

**ZB# 97-3**

**L & M Properties, LLC**

**4-1-5.1 & 5.2**

#97-3 - LAM Properties LLC  
area (4-1-5.195.2)

Palmer

Jan. 13 1997  
Notice to Seize  
Public Hearing 1/14/97  
January 23, 1997.  
Copy of: Deed &  
Title Policy  
Fee:  
Photos. 4  
Granted

Refund

\* 398.50

Annual Decision Done

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

# General Receipt

123456

January 15 1997

Received from Arnoff Moving & Storage Inc \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

For Zoning Board Application Fee # 97-3

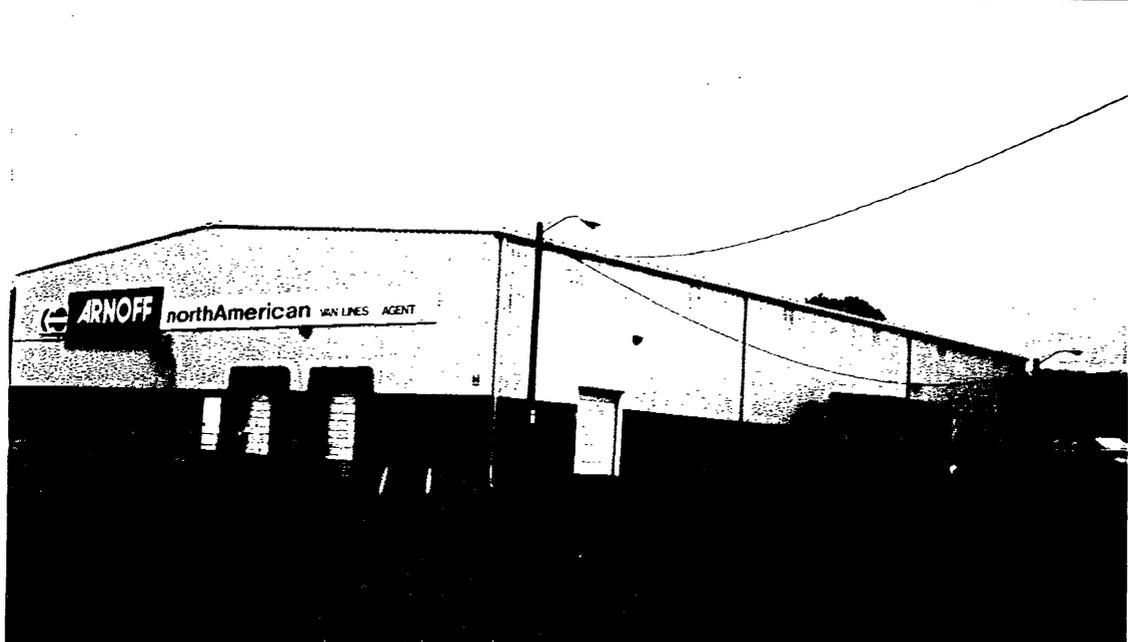
DISTRIBUTION

FUND	CODE	AMOUNT
<u>12-1201</u>		<u>150.00</u>

By Scotty H. Hange

Town Clerk  
TITLE

WILLIAMSON LP

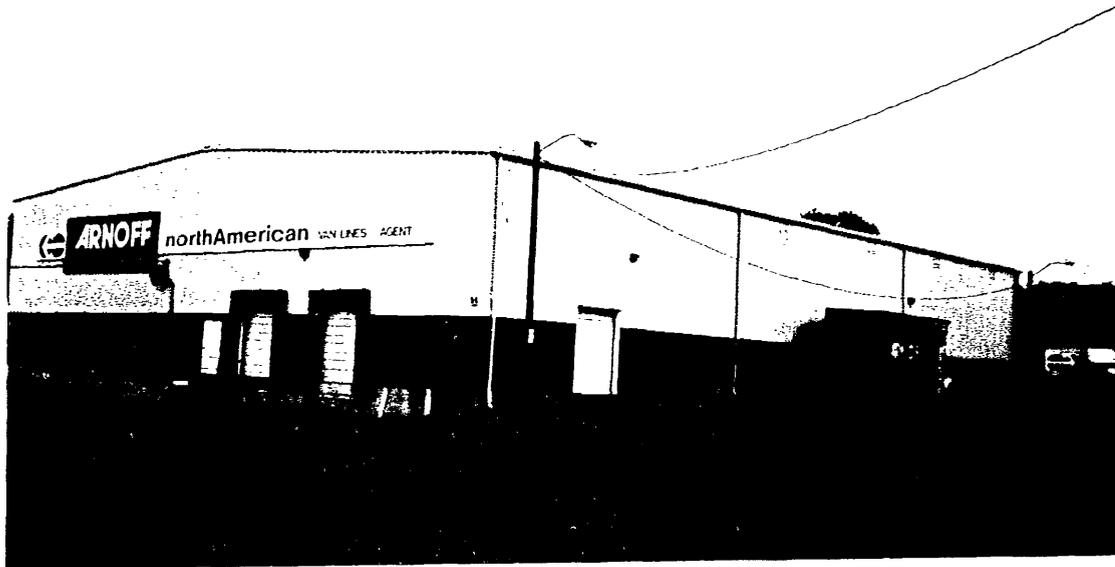


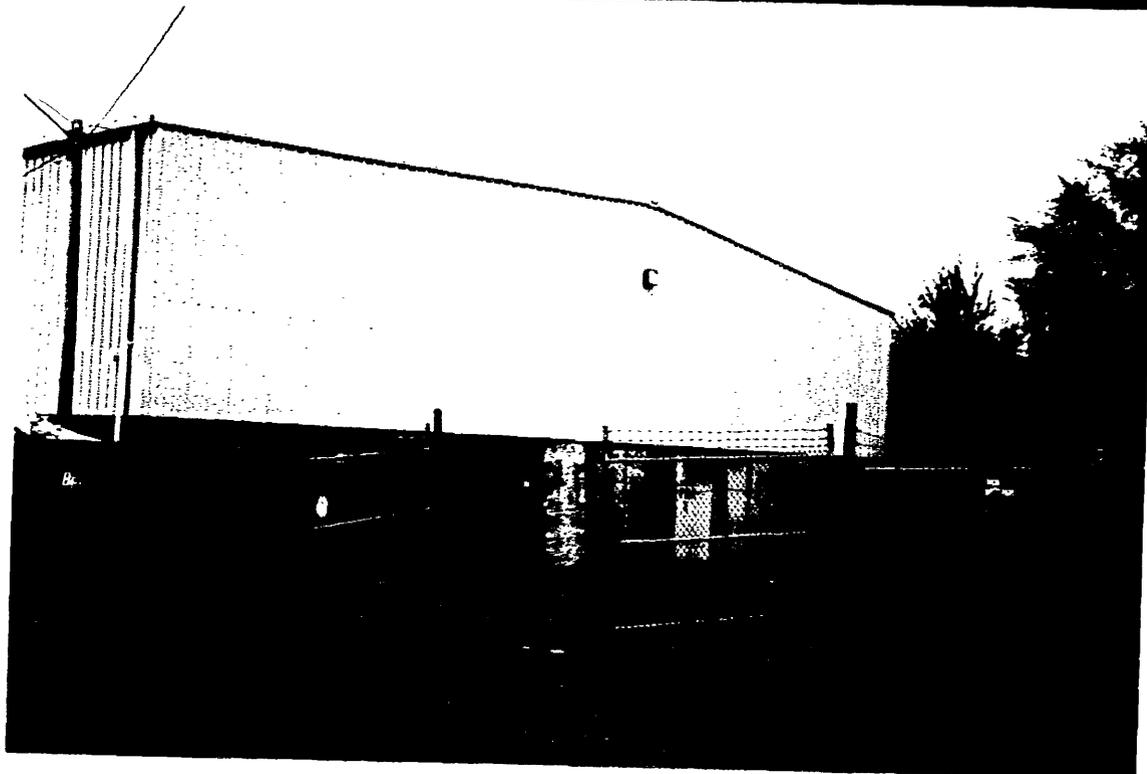
FUND	15-13-1	196, 00

By

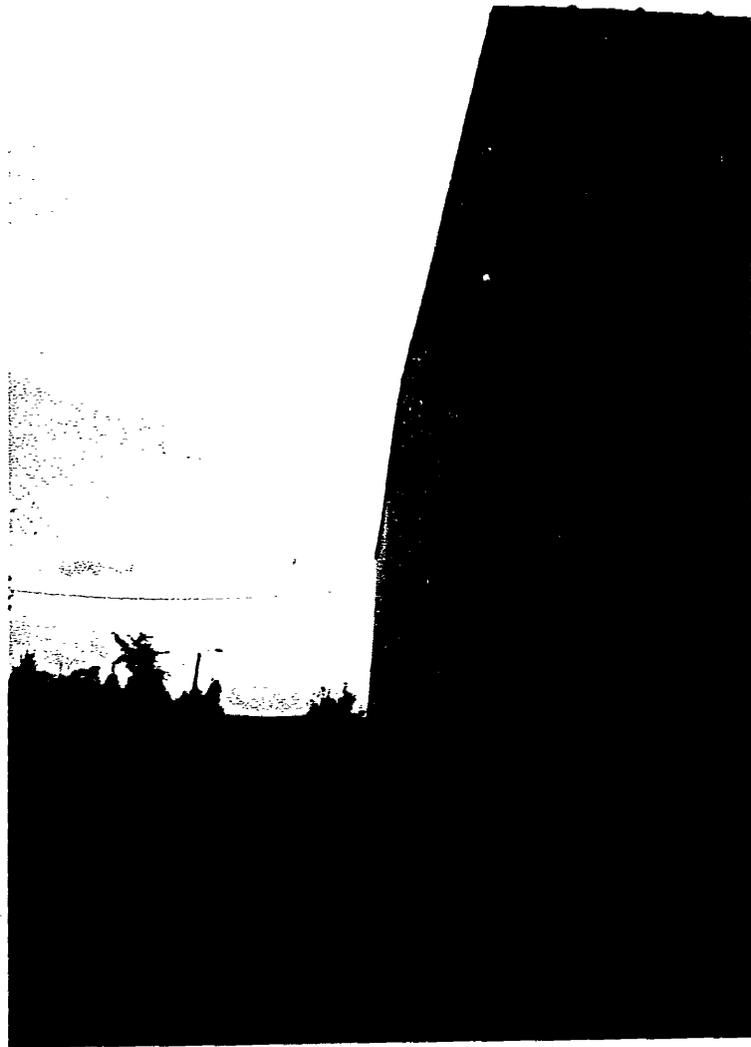
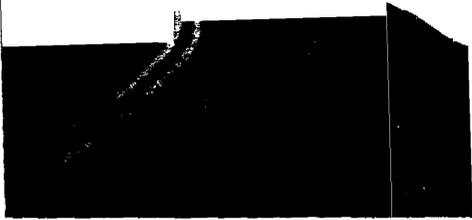
*T. C. ...*  
TITLE

WILLIAMSON, LA





#91-5 - K&M Properties LLC  
area  
(4-1-5, 1+52)



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: L & M Properties

FILE # 92-3

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00 pd.  
\* \* \* \* \* Ck # 1201 1/15/97

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 500.00 pd.  
Ck # 1202  
1/15/97.

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 1/13/97 - 4 pages \$ 18.00  
2ND PRELIM. MEETING - PER PAGE 1/27/97 - 3 pages \$ 13.50  
3RD PRELIM. MEETING - PER PAGE . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE . . . . . \$ \_\_\_\_\_  
TOTAL . . . . . \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 1/12/97 . . . . . \$ 35.00  
2ND PRELIM. 1/27/97 . . . . . \$ 35.00  
3RD PRELIM. . . . . \$ \_\_\_\_\_  
PUBLIC HEARING . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING . . . . . \$ \_\_\_\_\_  
TOTAL . . . . . \$ 70.00

MISC. CHARGES:

\_\_\_\_\_ . . . . . \$ \_\_\_\_\_  
TOTAL . . . . . \$ 101.50

LESS ESCROW DEPOSIT . . . . . \$ 500.00  
(ADDL. CHARGES DUE) . . . . . \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . . . . . \$ 398.50

(ZBA DISK#7-012192.FEE)

*refund.*



ARNOFF MOVING & STORAGE, INC.

C.C. ACCOUNT  
682 DUTCHESS TPKE.  
POUGHKEEPSIE, NY 12603-1128

1201

PAY  
TO THE  
ORDER OF

Town of New Windsor

Apr. 11 1997

50-235  
219 553

\$ 150.00

ARNOFF MOVING & STORAGE 150 dollars 00 cts

DOLLARS

THE  
BANK OF  
NEW  
YORK

44 Platt, Room 44 A Dutchess Transfer  
Poughkeepsie, NY 12603

FOR

Application fee 28A 97-3

*Robert Paul*

⑆001201⑆ ⑆021902352⑆ ⑆0279034284⑆

ARNOFF MOVING & STORAGE, INC.

C.C. ACCOUNT  
682 DUTCHESS TPKE.  
POUGHKEEPSIE, NY 12603-1128

1202

PAY  
TO THE  
ORDER OF

Town of New Windsor

Apr. 11 1997

50-235  
219 553

\$ 500.00

ARNOFF MOVING & STORAGE 500 dollars 00 cts

DOLLARS

THE  
BANK OF  
NEW  
YORK

44 Platt, Room 44 A Dutchess Transfer  
Poughkeepsie, NY 12603

FOR

review fee 28A 97-3

*Robert Paul*

⑆001202⑆ ⑆021902352⑆ ⑆0279034284⑆

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In the Matter of the Application of

**L & M PROPERTIES, LLC**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES**

#97-3.

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**WHEREAS, L&M PROPERTIES, LLC, a corporation having an office located at 2 Liner Road, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a 5 ft. side yard and 16.2 ft. maximum building height variance in order to construct an a 5,000 s.f. addition to the warehouse which is located on the north side of the existing 15,000 s.f. warehouse at the above location in a C zone; and**

**WHEREAS, a public hearing was held on the 27th day of January, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, William Hildreth, L. S. appeared before the Board on behalf of the Applicant; and**

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

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

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The property which is the subject of this Application is a commercial property located in a mixed neighborhood of commercial and residential, but a neighborhood which is predominantly commercial in nature.

(b) The property is located adjacent to Union Avenue, a well-travelled, four-lane thoroughfare.

(c) The variances are sought to permit the Applicant to construct an addition on the warehouse existing on the property.

(d) The use proposed by the Applicant is lawful and consistent with its present use.

(e) Even with the proposed construction, there will be sufficient access to the building to satisfy the Fire Inspector that fire trucks can fight any fires which may arise in the building.

(f) The space where the proposed addition is to be constructed is presently occupied by gravel.

(g) The proposed addition will not cause any significant run off, drainage or ponding.

(h) The proposed addition to the warehouse will be of the same appearance and construction as the present warehouse.

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

1. The requested 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 the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing structure will enhance rather than detract from the value of the property.

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

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reasons set forth in the paragraphs above.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area

variances.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. side yard and a 16.2 ft. maximum building height variance in order to construct a 5,000 s.f. addition to the existing 15,000 s.f. warehouse located at the above address, in a C zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

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

Dated: March 24, 1997.

  
Chairman

Date 2/10/97, 19.....

**TOWN OF NEW WINDSOR**

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

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
1/27/97	Zoning Board Mtg	75 00	
	Misc - 2		
	UGR - 7		
	Pietrzak - 3		
	Pizzo - 3		
	AF&F - 7		
	Beddings - 17		
	Coyman - 3		
	Lawn 3 ✓ 13.50	202 50	
	<u>45 pp</u>	<u>277 50</u>	

L & M PROPERTIES, INC.

William Hildreth appeared before the board for this proposal.

MR. KRIEGER: Let the record reflect that there is no one present in the audience who is interested in this project.

MR. TORLEY: How many letters did you send out, Pat?

MS. BARNHART: It was 7.

MR. REIS: No responses back?

MS. BARNHART: No.

MR. HILDRETH: No.

MR. NUGENT: Okay.

MR. HILDRETH: Very quickly, I want to jump ahead of myself and when you were reading that, I'm sure you just misspoke, side yard is a half a foot, not five feet, I'm sure you misspoke, I just wanted to make sure that you have that. This property very quickly is the Stewart Liner property. It has changed corporate names but it's still doing business as Stewart Liner. It's located on Liner Road in a C zone. The application is for a 5,000 square foot addition on the north side of the rear of the existing 15,000 square foot warehouse. This is going to require a side yard and a building height variance for office shop and the location of the existing building we're going to come out an even 50 feet which from a construction standard point and dimensional standpoint makes sense. And that is going to put us a half a foot too close to the side line to angle the building to change dimensions to do something different from a construction standpoint is a great practical difficulty. And of course, the building height variance request is a function of how far off the side yard you are plus the height requirement, I believe of what is it, 17 foot per four inches or--

MR. NUGENT: Four inches per foot.

MR. HILDRETH: In any event, the building height is going to be the same, it's going to match the building that is there, they are just making it basically 50 feet longer. Everything else from a bulk standpoint is met or exceeded on this site so those are the only two variances required. One other question that was brought up or mentioned at the last meeting was the sign, the sign is not going to change, they are still doing business as Stewart Liner and the permit's in place for that.

MR. KRIEGER: The extension on the building is designed to be right in line with the present building?

MR. HILDRETH: That is correct.

MR. KRIEGER: It will look entirely consistent?

MR. HILDRETH: Construction of roof line--

MR. KANE: Additional construction is not going to create any runoff, any safety hazards?

MR. HILDRETH: No, the site is very well drained as it is, this is not going to change anything other than requiring restructuring of the parking, they park right where this building is going to be but there's plenty of room for parking, Planning Board's already looked at this.

MR. REIS: Is it going to be asphalt behind and on the side of the property?

MR. HILDRETH: Yes, well, no, behind this is going to be gravel, that is part of the way drainage is handled here because it is such a flat site rather than have anything sheet off on blacktop, it's gravel, the front of the building is blacktop.

MR. REIS: The north side where the addition is going to go is gravel?

MR. HILDRETH: The south, the approach from Liner Road

and going into the site is blacktopped, it's only the rear where they park the trailers, moving vans that sort of thing that is shale.

MR. REIS: Side of the building that you are asking for the variance that is also gravel?

MR. HILDRETH: Correct.

MR. KRIEGER: And it's gravel now?

MR. HILDRETH: Correct.

MR. KRIEGER: This will be built over the top of what's gravel but there will be more gravel behind it?

MR. HILDRETH: Yes.

MR. TORLEY: The fire inspector has no problems with this?

MR. BABCOCK: He approved it on 10/23/96.

MR. REIS: Motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we grant L & M Properties requested variances.

MR. TORLEY: Second it.

ROLL CALL

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

MR. REIS: Move we adjourn.

MR. TORLEY: Second it.

ROLL CALL

January 27, 1997

45

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

Respectfully Submitted By:

*Frances Roth 2/11/97*

Frances Roth  
Stenographer

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 97-3

Date: \_\_\_\_\_

I. Applicant Information:

- (a) L & M PROPERTIES, LLC 1 LINER RD. NEWBURGH, NY 12550 564-0240  
(Name, address and phone of Applicant) (Owner)
- (b) N/A  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) GREVAS & HILDRETH, L.S., P.C. 33 QUASSACK AVE NEW WINDSOR, N.Y. 12553  
(Name, address and phone of ~~contractor/engineer/architect~~ SURVEYOR)  
562-8667

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) C 1 LINER ROAD NEWBURGH 54 B1 Lot 5.1 & 5.2 3.93 Ac. (TOTAL)  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-2 (WASHINGTON LAKE)
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? JANUARY 1996
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? YES  
If so, when? 1983 (OLI AT THAT TIME)
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. N/A

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

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

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:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. G AND I.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>30'</u>	<u>29.5'</u>	<u>0.5'</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. <u>4" PER FT. = 9.83'</u>	<u>26'</u>	<u>16.2'</u>
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:

VARIANCES SOUGHT BECAUSE OF PRACTICAL DIFFICULTY IN MEETING ZONING REQUIREMENTS. GEOMETRY OF LOT AND LOCATION OF EXISTING BUILDING MAKE IT IMPLAUSIBLE FROM A CONSTRUCTION STANDPOINT TO MEET ZONING REQUIREMENTS. USE REMAINS THE SAME, SO NO ADVERSE IMPACTS ARE CREATED BY VARIANCE. VARIANCES ARE NOT SUBSTANTIAL, HAVE BEEN PREVIOUSLY GRANTED AND ARE NOT SELF-CREATED

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

VI. Sign Variance:

*N/A*

(a) 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>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation.

*N/A*

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. Additional comments:

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



(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

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**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)

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT / SPONSOR <b>L &amp; M PROPERTIES, LLC</b></p>	<p>2. PROJECT NAME <b>L &amp; M PROPERTIES, LLC FORMERLY AGENCY OF STEWART LINER TRANSPORTATION CORP. AMENDED SITE PLAN</b></p>
<p>3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINDSOR</b> County <b>ORANGE</b></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>NORTH SIDE OF LINER ROAD AT UNION AVENUE (1 LINER ROAD) TAX MAP SECTION A BLOCK 1 LOTS 5.1 AND 5.2</b></p>	
<p>5. IS PROPOSED ACTION:  <input type="checkbox"/> New    <input type="checkbox"/> Expansion    <input checked="" type="checkbox"/> Modification/alteration</p>	
<p>6. DESCRIBE PROJECT BRIEFLY: <b>ADDITION OF 5000 SQUARE FEET OF WAREHOUSE SPACE</b></p>	
<p>7. AMOUNT OF LAND AFFECTED: Initially <b>3.93</b> acres    Ultimately <b>3.93</b> acres</p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If No, describe briefly <b>VARIANCE FOR SIDE YARD SETBACK AND BUILDING HEIGHT NEEDED</b></p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?  <input type="checkbox"/> Residential    <input type="checkbox"/> Industrial    <input checked="" type="checkbox"/> Commercial    <input type="checkbox"/> Agriculture    <input type="checkbox"/> Park/Forest/Open space    <input type="checkbox"/> Other Describe:</p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?  <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals <b>TOWN OF NEW WINDSOR PLANNING BOARD SITE PLAN APPROVAL</b></p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval</p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <b>N/A</b></p>	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p>	
<p>Applicant/sponsor name: <b>L &amp; M PROPERTIES, LLC</b></p>	<p>Date: <b>1/10/97</b></p>
<p>Signature: <b>William B. Aldred, L.S. (PREPARER)</b></p>	

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

OVER

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

**A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.**  
 Yes  No

**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.**  
 Yes  No

**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)**

**C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:**

**C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:**

**C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:**

**C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:**

**C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.**

**C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.**

**C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.**

**D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**  
 Yes  No If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
Date





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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 96-24

DATE: 4 DEC 96

APPLICANT: L & M PROPERTIES LLC

1 LINER ROAD

NEWBURGH N.Y. 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

FOR (~~SUBDIVISION~~) - SITE PLAN) \_\_\_\_\_

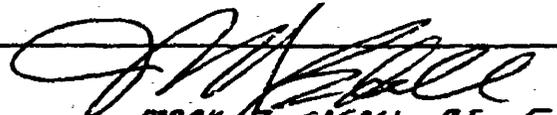
LOCATED AT NORTH SIDE LINER RD AT UNION AVE.

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 5/15.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

REQUIRES SIDE YARD AND MAX. BUILDING HEIGHT  
VARIANCES.

  
MARK D. EDSALL P.E. For  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-4</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>3.93 AC.</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>490</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>50.7</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>29.5</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>65.3</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>118.2</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>
MAX. BLDG. HT. 4" PER FT = <u>9.83 FT</u>	<u>26</u>	<u>16.2 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.19</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>33</u>	<u>69</u>

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

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

Date 1/26/97, 19.....

**TOWN OF NEW WINDSOR**

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

TO Frances Roth 147 Sycamore Drive DR.  
New Windsor Ny 12553

TB		CLAIMED	ALLOWED
2/97	Planning Board Mtg.	75 00	
	Misc - 3		
	Tarsis - 6		
	Arnoia - 13		
	LAM - 4 18.00		
	Andrews - 3		
	Nucifora - 2		
	Prudenti - 4		
	<u>35 pgs</u>		
		<u>157 50</u>	
		232 50	

L & M PROPERTIES, INC.

William Hildreth, L.S. appeared before the board for this proposal.

MR. NUGENT: Referred by Planning Board for 0.5 ft. side yard and 16.2 ft. maximum building height to construct an addition to warehouse (Stewart Liner) located on Liner Road in a C zone.

MR. HILDRETH: Yes, I have got plans if you need them. Okay, the applicant owns the property, it's a name change, it's Stewart Liner's property out on Union Avenue, everybody knows where it is, they just changed the name. What they want to do is add 5,000 square feet of warehouse space to the rear of their existing warehouse building. Strictly for warehouse, just make more room to put stuff. In order to do that and it's a very even dimension 50 by 100, the side yard comes out to be 29.35 feet and required is 30, so we need a half foot variance there and of course the building height requirement in this zone is a bit odd, it's only four inches to a foot which would only allow for a ten foot high building at 30 feet at 29.5, only allows for 9.8 foot high building, building is going to be as high as the other going to look like and extend to the building so we need a building height variance of 16.2 feet. This property or this business has been here since it was an OLI zone and for the construction of these buildings, these same variances were granted under the OLI zone, at the time, they were granted side yard and rear yard or excuse me, side yard and building height requirements in addition to a couple of other variances that of course still stand. The practical difficulty L & M Properties is stuck with the size and shape property, they don't own any adjoining property and of course the building and the improvements are already there. Very early on in this process when they came to me, I suggested to them that they try to investigate putting the warehouse in at a bit of an angle instead of straight back to avoid the side yard variance requirement cause it was so small and the cost of doing so, plus the fact that it would not eliminate the need for the building height variance anyway, they decided to go with this. So it's just expansion of an existing

use, it's 5,000 square feet of additional warehouse space, requires side yard and building height variance.

MR. KRIEGER: Now, if granted, would the building height be any higher than the existing building?

MR. HILDRETH: No.

MR. KRIEGER: Just to bring it up to--

MR. HILDRETH: Right, it's going to match what's there, yes.

MR. REIS: This is not going to impact the lack of parking.

MR. HILDRETH: No, in fact I meant to say that I'm very glad you brought it up, we still more than comply with all the parking requirements needed for this use in addition to the Thrifty Car Rental use which is there as well.

MR. NUGENT: Any other questions?

MR. REIS: Cause any runoff problem?

MR. HILDRETH: No, where this is going is in an existing parking lot so it's all ready to be built on.

MR. KANE: Any line of sight problems for any neighbors?

MR. HILDRETH: No, behind this is part of Wal-Mart and right next to it is an ongoing, what's that going to be, a bank?

MR. BABCOCK: Yes.

MR. HILDRETH: And that is under construction at the moment but that is clear across the site and there's another building in between and to my knowledge, the property next door that is Ruscino and Talbert, is that vacant?

MR. BABCOCK: Yes.

MR. TORLEY: Problems as far as fire access, et cetera, we need 25 feet to get a truck through?

MR. BABCOCK: I might have something here, I have Bob Rogers has reviewed this plan on October 11, 1996 and says that this plan is acceptable.

MR. REIS: Accept a motion?

MR. NUGENT: Yes, please.

MR. REIS: I make a motion we set L & M Properties up for a public hearing for their requested variances.

MR. KANE: Second it.

ROLL CALL

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

MR. HILDRETH: You already gave it to me, I have a number, my forms are filled out, I will see you tomorrow.

MS. BARNHART: Tomorrow afternoon please.

MR. KRIEGER: Do you need another piece of paper.

MR. HILDRETH: I have got my assessor's list already I have got the envelopes addressed.

MR. NUGENT: We're going to keep one of the maps.

MS. BARNHART: Are they changing the name of it? Stewart Liner, are they changing the name?

MR. HILDRETH: I'm going to fill it out under L & M Properties.

MS. BARNHART: I'm just suggesting if you want to change the sign, you might want to think about that

before you made your application.

MR. HILDRETH: As long as they don't change the size of the sign, it doesn't matter.

MR. KRIEGER: Doesn't matter.

MR. HILDRETH: I should ask them what they are going to do about that. Good idea.

MS. BARNHART: If they are not going to operate under Stewart Liner.

MR. HILDRETH: This just may have been an internal change.

MR. BABCOCK: Might be Stewart Liner, just different owner.

MR. TORLEY: Different corporate entity, does he need a new proxy?

MR. KRIEGER: If he's making the application under L & M, L & M owns the property.

MR. HILDRETH: I have got the proxy already.

MR. KRIEGER: So it doesn't matter, he will need a proxy for himself being as a corporation cannot actually appear.

MR. BABCOCK: We have that stuff on file with the planning board, Mr. Chairman, if you want copies of it, we can forward it.

MR. NUGENT: As long as you have it.

MR. HILDRETH: That is part of the ZBA application anyway. Thank you.



Pls. publish immediately. Send bill to: L & M Properties at address below

**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. 97-3

Request of L & M PROPERTIES, LLC

for a VARIANCE of the Zoning Local Law to permit:

LESS THAN THE REQUIRED SIDE YARD SETBACK AND  
MORE THAN THE MAXIMUM BUILDING HEIGHT

being a VARIANCE of Section 48-12 TABLE OF BULK  
REGULATIONS COLS. G AND I

for property situated as follows:

NORTH SIDE OF LINER ROAD AT UNION AVENUE  
New Windsor, N.Y.

known as tax lot Section 4 Block 1 Lots 5.1 & 5.2

SAID HEARING will take place on the 27<sup>th</sup> day of January,  
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT  
Chairman

By: Patricia C. Barnhart, Secy.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

1763

December 19, 1996

*Re: Stewart Limer*

(7)

Grevas & Hildreth P.C.  
33 Quassaick Ave.  
New Windsor, NY 12553

RE: Tax Map Parcels: 4-1-5.1 & 4-1-5.2

Dear Mr. Grevas:

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 \$25.00, which you have already paid in the form of a deposit.

Sincerely,  
*Leslie Cook cd*  
LESLIE COOK  
Sole Assesor

/cd  
Attachments

cc: Pat Barnhart ZBA

Wal-Mat Stores Inc. X  
Property Tax Dept #2104  
702 SW 8th St.  
Bentonville, AR 72716-8013

Hudson Valley Federal Credit Union  
159 Barnegat Rd.  
Poughkeepsie, NY 12601 X

Roscino, Joseph & Talbot, Rose M  
& Dominick & C Judith Roscino  
56 Weyants Lane  
Newburgh, NY 12550 X

Nunnally, David K &  
Natalie L Caccavo-Nunnally  
26 Liner Rd.  
New Windsor, NY 12553 X

Banta Realty  
842 Main Street  
Poughkeepsie, NY 12603 X

City of Newburgh  
Newburgh Water Supply  
c/o City Comptroller  
City Hall  
Newburgh, NY 12550 X

HRC Inc.  
845 Union Ave.  
New Windsor, NY 12553 X

POSSIBLE ZBA REFERRALS:

L & M PROPERTIES SITE PLAN (96-24) LINER ROAD

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: Yes, they just changed the name because the property has been all in one ownership now.

MR. PETRO: There was a fence around the property, did that fence ever--

MR. HILDRETH: I'll cover that.

MR. PETRO: Okay.

MR. HILDRETH: As the Chairman stated, this is Stewart Liner property located on Liner Road in the C zone, very quickly, the proposal for this amended site plan is for an addition of 5,000 square feet, pardon me, of warehouse behind the existing warehouse. This is amendment to a previously approved site plan back in '94, I believe. At that time, those approvals contained a park and fly use which is now gone, it's not on the site. This site consists of the Stewart Liner operation, the warehouse, and so forth and Thrifty Car Rental. This amended site plan, the amendments, the changes to the site plan consist of a reduction of the total number of parking spaces because the park and fly is gone, however, we still more than exceed the required number even given an addition of 5,000 square feet of warehouse space.

MR. PETRO: Variance is for?

MR. HILDRETH: One more thing about parking before I forget, we show two handicapped spaces which is based upon the total number of required, not the total number available on the site. Variances required as a result of the addition are side yard and building height. There were variances granted to this property in the past for both of those items back when this original one was built, so I don't anticipate any problems because of the practical difficulty, the nature of the

shape of the property and what they are stuck with. As far as the fence goes, there was a fence all the way around it on the east side, it's being developed now, I don't know.

MR. PETRO: Hudson Valley Credit Union.

MR. HILDRETH: Stewart Liner's fence encroached, they have come to a mutual agreement that the adjoining developer is going to replace the fence on Stewart's property and move these two lights back over to Stewart, that will be taken care of, they made a separate arrangement with the adjoining owner.

MR. PETRO: We were talking more I think the fence was put up, was it, without a building permit or was it, did it exceed the height at that time?

MR. BABCOCK: It exceeded the height at the time.

MR. PETRO: There was never a variance.

MR. BABCOCK: Then he came to the board and the board authorized it for screening and landscaping security purposes so.

MR. PETRO: So we did clarify that?

MR. BABCOCK: Yes, that was clarified.

MR. HILDRETH: That had to be prior to the last time I was here because that is the same fence that was here.

MR. BABCOCK: I don't think you were involved, I think it was the owner.

MR. LANDER: It was before, it was before you came in the last time, Bill. The thing was they came in and asked for this fence which exceeded the height allowed in order to secure there vehicles from being vandalized, windshields were being broken, this, that and the other thing and the truth of the matter was it was park and fly which they had no permit for and no, I don't even think they had the state permit. But they came in and got that fence approved and then they had

to come back in with this park and fly thing but now that actually is no longer there.

MR. HILDRETH: It is gone.

MR. LANDER: Proposed 5,000 square foot warehouse addition that is for Arnoff?

MR. HILDRETH: Correct. Basically the entire site is an office.

MR. LANDER: So you are going to house the same thing in that warehouse as you do in the existing 15,000 square foot?

MR. HILDRETH: Absolutely, just making it, there's going to be no accesses, all the access to the new 5,000 square foot addition is going to be inside.

MR. LANDER: Used for this business and not another one, not another park and fly?

MR. HILDRETH: Moving and storage.

MR. BABCOCK: The Thrifty Car Rental office is still on location.

MR. HILDRETH: Still as it was when it was approved two years ago, that is still there, yes.

MR. PETRO: These are strictly for reference to the zoning board, I think once he gets the variances if he does receive them he can come back, we can go over the plans.

MR. DUBALDI: I make a motion we approve the L & M Properties site plan.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the L & M site plan on Liner Road. Is there any further discussions from the board members? If not, roll call.

October 23, 1996

6

ROLL CALL

MR. DUBALDI	NO
MR. STENT	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: You have now been forwarded on to the zoning board for variances that you may require. Once you have received those variances and they are applied to the map, you can be welcomed back to this board for formal review.

MR. HILDRETH: Do I need my paperwork before I can go to the preliminary?

MR. BABCOCK: Yes.

MR. HILDRETH: Thank you.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

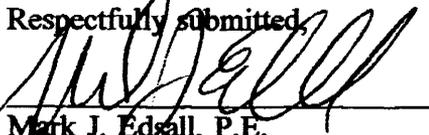
- Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** L & M PROPERTIES SITE PLAN  
(FORMERLY ARNOFF)  
**PROJECT LOCATION:** ONE LINER ROAD (AT UNION AVENUE)  
SECTION 4-BLOCK 1-LOTS 5.1 AND 5.2  
**PROJECT NUMBER:** 96-24  
**DATE:** 23 OCTOBER 1996  
**DESCRIPTION:** THE APPLICATION PROPOSES A 5,000 +/- SQUARE FOOT  
WAREHOUSE ADDITION TO AN EXISTING BUILDING ON  
THE PROPERTY. THE PLAN WAS REVIEWED ON A  
CONCEPT BASIS ONLY.

1. The property is located within the "C" Zoning District. The Board should confirm that the use is properly classified as Use A-4. Based on this classification, it would appear that the plan complies with all the bulk criteria, with the exception of the need for a variance for side yard setback for the proposed addition, as well as a building height variance for this building, related to this new setback.
2. At this time I would recommend that the Board refer this plan to the Zoning Board of Appeals for necessary action. Once the Applicant receives the necessary variances, and they return to the Planning Board, further detailed reviews can be made, as deemed appropriate by the Planning Board.

Respectfully submitted,

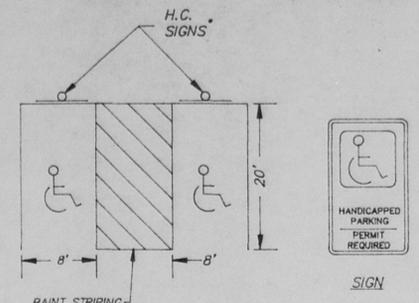
  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

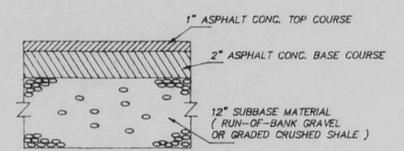
A:L&M.mk

N/F  
LANGBAUM & ROTHBERG  
L.1782 P.285

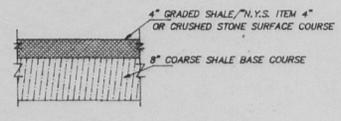
TOTAL PARCEL AREA  
3.93± Ac.



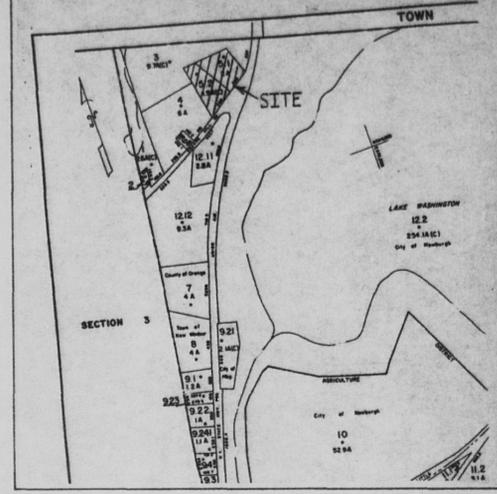
HANDICAPPED PARKING DETAILS  
SCALE: NONE



PAVEMENT SECTION  
SCALE: NONE



GRAVEL PARKING AREA SECTION  
SCALE: NONE



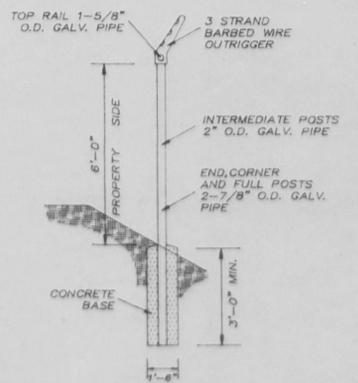
LOCATION PLAN  
SCALE: 1"=800'±

NOTES

1. BEING LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 4 BLOCK 1 LOT 5.1 AND 5.2.
2. PROPERTY OWNER/APPLICANT: L & M PROPERTIES LLC  
1 LINER ROAD  
NEWBURGH, N.Y. 12550
3. PROPERTY ZONE: C; PREVIOUS APPROVALS AND VARIANCES GRANTED UNDER FORMER ZONE OLI. CURRENT APPROVAL UNDER ZONE C.
4. PROPERTY USE: MOVING BUSINESS; WAREHOUSE STORAGE AND CAR RENTAL. PROPOSED AMENDMENT IS FOR WAREHOUSE ONLY.
5. THIS PLAN RESULTED FROM A FIELD SURVEY PERFORMED UNDER THE SUPERVISION OF THE UNDERSIGNED AND COMPLETED ON 3 MARCH 1993.
6. THIS PARCEL IS SERVED BY TOWN OF NEW WINDSOR WATER AND SEWER DISTRICTS.
7. UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

BULK TABLE C ZONE USE GROUP A 4

	REQUIRED	PROPOSED	
LOT AREA	40,000 S.F.	3.93 AC.	
LOT WIDTH	200'	490'±	
FRONT YARD SETBACK	60'	50.7'	PREVIOUS VARIANCE GRANTED 11/14/83
SIDE YARD SETBACK	30'/70'	29.5'/65.3'	VARIANCE REQUIRED PREVIOUS VARIANCE GRANTED 11/14/83
REAR YARD SETBACK	30'	118.2'	
BUILDING HEIGHT	4" PER FT. (9.8)	26'	VARIANCE REQUIRED PREVIOUS VARIANCE GRANTED 11/14/83
FLOOR AREA RATIO	0.5	0.19	
PARKING REQUIREMENTS			
1/200 S.F. OFFICE SPACE	2 REQ.	33 PROV.	
1/1000 S.F. WAREHOUSE	31 REQ.	36 PROV.	
ADDITIONAL SPACES			
	TOTAL	69 PROV.	
	TRAILERS	18 PROV.	
	VANS	8 PROV.	



FENCE DETAIL  
SCALE: NONE

PLANNING BOARD APPROVAL



Grevas & Hildreth, P.C. LAND SURVEYORS  
33 QUABANCK AVENUE, NEW WINDSOR, NEW YORK 12550  
TEL: (914) 562-6667

PLAN FOR: L & M PROPERTIES, LLC  
FORMERLY ARNOFF STEWART LINER  
TRANSPORTATION CORP.

TOWN OF NEW WINDSOR CHANGE COUNTY NEW YORK

Drawn: WBH  
Checked:  
Scale: 1"=40'  
Date: 26 Sept 1993  
Job No: 93-007

AMENDED  
SITE PLAN

UNION AVENUE (S.H.9456)

LINER ROAD

N/F  
ROSCINO & TALBOT  
L.2223 P.697