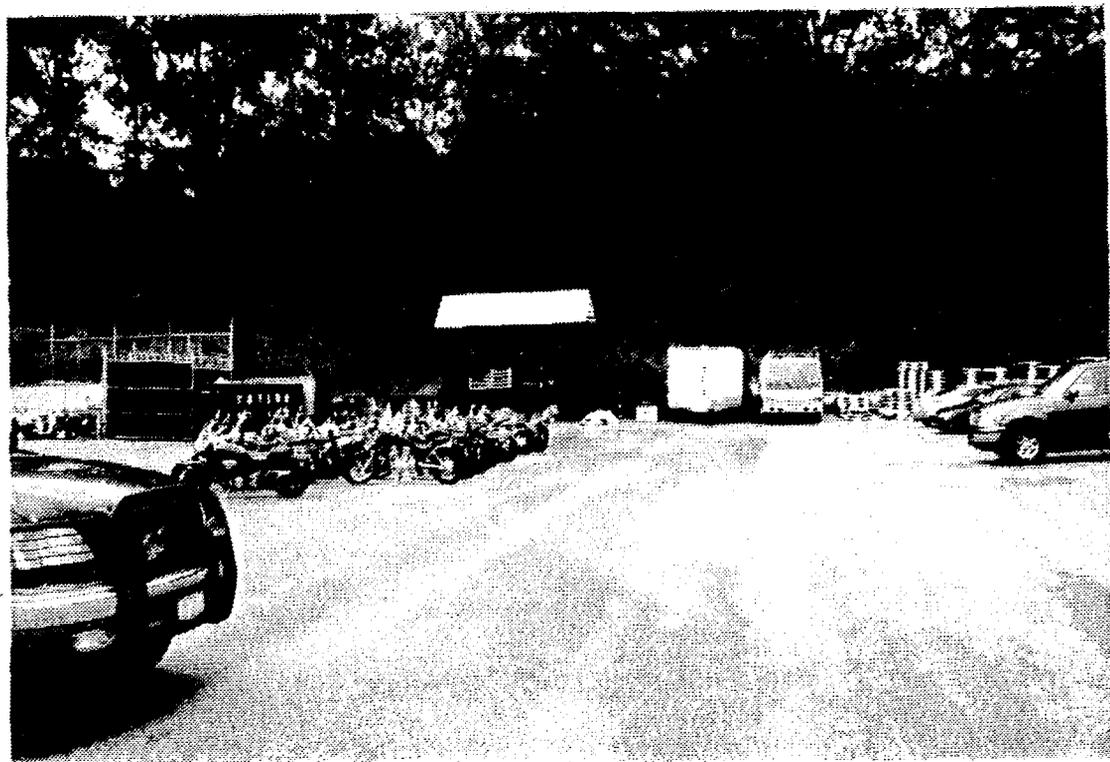
ZONE: C

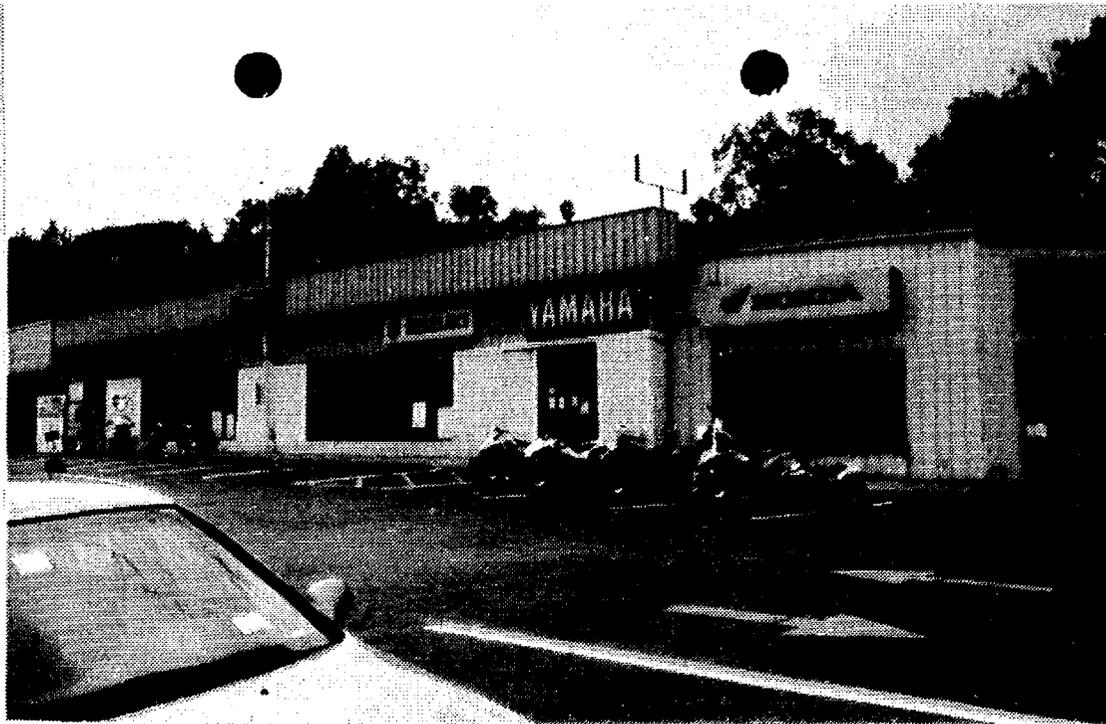
USE: A-15

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	5 Acres	1.635 A	3.365 A
MIN. LOT WIDTH	200 ft.	298 ft.	-
REQUIRED FRONT YARD	100 ft.	69 ft.	Pre-existing for front building only
REQUIRED SIDE YARD	50 ft.	4 ft.	46 ft.
REQUIRED TOTAL SIDE YARD	100 ft.	38 ft.	62 ft.
REQUIRED REAR YARD	50 ft.	30 ft.	20 ft.
REQUIRED FRONTAGE	50 ft.	300 ft.	-
MAX. BLDG. HT.	18 ft.	30 ft.	12 ft.
FLOOR AREA RATIO	n/a	-	-
MIN. LIVABLE AREA	n/a	-	-
DEVELOPMENTAL COVERAGE	85%	85.4 %	0.4 %
O/S PARKING SPACES	93 spaces	43 spaces	50 spaces

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

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







**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 04-17-07
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 352.33 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-53

NAME & ADDRESS:

**JIM MORONEY'S INC.
833 UNION AVENUE
NEW WINDSOR, NY 12553**

THANK YOU,

MYRA

L.R.04-17-07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-53 TYPE:AREA TELEPHONE: 561-3695

APPLICANT:
Patrick Moroney
833 Union Avenue
New Windsor, Ny 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>54474</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK #54475



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	\$ <u>35.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>

LEGAL AD: Publish Date:10-31-06 \$ 14.67

TOTAL: \$ 77.67 \$ 70.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 147.67

AMOUNT DUE: \$ _____

REFUND DUE: \$ 352.33

Cc:

L.R. 04-17-07

RECEIVED

DEC - 8 2006

TOWN OF NEW WINDSOR
CONTROLLER'S OFFICE

PUBLIC HEARING NOTICE
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 on the following Proposition:

Appeal No. 06-53
 Requested: **MORONEY'S CYCLE SHOP** being a **Commercial** Use Permitting Local Law to Permit:

Request for:

- 3,200 Square Feet of Lot Area - 12 ft. Rear Yard Setback
- 46 ft. Side Yard Setback 12 ft. Building Height
- 62 ft. Total Side Yard Setback 0.4% Developmental Coverage
- 50 Parking Spaces

For proposed New 4,950 s.f. building on Union Ave. (Rt. 300) in a C Zone (4-1-9.22 & 9.23)

PUBLIC HEARING will take place on NOVEMBER 13, 2006 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

Michael Kane, Chairman

State of New York
 County of Orange, ss:
 Patricia Quill being duly sworn disposes and says that she is The Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc. Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper,

17 commencing on the 31 day of Oct A.D., 2006 and ending on the 31 day of Oct A.D. 2006

Patricia Quill

Subscribed and shown to before me this 30th day of Nov, 2006

Deborah Green
 Notary Public of the State of New York
 County of Orange.

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 # 4964066
 Commission Expires July 15, '07

My commission expires _____.



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
11/17/2006	8470

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

DEC - 8 2006

JMM

P.O. No.	Terms	Project
47031	Due on receipt	

Issue Date	Description	PCS/Units	Amount
10/31/2006	LEGAL ADS: MORONEY'S CYCLE SHOP APPEAL NO. 06-53	10.67	10.67
	1 AFFIDAVIT	4.00	4.00
Total			\$14.67

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218



RESULTS OF ZONE MEETING OF: November 13, 2006

PROJECT: Patrick Murray ZBA # 06-53
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) 10 S) 6 VOTE: A 5 N 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y N _____

Large empty rectangular box for additional notes or signatures.

November 13, 2006

MORONEY'S_CYCLE_SHOP_(06-53)

Mr. Gregory Shaw appeared before the board for this proposal.

MR. KANE: Request for 3,365 acres minimum lot area, 46 foot side yard setback, 62 foot total side yard setback, 50 parking spaces, 20 foot rear yard setback, 12 foot building height and 0.4% developmental coverage for proposed new 4,950 square foot building on Union Avenue (Route 300). Anybody here for this particular hearing on Moroney's? Okay, you're on, Greg.

MR. SHAW: Thank you. Again, I'd like to read this into the record, please. In 1993, Moroney's Cycle Shop made an application to the Zoning Board of Appeals for selected area variances. At that time, the property was located in the C zone, designed shopping, which has a retail use, required a minimum lot area of 40,000 square feet along with associated setbacks from property lines. On October 25 of 1993, the Zoning Board of Appeals granted four area variances for Moroney's Cycle Shop for side yard setback-one, side yard setback-both, building height and parking spaces. In the years following the granting of these variances, New Windsor created in their zoning ordinance a classification of motor vehicle sales by which by their definition included motorcycles. This new classification requires a minimum lot area now of five acres along with associated setbacks from property lines commensurate with the larger lot area, thus the need for seven area variances from the zoning board of appeals. James Moroney owns 1.076 acres of land on Union Avenue which is the home of Moroney's Cycle shop. Immediately north of Moroney's Cycle Shop is a 0.559 acre parcel which is owned by Patrick Moroney. It is the Moroney family's intention to merge the two parcels into one 1.635 acre parcel and construct a 4,950 square foot building on the northerly portion of the combined parcels. This building would be used for certain

manufacturing lines such as Honda and Suzuki that presently operate out of Moroney's Cycle Shop building. As the majority of the 0.559 acre parcel is surfaced with macadam pavement, the new site improvements will solely consist of 23 parking spaces and site lighting. And then following that, I listed the seven variances that which is required and the variances we required, there's no need to go through them. The need for variances one through five which is minimum lot area, side yard setback-one, side yard setback-both, rear yard setback and maximum building height is a direct result of New Windsor revising the zoning ordinance to increase the minimum lot area from 40,000 square foot to five acres, along with the associated setbacks. The fact that New Windsor changed the zoning to make the property non-compliant does not mean that there will be a change in character of the neighborhood nor will there be an adverse impact on the physical or environmental conditions in the neighborhood. Because the adjacent parcels are owned by other property owners and because the subject two parcels abut the Thruway, a statement can be made that there is no other feasible method for the applicant to pursue other than an area variance. The need for five variances was not self-created as they resulted from the revised bulk requirements for the new motor vehicle sales facility. Development coverage represents the surface area of the lot that's covered by building, parking area, accessory structures and any impervious material. Because the development coverage for the site will not be increased with the construction of the new building, variance number 6 development coverage can be considered an existing, non-conforming condition. As it has been the Zoning Board of Appeals policy to request a variance for non-conforming conditions such as this, this variance and variance number 7 have been incorporated into the application. The same argument of an existing non-conforming condition can be made for variance number 7 required parking area. Presently at the site there are 20 parking spaces and based upon the present

use of the existing property 71 spaces are required. This results in the existing deficiency of 51 parking spaces. It must be noted that a parking area variance for 26 spaces was granted by the Zoning Board of Appeals in 1993. The construction of the new 4,950 square foot building will require 22 parking spaces and the development of the site will generate 23 additional spaces thus, the deficiency in parking will not be increased. Actually, the existing deficiency will be decreased by one parking space after the combination of the two parcels and the creation of the 23 new parking spaces.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the new sales office?

MR. SHAW: No. I would just like to point out that not only are we not taking down any vegetation, we're not even adding any macadam, it's there, we're going to be cutting out an area of the macadam to place the building, stripe the macadam area, put up site lighting and whatever else the planning board may require and that's it.

MR. KANE: So that will also answer the question as to whether we're creating any water hazards or runoffs?

MR. SHAW: There's not going to be any additional storm water.

MR. KANE: At this point, once again, I will open it up to the public and ask if there's anybody here for Moroney's hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On November 11, mailed out 11 addressed envelopes and had no response.

MR. KANE: Any easements running through the area where

November 13, 2006

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the new sales office is going?

MR. SHAW: No, not at all.

MS. GANN: Won't be any additional entryways into this new building?

MR. SHAW: No. As you ride passed and look at the facility now it's exactly what's going to be after the development, other than the construction of the two story building, that's the buildings that's going to be 70 feet by 40 feet.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Moroney's Cycle Shop as listed on the agenda of November 13 Zoning Board of Appeals meeting.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. SHAW: Thank you. Good evening.



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

October 3, 2006

Patrick Moroney
833 Union Ave.
New Windsor, NY 12553

Re: 4-1-9.22, 4-1-9.23 ZBA#: 06-53 (11)

Dear Mr. Moroney:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00 minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

3-1-15
PIARIA, INC.
36-25 23rd st. 1st floor
LONG ISLAND CITY, NY 11106

4-1-10, 4-1-12.2
NEWBURGH WATER SUPPLY
C/O CITY COMPTROLLER
CITY HALL
NEWBURGH, NY 12550

3-1-16
SANDRA & KEVIN PASON
26 SILVER STREAM RD.
NEW WINDSOR, NY 12553

3-1-17
KEITH &
ELIZABETH REINHOLD
36 SILVER STREAM RD.
NEW WINDSOR, NY 12553

3-1-19.1
PRIMERCORD REALTY LLC
470 LITTLE BRITAIN RD.
NEWBURGH, NY 12550

3-1-35
EDWARD HILL ENTERPRISES
PO BOX 1012
PORT EWEN, NY 12466

4-1-9.1
PMR PROPERTIES, LLC
843 UNION AVE.
NEW WINDSOR, NY 12553

4-1-9.21
THE CITY OF NEWBURGH
83 BROADWAY
NEWBURGH, NY 12550

4-1-9.24
FENELON PROP. INV.
600 RT. 46
CLIFTON, NJ 07015

4-1-9.3
EXXON MOBIL CORP.
PROPERTY TAX DIVISION
PO BOX 4973
HOUSTON, TX 77210-4973

4-1-9.4
INHALATION THERAPY CO.
600 RT. *46*
CLIFTON, NJ 07015

September 25, 2006

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MORONEY'S_CYCLE_SHOP_(06-53)

MR. KANE: Request for 3,365 acres minimum lot area, 46 foot side yard setback, 62 foot total side yard setback, 50 parking spaces, 20 foot rear yard setback, 12 ft. building height and 0.4% developmental coverage for proposed new 4,950 square foot building on Union Avenue in a C zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Moroney's Cycle Shop, I'd like to go back in time a little bit, 13 years ago in 1993, I came before this board and got the variances for an addition to a what is indicated on the drawing as existing building. We received all the necessary variances from this board and that addition was constructed. Mr. Moroney approached me and said listen, I want to put up another building, it's going to be relatively small, 40 x 70 feet, two story and what I have done I bought the parcel next to me which is about 100 feet, I want to merge it into the parcel that I have and build on that parcel. I said fine, you should be all set.

MR. KANE: To the right of the existing building?

MR. SHAW: Correct, to the north of it. And I spoke too soon because once I got into the zoning ordinance I noticed that since 1993, the Town created a classification in the C zone for motor vehicle sales establishments and they included in that definition motorcycles so where before Mr. Moroney was compliant with a one acre parcel now the Town moved up the minimum requirement to five acres and not only did that increase the five acres but they increased also the front yard setback, rear, side yard setbacks, et cetera, et cetera, so where he was compliant back in 1993 now he's not in compliance.

MR. KANE: Do you know when they changed that, Greg?

MR. SHAW: No, I don't know the exact year but with that now he has a whole host of variance tests that we did not think we had to deal with but now we do. So very simply, he wants to build a 2,800 square foot footprint building on that 100, on that 100 foot parcel which he's going to merge into the parent parcel, okay. So the composite parcel now is going to be about 1.635 acres for both pieces after they're merged and he wants to construct that building and also on that parcel he is going to construct 23 parking spaces, okay, which is more than what he needs for this particular building, all right, so it isn't like there's a deficiency on that, we're adding to it, we're more than taking into account in this plan what zoning requires for this building today. It's just that we cannot comply with the bulk requirements once the Town increased it from one acres to five acres.

MR. KANE: Talk to me about the 12 foot building height variance, how tall is the building going to be?

MR. BABCOCK: It's proposed to be 30 feet.

MR. SHAW: Thirty feet high.

MR. KANE: How much over the existing building is that now?

MR. SHAW: I don't know right now, I would, the existing building is two story also but it probably has a flat roof, so I would say 24 feet and that's not an exact number but if I had to pick a number that's probably it with the new building I believe that's where we're going to have a little bit of a pitch so it is going to raise the height.

MR. KANE: But it's going to be off the road and behind the other building to a degree?

September 25, 2006

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MR. SHAW: Correct, with the old C zone it was one foot of building height per one foot to the nearest lot line, now that's off the table with the new bulk requirements 18 feet period.

MR. KANE: Any further questions from the board?

MS. LOCEY: Where is the 4 foot?

MR. SHAW: That's existing on the south side, if you take--

MS. LOCEY: There's only, the building is only 4 feet from the property line?

MR. SHAW: Yeah, the existing building that's right here.

MS. LOCEY: Okay.

MR. SHAW: And that's the far end of the property from the new building.

MR. KANE: Mike, so the side yard setbacks that we gave them in '93 doesn't cover the--

MR. BABCOCK: Well, we're looking at this plan as new today so some of these variances may be duplicated by what was given in the past, we're just cleaning it up with this plan. The lot area, I mean, the motorcycle shop is there, clearly he wants to put another building there, now the zoning has changed like he said, I don't know when it changed myself but it's required that he has five acres, he's there already, he's just adding another building.

MR. KANE: It was already approved previously but since everything has changed we're going to get all the numbers corrected.

MR. SHAW: If you look at the right side of the schedule--

MR. TORPEY: But it's all one lot right now.

MR. BABCOCK: That's correct.

MR. SHAW: You'll see that listed, the variances that were granted back in 1993 by this board, okay, so that's just a little bit more information, you see the variances that we have so when you look at the variances that we're requesting some are not as large as they may be because we already had variances for a partial of that amount.

MS. LOCEY: Are all the requested variances for the existing building?

MR. SHAW: No, you have to take the site in its entirety such as the existing building on the south side is 4 feet from the property line, has nothing to do with our new building but because it's on the same piece of property it has to be in the variance request.

MR. BABCOCK: And the lot area has nothing to do with his new building, only the fact that he wants to build a new building and the minimum zoning is five acres now so it's just cleaning the parcel up.

MR. KRIEGER: I was a little confused about this business about acquiring adjacent parcel, it was done before, it's proposed to be done now?

MR. SHAW: No, what it is is the Moroneys operate on a parcel presently which is 1.0 acres, they purchased a parcel to the north that's 100 feet wide, that's about 6/10 of an acre. They're going to merge the two parcels together, we have an application before the planning board for a 1.6 acre parcel and on this 1.86

September 25, 2006

10

parcel we're proposing to build 4,950 square foot building on the northerly portion of the combined parcel.

MR. KANE: So when it's combined, these variances are going to make the whole site legal.

MR. SHAW: That's correct.

MR. KANE: If passed.

MR. BABCOCK: That's correct. If these lots are combined and he doesn't build a new building it only makes the lot better.

MR. KANE: Right, okay.

MR. LUNDSTROM: I will offer a motion, Mr. Chairman, that we schedule Moroney's Cycle Shop for a public hearing on the information that's presented in the agenda on September 25, 2006.

MS. GANN: I will second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: September 25, 2006

PROJECT: Moroney Cycles Shop ZBA # 06-53
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:
SCHEDULE PUBLIC HEARING: M) Lu S) G VOTE: A 5 N 0



GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#767-2006

09/22/2006

Jim Moroney's Inc.

Received \$ 150.00 for Zoning Board Fees, on 09/22/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 06-54



Town of New Windsor

ZONING BOARD OF APPEALS

WHAT TO DO NEXT.....

The Zoning Board of Appeals has just authorized a Public Hearing for your case.

If the Assessor's Office has **not** already contacted you to come in and pick up the Public Hearing List and pay the balance due for the list (see sample chart of cost for list below), they will call you as soon as the list is complete.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST THEN:
 - A. COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
 - B. BRING ENOUGH LEGAL SIZE ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
2. WHEN YOU COME IN TO PICK UP YOUR LIST, ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL. AT THIS TIME YOU WILL BE GIVEN ENOUGH NOTICES OF PUBLIC HEARING AND ASKED TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)

BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

Myra Mason,
Secretary to the ZBA

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 09-22-06

FOR: ESCROW 06-53

FROM:

Patrick Moroney
833 Union Avenue
New Windsor, Ny 12553

CHECK FROM:

JIM MORONEY'S INC.
833 UNION AVENUE
NEW WINDSOR, NY 12553

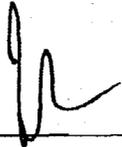
CHECK NUMBER: 54475

TELEPHONE: 564-5400

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME



DATE

9/22/06

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

August 3, 2006
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

Phone Number: () 564-5400
 James Moroney Patrick Moroney Fax Number: () 567-0848
 (Name)
 833 Union Avenue, New Windsor, NY 12553
 (Address)

II. Applicant:

Patrick Moroney Phone Number: () 564-5400
 (Name) Fax Number: () 567-0848
 833 Union Avenue, New Windsor, NY 12553
 (Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()
 Same as Applicant Fax Number: ()
 (Name)
 (Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number () 561-3695
 Fax Number: () 561-3027
 Gregory J. Shaw P.E.
 (Name)
 744 Broadway, Newburgh, NY 12550
 (Address)

V. Property Information:

Zone: C Property Address in Question: 833 Union Avenue
 Lot Size: 1.63 Tax Map Number: Section 4 Block 1 Lot 9.22 & 9.23

- a. Is pending sale or lease subject to ZBA approval of this Application? No
- b. When was property purchased by present owner? Oct. 26, 1971
- c. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

Describe proposal:

VII. 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 state any efforts you have made to alleviate the hardship other than this application.

**PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	5 acres	1.635 acres	3.365 acres
Min. Lot Width	200 feet	298 feet	--
Reqd. Front Yd.	100 feet	69 feet	pre-existing for front building only
Reqd. Side Yd.	50 feet/100 feet	4 feet/38 feet	46 feet/62 feet
Reqd. Rear Yd.	50 feet	30 feet	20 feet
Reqd. St Front*	50 feet	300 feet	--
Max. Bldg. Hgt.	18 feet	30 feet	12 feet
Min. Floor Area*			
Dev. Coverage*	85%	85.4%	0.4%
Floor Area Ration**	N/A	--	--
Parking Area	93 spaces	43 spaces	50 spaces

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. 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.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Refer To Attachment

**PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

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

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

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____

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

**PLEASE NOTE:
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SUBMITTAL.**

XII. 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 Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Refer To Attachment

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
- One in the amount of \$ 300.00 or 500.00 , (escrow)
- One in the amount of \$ 50.00 or 150.00 , (application fee)
- One in the amount of \$ 25.00 , (Public Hearing List Deposit)

- Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

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

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

Sworn to before me this:

18th day of August 2006
DEBRA L. HAMMER
 Notary Public, State of New York
 Qualified in Orange County
 Registration No. 01HA6107190
 Commission Expires March 22, 2008
Debra L. Hammer
 Signature and Stamp of Notary

James Moroney
 Owner's Signature (Notarized)
James Moroney
 Owner's Name (Please Print)

 Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

James Moroney, deposes and says that he resides
(OWNER)

at 833 Union Avenue, New Windsor in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map
(Sec. 4 Block 1 Lot 9.22)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

Gregory J. Shaw P.E. 744 Broadway, Newburgh, NY 12550
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: August 18, 2006

**

James Moroney
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
18th day of August 2006

DEBRA L. HAMMER
Notary Public, State of New York
Qualified in Orange County
Registration No. 01HA6107190
Commission Expires March 22, 2008

Applicant's Signature (If different than owner)

Debra L. Hammer

Representative's Signature

Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Patrick Moroney, deposes and says that he resides
(OWNER)

at 833 Union Avenue in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 4 Block 1 Lot 9.23)
designation number (Sec. Block Lot) which is the premises described in

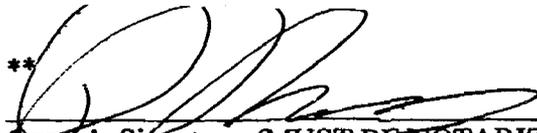
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

Gregory J. Shaw P.E. 744 Broadway, Newburgh, NY 12550
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: August 17, 2006

** 
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
17th day of August 20 06

DEBRA L. HAMMER
Notary Public, State of New York
Qualified in Orange County
Registration No. 01HA6107190
Commission Expires March 22, 20 08

Applicant's Signature (If different than owner)

Debra L. Hammer
Signature and Stamp of Notary

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? 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 pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

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:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:
 No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly):
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:
 Yes No

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. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

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

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Chairman
 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from responsible officer)



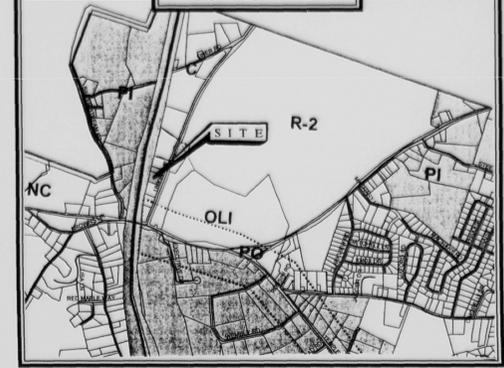
NOTES

1. RECORD APPLICANT: PATRICK J. MORONEY
833 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
2. RECORD OWNER: SECTION 4, BLOCK 1, LOT 4.22 JAMES MORONEY 833 UNION AVENUE NEW WINDSOR, NEW YORK 12553
SECTION 4, BLOCK 1, LOT 4.23 PATRICK MORONEY 833 UNION AVENUE NEW WINDSOR, NEW YORK 12553
3. PARCEL AREA: SECTION 4, BLOCK 1, LOT 4.22 1.076 ACRES
SECTION 4, BLOCK 1, LOT 4.23 0.594 ACRES
1.670 ACRES
4. TAX MAP DESIGNATION: SECTION 4, BLOCK 1, LOTS 4.22 & 4.23
5. THE FOLLOWING VARIANCES WERE OBTAINED FROM THE NEW WINDSOR ZONING BOARD OF APPEALS ON OCTOBER 25, 1985:
- SIDE YARD SETBACK (ONE) 26 FT.
- SIDE YARD SETBACK (BOTH) 44 FT.
- MAXIMUM BUILDING HEIGHT 15'-4"
- OFF-STREET PARKING 26 SPACES
6. BOUNDARY, TOPOGRAPHIC AND UTILITY INFORMATION OBTAINED BY TOM DUFFY, L.S.
7. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.
8. UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION (U.F.P.O.): SECTION 198B OF THE PUBLIC SERVICE LAW, ARTICLE 36 OF THE GENERAL BUSINESS LAW AND INDUSTRIAL CODE RULE 53 REQUIRES (2) WORKING DAYS NOTICE BEFORE EXCAVATION DRILLING OR BLASTING. UNDERGROUND UTILITIES CALL CENTER TEL. NO. 1-800-462-7462. CONTRACTOR SHALL PROTECT AND PRESERVE UTILITY MARKINGS.

LEGEND

- EXISTING**
- 330 2' CONTOUR
 - 330 10' CONTOUR
 - BOUNDARY
 - ADJ. PROPERTY LINE
 - CB CATCH BASIN
 - FB FLUSHING BASIN
 - MH SANITARY MANHOLE
 - HYDRANT
 - UTILITY POLE
 - WATER VALVE
 - CV CURB VALVE
 - +336.6 SPOT ELEVATION 336.6
 - CHAIN LINK FENCE
 - HOODED LINE

ZONING MAP



ZONING SCHEDULE

ZONE: C - DESIGN SHOPPING
USE: A-15 - MOTOR VEHICLE SALES ESTABLISHMENT FOR NEW MOTOR VEHICLES

BULK REGULATIONS, C ZONE	REQUIRED	PROVIDED	VARIANCE REQUIRED	PREVIOUS VARIANCES OBTAINED ON 04-25-1985 FOR LOT 4.22
MIN. LOT AREA	5 ACRES	1.635 ACRES	3.365 ACRES	
MIN. LOT WIDTH	200 FT.	248 FT.	-	
FRONT YARD SETBACK	100 FT.	64 FT.	-	
SIDE YARD SETBACK (ONE)	50 FT.	4 FT.	46 FT.	26 FT.
SIDE YARD SETBACK (BOTH)	100 FT.	38 FT.	62 FT.	44 FT.
REAR YARD SETBACK	50 FT.	30 FT.	20 FT.	
STREET FRONTAGE	50 FT.	300 FT.	-	
FLOOR AREA RATIO	N/A	N/A	-	
MAX. BUILDING HEIGHT	18 FT.	30 FT.	12 FT.	15'-4"
DEVELOPMENTAL COVERAGE	85 %	85.4 %	0.4 %	

OFF-STREET PARKING

EXISTING BUILDING

OFFICE & RETAIL
1 SPACE PER 150 S.F.
(1,100 S.F. / 1 SPACE PER 150 S.F.) 48 SPACES

MOTOR VEHICLE SALES
1 SPACE PER 1,000 S.F. OF TOTAL FLOOR AREA
(12,420 S.F. / 1,000 S.F. PER SPACE) 13 SPACES

VEHICLE SERVICE REPAIR
1 SPACE FOR EACH 300 S.F.
(9,000 S.F. / 1 SPACE PER 300 S.F.) 10 SPACES
20 SPACES

NEW BUILDING

OFFICE & RETAIL
1 SPACE PER 150 S.F.
(2,450 S.F. / 1 SPACE PER 150 S.F.) 20 SPACES

MOTOR VEHICLE SALES
1 SPACE PER 1,000 S.F. OF TOTAL FLOOR AREA
(2,000 S.F. / 1,000 S.F. PER SPACE) 2 SPACES
23 SPACES

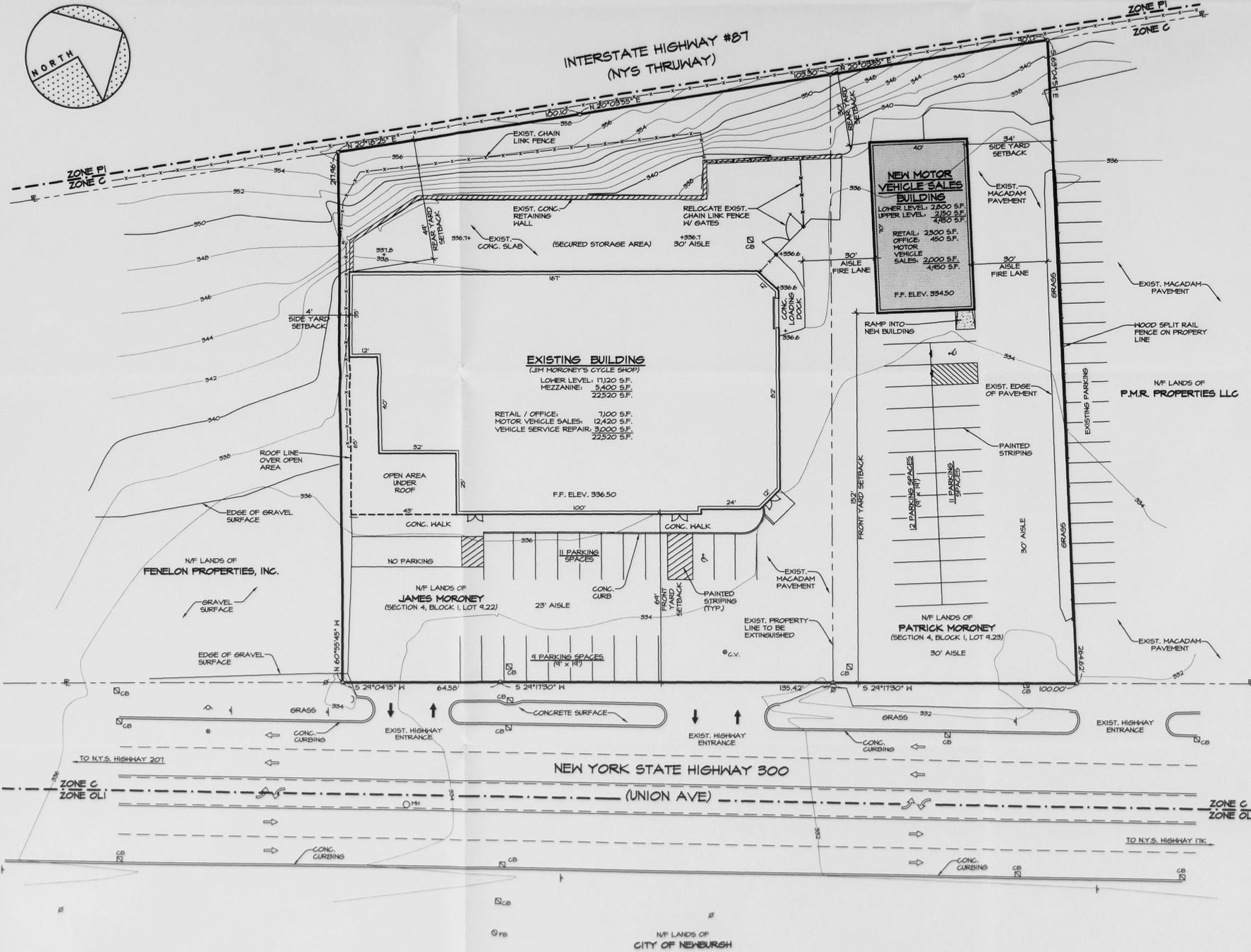
TOTAL PARKING SPACES 43 SPACES 43 SPACES 50 SPACES 26 SPACES

COVERAGES

BUILDING COVERAGE 20,220 S.F. 28.4 %
% OF TOTAL AREA

PAVEMENT COVERAGE 40,556 S.F. 57.0 %
% OF TOTAL AREA

OPEN SPACE COVERAGE 10,417 S.F. 14.6 %
% OF TOTAL AREA



TOWN OF NEW WINDSOR PLANNING BOARD
STAMP OF APPROVAL

PLANNING BOARD PROJECT NO. PA2006-524

Shaw Engineering
Consulting Engineers
744 Broadway
Newburgh N.Y. 12550

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COPYRIGHT 2006 SHAW ENGINEERING

ISSUE	REVISION	DATE
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Drawn By: J.R.J.
Checked By: G.J.S.
Scale: 1"=20'
Date: 6-7-2006

Drawing:
SITE DEVELOPMENT PLAN

Project:
NEW MOTOR VEHICLE SALES BUILDING FOR
MORONEY'S CYCLE SHOP
833 UNION AVENUE TOWN OF NEW WINDSOR, N.Y.

Project No. 0606