

ZB# 94-7

**Grace Panella /
H&R Block**

71-3-3

#94-7-Parrella, Grace / A+R Block - Sign

Prelim.

Mar. 28, 1994

Public Hearing;

May 9, 1994

Need copy:

① Deed/lease

② ~~File notes~~

③ Fees: 150.00

292.00

④ Proxy letter

from owner - Parrella

Filed to Sentinel on 4/21/94.

Approved 5-0

Sign Variance

May 9, 1994

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

GENERAL RECEIPT

14011

May 5 1994

Received of Time Signs of Kingston, Inc. \$ 150.⁰⁰

One Hundred fifty and ⁰⁰/₁₀₀ DOLLARS

For ZBA #9409 App. Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CR 5819</u>		<u>150.⁰⁰</u>

By Dorothy Hansen

Town Clerk

Title

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

EO#232 - Marcetta, Hoeg

Use Miller -



TIMELY SIGNS OF KINGSTON, INC.
 803 ULSTER AVENUE MALL
 KINGSTON, NY 12401

DATE	INVOICE	AMOUNT

29-1/213

5219

PAY *One hundred and fifty dollars ^{2.00}/₁₀₀* DOLLARS

TIME WK'D	DATE	TO THE ORDER OF	GROSS AMOUNT	INCOME TAX	SOC. SEC.	STATE TAX	NET AMOUNT
	5/3/94	<i>Town of New Windsor</i>					150.00

TIMELY SIGNS OF KINGSTON, INC.

#94-7-2BA
 FLEET BANK OF NEW YORK
 KINGSTON OFFICE
 KINGSTON, NY 12401

Gerard J. Buchert
 AUTHORIZED SIGNATURE

⑈005219⑈ ⑆021300019⑆ 5829 009155⑈



TIMELY SIGNS OF KINGSTON, INC.
 803 ULSTER AVENUE MALL
 KINGSTON, NY 12401

DATE	INVOICE	AMOUNT

29-1/213

5220

PAY *Two hundred and ninety two dollars ⁰⁰/₁₀₀* DOLLARS

TIME WK'D	DATE	TO THE ORDER OF	GROSS AMOUNT	INCOME TAX	SOC. SEC.	STATE TAX	NET AMOUNT
	5/3/94	<i>Town of New Windsor</i>					292.00

TIMELY SIGNS OF KINGSTON, INC.

#94-7-2BA

FLEET BANK OF NEW YORK
 KINGSTON OFFICE
 KINGSTON, NY 12401

Gerard J. Buchert
 AUTHORIZED SIGNATURE

⑈005220⑈ ⑆021300019⑆ 5829 009155⑈

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

(71-3-3)

-----X
In the Matter of the Application of

GRACE PANELLA/H&R BLOCK

DECISION GRANTING
SIGN VARIANCES

#94-7.
-----X

WHEREAS, GRACE PANELLA, P. O. Box 573, Vails Gate, N. Y. 12584, owner, and H&R BLOCK, 411 Broadway, Newburgh, N. Y. 12550, have made application before the Zoning Board of Appeals for a 56 s. f. sign area variance and 1 ft. height variance for two wall signs for H&R Block to be located at 356 Windsor Highway in a C zone.

WHEREAS, a public hearing was held on the 9th day of May, 1994 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant in the person of Mr. Ozzie Beichert of Timely Signs was present at the public hearing and spoke in support of the application. Also present was the owner of the property and applicant Ms. Grace Panella; and

WHEREAS, there were two spectators present the public hearing, to wit, Ms. Fran Shapiro, residing at 45 Vails Gate Heights Drive, Vails Gate, New Windsor, New York, who lives near the site and who stated she walked around this site practically every day. Ms. Shapiro objected to the size of the sign sought and objected to the applicant having two signs. She stated that there was a large over-sized promotional sign on the property already in addition to plastic signs. She felt that the signs proposed were not aesthetically pleasing.

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 has a lease to operate a business known as "H&R Block" in a building owned by the applicant and located in a C zone. The evidence also shows that the applicant is seeking permission to vary the provisions of the sign portion of the Zoning Local Law pertaining to the size of the signs and a 1 ft. height variance in the location of two signs to be placed at the premises.
3. The evidence presented by the applicant established the fact that area variances would be needed to place signs on the premises in the size approved by H&R Block.
4. The evidence presented by the applicant indicated that the signs for which permission was sought were previously located

in the Town of New Windsor and are the minimum size signs that are approved by the H&R Block parent corporation. The applicant's evidence also indicated that the signs had been in place in New Windsor in another location for a number of years and that although he was asking for a variance in the square footage of the sign that would be approximately double that which is allowed by the code, that there were signs in the immediate neighborhood up and down the highway on which this business is located that are much larger than the signs for which this request was made.

5. The evidence presented by the applicant indicated that the height variance was necessary in order to locate these signs on the building due to the way in which the building was constructed.

6. The evidence indicated that the impact on the neighborhood would be minimal because it is a commercial neighborhood in which a great many signs are located and the fact that this would not be a revolving sign, neon sign or flashing sign.

7. The Board found that the requested variance, if granted, will not blight the properly and orderly development and general welfare of the community since it is commercial in nature and a great many signs are located in it.

8. It is the finding of the Board that the signs could not be made and located in a manner conforming to the local law because the signs have already been made and are appropriate to the size of this building.

9. It is the finding of this Board that the application for the sign variance, if granted, will not have an adverse impact on property values in the neighborhood since it is consistent with the commercial nature of other properties along the road upon which it is located.

10. It is the finding of this Board that the variances, if granted, will not have a negative impact on the physical or environmental conditions in the neighborhood for the reasons stated above.

11. It is the finding of this Board that the proposed variances, if granted, will not adversely impact the public health, safety and welfare for the reasons stated above in addition to the fact that these signs will be located on the building and will not be on pylons or freestanding and, therefore, cannot be traffic hazards either visually or physically.

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.

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 for signage are substantial in relation to the requirements of the Zoning Local Law. It is the conclusion of this Board, however, that the granting of the requested substantial sign variances are warranted because there is no practical way in which the applicant could comply with the statutes and because the signs placed in conformance with those variances will be not inconsistent with the other signage which exists in the vicinity.

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 Zoning Local Law is a self-created one since the signs which the applicant seeks to place are not in conformance with the local law and the applicant may construct smaller signs before placing them. The height variance requested is not a self-created one since the buildings are in existence and were in existence before this application. This self-created hardship does not, however, outweigh the physical hardship presented by the building and the size and location thereof.

6. It is the finding of this Board that the benefit to the applicant, if the requested 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 area variances 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 area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 56 s.f. sign area variance and 1 ft. height variance for two wall signs for H&R Block to be located at 356 Windsor Highway in a C zone, as sought by 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: June 27, 1994.

James E. Mergent
Chairman

(ZBA DISK#12-020294.jd)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-7

Date: 04/19/94

I. Applicant Information:

- (a) PANELLA, GRACE, P. O. Box 573, Vails Gate, N. Y. 12584 x
(Name, address and phone of Applicant) (Owner)
- (b) H&R BLOCK, 411 Broadway, Newburgh, N. Y. 12550 (Lessee)
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) TIMELY SIGNS, 803 Ulster Avenue, Kingston, N. Y. 12401 - Sign contractor
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) C 356 Windsor Highway, New Windsor, NY 71-3-3 167 x 278 +
(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? Yes
- (d) When was property purchased by present owner? 5/8/90
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 1970
- (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.

n/a

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

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

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

V. Area variance: n/a

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

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

* Residential Districts only

** No-residential districts only

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

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

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

VI. Sign Variance:

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

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1 & 2	40 s.f.	96 s.f.	56 s.f.
Sign 2			
Sign 3			
Sign 4			
Sign Height:	2 ft.	3 ft.	1 ft. height

(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)

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs? Total signage for H&R Block is 96 s.f.

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

(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)

Co-applicant, H&R BLOCK is relocating its operation on Route 32 to a new location just across the highway. The building is owned by Grace Panella and is located in a strip mall at 356 Windsor Highway in a C (design shopping) zone on the corner of Forge Hill Road. H&R BLOCK is proposing two wall signs on each corner of the building for a total sign area of 94 s.f. The variance request is for 56 ft. with a 1 ft. height variance since the total sign height for a building sign is 2 ft. and the applicant proposes a 3 ft. high building sign.

Applicants feel that since the location will be foreign to former and prospective clients, the proposed wall signs will be effective in locating the new H&R BLOCK office since it is located on a well-travelled highway with a multitude of signs to deal with. The wall signs as proposed will be unobtrusive and will not obscure or inhibit any sight visibility or cause traffic hazards.

Applicants feel that since this is a new location for H&R BLOCK, that a desirable change would be produced in the character of the neighborhood and no detriment would be caused to the nearby properties since this is a commercial zone.

Applicants have reviewed the sign regulations in the C zoning district and realize that there is a limitation to the square footage which is allowed. 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 two (2) building signs located in a strip mall on a very busy highway in the Town of New Windsor. The speed limit allows vehicles to travel at approximately 30 m.p.h. as they traverse this relatively busy corner which links two major roadways (Route 32 and Route 94) in the town. Signs which identify the H&R BLOCK operation are imperative for today's competitive market. Therefore, applicants feels that a sign variance request such as this 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 applicant is in the process of relocating its operation and new signage is imperative for identification purposes in order to attract new customers as well as allowing previous customers to locate the new store.

PUBLIC HEARING:

PANELLA H & R BLOCK

MR. NUGENT: Request for 56 s. f. sign area variance and 1 ft. height variance for two wall signs for H & R Block to be located at 356 Windsor Highway in a C zone.

Mr. Ozzie Beichert of Timely signs appeared before the board.

MR. BEICHERT: My name is Ozzie Beichert, I am President of Timely Signs. I represent H & R Block and Grace Panella on this sign permit application. I believe there's a minor error, when we first started to discuss this, let me clarify it with Mike, we have a corner store. My understanding was we could have, if you have a corner store, that you are allowed 40 square feet per side on that which would be 80.

MR. BABCOCK: No, it's 20 per each sign, the corner store allows you to have 2 signs and it's 20 per each sign.

MR. BEICHERT: We're allowed 2 signs on the corner but it's--

MR. BABCOCK: 20 square feet each.

MR. BEICHERT: Frank mentioned it was 40 square feet each.

MR. BABCOCK: No, 40 total because of the 2 signs.

MR. BEICHERT: We submitted the application, H & R Block unfortunately it's a little bit late for their season, it's after April 15, but we still desperately need to get the signs installed. Their logo sign happens to be an H & R Block and Income Tax sign, we wanted one, we're allowed 2 signs on this corner property, we wanted these, we're asking for a variance on this. Evidently, the zoning ordinance allows us to have a 2 foot height, their standard sign which is all over the United States happens to be 3 foot by 16 foot, we have been here before and requested a public hearing

on this. And I guess any questions now we have explained this before, it's because of their logo, their style we submitted the application. They have a standard size sign that they use in these applications. The same size signs on both corners were used on a piece of property across the road for years, they've moved into other quarters, the same type of thing they are on a corner situation, they've had these same signs in New Windsor for years and now we'd like permission to put them back up.

MR. LANGANKE: Mike, how does this request fit in with the proposed ordinance that we're working on? The new sign ordinance is it close or--

MR. BABCOCK: The new sign ordinance I'm having trouble with because I've got two of them and I'm having trouble keeping them straight. It depends the distance off the road, the new ordinance. Still would be the two foot in this case but if you are a measurement of 300 plus feet off the road, you can increase it to three foot.

MR. NUGENT: Still 2 by 10?

MR. BABCOCK: I don't know that. I can go look if you want.

MR. TORLEY: But he's clearly not 300 feet off the road so it would still require a variance, even with the new code?

MR. BABCOCK: Yes.

MR. TORLEY: Is the variances you're asking for now would actually be greater in proportion than it would be under the new code?

MR. BABCOCK: That is correct.

MR. TORLEY: Has H & R Block, you said this is the corporate standard, to your knowledge, do they have any officers where they have because of our either zoning or other restrictions would not be able to have that size sign?

MR. BEICHERT: I've done H & R Block signs for the Hudson Valley, my company has done them for the last 20 years. We've never had this problem before anywhere and they've got a lot of offices. We just, we ran into a stone wall here. We generally do not have this type of a problem.

MR. HOGAN: For our etification, could you rattle off some names of communities?

MR. BEICHERT: City of Poughkeepsie, Town of Poughkeepsie, Wappingers, Fishkill, Kingston, couple in Kingston, have not had a problem with their corporate standards.

MR. TORLEY: And I thought our sign regulations were that unique.

MR. BEICHERT: For a district like you have here on this road on this highway district here, your sign or your zoning I'm not exactly sure, I guess it's actually your sign ordinance but it's part of the whole zoning code, seems to be a bit restrictive for a highway area. As I say, they were across the street and they were there for years and they did not have a problem with that. I just, I unfortunately did not put those up so I don't know the past history of how they were permitted or what.

MR. TORLEY: They just were put up probably.

MR. BEICHERT: Lord knows we're trying to go by the process and I've got a lot of papers to show for, now I have approximately 18 H & R Block folders in my filing cabinet, this exceeds the width of the other 17 unfortunately.

MR. HOGAN: Why do I believe that?

MR. LANGANKE: Well, are there some issues that the applicant should be speaking to or we can open it to the public.

MR. NUGENT: Okay.

MR. KRIEGER: Basically, the same as the usual area criteria, can you describe what the conditions are in the neighborhood what other signs are immediately around you.

MR. BEICHERT: Immediately on that particular piece of property or up and down the highway?

MR. KRIEGER: Both.

MR. BEICHERT: Up and down the highway there are signs much larger than this all over the place, there are corner signs on the property, there are several signs, some of which exceed the square footage of our signs. That I have documented to the building department at their request, we do a survey of signs on the site. And there's a map in the enclosure in the application.

MR. NUGENT: Are the other signs on the building larger than this one?

MR. BEICHERT: There are some that exceed square footage wise. This appears for the square footage area that is allowed, there's some very small stores there with very large signs comparatively speaking.

MR. KRIEGER: How substantial is the request in compared to what's allowed?

MR. NUGENT: Double.

MR. KRIEGER: He's allowed 40, he's asking for 96 so it's over.

MR. NUGENT: Right over double.

MR. KRIEGER: I would suggest the members may want to ask about in such fashion about adverse impact on the neighborhood, what the impact would be.

MR. BEICHERT: As far as impact in the neighborhood or on the neighborhood, it's a highway zone there, it's pretty much all commercial buildings. They are all lighted, there's a thousand signs as you go through

that area.

MR. KRIEGER: When you say all lighted, you mean all the signs are lighted?

MR. BEICHERT: Yes.

MR. NUGENT: Are yours lighted?

MR. BEICHERT: We don't have any yet so yes, internally illuminated, yes, they are not neon, they don't flash. They are internally illuminated.

MR. TORLEY: Mike, then aside from the--

MR. BEICHERT: They are not different from any other signs in the area per se, I mean it's the same thing everyone else is doing from Caldors right on down through that area. It's not as though we're proposing a sign with two heads here, it's, you know, and the, in my original understanding was that the corner had a 40 and a 40, it was 80, that is what I was told originally when I applied.

MR. TORLEY: Mike, setting aside the size of the sign in other respects he meets all the other code requirements, internally illuminated, not neon, not flashing, everything else?

MR. BABCOCK: Yes.

MR. BEICHERT: They are U.L. listed, I don't know if you require that.

MR. BABCOCK: Yes.

MR. HOGAN: There's either a tremendous amount of signage on the building or our code is very out of line because the 96 is going to far exceed anybody including the bakery at that point.

MR. NUGENT: At this time, I'd like to open it to the public. Please try not to be repetitious.

MS. FRAN SHAPIRO: This is my first time and I'm very

happy to be here and hear that you are questioning the H & R Block sign. I live just up the street and I can tell you exactly what this property look like because I walk around it practically every day and the impact that it has on our neighborhood to have a community where double the amount of size is put up, I think we have a friend in New Windsor that we want as you said commonality in the signs, the signs are smaller now. Route 300 looks like the trees, the signs, it's taking a turn and we have had to do this for a really long time now. We welcome H & R Block, very happy to have them in the neighborhood but I can't see the necessity to have two signs. Right now, the property has on Route 32 an H & R Block sign, if you are familiar with it then there are two places the particular signs it goes on 32 and Old Forge Hill Road, the windows have H & R Block in all the windows. This is on 32 and Old Forge Hill. There's a large oversized promotional sign on the property that says H & R Block. Beside the plastic signs that says I think instant refund and then another one says something else around the other end, I don't see how this enhances New Windsor at all, we have historical area, we're wanting to maintain that and to have an H & R Block sign up with good wishes but why does it have to be that big and why do we have to look like a strip mall on 32, this is really not helping us in New Windsor. It's an eyesore which I don't want this image. Aesthetically, people notice it, you can't help but notice it. I would hope you would deny this. I would hope you pay attention to aesthetics so that the Town can take a swing back, I don't think the sign helps us. Having one large double is it 2 1/2 times the size? I left my notes home. I was so nervous trying to get here afraid I'd miss you that I didn't take all my notes with me but I think Mike it's double or 2 1/2 times, and I understand our building inspector denied this. Mike, was that correct?

MR. BABCOCK: That is correct.

MS. SHAPIRO: We do have a building code that hopefully keeps us within a limit and the variances just go beyond it and you know we don't need to drive and be distracted by double sizes of signs, we don't really need this. The property really is not maintained,

up.

MRS. SHAPIRO: I've seen them in other H & R Blocks, I was just recently at, that is their logo, H & R Block in all the windows and this has a lot of windows so you have got H & R Block in there but it's not temporary, I don't believe it's there.

MS. PANELLA: Since they didn't have the sign.

MR. NUGENT: Let him answer the question, please.

MR. BEICHERT: Okay, Fran, I'd like to address some of your concerns because I know you're concerned.

MS. SHAPIRO: I certainly am.

MR. BEICHERT: The reason that I am down here is because we feel that the sign regulations here are obviously too restrictive. We're just simply trying to get a corporate logo. Now, when we say a corporate logo, this is the sign that we're trying to put in. That is it. It says H & R Block and it says income tax. This doesn't flash, it's not gaudy colors anything else. All we're asking for is a right of exposure. We've had this sign in New Windsor for how long has an office been here?

MS. PANELLA: Nine years across the street same sign.

MR. BEICHERT: Nine years across the street no one has ever made a complaint about that sign. All we're asking is that we're allowed to change spaces, compete with other people in this business who have as large or larger signs. As far as landscaping, anything else, the intent of this application is simply to put up a standard corporate logo sign. As far as the signage for the rest of the property, this public hearing is very specific, I attended a meeting of this same board last month. And it was very specifically stated that I have, H & R Block has no control over the signage that everyone else has put. If they've done things that are illegal, that is not for this board to decide at this public hearing. This public hearing is very simply to decide whether or not H & R Block has a right to put up

their corporate logo sign which they've put up in all other corporate locations. To address your things about the temporary signs in the windows, there's a portable trailer sign on the property. That is in fact being removed day after tomorrow. The tax season is over. In self-defense, all we can do is put that up there, people could not find H & R Block, they could not find them. In order for people to find H & R Block, they are looking for services for them to do taxes, they are looking for services they need to identify something. All across the country, no matter where you come from, if you look at these signs, it has H & R Block, it's a standard thing. It doesn't change no matter where you go all over the country. We can put bushes around it, we can put trees up, we can plant grass, cut grass, unfortunately people need to work and people need to have services. And that is all we're asking for is simple recognition. We understand your aesthetic concerns, I don't think I can.

MS. SHAPIRO: I think if you did understand the aesthetic concern coming into our Town you would be at the top of the list trying to address aesthetics but instead you're wanting a sign double the size, you're wanting it larger and you're wanting it bigger. This is not addressing aesthetics, that tactic does not address aesthetics.

MR. BEICHERT: What are aesthetics, is it colors?

MR. NUGENT: Please address your comments to the board, not one on one.

MR. BEICHERT: You asked me to address her concerns.

MR. NUGENT: I asked you to answer my question whether you're going to remove the temporary signs. You answered yes.

MR. BEICHERT: Yes, there's also other signs in the windows that had to address concerns things that were going on those are all being removed.

MR. NUGENT: That was my question.

MR. BEICHERT: Yes, they are going to be removed.

MR. NUGENT: Any further questions from the audience?
Hearing none--

MS. SHAPIRO: I do have a further question because I don't feel as though this gentleman has shown me the business necessity to put up a sign when we have codes in New Windsor of double the size, I could not see that business necessity. And I would hope that the Zoning Board would take this into consideration. I think there's a trend now of trying to ask the businesses, I understand from Mike, to conform as you say commonality. This is what we are looking for. This sign would not be commonality. The Mario sign is much smaller, much smaller and this sign definitely is not commonality. It's again going to the larger signs and making it look like a strip mall. I don't think this is what we want and I think we have to make a decision now do we want this, do we want to keep letting them put bigger signs up and I commend you for giving this gentleman, he's saying your laws are too restrictive, I commend you for having restrictive laws and taking a stand and saying no, this is too big, we need to change it and I thank you.

MR. NUGENT: We don't make the laws. We only uphold them.

MS. SHAPIRO: But you're giving them a hard time, I don't think you should be allowing him this really big sign.

MR. NUGENT: We're not giving anybody a hard time.

MS. SHAPIRO: I think you have been excellent in this application.

MR. BEICHERT: How about let's just look at this now we mentioned Mario's so let's mention it while we have it. Mario's has a 3 foot by 16 foot sign, they also have in addition to that a 15 inch by 30 foot long sign. In addition to that, they have two pile-on signs which are 3 foot by 7 foot. If you add all that up, you're way over what we're asking for, way over.

MR. HOGAN: And H & R Block.

MR. BEICHERT: The fact that Mario's is you know is not the same, it's smaller, that is not true.

MR. HOGAN: H & R Block will not have a pile-on sign.

MR. BEICHERT: We're asking to put these two signs on the building corner.

MR. TORLEY: Nothing else.

MR. NUGENT: That is what he is asking for.

MR. BEICHERT: These two signs if you look, if you want to compare properties, Mario's has the same square footage already.

MR. NUGENT: I want to close the public hearing because then we get it back onto our own board. Hearing no further questions by the public, I'll close the public hearing and open it back up to the board for further questioning.

MR. KRIEGER: You keep talking about corporate logos but don't corporate logos come in different sizes? Isn't necessarily the requirement of the corporation, what makes it the corporate logo, it's the layout and how the sign is constructed, how the letters.

MR. BEICHERT: H & R Block does not make a smaller internally illuminated sign than this.

MR. KRIEGER: The H & R Block outside in Newburgh next to the Shop Rite, I'm sorry, the Rite-Aid, right there on Broadway, don't they have a smaller sign there?

MR. BEICHERT: It's the same sign, there's only one because it's not, doesn't go around the corner.

MR. KRIEGER: Same size?

MR. BEICHERT: Yes.

grass isn't cut where you want to put your H & R Block, the back of the bakery hasn't been painted in God knows when. There's some repair needed to the building so these are things that bring business in, I think, I would like to go to a business that puts some landscape, some trees and has a sizable sign. But not a gigantic sign, you know. H & R Block is a very reputable firm, people know about them and it would be nicer if they, you know, made the property look nice so the neighborhood would want to come into it. This way we walk by and we say you know, what are they doing to us. So I don't want to make it too long. It's been a long night and I want to thank you for listening and your patience and I really hope that you will help us with this new code to keep our property values high to be able to sell our homes cause people want to come in and they don't have to look at 32 and say gee, I know this looks bad, I really hope that you will consider this. Thank you very much for your time.

MR. NUGENT: Is there anyone else that would like to speak?

MS. GRACE PANELLA: I just want to say that before H & R Block came in, took the store, rented the store from us, there was a sign up there that was taken, the signs were there, the permanent fixtures were there, but they were taken by our previous tenant, Flex Appeals, and they were 3 by 8. I think they weren't 2 by whatever Mike is saying is allowed. Now they were bigger. And if they hadn't been taken they were there before but now they are gone. But the building is used to or people are used to seeing a very large sign on this building because that building is set up on 32, it's high up, it's a corner spot, it needs 2 signs on both sides and a small sign is not going to look right on a big building the way the building juts out on 32.

MR. NUGENT: Would the temporary signage that is in the window be removed once the big signs are up?

MR. BEICHERT: I think I might be in a better position than Grace to address that question.

MR. NUGENT: I'm not familiar but the lady brought it

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLC PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises GRACE PANIELLA

Address P.O. BOX 573 VALE'S GATE, N.Y. 12584

Name of Architect

Address Phone

Name of Contractor TIMELY SIGNS OF KINGSTON, INC.

Address 803 ULSTER AVE. KINGSTON, N.Y. 12404 Phone 1-800-676-8910

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

If applicant is a corporation, signature of duly authorized officer:

Herard J. Reichert, PRESIDENT
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of WINDSOR HIGHWAY
(N.S.E. or W.)
- and feet from the intersection of
2. Zone or use district in which premises are situated Is property a flood zone? Yes No
3. Tax Map description of property: Section 67 Block 2 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of premises

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLC PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises GRACE PANELLA
 Address P.O. BOX 573 VAIL'S GATE, N.Y. 12584
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor TIMELY SIGNS OF KINGSTON, INC.
 Address 803 ULSTER AVE. KINGSTON, N.Y. 12404 Phone 1-800-676-8710
 State whether applicant is owner, lessee, agent, architect, engineer or builder SIGN INSTALLER
 If applicant is a corporation, signature of duly authorized officer:

Gerald J. Reichert, PRESIDENT
 (Name and title of corporate officer)

1. On what street is property located? On the WEST side of WINDSOR HIGHWAY
 (N.E. or W.)
 and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 67 Block 2 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy VACANT b. Intended use and occupancy TAX PREP OFFICE
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other SIGN
6. Size of lot: Front Rear 444 Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? NO
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
 (to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.....

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

5-1

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

Date... 12/7 1983

INSTRUCTIONS

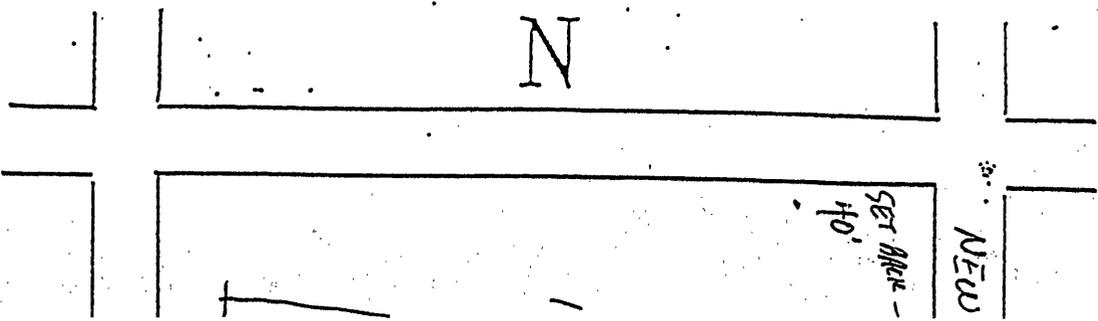
- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property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

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

Howard J. Beckett TIMELY SIGNS 803 ULSTER AVE KINGSTON
 (Signature of Applicant) (Address of Applicant)

PLOT PLAN

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



APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

- Refer -
- Planning Board.....
- Highway.....
- Sewer.....
- Water.....
- Zoning Board of Appeals.....

Date.. 12/7..... 1983

INSTRUCTIONS

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

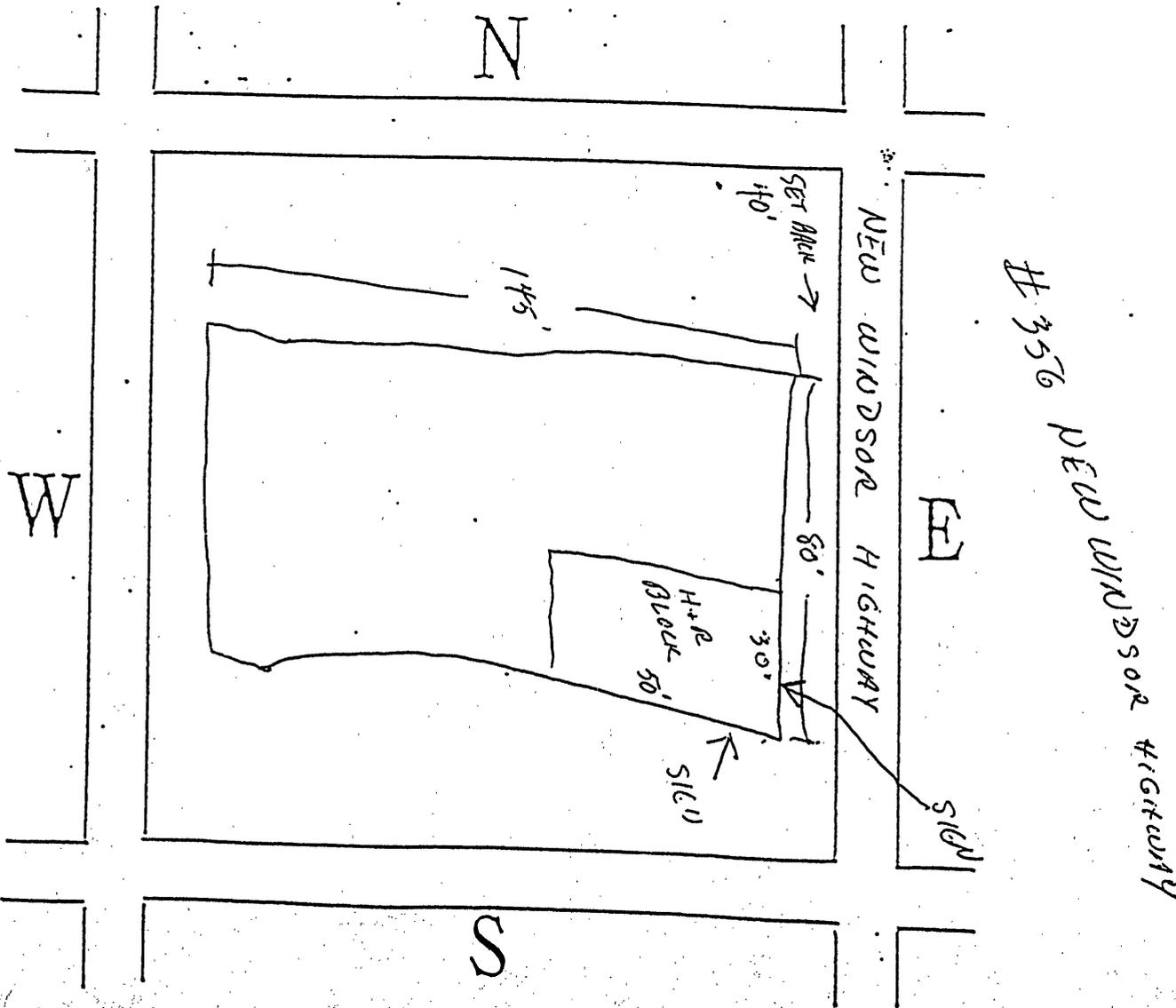
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein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

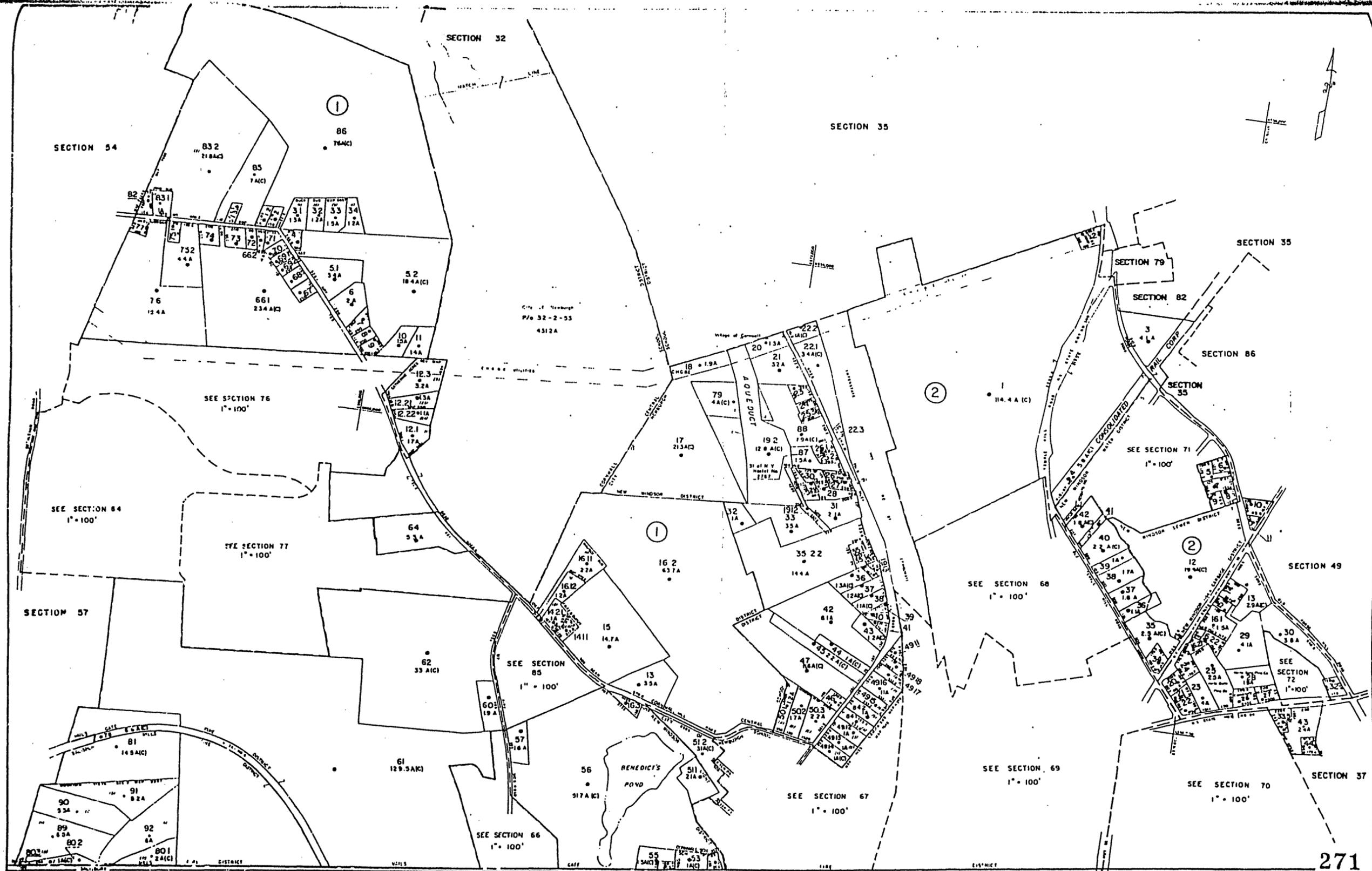
Gerard J. Bechtel
 (Signature of Applicant)

TIMELY SIGNS 803 ULSTER AVE. KINGSTON
 (Address of Applicant)

PLOT PLAN

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





71-33

271

AERO SERVICE
 200 N. 4TH ST.
 PHOENIX, ARIZONA 85004
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND

STATE OR FEDERAL	PLAT PLAN LOT LINE	TOWN MAP BLOCK NO.	PLAT PLAN BLOCK NO.
SLY TOWN OR VILLAGE	ESTABLISHMENT LINE	TOWN MAP PARCEL NO.	PLAT PLAN LOT NO.
RIDGE & HOLLOW LINE	WATER LINE	SECTION	STATE HIGHWAYS
SPECIAL DISTRICT LINE	SEWERS	SECTION	COUNTY HIGHWAYS
PROPERTY LINE			TOWN BOUNDARY

ORANGE COUNTY-NEW YORK
 Photo No. 19-46, 7-345
 Date of Photo: 3-1-51
 Date of Map: 9-24-57
 Date of Revision: 3-1-91
 Scale: 1" = 400'

TOWN OF NEW WINDSOR
 Section No. 62

5/9/94 Public Hearing - Panels/H-R Block

Name:

Address:

Fran Shapiro
(objections)

45 VAHS Gule Hg. Dr.
New Windsor N.Y.

71-3-3

Policy and Procedure

3' x 8' SIGN

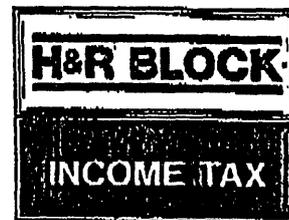
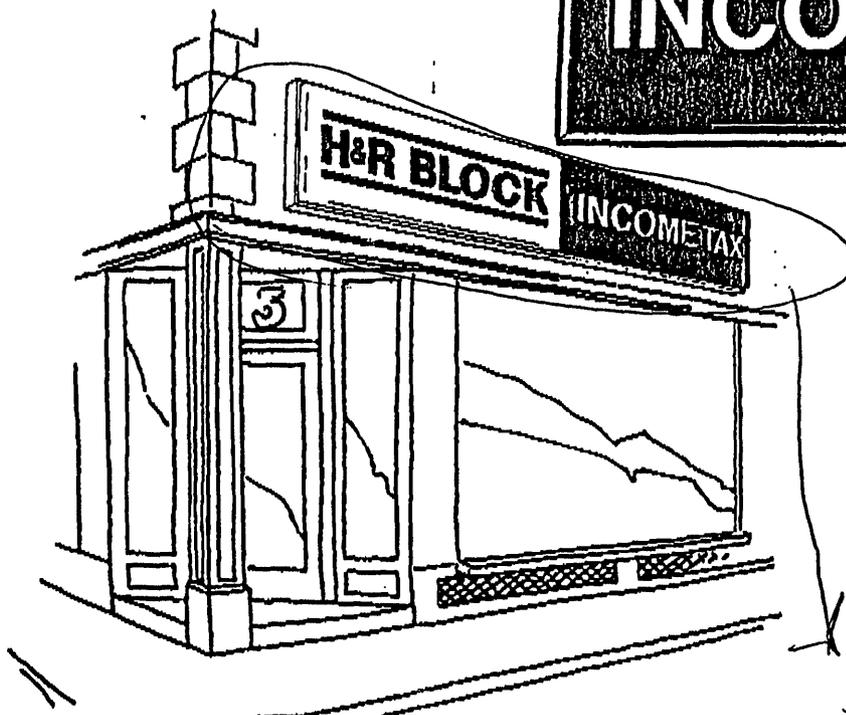
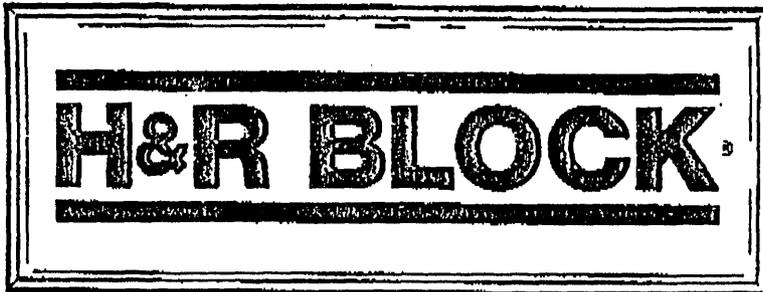
Cat. No. 1914 Single face (SF)

Cat. No. 1916 Replacement face only

Cat. No. 1915 Single face (SF)

Cat. No. 1917 Replacement face only

This is the most versatile sign Block offers. The modular design allows varied arrangements; three variations are shown here. It can be used very effectively on large blank exterior walls.



1 SET OF 3'x16' = 48 sq ft
ON EACH CORNER

PROPOSED SIGNS →

TOTAL 96 sq ft

Timely Signs

803 Ulster Avenue
Kingston, N.Y. 12401
914-331-8710

PHOTO # 2

BAKERY - NEON

2' x 12' = 24 sq ft

N-8 20 sq ft MAX

VADANCE - 4' sq ft



(2)

~~PHOTO # 7~~

INTERIOR
WINDOW
NO B.P. NEEDED

~~BAKERY -
WINDOW NEON~~

~~OPEN 10" x 40"~~

~~BAGELS 24" x 45"~~



(7)

Timely Signs
803 Ulster Avenue
Kingston, N.Y. 12401
914-331-8710

PHOTO # 3

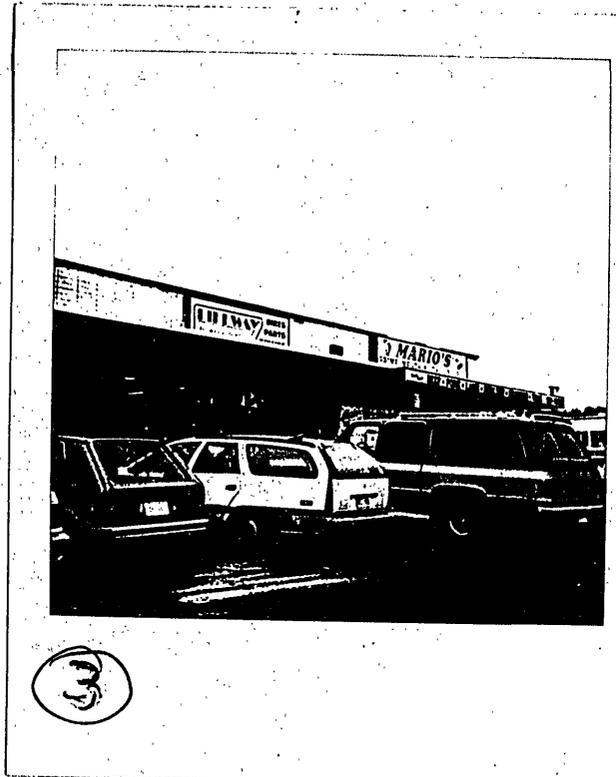
BIKEWAY

3' x 10' = 30 sq ft

N-8

Exceeds 2' Height by 1'

Exceeds 20 sq ft by 10'



3

MARIO'S

N-8

3' x 16' = 48 sq ft

Exceeds 2' Height by 1'

Exceeds 20 sq ft max by 28 sq ft

15" x 30' = 45 sq ft

Exceeds 20 sq ft by 25 sq ft

15" x 360" = 45 sq ft

Timely Signs
803 Ulster Avenue
Kingston, N.Y. 12401
914-331-8710

PHOTO #4

WOODEN SIGN
(BLANK PART)

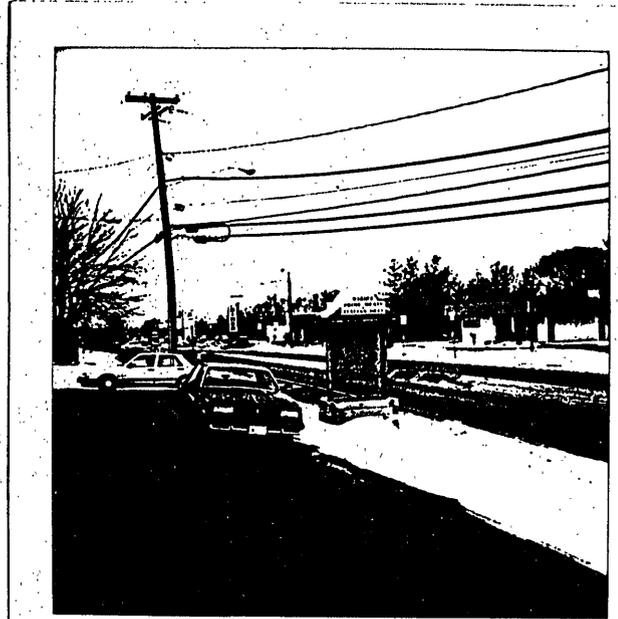
44" x 46"

MARIO'S SIGN
STUCK ON ROOF:

19 1/2" x 40"

2' x 4' 8" = x2 = 16 sq
SIDES

N-10 DIRECTORY SIGN?
40' sq @ MAX (OK)
makes two



④

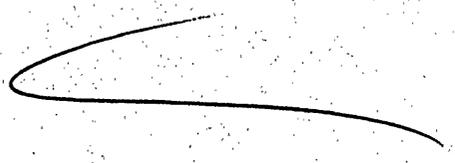
Timely Signs
803 Ulster Avenue
Kingston, N.Y. 12401
914-331-8710

PHOTOS 5+6

PROPOSED

H+R BLOCK

SIGN LOCATIONS



5



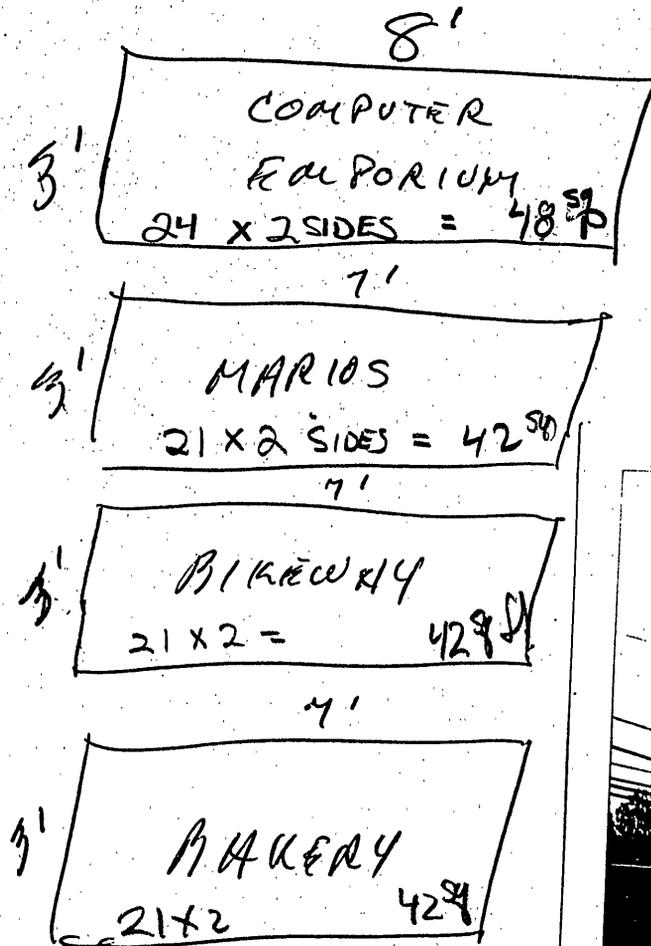
6

Timely Signs

803 Ulster Avenue
Kingston, N.Y. 12401
914-331-8710

PHOTO # 1

PYLON SIGN



174 sq

N-9 - 80 sq ft MAX

94 sq ft VARIANCE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

56

March 29, 1994

Gerard J. Beichert, President
Timely Signs
803 Ulster Ave.
Kingston, NY. 12401

Re: 71-3-3
Owner: Panella, Emilio

Dear Mr. Beichert:

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 \$75.00, minus your deposit of \$25.00. Please remit the balance of \$50.00 to the Town Clerk's office.

Sincerely,

L. Cook (signature)

Leslie Cook
Sole Assessor

LC/cd
Attachments
cc: Pat Barnhart

Martini, Paul M. & Irma A. 3
341 Old Forge Hill RD. X
New Windsor, NY. 12553

Selby, Edmand m.
355 Old Forge Hill Road X
New Windsor, NY. 12553

Estremera, Rose
21 Vails Gate Heights Drive X
New Windsor, NY. 12553

Warshaw, Sonnie & Diane
23 Vails Gate Heights Dr. X
New Windsor, NY. 12553

Perry Ronald & Marie A.
25 Vails Gate Heights Drive X
New Windsor, NY. 12553

Levy, Barbara
27 Vails Gate Heights Drive X
New Windsor, NY. 12553

Coyle, Stephen P. & Annelie
41 Vails Gate Heights Dr. X
New Windsor, NY. 12553

Baker, Meredith Elaine
43 Vails Gate Heights Dr. X
New Windsor, NY. 12553

Shapiro, Martin & Frances
45 Vails Gate Hgts. Dr. X
New Windsor, NY. 12553

Hunger, Leonard & Lucy
47 Vails Gate Hgts. Dr. X
New Windsor, NY. 12553

Navedo, Juvencio
49 Vails Gate Hgts. Dr. X
New Windsor, NY. 12553

Maidman, Bertrand & Myra
51 Vails Gate Hgts. Dr. X
New Windsor, NY. 12553

Schmidt, Carina A.
323 Old Forge Hill Rd. X
New Windsor, NY. 12553

Barrett, John A. & Dorris M.
53 Vails Gate Hgts. Dr. X
New Windsor, NY. 12553

Bila Family Partnership X
158 Main St.
Florida, NY. 10921

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

Deyo, Jesse Donald & Margaret
340 Windsor Highway X
New Windsor, NY. 12553

Vails Gate Elementary School X
98 Grand St.
Newburgh, NY. 12550

Lipovsky, Helen X
85 Congers Rd.
New City, NY. 10956

Mylonas, Dimitrios & Pope X
c/o New Windsor Coach Dinner
New Windsor, NY. 12553

Prendergast, Patricia W. X
52 Continental Dr.
New Windsor, NY 12553

Digregorio, Lawrence P. & Robertson, Claudette X
54 Continental Dr.
New Windsor, NY. 12553

Hilton, Frank & Daisey Lee X
P.O. Box 193
Vails Gate, NY. 12584

Stafford, William F. & Elizabeth A. X
58 Continental Dr.
New Windsor, NY. 12553

Storey, Richard F. & Diane M. X
422L Bailey Loop
West Point, NY. 10996

Cohen, Richard M. & Jeryl A. Dorsey X
62 Continental Drive
New Windsor, NY. 12550

Crook, Richard J. & Jeannie M. X
64 Continental Dr.
New Windsor, NY. 12553

Rohan, John F. & Mary V. X
66 Continental Drive
New Windsor, NY 12553

Asmann, Ulrich & Linda
99 Montgomery St. X
Newburgh, NY. 12550

Scheiner, Isaac & Sally X
17 Marion Dr.
Newburgh, NY. 12550

Isaacs, Christopher A. & Sandra Jackson X
59 Vails Gate Hgts. Dr.
New Windsor, NY. 12553

Herring, David & Edith X
61 Vails Gate Hgts. Dr.
New Windsor, NY. 12553

Martini, Peter & Lucy X
P.O. Box 331
Vails Gate, NY. 12584

Blooming Grove Operating Co., Inc. X
P.O. Box 188
Washingtonville, NY. 10992

Reed, Barbara X
65 Vails Gate Heights Drive
New Windsor, NY. 12553

Yelin, Bella X
50 Parker Ave.
New City, NY. 10956

Dugan, Dennis P. X
69 Vails Gate Hgts. Dr.
New Windsor, NY. 12553

Petrolese, Salvatore & Concetta X
171 Vails Gate Hgts. Dr.
New Windsor, NY. 12553

Christianson, Alton D. & Theresa X
327 Old Forge Hills Rd.
New Windsor, NY. 12553

Ware, Jerline & Zelda X
329 Forge Hill Road
New Windsor, NY. 12553

Mihalco, Emil Jr. & Sopiell Bernice X
317 Old Forge Hill Road
New Windsor, NY. 12553

Sun Refining & Marketing Company X
Ten Penn Center
1801 Market St.
Philadelphia, Pa. 19103-1699

STP/JMK Properties, Inc.
298 Forge Hill Road
New Windsor, NY. 12553

Andriuolo, Carmine
363 Windsor Highway
New Windsor, NY. 12553

Adams, Harold J. Estate of
c/o Carol Sue Adams
74 Cayuga Street
Seneca Falls, NY. 13148

Vitolo, Vittorio & Lucy
23 Marie Lane
Middletown, NY. 10940

Cicchetti, Edward O.
8 Baltsas Road
Newburgh, NY, 12550

Vitolo, Reziro
137 Mill St.
Wallkill, NY. 12589

Bank Of New York
Property Management
48 Wall St.
24th Floor
NY., NY. 10286
Attn: P. Culas

Reyes, Saturnino & Genovena
51 Continental Dr.
New, Windsor, NY. 12553

Kemp, Marie
49 Continental Dr.
New Windsor, NY. 12553

Kerwick, Thomas J. & Mary G.
47 Continental Drive
New Windsor, NY. 12553

Kraiza, Joseph M. & Aurora M.
45 Continental Dr.
New Windsor, NY. 12553

Stivala, George J. & Viola
Box 185
Vails Gate, NY. 12584

Kaduk, Eleanor K.
PO Box 1206
Newburgh, NY. 12550

Morran, Robert J. & Nancy T.
41 Continental Drive
New Windsor, NY. 12553

X

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. 7

Request of GRACE PANELLA/H&R BLOCK

for a VARIANCE of the Zoning Local Law to permit:

Two wall signs with more than the allowable sign area
and height;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs.
Column N,

for property situated as follows:

356 Windsor Highway, New Windsor, N. Y. 12553

known as tax lot Section 71 Block 3 Lot 3.

SAID HEARING will take place on the 9th day of May,
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

Prelim
3/28/94.
#94-7

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MARCH 16, 1994 *Ozzie Beichert (sign co.)*
APPLICANT: ~~OZZIE BEICHERT~~ *Panella, Grace (owner)*
803 ULSTER AVENUE
KINGSTON, N.Y. 12401

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: MARCH 14, 1994
FOR (BUILDING PERMIT): FOR SIGN
LOCATED AT: 356 WINDSOR HIGHWAY

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65, BLOCK: 2, LOT: 10
COMM OCC MINI MALL

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. PROPOSED AND EXISTING SIGNS EXCEED MAXIMUM ALLOWED HEIGH AND AREA.

Frank Jiri

BUILDING INSPECTOR

	USE	PROPOSED	ALLOWED	VARIANCE
PROPOSED H&R BLOCK SIGNS	N-B	96 SQ.FT	40SQ.FT.	1FT.HGH 56 SQ.FT. AREA
EXISTING BAKERY	N-B	24 SQ.FT.	20 SQ.FT.	4SQ.FT.
EXISTING BIKWAY	N-B	30 SQ.FT.	2FT.HEIGHT 20 SQ.FT.	1FT.HGH 10FT. AREA

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MARCH 16, 1994

Ozzie Beichert (sign co.)

APPLICANT: ~~OZZIE BEICHERT~~
803 ULSTER AVENUE
KINGSTON, N.Y. 12401

Panella, Grace (owner)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: MARCH 14, 1994

FOR (BUILDING PERMIT): FOR SIGN

LOCATED AT: 356 WINDSOR HIGHWAY

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65, BLOCK: 2, LOT: 10
COMM OCC MINI MALL

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. PROPOSED AND EXISTING SIGNS EXCEED MAXIMUM ALLOWED HEIGHT AND AREA.

[Handwritten Signature]

BUILDING INSPECTOR

	USE	PROPOSED	ALLOWED	VARIANCE
PROPOSED H&R BLOCK SIGNS	N-8	96 SQ.FT	40SQ.FT.	1FT.HGH 56 SQ.FT. AREA
EXISTING BAKERY	N-8	24 SQ.FT.	20 SQ.FT.	4SQ.FT.
EXISTING BIWAY	N-8	30 SQ.FT.	2FT.HEIGHT 20 SQ.FT.	1FT.HGH 10FT. AREA
EXISTING MARIO'S SIGN #1	N-8	48 SQ.FT.	2FT.HEIGHT 20 SQ.FT.	1FT.HGH 28SQ.FT.
EXISTING MARIO'S SIGN #2	N-8	45 SQ.FT.	20 SQ.FT.	25SQ.FT.
EXISTING POLE SIGN	N-9	174 SQ.FT.	80 SQ.FT.	94SQ.FT. AREA 3FT. HGH

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

Timely Signs
803 Ulster Avenue
Kingston, N.Y. 12401
914-331-8710

December 7, 1993

Town of New Windsor Bldg. Inspector
555 Union Avenue
New Windsor, N.Y. 12550
Attn: Mr. Michael Babcock

Dear Mr. Babcock:

Enclosed please find an application for a Sign Permit for the H&R Block Company at 356 New Windsor Highway. I have enclosed a check for \$50.00, the application, and a drawing of the signs. If there is anything else required, please call me at 800-676-8710.

Sincerely,
Timely Signs of Kingston, Inc.

Ozzie Beichert,
President

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved s/c.....
 Permit No.....

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York, 12550
 Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

Date... 12/7 1983

INSTRUCTIONS

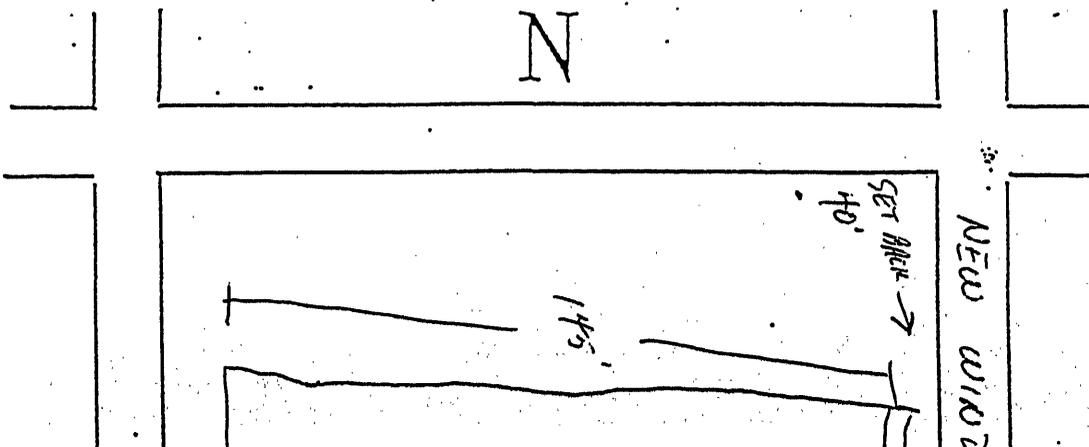
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout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

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

Gerard J. Berchert TIMELY SIGNS 803 ULSTER AVE. KINGSTON
 (Signature of Applicant) (Address of Applicant)

PLOT PLAN

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



APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

- Refer -
- Planning Board.....
- Highway.....
- Sewer.....
- Water.....
- Zoning Board of Appeals.....

Date 12/7 1993

INSTRUCTIONS

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

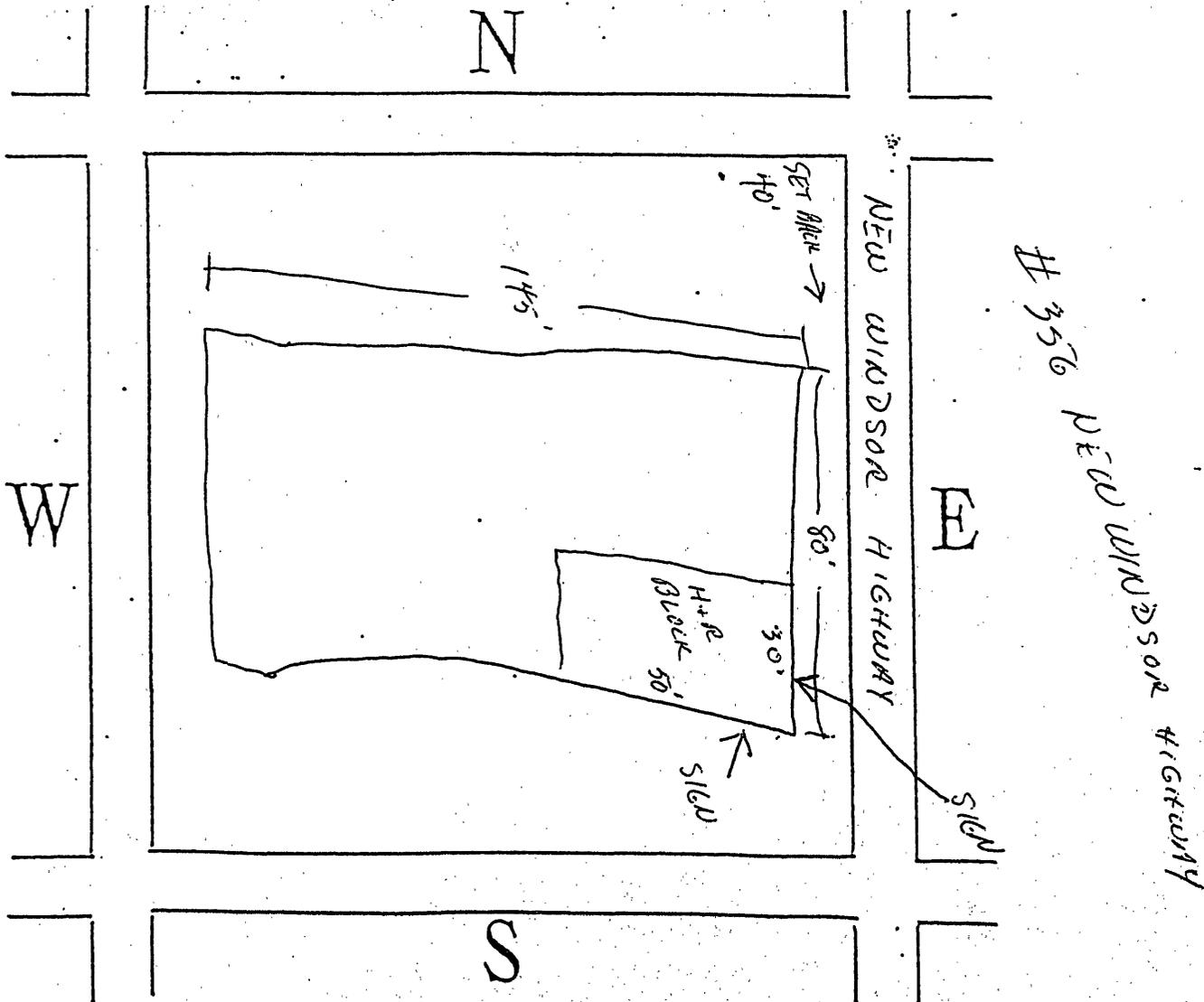
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein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

Herward J. Reichert
 (Signature of Applicant)

TIMELY SIGNS 803 ULSTER AVE KINGSTON
 (Address of Applicant)

PLOT PLAN

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



IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

15-2-10

H + R BLOCK
356 WINDSOR HWY

PLEASE PRINT INFORMATION

Name of Owner of Premises GRACE PAVELLA P.O. BOX 573
Address VAIL'S GATE, NY 12594 Phone _____
Name of Architect _____
Address _____ Phone _____
Name of Contractor TIMELY SIGNS OF KINGSTON, INC.
Address 803 ULSTER AVE KINGSTON, N.Y. 12404 Phone 1-800-676-8710
State whether applicant is owner, lessee, agent, architect, engineer or builder SIGN INSTALLER
If applicant is a corporation, signature of duly authorized officer:

Gerald J. Reichert, PRESIDENT
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of WINDSOR HIGHWAY
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated C Is property a flood zone? Yes 10 No _____

15-2-10

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

H + R BLOCK

356 WINDSOR HWY

PLEASE PRINT INFORMATION

Name of Owner of Premises GRACE PAVELLA P.O. BOX 579
 Address VAIL'S GATE, NY 12584 Phone _____
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor TIMELY SIGNS OF KINGSTON, INC.
 Address 803 ULSTER AVE KINGSTON, N.Y. 12404 Phone 1-800-676-8710
 State whether applicant is owner, lessee, agent, architect, engineer or builder SIGN INSTALLER
 If applicant is a corporation, signature of duly authorized officer:

Gerald J. Reichert, PRESIDENT
 (Name and title of corporate officer)

1. On what street is property located? On the WEST side of WINDSOR HIGHWAY
 (N.S.E. or W.)
 and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated C Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 65 Block 2 Lot 10
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy VACANT b. Intended use and occupancy TAX PREP OFFICE
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other SIGN 3x16, 3x16 WALL SIGNS 215 ft Pole
6. Size of lot: Front Rear Attch Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? NO
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
 (to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

PRELIMINARY MEETING:

PANELLA, GRACE/H&R BLOCK

MR. TORLEY: This is a request for sign are variances:
(a) Proposed H&R Block - 5.6 s. f. area and 1 ft. height; (b) Existing Bakery - 4 s.f. sign area; (c) Existing Bikeway - 10 s. f. area and 2 ft. height; (d) Existing Mario's Sign #1-28 s. f. area and 1 ft. height.; Existing Mario's sign #2-25 s.f. sign area; (e) Existing Pole sign - 94 s.f. and 3 ft. height. All signs located on Route 32 at Forge Hill road in C zone.

Mr. Ozzie Biechert of Timely Signs appeared before the board representing H & R Block.

MR. HOGAN: Mr. Chairman, I'd like to have the building inspector speak to the total variance being requested here.

MR. TORLEY: Please.

MR. BABCOCK: The proposed H & R Block signs, each store is allowed 20 square foot sign. H & R Block is on the corner so you can have a sign on each corner so he's allowed 40. He's proposing 96. That is the only proposed sign that we have here. Also, his sign is 1 foot higher, what's allowed is 2 foot high, he wants to put up a sign that is three foot high so he needs a variance of one foot higher than what the two foot allows plus 56 square feet. The existing bakery sign is very simple, 20 square feet and he's asking for 4 square feet. He's asking 24, he's allowed 20 so he needs a variance of 4. The Bikeway sign, his existing is 30, he's allowed 20, he needs ten plus he needs 1 foot height variance on the sign.

MR. KRIEGER: Bakery as allowed what?

MR. BABCOCK: Allowed 20 and he's proposing 24 so he needs 4 square foot.

MR. KRIEGER: Bikeway, I'm sorry.

MR. BABCOCK: He's allowed 20 also he has 30 so he

needs 3.

MR. KRIEGER: And 2 to 3 feet.

MR. BABCOCK: And one foot height, it says not to exceed two foot without special approval from the Zoning Board. The Mario's Market number one is 48 square feet, he's allowed 20 so he needs 28 square feet and I also need a one foot high variance because he's three foot instead of the two foot. Mario's number 2 he's proposing 45 and he has 20, he's allowed 20 so he needs 25 foot square foot variance. Now, the total square footage on the building they are asking for is 123 square foot variance of wall signs. All the signs grouped together and all the signs the total they are allowed, he needs a variance of 123 square feet and the pole sign he needs 94 square foot total.

MR. TORLEY: Now, Mike, from your knowledge of the new sign code that I gather is about to come up for approval, what if any of these variances would be negated under the new code?

MR. BABCOCK: Well, I don't know that any of them would, okay, quite honestly because we took them as one sign each and allowed the same square footage for each sign. The proposed existing pole sign is now 174 square feet and it will be allowed in the new ordinance at 64 square feet.

MR. TORLEY: So in other words, the gentleman still would have to be here even if the sign ordinance passes?

MR. BABCOCK: That is correct.

MR. TORLEY: Wanted to make sure you weren't wasting your money.

MR. BEICHERT: Well, I have more to say but I'll wait until you guys get all done. Then I'll tell you what I am really here for and it's not for all this.

MR. HOGAN: Before he go on, please state your name.

March 28, 1994

4

MR. BEICHERT: Ozzie Beichert, I am President of Timely Signs in Kingston, New York.

MR. HOGAN: You are representing?

MR. BEICHERT: As long as we're doing this for the record I'd like to present a letter from Grace Panella, I'm representing Grace Panella for the purposes of applying for a sign ordinance for H & R Block and I want to make that very clear and H & R block only, 56 Windsor Highway. The rest of this stuff scares me.

MR. TORLEY: In other words, the only one we're considering is H & R Block tonight.

MR. BABCOCK: We didn't feel that way and it's the discretion of the board, the way that we felt this gentleman is right, he's representing H & R Block. He came in to get a building permit to put up a sign for H & R Block, when we started looking at the rest of the signs we said I think now it's time to clean up the rest of them and that is why he's here.

MR. TORLEY: My only question is really for our attorney as the gentleman said, he's only here reflecting H & R Block's interest, is he competent to discuss anything else for this or does that matter at this stage?

MR. KRIEGER: Well, competent to discuss, is--

MR. BEICHERT: I would like to make a comment on the other signage. I am not authorized by the owner of the property to make any negotiations or comment on it. I would like to comment on my own as an H & R Block agent for H & R Block. Because my interest is that, period, and that is all. Grace Panella has authorized me to do, act on H & R Block's behalf, not on the rest of the property.

MR. KRIEGER: Problem is in order to get do H & R Block existing signage is already far in excess of what's allowed so the board can't consider H & R Block solely because you have to get to the point where you can begin to cut H & R Block signage, had there been no H &

R Block application, whether or not the Town could have legitimately enforced its sign ordinances against existing signs is pretty much a moot point at this point.

MR. TORLEY: I have no objection to proceeding, I just want to make sure that we are on the proper grounds for going ahead.

MR. LANGANKE: I thought each business was allowed certain signage so isn't H & R Block allowed a certain amount of signage?

MR. BABCOCK: That is correct.

MR. LANGANKE: Why can't we consider his request for his business, I mean we really could do that.

MR. HOGAN: Correct me if I am wrong but the codes are as to signage per property parcel, is that correct?

MR. KRIEGER: I believe so. The problem is that they are separate businesses but there's one building.

MR. BABCOCK: Quite honestly, we thought this was the opportune time to straighten out the rest of the signs and I have no objection if the board changes that.

MR. KRIEGER: Can you do it? Yes, yes, you can do it.

MR. LANGANKE: Did you take this upon yourself, I'm just curious?

MR. TORLEY: He's trying to do the right thing bringing things into compliance.

MR. BABCOCK: When they came in, they dealt with Frank and Frank came to me and he said how do we do it and this is how I explained that it should be done. I assume he asked, I don't know whether you were dealing with Frank or Grace was, they supplied us with--

MR. BEICHERT: I did that on my own and I can't charge anybody. I was asked to do a survey, take photos of all the signs at my own expense coming down from

Kingston and I don't know why I was asked at the time. Now I know. See, you know, and I want to make it perfectly clear on the record, that I am applying for a variance for H & R Block only.

MR. BABCOCK: Who asked you to do this?

MR. BEICHERT: Frank.

MR. BABCOCK: You went and did all this work without asking him why he wanted this information?

MR. BEICHERT: I asked him why he said because the signage on the property is over. What we want in order to apply further you need this information. I said fine, that is what I would do.

MR. KRIEGER: The problem is one of the things that the board has to consider is whether or not to grant a variance for this sign is the character of the neighborhood and certainly the other signage on the same building is irrelevant. As a matter of fact, a necessary consideration to doing that.

MR. TORLEY: I have no problem with trying to get the whole thing cleared up as the gentleman has stated he's here only for H & R Block. He cannot renegotiate or do anything on any other signs. I think we might have some questions on the other signs that are there or changes we might like to see and this gentleman can't speak to this. So I would suggest my preference would be if we can go ahead with just at least preliminary just on H & R Block, you might want to inform the principle about the rest of these things. I don't want to hold you up. We don't want to put you on the spot.

MR. BEICHERT: I don't want to be held up because I'm not being paid to be here and I did not figure on running into a buzz saw when I filed the sign application. H & R Block has had the same 4 signs, actually 2 signs, 4 signs, 2 on each corner, they've had a corner property in the Town of New Windsor for the last, I don't know eight, ten years, we have a history back. There's never been a question whether these signs are allowed or not. They have been here

March 28, 1994

7

these same signs they have been in two other locations the exact same signs.

MR. TORLEY: These are temporary signs?

MR. BEICHERT: No, they are not temporary signs, they identify H & R Block.

MR. TORLEY: I'm just trying to see if we can help you on this, H & R Block has the office for tax season and shuts it down and and starts it up again?

MR. BEICHERT: That is one of the problems. We started the application in December, it's now the end of March. Their season ends April 15. I'm in big trouble.

MR. LANGANKE: Have you been trying that long?

MR. BEICHERT: I sent him information down somehow that must have been lost, I don't know how it was lost but it was, I brought it down a couple of weeks ago. And we set this meeting up, suffice it to say H & R Block is not happy with me.

MR. TORLEY: Given the nature of this, Mike, is there any way we can allow him?

MR. BABCOCK: Don't ask me.

MR. TORLEY: I need to know the background whether we can permit him to have the signs up. Obviously, H & R Block is going to be in a real bind. They have to have advertising up now, if this gentleman has been starting since December.

MR. BEICHERT: I have a portable sign on their property that advertises H & R Block. They are not happy, as of April 15, they shutdown. Now, the problem that we have here now is H & R Block is asking me why do we have to go for a variance now? Why now? Why is there so many problems now as opposed to the last two places we were in New Windsor? We never had a problem before.

MR. BABCOCK: Did you get a building permit to put them up before?

MR. BEICHERT: I didn't put them up but on the other hand, I would ask the same question of the other signs this is what I am getting at. I'm saying hey, you know and after all, the biggest thing you know I say to myself why did I go for a sign permit? If I had put them up, I could have walked away and this is half of the problem. I don't know but I strongly suspect that there's a lot of signs on that particular property that don't have a sign permit.

MR. HOGAN: That is probably correct.

MR. BEICHERT: More than correct. I went down there tonight just to visit the place and there's some pictures that you have on those properties that have blank signs. They are now filed and I was told that nothing could go in there, we could not put anything on that, that is not permitted.

MR. HOGAN: We can order those down tomorrow.

MR. BEICHERT: I'm saying I'm a voice crying out in the wilderness. I went for a permit.

MR. TORLEY: I don't want to penalize somebody who's trying to go with the law and let people ignoring it sleeze on by. So I would like Mike, if you think it's proper, because you're the authority on this, to go down and tell them to get the stuff off there until they get the permits.

MR. HOGAN: What kind of a lease does H & R Block have? Are you permitted to speak for them tonight.

MR. BEICHERT: How long a lease, I believe it's a 5 year lease, don't quote me on that. I believe it's a 5 year lease.

MR. LANGANKE: What's the office used for the rest of the year?

MR. BEICHERT: It's used for basically it's closed up, it's kind of like a no traffic area, they use it for training income tax preparers during the off season

couple months at a time. It's kind of a nice tenant to have.

MR. HOGAN: You don't have a copy of the lease with you, do you?

MR. BEICHERT: No.

MR. LANGANKE: I tend to agree with Larry on this. It's pretty hard for me to sit here and people just put up signs without approval and we're supposed to just go ahead and approve it. You know, there's something wrong here.

MR. HOGAN: What are you saying, Herb?

MR. LANGANKE: First of all, I don't think that we should, if we feel that we can accommodate this gentleman. I don't think we should have to take this entire package and approve everybody's sign down there.

MR. KRIEGER: You don't, looking at the code, you can consider H & R Block on its own.

MR. LANGANKE: Okay.

MR. HOGAN: We can grant the variance to H & R Block alone?

MR. KRIEGER: That application can stand on its own and, you don't have to consider the other signs. Now, what you may or may not want to do with respect to the other signs, it's a second questions and I'm not proposing that you leave that question alone but what I am saying is that it doesn't have to be. This gentleman will not have to address that.

MR. TORLEY: My only question is what can we do to get to this gentleman now? We have to go through public hearing and formal decision.

MR. BEICHERT: I've already applied for and sent a deposit for the list of the 500.

MR. TORLEY: The trouble is that is two weeks before

that happens which isn't going to do you any good. Is there any way we can expedite it so he can get the signs up now so we can meet his needs until April 15?

MR. BABCOCK: That is what everybody else seemed to do that you were concerned about.

MR. BEICHERT: Gentleman, let's put this into perspective. It's so late now that the difference between now and April 15 is not going to make a whole lot of difference whether I install the signs where it is going to make a difference, if I can go to H & R Block tomorrow and say we can at least go to a public hearing.

MR. TORLEY: That is no problem.

MR. BEICHERT: If I can say that, I'm in good shape. If I can't say that then I'll say that legal action will be taken against the landlords, if not the Town.

MR. HOGAN: You put us at a disadvantage because I'm looking for a copy of the lease to see what signage is granted in the lease. You don't have that at present tonight?

MR. BEICHERT: I can't address that because I obviously don't own the property. I can only speak for the signage.

MR. TORLEY: We can hold that till the public hearing.

MR. BEICHERT: Lease would allow for this if the landlord says that we have permission to proceed, she has copies of all this. That is all I can say and you know I don't know what it says in the lease but I would guarantee that she doesn't have a problem with it. But as I say, I'm not, I can't speak for H & R Block in a sense that I can renegotiate a lease or determination or whatever.

MR. KRIEGER: Regardless of what it says in the lease, the legal requirements of the Town would supersede that.

MR. LANGANKE: We can proceed with this gentleman.

MR. KRIEGER: It would be relevant to what if any action H & R Block has against the landlord.

MR. HOGAN: Herb is saying we can proceed. If we proceed and let's assume we follow this to the end and granted a public hearing and granted a variance to H & R Block are we now impacting on the total parcel in terms of square footage? Are we obligated to provide the difference?

MR. KRIEGER: Obligated to provide what difference?

MR. HOGAN: If we give H & R Block 56 square foot area variance are we obligated to apply that 56 square foot variance to the entire parcel when the entire parcel comes in?

MR. KRIEGER: Statute talks in terms of business, per business.

MR. TORLEY: Column N, Section 8 in the code?

MR. KRIEGER: Yes, I put mine away but I remember that was the designation.

MR. TORLEY: Business location and shopping centers one sign per business is allowed.

MR. KRIEGER: That is why I said--

MR. BEICHERT: On a corner location we're allowed 2 therefore the 56 is essentially cut in half, if I am not mistaken for each one. In addition to that, maybe this should be mentioned. H & R Block has that standard, that is their national logo. That is what they do, that is the sign that they put up. It's been here two times before. It's been in this Town ten years and now when I go to them and tell them well, you can't put that up just yet. Why? We have a problem with the property and there's too many signs there and their first response to me is I don't care about the other signs. I said well, I know you don't but the Town does. We have to resolve this problem and that is

why I am here. And you know, I understand we have a problem. I've dealt with this in other towns and everything else and as I say, I have no problem on the property but all I'm saying is try to consider the fact that I am here as an agent for H & R Block only, we're only asking that they be allowed to put up what they put up every place else in the entire country cause that is their logo and standard size sign. That is all they do. So it's not something that is way out of the ordinary. It's not neon that blinks.

MR. LANGANKE: We have accepted that argument in the past for like different firms.

MR. KRIEGER: That is an argument for the public hearing.

MR. TORLEY: In the interest of economy, I'll accept if you gentlemen would agree, I'll accept a motion to set this gentleman, Mr. Beichert, up for public hearing regarding only variances required for the proposed H & R Block sign.

MR. HOGAN: I won't accept that.

MR. TORLEY: You want to do the whole thing?

MR. HOGAN: I'll accept that separate motion as in terms of discussion here but not without bringing the property owner in front of us regarding the balancing of it.

MR. TORLEY: That is true but we're only talking about his signs, he can't speak to the rest of it.

MR. HOGAN: I understand he's not empowered to.

MR. BEICHERT: Can we deal with the sign permit that I have a motion here which is simply for H & R Block if you are going to deny a public hearing, that is fine but please do it now.

MR. LANGANKE: I second Larry's motion. Well, I make the motion that we are proceed with the applicant's request for a sign area variance of 56 square foot and

one foot height variance for H & R Block.

MR. HOGAN: Before we second that, I still have a legal question outstanding to our counsel here as to whether or not we're impacting the entire parcel by doing this.

MR. KRIEGER: I'm, sorry, I thought I answered that. If a variance is granted to H & R Block, it will not need to be either divided among the existing signs, credited to existing signs, it can be granted for the H & R Block sign only. The appearance of the building is a consideration and that is where the other signs become relevant. Because that is where the sign is going to be. But if you take after considering that, the consideration if you decide to grant H & R Block a variance, you don't need to pass that out among the others, they don't get credit, they don't get to share in this.

MR. TORLEY: If Mike goes down and notifies the other owners sometime soon that you guys--

MR. BABCOCK: It's not the other owners. I'm dealing with that building owner now.

MR. TORLEY: Say that these signs are illegal you're going to get violations and they are going to be in here.

MR. HOGAN: Let me paraphrase. If we grant public hearing for H & R Block and pursuant to that, grant them a variance for the sign, then the individual businesses would have to apply?

MR. KRIEGER: Then the problem is that for each, the difficulty is for each business, each business is going to have to apply. In other words, if H & R Block stands on its own, then the bakery is going to have to apply for what it needs, Bikeway is going to have to apply, Mario's is going to have to apply. There's 3 separate applications.

NMR. TORLEY: Couldn't they all come together with the owner of the property?

MR. KRIEGER: Well, the appropriate way to do it and the best way to do it would be for them all to make the application at the same time and for it to be discussed.

MR. TORLEY: Unfortunately, that is not the case.

MR. KRIEGER: You can't do it.

MR. BABCOCK: In the past Larry as I brang signs in, the board has asked me to do this, that is why I did this. I have no objection. However, you do it, it doesn't matter. New Windsor Mall across the street when they came in, the board said we don't want to look at one sign, we want to know how many signs are on the whole building.

MR. TORLEY: I remember that, you're correct. However, the only difficulty is in those previous instances it was the holder of the property that came in negotiating for everybody. We don't have that opportunity tonight and I don't want to hold someone else up because the landowner doesn't show up or didn't phrase her power, her proxy in that manner. It does restrict it just to the H & R Block sign, correct?

MR. BEICHERT: No, it does not.

MR. KRIEGER: We give our permission to install a sign on our--no, it doesn't say H & R Block actually.

MR. BEICHERT: I'm telling you it's for H & R Block.

MR. KRIEGER: It doesn't say, if you are asking me what it says, it doesn't say that. It also doesn't say that he has a proxy to appear in front of the Zoning Board to apply for anything.

MR. TORLEY: Would it then be--

MR. BEICHERT: That is what I was asked to provide a letter from the landlord.

MR. KRIEGER: It's a letter from the landlord, assuming that there's an original, it's a photocopy.

MR. TORLEY: Would it be permissible from your legal advice to proceed to public hearing for everything, we can consider them separately at the public hearing but at least get the whole block up as Mike is correct, we want to move the whole thing together, if we can. Though the gentleman can't speak to that tonight. Can we do that? Can we set up a public hearing for everything?

MR. LANGANKE: Why should we do that? That gives the landlord time to show up.

MR. HOGAN: Who makes application to us, parcel owner or business owner?

MR. KRIEGER: Business owner.

MR. TORLEY: They have the time now.

MR. BEICHERT: Applicant can also be assigned contractor.

MR. KRIEGER: Provided the assigned contractor is authorized by proxy.

MR. BEICHERT: And I have a letter there.

MR. TORLEY: Mike is trying to get--

MR. BEICHERT: I am the applicant.

MR. TORLEY: Mike is trying to get the whole thing taken care of.

MR. KRIEGER: Legally speaking, the applicant, H & R Block you're speaking for them?

MR. BEICHERT: I'm an agent.

MR. KRIEGER: Was there any kind of written application submitted in this?

MR. TORLEY: Trying to get you through as fast as we can.

MR. BEICHERT: Yes, there was. He has it. I have a copy of it too.

MR. LANGANKE: This man is here, he's making an effort. We should take care of him.

MR. HOGAN: Share that with us, Mike.

MR. KANE: Section 4818 D, it says effect of issuance no permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. I would assume that that means that if we grant the variance for one sign doesn't constitute that we are giving permission for the other signs.

MR. KRIEGER: Doesn't have any effect on anybody else.

MR. TORLEY: In that case speaking to Andy, our attorney, you'd feel more comfortable if we just went forward with just the H & R Block sign?

MR. KRIEGER: Yes.

MR. TORLEY: And let the other people go where they want.

MR. KRIEGER: Otherwise, it's clouding an issue that should not be clouded.

MR. KANE: There's no one else here representing the other businesses.

MR. KRIEGER: There's a practical problem with going forward, the legal problem is if you take the position that H & R Block which I have H & R Block can stand alone then you can't in the next breath say I'm going to tie them to somebody else. They either stand alone or they don't stand alone. To have them all come in together would be--

MR. KANE: So we'd proceed on the basis of dealing with this sign alone and the others are on their own and

Michael would proceed to send notification that the signs are not conforming or in violation and they would be dealt with individually so anything that we decide here has no stipulations on the other signs.

MR. KRIEGER: Doesn't help them, doesn't hurt them, doesn't change their--the only thing you have to consider in connection with an area variance, the visual effects and it's effect on the neighborhood, as you always do, and of course the immediate neighborhood is the businesses next door but other than that consideration, it has legally speaking no connection.

MR. HOGAN: Let me just paraphrase. In terms of following this up, it doesn't matter how many businesses are involved on a particular parcel, square footage involved, the signage is treated individually.

MR. KRIEGER: Per business. It says businesses in a shopping center. It doesn't limit the amount of them. Under the statute and I believe Mike is correct that he has highlighted here, that would apply to a shopping center which has 4 stores or shopping center that has 40 stores. It's per business.

MR. HOGAN: Okay, fine.

MR. TORLEY: We have a motion on the floor. Has it been seconded?

MR. HOGAN: Based on the legal interpretation, if I might be allowed, I'll second it.

ROLL CALL

MR. KANE	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

MR. HOGAN: Motion adopted we set him up for a public hearing. Mr. Krieger give you the information you need for this.

MR. KRIEGER: Okay, well normally, first of all, let me

give you that, those are the criteria that you will have to address at the public hearing. So that you know. Those are the questions that are going to be asked to consider by the board. Now, as far as the procedure is concerned, you're going to have to get a hold of the Zoning Board secretary.

MR. BEICHERT: Give me a list, I have started that procedure. The application is in, letter is in, check is in and that is being worked on.

MR. KRIEGER: Did they give you the outline of what the procedure is?

MR. BEICHERT: No. She told me, I was told that this is the procedure to follow, get this in so that you can jump ahead hopefully.

MR. KRIEGER: Procedural speaking, it all goes through here so--

MR. TORLEY: This is the application for a variance. He also needs to fill this out, correct, do you have that?

MR. BEICHERT: No, what Frank sent me was the denial and this form was sent to me and then I was told if we were going to have a public hearing, I should do this 500 feet thing, whatever that is. But I have not seen a form like that.

MR. TORLEY: This is the first time I've seen one that looks like this.

MR. KRIEGER: Okay.

MR. TORLEY: Well, I would suggest to you that you go ahead and fill it out to the best of your ability.

MR. KRIEGER: It's not going to hold you up at this point from doing anything, just fill it in and submit it.

MR. BEICHERT: I submit this to the secretary?

March 28, 1994

19

MR. HOGAN: Yes.

MR. TORLEY: Is somebody covering for her?

MR. BABCOCK: I'm sure there will be.

MR. HOGAN: Most important thing is to get the list from the assessor.

MR. BEICHERT: We have started that procedure. She said there's a lot of people ahead of us, she said two or three weeks. At least I can go to H & R Block and say some progress has been made.

MR. TORLEY: You're set up for a public hearing and there's a question of getting the listing.

MR. BEICHERT: We'd be most happy to discuss this with any of the residents or anyone that wants to discuss it. The other problem is we just filed a simple sign permit, wanted to put the signs up in December and here we are.

MR. TORLEY: You have to put in for the advertisement for the public notices.

MR. BEICHERT: We're responsible for, we pay for this?

MR. TORLEY: Yeah but that is just the Sentinel, it's not very expensive.

MR. HOGAN: The legal notice is filed by Pat, isn't it?

MR. BEICHERT: Yes. She said it was but I'll file this, I'll send everything down here and let them take action. I'll call in a couple days and see what is happening or sometime mid week.

MR. TORLEY: Thank you.