

ZB# 92-32

**Jack Aquino /
Greg Mellick**

65-2-24

Prelim.

Oct. 5, 1992

OCPD ~~to be~~ ⁴
notified - on 10/20/92 ⁽¹⁰⁾

Public Hearing:

November 9, 1992

Notice to Sentinel on 10/21/92

Need copy of:

- ① Deed
- ② Title Report
- ③ Photos of site
- ④ Need new sign

Specs. + OCPD
review

November 23, 1992

OCPD review -
Decision.

Photos & new drawing

Approved
Sign Area
Variance
11/23/92

Do Decision

#92-32 - Agums, Jack } owners
Mullick, Greg }
Video Ranger - signs

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

GENERAL RECEIPT

12550
Dec 28 19 92

Received of Linda Berger & Associates, Inc. \$ 150.00

Two Hundred Fifty and 00/100 DOLLARS

For ZBA 92-52 App Fee

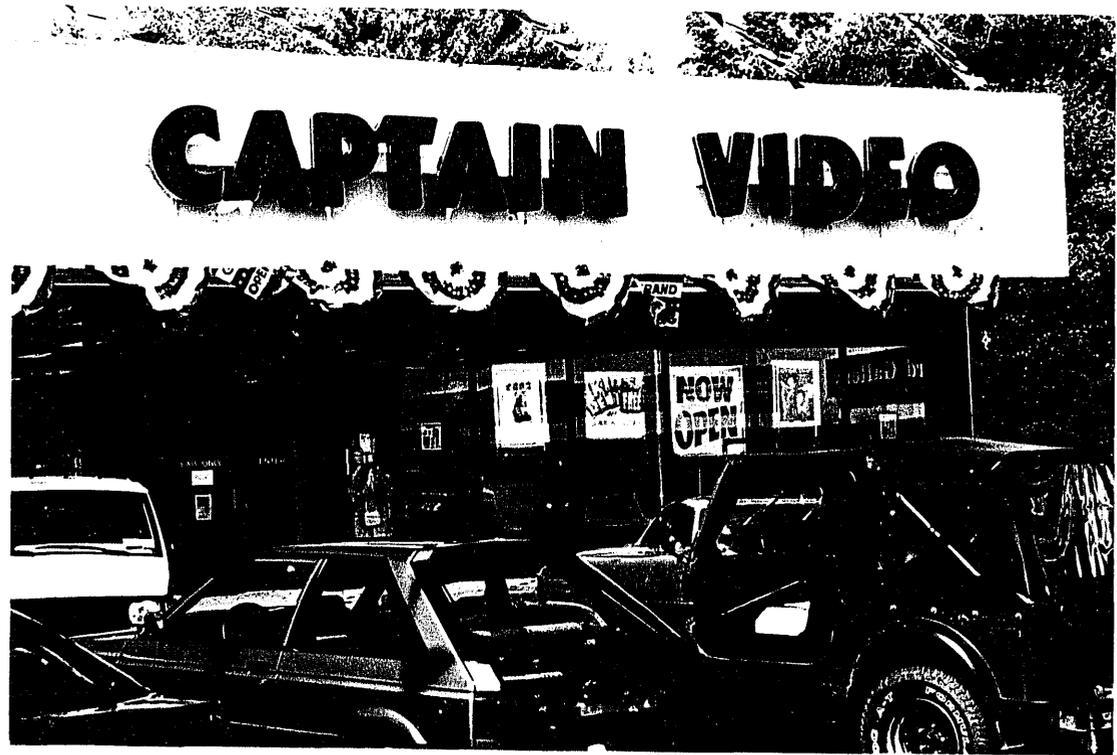
DISTRIBUTION

FUND	CODE	AMOUNT
<u>CE 1040</u>		<u>150.00</u>

By Pauline J. downward

Down Clark
Title

WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564





1992-93
Mellich, Enay }
Video Ranger - signs }
O'Brien

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Aguino, Jack / Mellick, Greg

FILE # 92-32

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 150.00
 * * * * * *10/27/92 pd. ck. # 1041*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00
pd. ck # 1041

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE	<i>10/22/92 - 13 pages</i>	\$ <u>58.50</u>
2ND PRELIM. MEETING - PER PAGE	<i>11/9/92 - 11 pages</i>	\$ <u>49.50</u>
3RD PRELIM. MEETING - PER PAGE	<i>11/23/92 - 2 pages</i>	\$ <u>9.00</u>
PUBLIC HEARING - PER PAGE	<i>11/9/92</i>	\$ <u> </u>
TOTAL		\$ <u>117.00</u>

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>.1</u>	HRS.	\$ <u> </u>
2ND PRELIM. P.H.	<u>.6</u>	HRS.	\$ <u> </u>
3RD PRELIM.		HRS.	\$ <u> </u>
FORMAL DECISION	<u>1.5</u>	HRS.	\$ <u> </u>
TOTAL HRS. <u>2.2</u>		@ \$ <u>150.00</u>	PER HR.	\$ <u>330.00</u>
TOTAL				\$ <u>330.00</u>

MISC. CHARGES:

TOTAL		\$ <u>447.00</u>
LESS ESCROW DEPOSIT	\$ <u>250.00</u>	
(ADDL. CHARGES DUE)	\$ <u>197.00</u>	
REFUND TO APPLICANT DUE	\$ <u> </u>	

*28
29
112
56
672*

pd

VIDEO RANGER OF VAILS GATE, INC.

1041

P.O. BOX 56
BIG V SHOPPING PLAZA
VAILS GATE, NY 12584

50-597/219

10/27 1982

PAY TO THE ORDER OF

Town of New Windsor

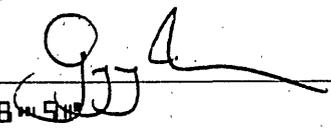
\$ 250.00

Two hundred fifty & 00/100

DOLLARS

USB UNION STATE BANK
115 SOUTH MAIN STREET
NEW CITY, N.Y. 10956

FOR #92-32



⑈00104⑈ ⑆021905977⑆ 451 23068⑈

GUARDING SAFETY
SCHEMATIC AMERICAN BANK NOTE CO. NEW YORK, N.Y.

VIDEO RANGER OF VAILS GATE, INC.

1040

P.O. BOX 56
BIG V SHOPPING PLAZA
VAILS GATE, NY 12584

50-597/219

10/27 1982

PAY TO THE ORDER OF

Town of New Windsor

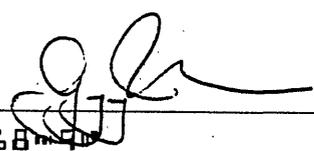
\$ 150.00

One hundred fifty & 00/100

DOLLARS

USB UNION STATE BANK
115 SOUTH MAIN STREET
NEW CITY, N.Y. 10956

FOR #92-32



⑈001040⑈ ⑆021905977⑆ 451 23068⑈

-----X

In the Matter of the Application of

JACK AQUINO/GREG MELLICK
(CAPTAIN VIDEO)DECISION GRANTING
SIGN VARIANCE

#92-32.

-----X

WHEREAS, JACK AQUINO and GREG MELLICK, % MELLICK, 135 W. Nyack Road, Nanuet, N. Y. 10954, d/b/a Captain Video, have made application before the Zoning Board of Appeals for a 55 s.f. sign area and 6 in. sign height variance for sign #1 (video store), and a 10 s.f. sign area variance for sign #2 (addl. tenant store) for two (2) wall signs to be located on the front of their new structure on Route 32, Windsor Highway, New Windsor, N. Y. in a C zone; and

WHEREAS, a public hearing was held on the 9th day of November, 1992, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York and was adjourned to, and continued on the 23rd day of November, 1992; and

WHEREAS, Jack Aquino was present at the hearing and spoke in support of the application in behalf of himself and the other owner, Greg Mellick. Also present was John Friscia of Ramapo Sign who also spoke in support of the application.

WHEREAS, the application was opposed by Ms. Joan A. Shedden, Director of the Central Academy of Beauty Culture, who forwarded a letter which opposed the application in the interest of the visual beauty of Route 32; and

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

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

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

2. The evidence shows that the applicant is seeking to vary the provisions of the bulk regulations pertaining to sign area and sign height (sign #1) in order to construct a 75 s.f., 30 in. high building sign for the video store and a 30 s.f. building sign for the additional store which applicant hopes to rent to a tenant (sign #2), to identify two separate businesses on this site, which is located on Route 32, Windsor Highway.

3. Applicant's proposed sign area exceeds the bulk regulations for building wall signs in the C zone 55 s.f. in area and 6 inches in height for sign #1 and by 10 s.f. in area for

sign #2 and a variance for more than the allowable sign area and sign height are required in order to allow construction thereof.

4. The evidence presented and the Board's familiarity with the area shows that Route 32, Windsor Highway in the Town of New Windsor, the site of the proposed signs, is near a busy intersection on a well-traveled highway. Motorists typically pass the subject site at between 35 and 40 m.p.h., depending on traffic conditions. In addition, the applicant's stores are set back approximately 100 ft. from the road with parking in front. This set back was established previously by a restaurant which formerly occupied the site before it burned and was reconstructed by the present applicant. This set back for the applicant's stores places the building much further back from the road than many neighboring businesses, all of whom have signage, and some of that signage exceeds the applicable bulk requirements for sign area and sign height. The applicant further indicated that the road in front of their stores recently was widened and new lane markings were painted which causes problems with traffic flow and turning traffic to and from the nearby shopping center and local businesses nearby. All of these factors make clear signage which quickly identifies the new location of the video store absolutely essential.

5. The evidence presented by the applicant indicated that this location is a new location and a new name for their business, which previously operated nearby under a different name, and a building has been constructed to house the new video store and one other rental. This application is for two (2) building wall signs on this new building which will identify the video store's new location to previous and new customers and will aid in quick recognition as well as improving safety for passing traffic and users of the premises.

6. The evidence presented by the applicant further indicated that the applicant's store front is 50 ft. wide and, given its location set back some 100 ft. from the road, it thus requires signage which is larger and higher than allowed by the bulk regulations in order to achieve reasonable exposure to the public and enhance quick recognition of the applicant's existing business in its new location, as well as of the future tenant's business.

7. The evidence presented by the applicant further indicated and the Board's familiarity with the area further shows that clear, easily recognized signage is especially critical in this area of Route 32 because of the rapidly moving traffic along this busy highway. Clear and quickly readable signage at this site will minimize the hazards to the public health, safety, and welfare as well as providing the applicant with the necessary exposure for the new location at the site.

8. The evidence presented further showed that the proposed signage will facilitate ready identification of the applicant's property by passing motorists.

WHEREAS, the Zoning Board of Appeals of the Town of New

Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The premises are used for uses permitted in the C zone which is consistent with the character of the neighborhood.

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

3. The requested variances are not substantial in relation to the bulk regulations for sign area and sign height given the area and height of the many signs on nearby properties along Route 32, and the fact that this is a commercial area in a C zone along a busy highway. In addition, the applicant's building is set back from Route 32 at a further distance than the buildings of most of the neighboring commercial properties and thus requires a larger and higher sign in order to achieve quick recognition by passing motorists.

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

5. The difficulty the applicant faces in conforming to the bulk regulations is not self-created. The set back of the building location on this site was created by the owners of a former restaurant on this site. In order to make reconstruction of the burned building less expensive, the set back was not changed when the applicant reconstructed it.

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

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

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

NOW, THEREFORE, BE IT

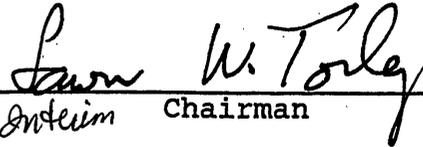
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 55 s.f. sign area and 6 in. sign height variance for sign #1 on the video store, and a 10 s.f. sign area variance for sign #2 (additional tenant store) for two (2) building wall signs at the above location in a C zone as sought 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: January 11, 1993.



Interim Chairman

Date 12/1/92, 19.....

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

TO Francis Roth 389 Moores Hill Rd DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
11/30/92	Zoning Board Meeting	75 00	
	Misc - 1		
	Quinn - 3.2 - 9.00		
	Bonura - 3 * 13.50		
	Walsh - 9 * 40.50		
	Bernhardt T - 12 - * 54.00		
	Marin - 5 - * 22.50		
	Rose - 5 5 * 22.50		
	Jones - 6 * 27.00	193 50	
	43	268 50	
	APPROVED:		
	Chairman		

November 23, 1992

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

NOVEMBER 23, 1992

MEMBERS PRESENT: RICHARD FENWICK
DAN KONKOL
JAMES NUGENT
TED TANNER
LAWRENCE TORLEY

ALSO PRESENT: PATRICIA BARNHART
ZONING BOARD SECRETARY

DANIEL LUCIA, ESQ.
ZONING BOARD ATTORNEY

ABSENT: MICHAEL BABCOCK
BUILDING INSPECTOR

DECISIONS: (HELD OVER FROM 11/9/92 MEETING)

MR. FENWICK: I'd like to call to order the November 23, 1992 Zoning Board of Appeals meeting.

MR. FENWICK: We'll hold off on adoption of the minutes from the last meeting since we just received them this evening. We have a couple of decisions on adjourned public hearings.

AQUINO/MELICK - CAPTAIN VIDEO SIGNS

MR. FENWICK: Is someone here for this?

Mr. Jack Aquino appeared before the board for this proposal.

MR. FENWICK: We asked for some revised signs and also photographs of the existing building. That is exactly what we want.

November 23, 1992

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MR. AQUINO: You wanted to eliminate the store as originally designed was intended to have three stores. We decided to occupy two stores so when we came for our sign request, the sign guy originally had the three signs. We decided to only ask for the two. One for the space that we're going to occupy, we're occupying right now and one for the space that we're going to rent out.

MR. LUCIA: Are you going to submit this for our file or do you want the plan?

MR. AQUINO: I don't see any reason why I need it.

MR. LUCIA: One is sufficient for the file.

MR. NUGENT: Wasn't there some question regards to the second sign that was just a name they put in there for?

MR. FENWICK: Yeah, right, well the question was is that sketch that had originally been shown to us they had this sign over here.

MR. NUGENT: I remember that.

MR. FENWICK: We told them on the revised drawing put it in the right place.

MR. NUGENT: Not necessarily going to be a pizzeria, going to be whatever.

MR. FENWICK: That is correct.

MR. LUCIA: But the size is limited to the variance so he is going to have to get the name into that area.

MR. AQUINO: Or of course they can come back themselves and go through the same process.

MR. LUCIA: True, that is correct.

MR. FENWICK: Anyone else that came to this public hearing tonight for the Aquino/Mellick Captain Video store? Is there anyone in the public who'd like to speak on this matter? If not, I'll close the matter to

892

PENGAD CO., BAYONNE, NJ 07002 - LASER BOND-A

November 23, 1992

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the public, open it back up to the members of the board. I think the applicant has--

MR. NUGENT: I missed the last meeting so I apologize but he's back because we didn't have the County referral?

MR. FENWICK: That is correct.

MR. NUGENT: You just held it up until then?

MR. FENWICK: That is correct we but since he had to get us the photographs because these photographs showed different stores and different locations and not this one and also we wanted a corrected drawing. Any questions? Can I have a motion to grant the variance?

MR. NUGENT: I'll make that motion.

MR. TANNER: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

MR. LUCIA: Leave one of those plans. The board has approved your application. There will be a formal decision done depending on when minutes are available next meeting and that will be the formal granting of your request.

MR. AQUINO: Thank you.



Central Academy
of Beauty Culture

Rec'd. ZBA
11/4/92 (PAB)

ROUTE 94. P. O. BOX 608A. VAILS GATE, N. Y. 12584
TELEPHONE 561-1617

LICENSED BY THE STATE EDUCATION DEPARTMENT

October 30th, 1992

Town of New Windsor, Zoning
Board of Appeals
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553

Dear Sirs,

Although I am unable to attend the hearing on November 9th, 1992 regarding Appeal No. 32 from Captain Video, I would like to state that I am opposed to increased sign size, as they are requesting.

Thank you for your time and attention.

Very truly yours,

JAON A. SHEDDEN
Director

P.S. in the interest of Visual Beauty
of 32'.
JAS

JAS/ap

PUBLIC NOTICE OF HEARING BEFORE
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. 32

Request of JACK AQUINO and GREG MELLICK (CAPTAIN VIDEO)

for a VARIANCE of

the regulations of the Zoning Local Law to

permit two (2) wall signs with more than the

allowable sign area and height;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regulations-Col. N
and Section 48-18 - Supplementary Sign Regulations;
for property situated as follows:

Route 32, Windsor Highway, New Windsor, N. Y. 12553,

known and designated as tax map Section 65 - Blk. 2 -

Lot 24.

SAID HEARING will take place on the 9th day of
November, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-32

Date: 10/20/92

I. Applicant Information: JACK AQUINO and GREG MELLICK

- (a) 8 Mellick, 135 W. Nyack Rd., Nanuet, N.Y. 10954 x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) RAMAPO SIGN CORP., 72 Route 9W, Haverstraw, N. Y. 10927
(Name, address and phone of contractor/engineer/architect
or sign company)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) C Rt. 32, Windsor Highway 65-2-24 178 x 187 +
(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? none
- (d) When was property purchased by present owner? 8/23/91
- (e) Has property been subdivided previously? n/a
- (f) Has property been subject of variance previously? n/a
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: n/a
- _____
- _____
- _____

IV. Use Variance. n/a

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

^{n/a}
 (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.

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

n/a

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-12 _____, Table of Use/Bulk Regs., Col. N _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Height: Sign 1	2 ft.	2 ft. 6 in.	6 in.
Sign 1	20 s.f.	75 s.f.	55 s.f.
Sign 2	20 s.f.	30 s.f.	10 s.f.
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____

(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 attached addendum).

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

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.)

Applicant proposes two (2) wall signs on the new structure as depicted on photographs presented at preliminary meeting. Applicant ensures that the signs are in keeping with the spirit of the commercial zone within the Town of New Windsor and will help to maintain the quality of the neighboring commercial properties.

IX. Attachments required:

- x Copy of referral from Bldg./Zoning Insp. or Planning Bd.
 x Copy of tax map showing adjacent properties.
 n/a Copy of contract of sale, lease or franchise agreement.
 x Copy of deed and title policy.
 x 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.
 x Copy(ies) of sign(s) with dimensions and location.
 x Check in the amount of \$150.00 payable to TOWN OF NEW WINDSOR, and check in amount of \$250.00 for consultation fees.
 x Photographs of existing premises which show all present

X. Affidavit.

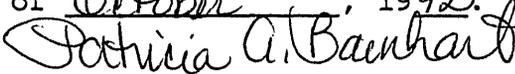
Date: October 20, 1992

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)
By: Greg Mellick

Sworn to before me this
27th day of October, 1992.


PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993

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)

Applicants constructed a building located in a C (design shopping) zone on Windsor Highway which consists of two stores, the larger store occupied by the Captain Video store and a smaller store available for rental, and is now proposing one (1) building wall sign for each store. The total sign area requested is 105 s.f. of signage and a sign height for sign #1 of 2 ft. 6 in. Applicant must apply and seek a sign area variance of 55 s.f. for sign #1 and 10 s.f. for sign #2, plus a sign height variance of 6 in. for sign #1. Sign #1 is the Captain Video sign.

Applicants feel that since this is a new structure and new location for Captain Video (previously located within the Big V Plaza) that the signs which are proposed by applicants are not obtrusive and will be effective in allowing previous customers and new customers to be able to find the new location of the Captain Video complex.

Since all signs are proposed to be constructed on the building and are not free-standing structures, they will not obscure or inhibit any sight visibility or cause traffic hazards.

Applicants feel that since this is a completely new structure with a large area for patrons to park, that a desirable change would be produced in the character of the neighborhood and no detriment would be caused to the nearby properties.

Applicants have reviewed the sign regulations in the C zoning district and realize that there is a limitation to the square footage and height which is allowed on a structure. Considering applicants' signage proposal before the Board, applicants feel that they cannot achieve this without the benefit of the variance procedure and that there is no other method which is feasible to applicants other than the variance procedure.

Applicants are seeking sign variances for building signs on a large piece of commercial property located on a fast paced and highly travelled commercial highway. The speed limit allows vehicles to travel at approximately 35 m.p.h. as they traverse this busy area of the town. Signs which identify the Captain Video complex are imperative for today's competitive video rental market. Therefore, applicants feel that this sign variance request is not substantial.

Applicants feel that the granting of the variances will not be detrimental to the health, safety or welfare of the neighborhood or community or have an adverse effect on the physical or environmental conditions since the property is zoned for commercial businesses of this type.

Applicants do not feel that this request constitutes a self-created hardship because applicants have moved their operation from one location to another and new signage is imperative for marketing and identification purposes to new and old customers alike.

Date11/30/92....., 19.....

TOWN OF NEW WINDSOR

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

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

DATE

CLAIMED

ALLOWED

DATE		CLAIMED	ALLOWED
11/9/92	Zoning Board	75 00	
	Misc - 2		
	Carlaugh - 6 - \$27.00		
	Sarinsky - 10 - 45.00		
	Bittles - 4 - 18.00		
	Slifstein - 13 - 58.50		
	Alquino - 11 - 49.50		
	Bonura - 8 - *36.00		
	Freeman - 5 22.50		
	<u>59 pgs</u>	<u>265 50</u>	
	APPROVED:	399 50	
	Chairman		

PUBLIC HEARING:

AQUINO/MELLICK

MR. FENWICK: Request for (1) 55 s.f. sign area and 6 in. sign height variance for sign #1 and (2) 10 s. f. sign area variance for sign #2 - total of 2 wall signs for Captain Video located on Windsor Highway.

Mr. Jack Aquino appeared before the board on this proposal along with John Friscia of Ramapo Sign.

MR. FENWICK: Tell us why you are here and what you propose to do.

MR. AQUINO: I'm not sure what you have, we have some photographs as well as the--

MR. LUCIA: I think we asked for photographs of this site. I gather those are from other sites and some other sign.

MR. AQUINO: I wasn't here for the last meeting. We didn't put the sign up here.

MR. LUCIA: The board wanted to see what the site looked like where the sign is going.

MR. FRISCIA: I'm from the sign company. This is the exact architectural representation of the whole building and store front which I guess that would be approved here originally before the building was built.

MR. LUCIA: Why don't you take some photographs and submit them to Pat, we cannot vote on this tonight anyway because we do not have an answer from the county and their referral so it has to be adjourned to the next meeting which is two weeks from tonight. In this time, take some photographs of the site, submit them to Pat.

MR. LUCIA: Just to carry on, the county referral went out on October 20, so we have no response from them. By law, we have to give them 30 days in which to respond so we cannot vote on this before either they

respond or 30 days have elapsed so we have to adjourn to the next meeting anyway.

MRS. BARNHART: For the record, I did contact them today and they didn't get anything back to me and that is the second request so.

MR. LUCIA: Go ahead and lay out your presentation.

MR. AQUINO: The county referral is what?

MR. LUCIA: Mandatory referral under 239 M which requires that anyone that fronts on a state highway has to have their application sent to the county for them to review it. Typically, they'll send it back for local determination but by law, it's a right they have and we have no jurisdiction to vote before they either reply or the 30 days has expired. But we can proceed with the public hearing, go ahead, make your presentation.

MR. AQUINO: I've never done this before. If you want to guide me along the way. The reason why we're here in the first place is because we, is because the Town's ordinance did not allow us to put up I guess the total area.

MR. FRISCIA: Because the allowance from the Town is a bit disproportionate with the length of the store front, store front is 50 feet and they allow you 20 square foot. I think we addressed this last time we were here and you all felt it shouldn't be a problem.

MR. LUCIA: We really need you to say it again for the record.

MR. AQUINO: The reason we're were asking for a sign we think is appropriate to the width of the building and the reason we think it's appropriate, we brought other pictures of other stores we that have done that, have a lesser width and have a larger sign. The sign that we're asking for is what 30 inch, cut letters, by 25 and the sign that we have the picture that we did bring is where we have a total of 48 feet and our sign there is 42 inches high. We feel that is an attractive

and appropriate presentation so we're asking for something here that is smaller but spread out significantly smaller, in fact instead of 42 inches high, they are only 30 inches high and spread out over much larger area. Our building is set back, I don't have the exact dimensions but it's set back a fair distance from the road. As opposed to a lot of the buildings on 32 which are up much closer. Obviously the further back from the road you are, the larger the sign you need to attract attention or at least to, for people to be able to read your name.

MR. LUCIA: Could you make an estimate how far set back from the road that building is.

MR. AQUINO: It's more than 60 back, we have virtually all of our parking space in the front plus 30 foot right in front, just for the fire truck to get there, fire lane, my guess more like well the building is 75 feet deep and we're about 200 at one point deep all the way down so my guess is over 100 feet back from the road.

MR. FRISCIA: And you're also recessed from the buildings that are fronting you to the north and south?

MR. AQUINO: As you travel down 32, I'm sorry we don't have the pictures but we're further back I think than any other, the New Windsor Mall is closer to the road, Rosenbaum's is closer to the road, the pizzeria is closer to the road and Windsor Farm are all closer to the road.

MR. LUCIA: Do all those neighbors you mention have building signs and/or road signs?

MR. FRISCIA: Both of them, both neighbors have signs and building signs.

MR. AQUINO: Highland Bank just to the south of us also.

MR. LUCIA: Could you estimate the speed at which vehicles pass by your place of business?

MR. AQUINO: The actual speed or the posted speed?

MR. LUCIA: Actual speed.

MR. AQUINO: I would guess 25 to 30 miles an hour.

MR. TORLEY: That is all?

MR. AQUINO: You're coming up to Big V and there's almost always somebody in the left lane making a left turn so as I'm driving down--

MR. TORLEY: You're a more careful driver than all of them.

MR. FENWICK: I think the new traffic light has slowed things down.

MR. FRISCIA: If you are coming south, you're traveling faster.

MR. AQUINO: The Town just widened the road and I don't think they have all the lines in and you've got people making a left, there are also two other lanes but I'm not sure people are always in those other two lanes where they should be. That is just my impression.

MR. TANNER: Are you putting a sign out in the road or just on the building?

MR. AQUINO: I believe the application here is just for the building. There's a pile-on out on the road that we'd like to keep but I wasn't at the last meeting. If I understand correctly, we did not properly apply or petition, is that right?

MR. LUCIA: I believe what Mike said last hearing is that the size sign you propose putting on the road conforms so you don't need a variance.

MR. FRISCIA: I think it was on the original site plan approval.

MR. LUCIA: Apparently it meets the free standing sign

requirements.

MR. FRISCIA: That was on the original site plan.

MR. TANNER: You don't know the size of that, do you?

MR. AQUINO: I was going to say 4 by 8.

MR. FRISCIA: That is what I remember from recall.

MR. TANNER: I think we discussed something about it.

MR. LUCIA: I think your partner mentioned this is a new location for you so you need some exposure to bring in old customers that are used to going someplace else.

MR. AQUINO: Well, on top of everything we're changing our name, now we're Video Ranger and had been for six years in the Big V center. All of our other stores in Rockland and Westchester are called Captain Video. When we came up here originally there was a store in the area that had a similar sounding name called Captain's Home Video so we couldn't give our name to the store because of the likelihood of confusion. Now they have gone out of business so we'd like for obvious reasons we'd like to have all the stores have the same name so we can purchase all the various things. Now that he is gone, we'd like to change to Captain Video. By the same token we have built a loyal following for Video Ranger. For some people driving by, they think it's out of business and there's a new one in. We're going to try and keep this as we know that at least in the short term we're going to lose a little business out of that but in the long term, it will benefit us.

MR. FENWICK: As we're looking at the application here, sign number one is the sign that says Captain Video and sign number 2 will be your tenant sign?

MR. AQUINO: Yeah, we don't have a tenant now. We were told to apply at this time.

MR. FENWICK: At this time that is the way it's going to be just 2 occupants of the building?

MR. AQUINO: Right, we're occupying.

MR. FENWICK: I think the original site plan showed three.

MRS. BARNHART: They moved.

MR. TANNER: How can we grant a variance for sign number 2 if we don't know what it is going to say?

MR. LUCIA: Granting area variance for a sign of no larger than a certain size. If he gets a tenant with an unusually long name, he's going to have to cram it down.

MR. FRISCIA: We're trying to circumvent having to come back.

MR. LUCIA: In addition to the photographs we asked when you revised the plan to show single tenant sign because the plan we had had two tenants.

MR. LUCIA: With some time before the next, you can give us a new plan.

MR. FENWICK: Other one did show more down here but I didn't think it's there.

MR. LUCIA: Mike just tore out the third page, would be just to revise the plan.

MR. FENWICK: This in fact other door, this is the door that is not being used right now, is that correct? That is the door that is not being used for Captain Video right now?

MR. AQUINO: No, no, no, if you--

MR. FENWICK: This is the last door down here?

MR. AQUINO: Yes.

MR. FENWICK: In actuality, this is sign 2 down here.

MR. AQUINO: That is all we want.

MR. FRISCIA: What we'll do then at the next meeting prior to the next meeting, I'll submit another plan.

MRS. BARNHART: Send that to me, John.

MR. LUCIA: Couple specific questions on your area variance request. Do you believe that an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created if this board grants you a variance?

MR. AQUINO: No.

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

MR. AQUINO: No.

MR. LUCIA: Is the requested variance substantial in relation to the zoning?

MR. AQUINO: No, for the reasons I set forth earlier at least in comparison to the other stores.

MR. LUCIA: And you're setback on the side. Will the variance have an adverse effect or impact on physical or environmental conditions of the neighborhood?

MR. AQUINO: No.

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

MR. AQUINO: We didn't pass the ordinance. We didn't even vote on it.

MR. LUCIA: The thrust of that question is your ability to comply with the ordinance. I guess in some respects the siting of the building went back to a prior building that burned, is that correct? Is that why you are so far back, is this entirely new?

MR. AQUINO: We used the existing walls, this was, well, it previously was a restaurant so I think they

also it served their purpose as well to have the parking in front.

MR. LUCIA: That setback was established before?

MR. AQUINO: That is right.

MR. FENWICK: Is this sign going to be lighted or indirect lighting? Lighted from within?

MR. FRISCIA: Internally illuminated, channel letters similar to the Caldors and Big V so on, similar to everything that is in the same area.

MR. FENWICK: They don't flash, they stay on?

MR. FRISCIA: They don't flash, they don't dance.

MR. LUCIA: Thank you for providing partial copy on your deed and title report.

MR. AQUINO: I didn't know if I was going to make it but I did bring the originals.

MR. LUCIA: I'd like to take a look at them. I'll return them to you.

MR. FENWICK: Anymore questions from the members of the board before I open it up to the public? At this time, I'll open it to the public. Anyone here to speak on this matter? Back to the members of the board. At this time, we have a letter from Central Academy of Beauty Culture addressed to the Town of New Windsor is Zoning Board of Appeals. Dear Sirs, although I am unable to attend the hearing on November 9, 1992, regarding appeal number 32 from Captain Video, I'd like to state that I am opposed to increased sign size they are requesting. Thank you for your time and attention. Signed Joan Shedden, Director. P.S. In the interest of the visual beauty of 32.

MR. LUCIA: Thank you for providing your deed and title policy. I see property is subject to various covenants and restrictions. To your knowledge, is there anything affecting the title to this property which would

prohibit you from maintaining the signage from which you are now seeking the variance?

MR. AQUINO: No.

MR. FENWICK: Any other questions from the members of the board? We cannot act on this at this time. I guess motion to table.

MR. LUCIA: To adjourn.

MR. KONKOL: I make a motion to adjourn.

MR. LUCIA: Why don't we do it to a date certain, to November 23?

MR. AQUINO: May I just ask actually two questions, they both relate to the timing. As we get closer to the holiday season and as the days start getting shorter, we have a little bit of a burden right now, if that we only have a paper sign outside which we've had since we opened in late August, not realizing how long these things can take and now adding in another couple of weeks, there's going to be a point at which I start to worry about. Is there, other than the technical reason, why we put this off, is there anything we have to talk about in terms of will you be--

MR. LUCIA: I think the board's had a full opportunity to ask you questions. I would suggest you or your partner come back to the next adjourned hearing in case somebody from the public shows up and asks a question that needs an answer. But 30 days will have expired by the 23rd.

MR. FENWICK: We're just working within the confines of the law, we can't do anything outside.

MR. FRISCIA: What Jack was asking because of the time restraints takes me a bit of time to prepare the sign and we're going to end up with two more weeks probably won't have another sign for another three weeks. He's going to be stuck without a sign at the most critical time of the retail season.

MR. TORLEY: If we voted in the affirmative on the 23rd of November the attorney has to write the formal decision which would be the next meeting.

MR. FRISCIA: At that time, we can have--

MR. AQUINO: That would dovetail nicely but it's an expensive sign so we don't want to give the go ahead if there's a chance that it is not going to go through. Did you that mean in two weeks the public has an opportunity to come in and challenge it and we have to defend it.

MR. LUCIA: Planning Board hearing is open for all purposes, although they certainly had the notices, if they were upset, they would have shown up tonight but they have the right to come in next time. If my recollection is correct, on the freestanding sign being conforming you have every right to put that up as soon as it's ready

MR. FENWICK: Only other thing I'd like to repeat and rephrase is that we do want photographs and we do want the plan cleaned up and brought back.

MR. AQUINO: Sure.

MR. FRISCIA: So you need new drawings and photographs?

MR. FENWICK: That is right. Where the actual signs are going to be so actually with this thing says pizzeria, it's going to be nothing and where it says stationery, that is where the actual sign is. This type of thing is all right with me, I believe it's all right with the board but we'd also like the photographs so you can correlate what's going on here with what we're actually looking at. We have a motion to adjourn. Do we have a second?

MR. TANNER: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. KONKOL	AYE

November 9, 1992

45

MR. TANNER
MR. FENWICK

AYE
AYE



MARY MCPHILLIPS
County Executive

Rec'd.
ZBA 11/30/92
APB

**Department of Planning
& Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

PETER GARRISON *Commissioner*
VINCENT HAMMOND *Deputy Commissioner*

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 34 92 M

County I.D. No. 65 / 2 / 24

Applicant Jack Aquino/Greg Mellick - "Captain Video"

Proposed Action: Area Variance - Two wall mounted signs

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Rte. 32

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

Related Reviews and Permits _____

County Action: Local Determination XX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

11/16/92
Date

727 Commissioner

Prelim.
Oct. 5, 1992
7:30 p.m.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: SEPTEMBER 3, 1992

92-32

APPLICANT: VIDEO RANGER
ROUTE 32
VAILS GATE, N.Y. 12553

REVISED
10-5-92
MB

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR (BUILDING PERMIT): TO INSTALL SIGN

LOCATED AT: ROUTE 32, VAILS GATE, N.Y.

2 signs

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 45 BLOCK: 2 LOT: 24

IS DISAPPROVED ON THE FOLLOWING GROUNDS: ² WALL SIGNS TO BE
INSTALLED

1. SIGN #1 EXCEEDS MAX. HEIGHT BY 6 INCHES.
2. SIGN #1 EXCEED MAX. SIZE BY 55 SQ.FT.
- ~~3. SIGN #2 EXCEED MAX. SIZE BY 10 SQ.FT.~~
3. SIGN #2 EXCEED MAX. SIZE BY 10 SQ.FT.

Michael Black
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE C	USE N-8	
SIGN #1 (Height)	2 FT.	6 IN.
#2	2 FT.	2 FT.
#3	2 FT.	2 FT.
FREESTANDING		
HEIGHT		
WALL SIGNS		
TOTAL ALL SIGNS		
#1 20 SQ.FT.	75 SQ.FT.	55 SQ.FT.
#2 20 SQ.FT.	30 SQ.FT.	10 SQ.FT.
#3	25 SQ.FT.	10 SQ.FT.

DATE: SEPTEMBER 3, 1992

92-32

APPLICANT: VIDEO RANGER
ROUTE 32
VAILS GATE, N.Y. 12553

REVISED
10-5-92
MB

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:
FOR (BUILDING PERMIT): TO INSTALL SIGN
LOCATED AT: ROUTE 32, VAILS GATE, N.Y.

2 signs
ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65 BLOCK: 2 LOT: 24

IS DISAPPROVED ON THE FOLLOWING GROUNDS: ² WALL SIGNS TO BE
INSTALLED

1. SIGN #1 EXCEEDS MAX. HEIGHT BY 6 INCHES.
2. SIGN #1 EXCEED MAX. SIZE BY 55 SQ.FT.
- ~~3. SIGN #2 EXCEED MAX. SIZE BY 15 SQ.FT.~~
3. SIGN #3 EXCEED MAX. SIZE BY 10 SQ.FT.

Michael Black
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE C	USE N-B	
SIGN #1 (Height)	2 FT.	2 FT. 6 IN.
#2	2 FT.	2 FT.
#3	2 FT.	2 FT.
FREESTANDING		
HEIGHT		
WALL SIGNS		
TOTAL ALL SIGNS		
#1 20 SQ.FT.	75 SQ.FT.	55 SQ.FT.
#2 20 SQ.FT.	30 SQ.FT.	10 SQ.FT.
#3	25 SQ.FT.	10 SQ.FT.

FEEI FROM ANY LOT LINE

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

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

RAMAPO SIGN CORP

72 ROUTE 9W
HAVERSTRAW, NEW YORK 10927
(914) 429-1400

THE
COMPLETE
SIGN
SERVICE

Aug. 19, 1992

Town of New Windsor Building Dept.
555 Union Avenue
New Windsor, NY 12553
Attn.: Mr. Michael Babcock

Dear Mr. Babcock,

As per our phone conversation, I've sent you the elevation drawings for the Captain Video building.

The drawings indicate the type & size signage our customer would like to have.

Please notify me ASAP how we may proceed as quickly as possible to obtain a sign permit for the Captain Video store.

Thank you for your attention to this matter.

Sincerely,



John P. Friscia, Jr.
Pres.

NOTE: The pizza & stationery signs are fictitious only for the purpose of Planning Board review.

JPF/hf
enc.

2nd Request -
11/9/92.

B. ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 92-32

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 11/09/92

City, Town or Village Board Planning Board Zoning Board of Appeals

2. Applicant: NAME JACK AQUINO and GREG MELLICK - CAPTAIN VIDEO

Address Route 32 - Windsor Highway, New Windsor, N. Y.

Attorney, Engineer, Architect -

3. Location of Site: Near Old Temple Hill Road intersection
(street or highway, plus nearest intersection)

Tax Map Identification: Section 65 Block 2 Lot 24

Present Zoning District C - Design Shopping Size of Parcel 178 x 187 +

4. Type of Review:

Special Permit Use* _____

Variance* Use _____

Area Signs - two wall mounted.

Zone Change* From: _____ To: _____

Zoning Amendment* To Section: _____

Subdivision** Major _____ Minor _____

10/20/92
Date

Patricia C. Banhart, Secy.
Signature and Title
NEW WINDSOR ZBA

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

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

-----x
In the Matter of Application for Variance of

Vack Aquino / Greg Mellick,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-32.

-----x
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, New Windsor, N. Y. 12553.

On October 27, 1992, I compared the 28 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees 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
Patricia A. Barnhart

Sworn to before me this
28th day of October, 1992.

Cheryl L. Canfield
Notary Public

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
4881654
Commission Expires December 29, 1992

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

28

October 8, 1992

Greg Mellick
401 Windsor Highway
New Windsor, NY 12553

Re: Tax Map Parcel 65-2-24
Video Ranger

Dear Mr. Mellick:

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 \$45.00, minus your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook

Leslie Cook
Sole Assessor

LC/cad
Attachments
cc: Pat Barnhart

Bila Partners
158 North Main St.
Florida, NY 10921

Kass, Frederick J. &
Madison, Samuel & Audrey
367 Windsor Highway
New Windsor, NY 12553

Vaccaro, Gaspare & Catherine
117 Sunset Drive
Newburgh, NY 12550

Rosenbaum Industries Inc.
PO Box 428
Vails Gate, NY 12584

Daidone, Charles T. & Rose M.
250-260 Temple Hill Rd.
New Windsor, NY 12553

Norstar Bank of Upstate N.Y.
Facilities Management
PO Box 911
Newburgh, NY 12550

C.P. Mans
PO Box 247
Vails Gate, NY 12584

Mans & Miller Auto Centers Inc.
PO Box 247
Vails Gate, NY 12584

Shedden, Joan A.
Box 608A
Vails Gate, NY 12584

The Vails Gate Fire Co.
PO Box 101
Vails Gate, NY 12584

Vails Gate Methodist Cemetery
PO Box 37
Vails Gate, NY 12584

Sorbello, Bouyea & King
c/o Robert K. Bouyea
505 North Riverside Road
Highland, NY 12528

Albany Savings Bank
94 Broadway
Newburgh, NY 12550

Rosenberg, William & Viola
c/o Big V Supermarkets
176 No. Main Street
Florida, NY 10921

Kelly, Katherine
Box 38
Vails Gate, NY 12584

Korngold, Louis M.D.
135 Strawtown Road
W. Nyack, NY 10994

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

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

Casaccio, Paul & Virginia
41 Barclay Road
New Windsor, NY 12553

Primavera, Joseph A.
Box 88
Marlboro, NY 12542

Bahri, Jamil & Motran
16 Academy Ave.
Chester, NY 10918

Panella, Emilio as Trustee
PO Box 473
Vails Gate, NY 12584

V.G. Maximus Inc.
c/o Joseph Pisani
203 Cambridge Court
New Windsor, NY 12553

Marshall, William & Blanche
8452 Robb Circle, Apt. G
Arvada, CO 80005

Brambury Associates
765 Elmgrove Road
Rochester, NY 14624

TGS Associates Inc.
15 East Market Street
Red Hook, NY 12571

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

Conna Corporation
Real Estate Dept.
c/o Dairy Mart #6668
210 Broadway East
Cuyahoga Falls, OH 44222

B. ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 92-32

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City, Town or Village Board Planning Board Zoning Board of Appeals

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Attorney, Engineer, Architect -

3. Location of Site: Near Old Temple Hill Road intersection
(street or highway, plus nearest intersection)

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Special Permit Use* _____

Variance* Use _____

Area Signs - two wall mounted.

Zone Change* From: _____ To: _____

Zoning Amendment* To Section: _____

Subdivision** Major _____ Minor _____

10/20/92
Date

Patricia A. Banhart, Secy.
Signature and Title
NEW WINDSOR ZBA

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

Date 1/22/82 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth 354 Marces Hill Rd DR.
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
1/5/82	Zoning Board Meeting	75 00	
	misc. - 4	18 00	
	Donora - 8 - 36.00	36 00	
	Aquino - 13	58 50	
	misc. - 16	72 00	
	Carroll - 13	58 50	
	Windsor Enterprises 13	58 50	
		<u>376 50</u>	

October 5, 1992

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JACK AQUINO/GREG MELLICK - PRELIMINARY MEETING

MR. FENWICK: Aquino, Jack/Mellick, Greg request for sign area and height variances for three wall signs (VIDEO RANGER): Sign 1, 55 square feet area with six inch height; 2, ten square feet area with six inch height; 3, ten square feet sign area with six inch height, at location Route 32 in C zone. Mr. Mellick, are you prepared now?

MR. MELLICK: Yes.

MR. FRISCIA: Sorry I was late, I came up from Rockland County. I'm the sign contractor, John Friscia. The company is Ramapo Sign. Basically we are coming in tonight proposing, I guess we are here for a variance because of the sign ordinance restrictions on a large store front, the sizes of the sign square footage wise. I have done a plan for you. These are by the way fictitious tenants. We thought we'd come in and propose while we are here tonight possibly to get the approval to at least keep this conformity within the store front.

MR. LUCIA: I notice on the agenda it shows three separate variance requests, sign number one for 55 square foot and area over the allowable amount and six inches in height. I see that on the denial. Sign two is ten square foot in area, also six inches in height. Sign three ten square foot in area, six inches in height.

MR. FRISCIA: It has to be higher. It might be exceeding by six inches.

MR. LUCIA: I don't see that on the denial, the six inches on signs two and three. I am not sure if there is a computation.

MR. FRISCIA: The height is, you produce these, the size of these letters because the store front is smaller than the, you know, the Captain Video.

MR. LUCIA: We don't need the six inch variance request on sign two and three.

MR. FRISCIA: I don't believe we need it on the

October 5, 1992

11

height.

MR. BABCOCK: It's on the denial as needed.

MR. LUCIA: It's on the agenda. The agenda does not conform to Mike's denial.

MR. BABCOCK: The denial sign one, two and three they all need the six inch.

MR. FRISCIA: It might be a square foot denial.

MR. BABCOCK: Let me see.

MR. FENWICK: Do you have any signs up now on the building?

MR. MELLICK: No.

MR. FRISCIA: No.

MR. BABCOCK: These were two foot signs. This one was two foot six.

MR. FRISCIA: Exactly. I think there is a 24 inch maximum on the height. I think you need the six inch only on this one.

MR. LUCIA: Only sign number one?

MR. FRISCIA: Right, the square footage.

MR. LUCIA: Square foot on all three but only the height on sign one?

MR. FRISCIA: Exactly.

MR. FENWICK: Could we see that over here? Is that the only plan we have? Are these the only signs we are addressing, the only signs on this building?

MR. BABCOCK: Yes.

MR. FENWICK: We are treating them as each individual business?

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MR. BABCOCK: Yes.

MR. FRISCIA: I must say before we go any further with it these again are fictitious tenants. We would like to avoid having to come back for an additional variance for each tenant provided that we stay within the limitations of size and color. They haven't rented it.

MR. MELLICK: No, actually the middle one is not going to be.

MR. FENWICK: Another thing I would like to find out, Mike, is down the road, just the statement I would like to make down the road we have Windsor Mall or whatever that thing is down there, get an idea what size those signs are.

MR. BABCOCK: Okay.

MR. FENWICK: I think when we acted on that we knew those signs were a little over but they certainly seem to be sufficient to do the job. I think we're kind of setting a norm off of those signs.

MR. FRISCIA: Just for the note as you are discussing it at the point where I realized there was a restriction on the signs I utilized only 50 percent of the store front in linear footage figuring that that would be adequate for a 50 foot store front. We cut it back down to 45 feet.

MR. LUCIA: I don't know if the board has any conceptual difficulty with using fictitious names for tenants. I am just wondering if you wind up with a tenant with a particularly long name if you limit it to a certain square footage so you are not boxing yourself into squeezing down --

MR. FRISCIA: What I would probably do which will probably happen, let's say for instance Steven's Pizzeria. We will then use the name Steven, I recommend to the tenant all the time half size. Stay within the square footage limitation. Because the name Steven's is not as important as the name pizzeria. The same with the stationary.

MR. LUCIA: As long as you are aware once the board grants you a square footage variance you are confined within that area.

MR. FRISCIA: I don't feel this store front should have anymore square foot than that. We like to see what space between the stores --

MR. TORLEY: Why is it you feel you need more signage area than the zoning code allows?

MR. FRISCIA: Well on this store front a ten square foot sign on 50, ten or 20, I don't recall exactly what it was.

MR. BABCOCK: 20 is the maximum allowable amount.

MR. FRISCIA: Terribly inadequate for a 50 foot square front. Tremendous store front. The sign would be, you're talking two foot by ten foot sign on a 50 foot store front proportionately would be incorrect. My opinion would be inappropriate for a 50 foot store front.

MR. FENWICK: I would still like to take a look and see what your neighbors have. We have acted on north of you. There is a strip mall there. We had to act on all the signs in that mall.

MR. NUGENT: They were bigger than 20 square feet.

MR. BABCOCK: They came in and got a variance.

MR. FENWICK: They came in and got a variance for all of them.

MR. NUGENT: In this they were larger than 20 square feet.

MR. FENWICK: We gave them a variance for all of them.

MR. NUGENT: But they were all the same, that's what we were looking for. Every store was exactly the same size.

MR. FRISCIA: Proportionately myself planning

shopping centers, which I get involved with architects in many towns, proportionately the person that has the 20 foot store should have proportionately more than a 50 foot square. Again, not telling you how to rule on this but in this event if you put a sign that was appropriate for a 20 foot store, a 50 foot store would look inadequate. This is actually the visual center of the whole shopping center. It's not center but the peak here is much larger than this peak. As you can see on this drawing it's proportionately correct.

MR. TANNER: That is the one difference between this and Fritz Kass' place.

MR. FRISCIA: They have a straight sign.

MR. TANNER: The store fronts are smaller, too. We are not 50 feet.

MR. FRISCIA: That's a tremendous store. Again, I just basically conservatively pulled it back to 50 percent of the linear footage from the store front.

MR. FENWICK: I am definitely going to take a look at it because I am really getting sick of where signs are going around here.

MR. NUGENT: I have to get it clear in my mind. He is asking for 55 feet over top of the 20 feet.

MR. FENWICK: He is looking for 75 square feet on the first sign.

MR. NUGENT: Ten and ten on the other.

MR. FENWICK: Which would be?

MR. BABCOCK: Captain Video he is asking it to be 75 square feet.

MR. MELLICK: We are now occupying the whole space.

MR. MELLICK: This won't be here.

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MR. FRISCIA: Right now you are occupying this but you are going to expand.

MR. MELLICK: We occupy from here to here.

MR. NUGENT: One other store?

MR. MELLICK: Right.

MR. FRISCIA: This will actually be centered out in scale. I wasn't aware of that.

MR. BABCOCK: We should eliminate sign two off this --

MR. FENWICK: It looks like --

MR. LUCIA: Sign three I guess to be logical.

MR. FRISCIA: Basically if you look at this proportionately it's incorrect. I wasn't aware at the time we drew this this was the original fascia drawing of the building. This would actually be centered on all of this.

MR. TORLEY: Keep the same size.

MR. FRISCIA: Right, exactly.

MR. TANNER: Are you planning to put any other signs on the property, up by the street or any place else?

MR. FRISCIA: Permitted a street sign without a variance.

MR. TANNER: Depending on the size.

MR. BABCOCK: He is going to be within it. Four by four, 40 square feet free standing sign.

MR. TORLEY: You are asking for a larger than normal. By the way, I am also going to stick one out in the front that's different, I am only going to have one large sign and nothing in the front.

MR. FRISCIA: We didn't discuss that. How is your

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feeling the building sign is probably more important at this point than anything?

MR. TORLEY: You can see that sign from a long way off.

MR. BABCOCK: He is permitted the sign on the road. Nothing prohibits him from coming back in tomorrow or next week or next month and getting that sign permit. He is allowed it by law.

MR. LUCIA: You will have to state on your application the total signage on the property. So, that is figured into the board's consideration of your variance request. Also, if you have any signage within the windows or something that I suppose should be disclosed.

MR. TANNER: I would like to know where that sign is going to be located to?

MR. MELLICK: It's existing.

MR. FENWICK: You mentioned, I heard previous to the meeting you happened to mention to Mike you might be putting an additional sign on that free standing sign if you were in fact to get a tenant in there, is that true?

MR. MELLICK: It's only because it's there that we are here mentioning it. Yes, we'd like to put two signs on there but it's never been discussed.

MR. BABCOCK: Say that size four by four with two names, I thought it was four by eight, one four by four for each sign.

MR. FENWICK: Four by four will encompass everybody, all tenants.

MR. BABCOCK: All tenants. It's in the landscaped area.

MR. FRISCIA: Existing prior to the --

MR. BABCOCK: Existing but it was never a legal sign even before this gentleman owned the

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property. We can make it legal through just getting a building permit for it and conforming to the setbacks, the height and so on and so forth.

MR. TANNER: One other question here, this shows the jog going back in there. Does the fascia go all the way straight across or does it show it going in?

MR. MELLICK: It jogs.

MR. TANNER: That's going to be a problem with your sign, if you're talking about centering it.

MR. FRISCIA: I can extend the letters off to be flush, that's not a problem. In other words, if there is a --

MR. FENWICK: If this is your main door, is this your main door?

MR. MELLICK: Yes.

MR. FENWICK: Do you have a secondary entrance?

MR. MELLICK: No, we don't. The door is there.

MR. FENWICK: I don't know why the sign couldn't stay right over top of the door.

MR. TORLEY: Where he wants to put the sign on the building is --

MR. FRISCIA: As far as I think aesthetically it would look more centered over the peak.

MR. MELLICK: The only reason we might want it down here is because you can't tell that this is ours.

MR. FRISCIA: You can address that probably with --

MR. FENWICK: If there is no sign there at all --

MR. FRISCIA: As you can see it aesthetically over the peak.

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MR. TORLEY: How is this going to be illuminated?

MR. FRISCIA: They are internally illuminated channel letters. Shoprite, pretty much the way most of the strips are.

MR. FENWICK: This is, for the record your copy, Mike?

MR. BABCOCK: It's my copy. I can give it to the board. What, I am not really concerned about that. What I'm concerned about is the correction with the word pizzeria or whatever that --

MR. FRISCIA: I can resubmit that to you. It's not a problem.

MR. FENWICK: I want that gone. If you are only interested in two, the members of the board agree, we want that gone for the record.

MR. FRISCIA: That's not a problem at all.

MR. FENWICK: It's not a question of you, it's not if we believe if you sold the building we are going to have people throwing the signs up if they have the picture.

MR. FRISCIA: If they decided to split that space then we would have to come back. That could be put in the minutes, it's not a problem.

MR. BABCOCK: By that time you draw up the new sign, you can decide where it's going to be centered so on and so forth.

MR. FRISCIA: I agree with the gentleman, it should be centered over that peak and the main entrance. I don't think that's a problem at all. We can address the entrance problem some other way.

MR. BABCOCK: We want to revise the denial to say two signs instead of three. We want to eliminate sign number three.

MR. FENWICK: Correct.

MR. TORLEY: My question is is practical difficulty. Looking for an area variance practical difficulty is supposed to exclude aesthetic input, is it not?

MR. LUCIA: Practical difficulty is no longer the law. Now it's this balancing task between the benefit to the applicants if the variance is granted is weighed against the detriment to the health, safety and welfare in the community. There are elements of the old practical difficulty in that, but until we get some cases it's hard to say. That maybe a more lenient standard than the old law.

MR. TORLEY: My recollection of the old law, aesthetic values were not germane to the area variance.

MR. LUCIA: I am not sure that is as clearly --

MR. FENWICK: It's not applied to --

MR. LUCIA: I am not sure that's as clear black letter law as it used to be. If there is a real aesthetic benefit to the applicant that doesn't severely impinge public health, safety and welfare. Probably you can ask a, honestly the law is to see any cases. But I haven't ever heard it said as it used to be under the old law that you can't ever look at aesthetics.

MR. BABCOCK: Mr. Chairman, would you like me to revise that document in your file?

MR. FENWICK: Yes.

MR. LUCIA: This will need a County referral. I put that in more for the record than you because you front on a state highway.

MR. FENWICK: Procedure for public hearing application for variance, any other questions from members of the board before we set them up for public hearing? Can I have a motion to accept for public hearing.

MR. TORLEY: Move.

MR. TANNER: Second.

ROLL CALL

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MR. TORLEY Aye
MR. TANNER Aye
MR. NUGENT Aye
MR. FENWICK Aye

MR. FENWICK: I'm going to now turn it over to our attorney and he'll explain to you what's necessary.

MR. LUCIA: Since this is an area variance application the standard, just to reitemize what I was just saying to Mr. Torley, is a balancing test. That's what the board has to do in order to make a finding to grant you the area variance you're seeking. That balancing involves weighing the benefit to you, if the variance is granted as against the detriment to the health, safety and welfare of the community by such granting in allowing you more than the permitted sign area by the zoning code. There are five factors you need to speak to in addressing that standard before this board. First, is whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. Second, whether the benefit sought by the applicant can be achieved by some other method feasible for you to pursue other than a variance. Third, whether the requested area variance is substantial. Four, whether the proposed variance will have an adverse effect or impact on physical or environmental conditions on neighborhood or district. Five, whether difficulty was self-created. As part of your application I think relevant to any sign area variance is the exposure you want for your existing business and a tenant you might put in, the speed at which cars pass, the business of the neighborhood and the fact that you need relatively quick recognition by a motorist if it's a business they have not previously traded at or haven't traded at this

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site before. So those are kind of the issues you need to speak to. When you come back we'd -- we have photographs, I guess.

MR. FENWICK: But not of the, those photographs are not of this building.

MR. LUCIA: We would like to see some photographs of this site please. We would like to see a copy of your deed and title policy, also, please. When you submit that application, I think the instructions on the cover sheet I think are self-explanatory. If you have any questions or problems give Pat a call. She is not here tonight. She is normally the board's secretary. She can help you. When you submit that application you also need two checks, both payable to the Town of New Windsor, one for a \$150 application fee.

MR. FRISCIA: Is that all --

MR. LUCIA: It's listed in there. Second, \$250 which is a deposit against town consultant fees and various disbursements the board has in processing the application. Okay.

MR. FRISCIA: When will this hearing be, as soon as we --

MR. LUCIA: Depends on how quickly you get that application back.

MR. FRISCIA: Tomorrow the way things are going.

MR. LUCIA: How quick will we setup publication and mailings and so on?

MR. NUGENT: Won't they get any for the County?

MR. LUCIA: County referral, but that's for Pat, not for you. She takes care of that.

FRISCIA: Basically fill the application, pay the fees --

MR. LUCIA: Give it back to Pat. She will set you

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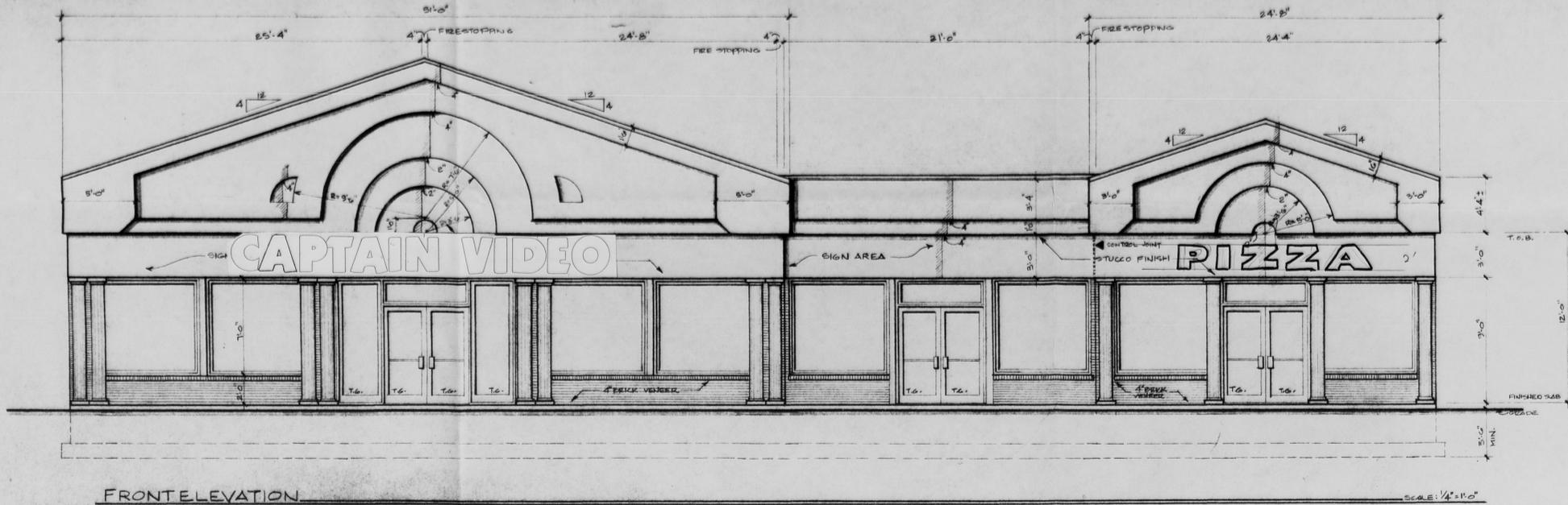
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up for the first available public hearing date.

MR. FRISCIA: That's it?

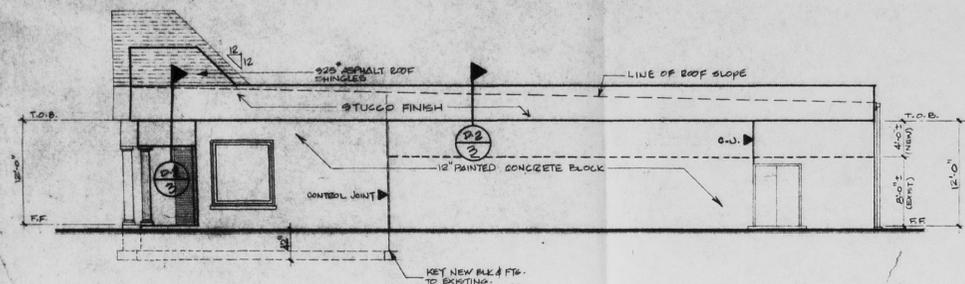
MR. LUCIA: That's it.

MR. FRISCIA: Very good, thank you.



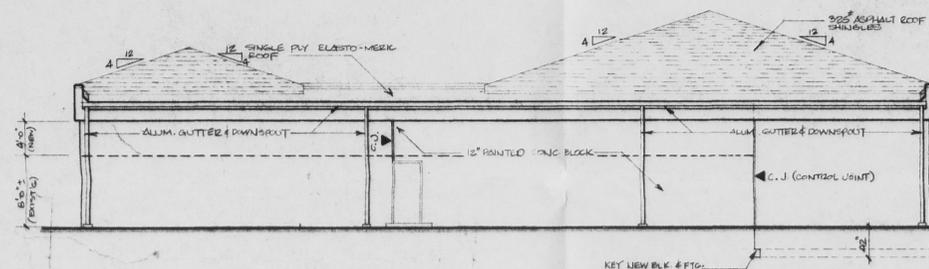
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



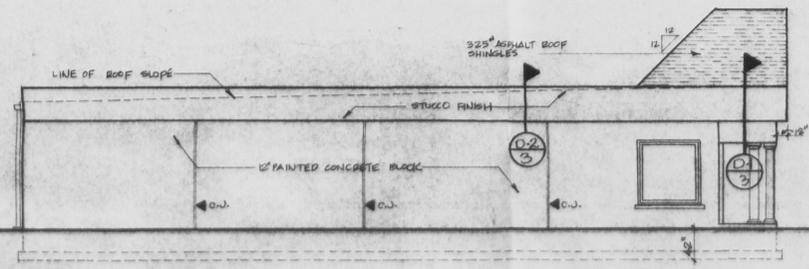
RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



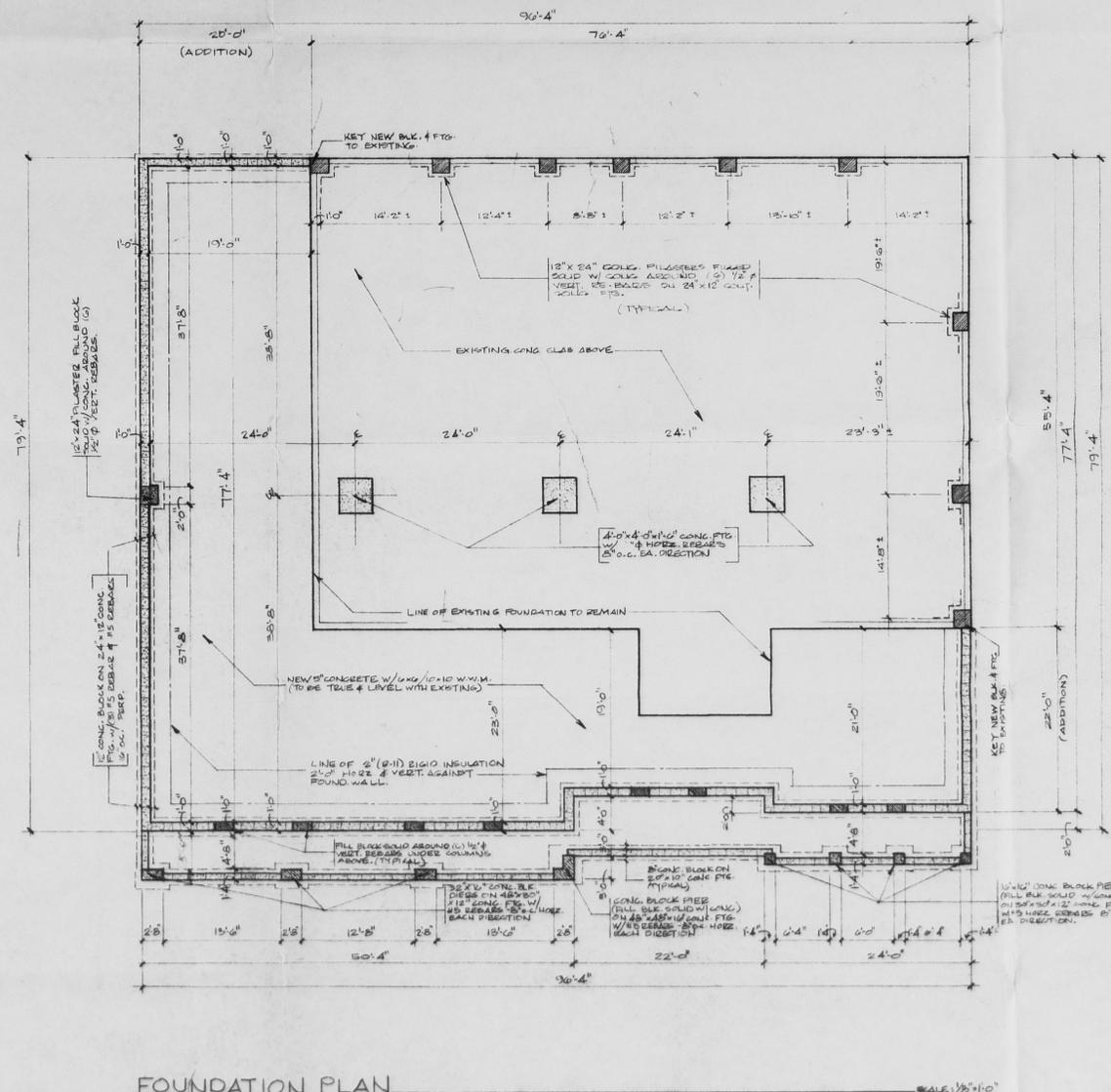
REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



FOUNDATION PLAN

SCALE: 1/8" = 1'-0"

- F. Noncorrosive Duro-wall tiles to be provided every other course on all walls.
 - G. All windows and door jambs shall be filled solid with concrete.
 - H. Concrete block construction joints to be provided a min. of 2'-0" for all exterior walls above grade or where indicated on plans.
 - I. All poured concrete shall be 3000 psi.
3. WOOD
- A. All framing lumber shall be Doug fir # 1 & 2 common having a min. allowable bending stress of 1200psi.
 - B. Lumber size and spacing as indicated on Working Drawings.
 - C. All plywood shall be 5/8" C/D plyscore exterior grade.
 - D. All framing lumber shall be kiln dried.
 - E. Roof trusses wider than 24" o.c. shall have 2"x4" wood blocking under all plywood joints.
4. THERMAL AND MOISTURE PROTECTIONS
- A. Insulation- All exterior walls shall receive 2" extruded R-11 polystyrene rigid insulation between furring strips.
 - B. Roof insulation shall be 12" fiberglass batts insulation.
 - C. Exterior door frames, sashes and window frames and window walls shall be caulked with non bituminous, non staining 'Momo' manufactured by Tremco or equal.
5. DOORS AND WINDOWS
- A. All doors and windows shall be size, type and fire rating indicated on plans and schedules. Windows shall be clad fixed glass and awnings. All glass shall be insulated.
 - B. All fixed glass shall be insulated glass.
 - C. Front entry doors shall be metal frame French doors equipped with panic hardware and tempered glass.
 - D. Overhead door shall be steel insulated to be selected by owner with optional vision panels.
6. FINISHES
- A. Concrete slab - concrete floor slabs shall be cleaned and treated with sealer to help slab resist abrasion, wear, impact and cracking and concrete dust. Sealer to prevent penetration of water, oils, greases and solvents. Concrete hardener also to be provided.
 - B. Exterior walls furred out as per plan with steel furring strips.
 - C. Frame walls - frame walls shall receive 1/2" sheetrock which shall receive 2 coats of paint providing a washable finished surface, also frame ceilings. Bathrooms and shower room floors shall receive 1" sq. standard grade crystalline ceramic tile.
7. ELECTRICAL
- A. All electrical work performed shall be approved by a local agency representing the National Board of Fire Underwriters.
 - B. Builder to provide 120/220 volt 3 phase 4 wire service to building with 400 amp service.
8. PLUMBING
- A. All plumbing work performed shall be approved by local building department.
 - B. All plumbing fixtures shall be American Standard or equal.
9. HEATING
- A. Heating contractor shall guarantee that heating system shall be properly designed, installed and adjusted to maintain 70° indoor Temp. in locker/bathroom areas and 65° Temp. in machine shop area when outdoor Temp. is 0° W/ 15mph wind.
 - B. Storage area shall be heated with suspended gas fired unit heaters. Showroom and office areas to be heated w/ roof mounted HVAC system. Plans and specifications of units and heating design data shall be submitted to the Building Dept. by the heating contractor for approval.
 - C. Heating & air conditioning system shall be forced-air with air exchange in attic and condensers outside. A.C. system shall be properly designed, installed and adjusted to maintain a 20° Temp. differential during the summer months. All ducts shall be insulated.
 - D. All HVAC work shall meet section 1004.42 of the NYS Building Code.
- STRUCTURAL SPECIFICATIONS
1. FOUNDATIONS & SLABS ON GRADE
- A. All footings are designed for a maximum allowable bearing pressure of 4 KSF.
 - B. All footings are to bear on undisturbed virgin soil.
 - C. All excavations shall be free of water before pouring concrete.
 - D. Concrete foundation walls shall be placed in alternate sections, not more than 60 feet in length. Horizontal construction joints will not be permitted except where shown.
 - E. Place slabs on ground of thickness shown on drawings with contraction and/or construction joints as indicated on the plans. Contractor shall submit pour sequence for the slabs to the architect for approval prior to developing a minimum concrete strength of 3,000 psi at 28 days (U.O.N.).
 - F. Where compacted fill is required, well graded granular material shall be placed in lifts not exceeding 12" and compacted to 95% of its maximum dry density as per ASTM D-1557.
 - G. All concrete work (both materials and construction procedures) shall be in accordance with ACI Standards 318-83.
 - H. Concrete shall be capable of developing a minimum compressive strength of 3,000 psi at 28 days (U.O.N.).
 - I. Reinforcing bars shall be deformed billet steel bars in accordance with ASTM A615, grade 60. All detailing of reinforcing shall be in accordance with ACI Standard 315.
 - J. All exposed edges of concrete above finished floor shall have a 3/4" x 3/4" chamfer.
 - K. Provide #3 nosing bar at each concrete step.
 - L. Calcium chloride or solutions containing chloride will not be permitted as admixtures in any concrete.
 - M. Maximum concrete slump shall be 4".
 - N. All concrete shall be placed, transported and placed in accordance with ACI Standards 318, 304, & 301.
 - O. Reinforcing steel shall be placed to provide the following min. concrete cover:
 - Footings - 1-1/2"
 - Walls - 3"
 - Slabs - 2"
 - P. All exterior footings shall be placed a minimum of 3'-6" below final grade when bearing on soil.
 - Q. Where rock outcroppings are encountered in a building foundation bearing on soil such outcroppings or interference shall be removed to a depth 12 inches below bottom of foot and replaced with clean granular material containing less than 15% silt, compacted to 95% maximum density per modified proctor method. Maintain a minimum cover of 2'-6" to bottom of concrete.
 - R. Where necessary, footing steps shall be constructed at maximum slope of 1 vertical to 2 horizontal.
 - S. Where solid fractured rock is encountered for wall length of at least 25 feet, walls may be poured without footings by trenching 6 inches into the rock and pinning the wall to rock with 6x3'0" long dowels at 2'-8" on center, grouted into rock, extending 1'-6" into rock. No frost provisions are required for this detail. Provide control joint in wall at any transition between rock bearing and soil bearing conditions.
 - T. Differential backfill against foundation walls shall not exceed 4 feet until top bracing slab or framework has been in place for a minimum of three days. Cantilevered retaining walls may be backfilled within 14 days of concrete placement but in no case shall differential of backfill, between opposite sides of the wall, exceed the final design differential.
2. CONCRETE MASONRY UNITS CMU
- A. All concrete masonry units shall be hollow load bearing units conforming to ASTM C90, with minimum compressive strength of units = 1500 PSI, with assumed design compressive strength, fm=1150 PSI and density of 140 Pcf.
 - B. All units shall be placed in running bond.
 - C. Mortar shall be type M or S. Mix 1 part portland cement, 1/4 to 1/2 part hydrated lime and 2-1/4 to 3 parts sand, sized on site.
 - D. Score all units off ground to prevent contamination, cover materials to protect rom the elements.
 - E. No air-entraining admixtures or antifreeze compounds, such as calcium chloride shall be added to mortar.
 - F. All walls or pilasters supporting steel or bearing plates shall be filled solid with concrete to footings at a minimum of 32" wide.
 - G. Do not backfill against foundation walls until concrete has attained maximum strength. Where backfill is placed against foundation walls before floor construction is in place, provide temporary bracing.

ELEVATION	DATE
ADDITION TO RETAIL BLDG. PPG.	05/14/91
MR. JACK AQUILLO	DATE
NEW WINDROOF	DATE
JAMES H. TALLER, ARCHITECT	2
17 SPRING BUCK ROAD	3
ROPERIDGE, N.Y.	