

ZB# 97-8

American Felt & Filter Co./

Rhoda Ciancio /

Rose Mustakas

14-2-3.1

Prclm.

Jan. 27, 1997.

Proxy - 4
Just paid 4

Copy of Contract of Sale

Letters out
5/22/97.

Title Report

Hearing

Notice to Seller

Short EAF

Public Hearing.

June 9, 1997

Use Variance
Granted

Refund: \$ 330.06

{
1/2 to Rose
1/2 to Rhoda
}

#97-8 - American Felt & Filter
Ciancio

ledl - 14-2-3.1

TOWN OF NEW WINDSOR

225 Village Avenue
New Windsor, NY 12551

General Receipt

DATE: _____ 19__

Received of _____ \$ _____

_____ DOLLARS

For _____

By _____

_____ TITLE



THE HOUSE OF THE ...

III







1000 - 14-2-3.1

cancel

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

General Receipt

16297

May 2 1997

Received from Rhoda L. Ciancio \$ 75.00

Seventy five ⁰⁰/₁₀₀ DOLLARS

For Zoning Board

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 249		75.00

By Dorothy H. Hansen

Town Clerk

TITLE

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: AFqF/Ciancio

FILE # 97-8,

RESIDENTIAL: \$ 50.00 COMMERCIAL: \$150.00
 INTERPRETATION: \$150.00

AREA USE

APPLICATION FOR VARIANCE FEE \$ 150.00
 * * * * *

fee paid
 # 372 }
 # 249 }
 5/1/97
 # paid
 # 371 }
 # 248 }
 5/1/97

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00
 5/1/97

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE \$ 31.50
 2ND PRELIM. MEETING - PER PAGE \$ 67.50
 3RD PRELIM. MEETING - PER PAGE \$ _____
 PUBLIC HEARING - PER PAGE \$ _____
 PUBLIC HEARING (CONT'D) PER PAGE \$ _____
 TOTAL \$ 99.00

1/27/97 - 7 pages
6/9/97 - 16 "

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: \$ 35.00
 2ND PRELIM. \$ 35.00
 3RD PRELIM. \$ _____
 PUBLIC HEARING \$ _____
 PUBLIC HEARING \$ _____
 TOTAL \$ 70.00

1/27/97
6/9/97

MISC. CHARGES:

Mailing 2 letters @ 32¢ each \$.64
 TOTAL \$ 169.64

LESS ESCROW DEPOSIT \$ 500.00
 (ADDL. CHARGES DUE) \$ _____
 REFUND DUE TO APPLICANT \$ 330.06
Refund

(ZBA DISK#7-012192.FEE)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

97-8

Date: 02-20-9

I. ✓ Applicant Information:

- (a) Rhoda Ciancio 601D Indian Rd - Contract Vendor
(Name, address and phone of Applicant) (~~owner~~)
- (b) American Felt & Filter Company
(Name, address and phone of ~~purchasee or lessee~~ (owner) ^x)
- (c) Dominique Manzel - Sciarra, 90 Main Street, P.O. Box 396, Fishkill, N.Y. 12524
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

✓ III. Property Information:

- (a) PT Walsh Road 17-2-3.1 1.84 A ±
(Zone) (Address) (S. B. L) (Lot size)
- (b) What other zones lie within 500 ft.? Residential/Comm.
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

✓ IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk, Regs., Col. A to allow:

(Describe proposal) We request that a use

variance be granted enabling a non-public school in VA PT zone.

✓(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.

Without the variance we would be unable to do business at the Walsh Road location.

✓(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 ✓

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

N/A
 (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 _____, Table of _____ Regs., Col. _____.

Table with 4 columns: Sign (1-4), Requirements, Proposed or Available, Variance Request.

(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.

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

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

COMMUNITY DEVELOPMENT DEPARTMENT
New Windsor Zoning Local Law
Section _____, Table of _____ Regs., Col. _____

VIII. Additional comments:

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

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

All surrounding properties to the present structure (trees landscaping etc) will remain the same. A chain link fence will added enclosing the property for the safety of the children. There will be motion detecting lights installed on the present building as a safety precaution.

IX. Attachments required:

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

X. Affidavit.

Date: 5/19/97.

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

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

Shoda Carino
(Applicant)

Sworn to before me this

20th day of March, 1997.

XI. ZBA Action:

(a) Public Hearing date: _____

Douglas H. Estabrooke
DOUGLAS H. ESTABROOKE
Notary Public, State of New York
#220076, Qualified in Dutchess Co.
Commission Expires July 31, 1998

(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)

ROSE G. MUSTAKAS
293 OLD HOPEWELL RD.
WAPPINGERS FALLS, NY 12590

298-2467

50-584/219
1911082349

372

date May 1, 1997

Pay Town of New Windsor \$ 75.00
TO THE ORDER OF Seventy five dollars & no/100



First Hudson Valley
First National Bank of the Hudson Valley
63 EAST MAIN STREET, PAWLING, NY 12564

MEMO # 2BA # 97-8

Rose G. Mustakas

⑆02190584⑆ 1911082349 0372

COLORS

RHODA L. CIANCIO
6 OLD INDIAN ROAD
MILTON, NY 12547

249

10-4/220
BRANCH 422

May 1 1997

PAY TO THE ORDER OF Town of New Windsor \$ 75.00
Seventy Five DOLLARS



M&T Bank
Manufacturers and Traders Trust Company - Buffalo, N.Y. 14203
Hudson Valley Division
Newburgh Office

FOR # 2BA # 97-8

Rhoda L. Ciancio

⑆022000046⑆ 1100091130136 0249

ROSE G. MUSTAKAS
293 OLD HOPEWELL RD.
WAPPINGERS FALLS, NY 12590

298-2467

50-584/219
1911082349

371

date May 1, 1997

Pay Town of New Windsor \$ 250.00
TO THE ORDER OF Two hundred & fifty dollars & no/100



First Hudson Valley
First National Bank of the Hudson Valley
63 EAST MAIN STREET, PAWLING, NY 12564

MEMO # 97-8 2BA

Rose G. Mustakas

⑆02190584⑆ 1911082349 0371

COLORS

RHODA L. CIANCIO
6 OLD INDIAN ROAD
MILTON, NY 12547

248

10-4/220
BRANCH 422

May 1 1997

PAY TO THE ORDER OF Town of New Windsor \$ 250.00
Two hundred & Fifty DOLLARS



M&T Bank
Manufacturers and Traders Trust Company - Buffalo, N.Y. 14203
Hudson Valley Division
Newburgh Office

FOR # 97-8 2BA

Rhoda L. Ciancio

⑆022000046⑆ 1100091130136 0248

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

**AMERICAN FELT & FILTER COMPANY/
RHODA CIANCIO & ROSE MUSTAKAS**

USE VARIANCE

#97-8

WHEREAS, AMERICAN FELT & FILTER COMPANY, owner of certain property located on Plympton Street, New Windsor, N. Y. 12553, and RHODA CIANCIO, 6 Old Indian Road, Milton, N. Y. 12547, and ROSE MUSTAKAS, 293 Old Hopewell Road, Wappingers Falls, N. Y. 12590, prospective purchasers, have made application before the Zoning Board of Appeals for a use variance to permit operation of a non-public school in a PI zone at the above location; and

WHEREAS, a public hearing was held on the 9th day of June, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board by Toni Ciancio and Sol Kassow, Esq. Also appearing was certified real estate appraiser, Steve Reich; and

WHEREAS, there were three spectators appearing at the public hearing; and

WHEREAS, all three spectators spoke in favor of 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 subject property is a large residential structure formerly used as an office building for which any use has been discontinued for a sufficient amount of time to deprive it status as a pre-existing, non-conforming use.

(b) The property is located in a P.I. zone.

(c) The structure itself is a large attractive red brick structure. It is located on approximately two acres of land.

(d) The Applicant intends to purchase the contiguous parcel which would give it a total parcel of approximately four acres.

(e) The parcel has a separate entrance from the nearest roadway, Walsh Road, which consists of a long circular drive.

(f) The testimony of the real estate appraiser was that the cost of converting and upgrading the building to office use or any allowed use in the zone would make the building and premises virtually unsaleable due to the excessive cost.

(g) The building is not large enough or so constructed to be a warehouse and its use as a warehouse would increase the truck traffic on the adjacent residential streets since the property is directly adjacent to a residential neighborhood.

(h) The property is not suitable for use for any manufacturing in the facility because the structure is not large enough and the property is not large enough to provide for trucking docks, loading and unloading and the necessary vehicular and truck traffic.

(i) In order to make the structure into any allowable use, sufficient ventilation systems would have to be installed which would be too costly to make the building marketable at any price.

(j) The building does not meet the five-acre requirement for many of the uses in the P.I. zone.

(k) The Town of New Windsor has expressed no interest in acquiring or using this property or any part thereof.

(l) The property does not meet the twenty-acre minimum requirement for raising of farm animals.

(m) The property does not meet the five-acre minimum requirement for small animal breeding or raising.

(n) The premises is not large enough or suitable for use as a printing or publishing house nor does it have the necessary electrical facilities or the power necessary to operate this business.

(o) The property has been for sale for many years and no interest has been expressed for any of the uses allowed in the P.I. zone.

(p) The location of the property makes it unsuitable for the allowed uses in the P.I. zone. The property is bordered on two sides with residential uses and on the third side with a small,

commercial use. On the fourth side there is a significant, pronounced drop off separating it from the adjacent manufacturing use, making it appear to be a totally separate, unrelated property. In fact the manufacturing plant to which it is adjacent cannot even be seen from portions of the premises and the property.

(q) The Applicants propose to operate the property in accordance with all state and local building, health, fire, educational and other codes, statutes and rules.

(r) The Applicant proposes to place a six foot fence around the playground area and will conduct their operations, if allowed, in such a way as to minimize the noise and disturbance.

(s) The Applicant proposes no changes to the footprint or exterior of the building which has been in existence on that site since before the enactment of zoning.

(t) The variance, if approved, will not of themselves authorize construction. The Applicant must and has taken all steps available to obtain site plan approval from the Planning Board.

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 Applicant cannot realize a reasonable return on the property which is substantial and this fact is demonstrated by competent financial evidence.

2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.

4. The hardship to the property has not been self-created since the property has been in existence for many years and no changes are proposed to the property, making it the same property which the Applicant has been previously unable to market.

NOW, THEREFORE, BE IT

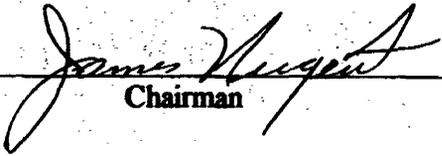
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor **GRANT** a use variance to allow a non-public school in a PI zone at the former American Felt and Filter Company building located on Plympton Street, as sought by the Applicant in accordance with plans filed with the Building Inspector 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: July 14, 1997.


Chairman

AF&F/CIANCIO

MR. NUGENT: Request for use variance to allow non-public school in a PI zone at former American Felt building located on Plympton Street.

Sol Kassow, Esq., Steve Reich and Rhoda Ciancio appeared before the board for this proposal.

MR. NUGENT: Is there anyone here for the American Felt and filter building? You want to speak? Please sign this.

MR. KASSOW: May it please the board I wonder if you would indulge me, let me take a chair and sit down, I'm getting old, not there yet, but I last longer if I take a seat. Now, my name is Sol Kassow, I'm an attorney from Fishkill, I don't get to this town too often, every now and then for various things. Now, these people had originally retained an attorney from Fishkill by the name of Domanique Manpel Ciancio, her name may be on some of the documents. She shared offices and was associated with an attorney by the name of Bill Gross, Bill Gross lived in Newburgh, practice practiced there and at age 50 he died in his sleep creating the entire office that they have into turmoil. And this afternoon, I was asked to come because no one else can do it. I say this because there may be something more that we're not giving you, I hope that we will fulfill most of what you need and we can then go on from there. First of all, I will say that this is an application so these people can operate what was originally called in your papers non-public school but actually it's a nursery and what else, daycare center. The papers are full of the, in fact Sunday's paper had a very long article in the Poughkeepsie Journal about the shortage of space, there aren't enough schools and they are especially lacking in schools which are duly licensed and insured. A property of this size there would be about 30 students, I guess you call them, they'll operate 100 percent within the law, it's not some nursery center that will operate out of a basement or somebody's apartment, the entire building property and facilities will be dedicated to the operation of the school. They will be fully licensed, fully

insured. I think Walsh Street is probably the only street around here I haven't been on but I got on it this afternoon and rode around the neighborhood and looked at the property and so forth. Now I don't want to presume to tell you your own town, I don't know how many of you are familiar with it or not, the building is magnificent red brick building, two story building, sitting on I think it's 2 acres of land. And under the contract, they are buying an additional parcel which is really separated from the factory below, another almost 2 acres. The parcel will be just shy as we measure it of 4 acres. The parcel is on top, it's surrounded on every side by residential structures. It goes back to the main factory of Felt but you have to go down, it goes down, it's totally disconnected from the rest of the property and the property is separated and it's now occupied by this on top and by the factory building on the bottom. As I said, except for the factory building and on the bottom they are surrounded by residential property, I think this is an location for them and for the town and for a school. Now, we have prepared, they were asked to comment on why not something else in the town, we prepared something in writing that I will distribute. What I would like to do is I think I have given you the introduction and what I would like to do is to stop to give you have a number of people who want to address the board, this is a public hearing, I have brought an appraiser, he didn't do an appraisal, I may be doing that in the near future but he has surveyed the property and he would like to give you his opinion as to the highest and best use and describe the property from his professional point of view. And then I will come back to deal with some of the other issues that have been raised. So if that is all right with you, there are people who came. Oh, I might want to add this one thought, that before they came here, they went to the planning board, the planning board is extremely enthusiastic, it's not a secret they want to approve this, but before they can even consider it, this board must act and grant whatever necessary variance so they were told to start here. And they are here now. There are some people here and I ask that you give him them an opportunity to be heard and then we can go on if that is all right with you.

MR. NUGENT: Fine.

MR. KASSOW: We have some of the neighbors.

MR. NUGENT: I would like all the information be presented first and then they can ask their questions. Anybody that you want to put up now is fine, if you want to put the appraiser up now, that is fine.

MR. KASSOW: Well then at that point, he has information that he can present.

MR. REICH: My name is Steve Reich, I'm a certified appraiser, I carry four designations, I have been trained for environmental screening. Did you had these out?

MS. CIANCIO: The proxy, yes.

MR. REICH: And I was brought in sometime towards the later part of the week to discuss about what they were looking at for highest and best use. So I cannot sit here and tell you that I have done an appraisal, I can give you an answer but based on what I was looking at for your PI zoning, and some of the things that were put together by the young ladies as far as highest and best use and what would be qualified for that area, what they are proposing is something in my opinion would be of highest and best use for that area based on the surrounding properties which are mostly residential, based on a commitment to totally renovate the existing building which has somewhat historic assemblage to it and stature, and also brings with it a use that is non-conflicting to environmental problems, I'm not here to perceive that I am an environmental expert, but I have been trained in screening and being aware of environmental problems that can be created of which in your PI zoning just about everything that you are allowing is opening up a Pandora's box for acceptance and so when I went to look at it and I said this is a natural coming in and putting in something that is non-harmful to the environment, will produce an income which will recreate a tax base that is desperately needed to every local municipality and also it's going to be in accordance to all the restrictions

that are required to the State of New York for public education. That is as far as I got. I did not get a value, I did walk through the building, I do have the capability of estimating and what they are committed to do to bring that to code is a major commitment, something that hasn't been done for a long long time the, that building, that building has been on the market for a long time, if nothing else, it's been discussed for a long time so this is something that we'll be able to bring into the market place and bring some value, not only to the property but to the surrounding properties locally which I think is very, very important. With the acknowledgment from the people who own the building it seems that they are anxious to have something done to it to allow you if so desired to change the zoning on it and so be it directed that that will follow the property.

MR. NUGENT: Let the record show we have a proxy statement.

MR. KASSOW: Yes, I want you, do have the proxy, okay, I don't know how accurate it is, but someone told me that this building which is over a hundred years old was one time or another an asylum operated by the Dominican Sisters, I don't know if that can be checked out or if there is any particular legal significance, I think it's too far back to be non-conforming use, but it is a matter of interest. The only other information that I could tell you in the zoning is one the various categories, comment on them briefly, I'd rather hand you a copy of our written response.

MR. KRIEGER: We have, I have it.

MR. KASSOW: Why don't I go through it briefly.

MR. NUGENT: We have it.

MR. TORLEY: Before you again I just want to check with the attorney, Andy, given your knowledge of the case law on this use variance, we do require a true dollars and cents expression on this, not to, the appraiser just went there, initially, are we required for true dollars and cents expression of gain or loss and some

indication of the real value as it is now?

MR. KRIEGER: Yes and no, it's not gain and loss, it's value in dollars and cents for each of the uses and they have cataloged in this written submission presentation as far as the allowable uses are concerned but what it is missing is a dollars and cents evaluation of what it would be worth in each particular case, this contains, appears to contain a rather complete argument, except for that one which is complete, except for that one element. The test is not the highest and best use because this board is not rewriting the zoning law, the test is whether it can realize a substantial reasonable return the law, doesn't define this as a profit so I am not that much concerned about profit or loss, but where you have a structure which due to its unique circumstances cannot realize any reasonable return for an allowed use, that is one of the criteria that the board must know in order for them to make a determination as to what's reasonable, they have to know what the value is then they decide whether or not that is reasonable.

MR. REICH: Let me just comment on that. I have not done that as of yet, I will tell you that the cost of renovating this building to all the things that you have in this PI zoning will well exceed just the cost to get it up to running, would be so astronomical in an expression to what they are looking to do to bring it a reality. And that is something that has to be weighed when I was looking through what it would cost to convert it to a laboratory, what it would could cost to relate it to a trucking terminal, the costs are just in order to bring it up to a commercial, a true commercial grade is quite expensive, what they are bringing it up to is quite reasonable so, you know, I can go through that process, I can provide that for you. I can also provide you with some basic comments telling you that you're looking at some heavy expenses to keep this in a very high industrial zone.

MR. TORLEY: Common sense and the law don't usually go together.

MR. KRIEGER: If you go through this for want of a

better term I will call it catalogue for the uses.

MR. REICH: Yes, I think I worked with these young ladies in attempting to put it together with them, this was on a short term.

MR. KRIEGER: And you would generally concur with what's in here?

MR. REICH: Most definitely.

MR. KRIEGER: Would the cost to convert it to any allowable use in the PI zone exceed the value of the dwelling?

MR. REICH: Most definitely.

MR. KRIEGER: By a considerable amount?

MR. REICH: Yes.

MR. KRIEGER: Therefore, it would make it unmarketable?

MR. REICH: It would be a total improvement.

MR. KASSOW: The planned cost of the renovation already exceeds the cost of buying it.

MR. KRIEGER: That is for the proposed use it would be even more so for any other use?

MR. KASSOW: Even more so.

MR. KRIEGER: And the property would be unmarketable as a result?

MR. REICH: Correct, that was one of the reasons why we figured let's see if we can get this through then if we needed to do an appraisal to substantiate that we would do that.

MR. KRIEGER: The conversion for an allowable use makes the value of the property substantially zero?

MR. REICH: Correct.

MR. KASSOW: I had some experience in converting office buildings, even though I'm a lawyer, because I converted three of them including one I practice law in for many years and the cost, this building has 3,500 square feet on two floors, that means the use, factory, don't know, it's 70 percent at best, so you don't have 3,500 square feet, you have got a lot less, the cost of converting it would be astronomical and after we walked around the property, I made sure to go look at the property before I came here, we went and had coffee and that gave me a chance to have a tour of the environs of Gus' where I have been drinking beer on and off for many years, old time place, even the lawyers like it, and it's sad what happened to 9W. I remember shopping in many of the places and the ice cream place and many of the stores, they are empty stores, there's too many empty stores of one kind or another in the area. No one is going to pay for this and this is one of the most beautiful pieces of property I have seen in a while. But from a commercial sense, nothing on the list is economically feasible, you know, I paid particular attention to the first item of office space, and because that is, I could open a law office there, it's that kind of building, but it isn't practical, it's not practical. And none of the items are, I also want to call your attention to that, many of the items again, forgive me, the first six items require two acres, but then you go to five acres, they don't have it, then one acre again, then five acres, then two, one acres and then ten acres, so that the acreage eliminates about half of your catalogue and the rest of it are simply not economically viable and on top of that, some of the permitted uses should not be done, except in a very large context where you can have better controls over the environmental concerns, even if you can put some kind of factory in ten acres you may not be able to control the environmental problems in a proper way which is essentially small for that kind of use. I think that yeah, if one man wanted to buy that building and operate a business there, where is he though, and he has to be willing to pay the price, nobody will pay what a user will pay, there's not an investor in the world that would buy this property, it's only open to users as a practical matter

and here we have users providing a need. Oh, I made a point when I was having coffee before I came here that it's interesting to note that in America today, there's a huge drive on to provide daycare for facilities inside of factories. Now, it seems to me that having a nursery is ancillary to the existence of a factory today and a concept of what benefits an employee should have. I acknowledge of course that your code it doesn't have anything like that but let's be realistic about it, sometimes the law moves slowly and should be changed, there should be some ancillary services as permitted users. I have seen it all over not only nurseries, you'll go to one factory, huge complex and they have a computer building or a first aid building or a cafeteria building, this is not, doesn't exactly fit those parallels but I point out that having a daycare center available to industrial complexes is a benefit to the employees, to society in general.

MR. TORLEY: Andy, one of the indices we can use for its value as permitted uses would be its history of being on the market and the price declined and offers, do we have any information how long this property has been for sale and what the prices have been?

MR. KASSOW: We know it's been on the market for over 2 1/2 years, but I think we'll have to provide you with some details on that.

MR. REIS: Don't have statistics with me, but I believe it's over four years.

MR. REICH: It's going five years, actually.

MR. REIS: They have adjusted their asking price over a hundred thousand dollars in that five year period, probably over two hundred thousand.

MR. REICH: It's over half.

MR. TORLEY: That would be an index for lack of marketability.

MR. REIS: Exactly.

MR. KRIEGER: Would you in your proposal would you change the, if a variance were granted, would you change the foot print of the building? Do you know what I mean by the footprint?

MR. KASSOW: I do and they have no immediate plans at this time. But they are just getting tonight and they have to consult with an engineer who must prepare a site plan for the planning board and he may ask for some changes and of course if they are very successful, they may want to change a footprint, but right now--

MR. KRIEGER: Nobody can see in the future, I'm talking about the present, do you have any present plans to change the facade of the building?

MS. CIANCIO: As far as the present structure of the building, everything will be kept as it is and restored to its original, there will be no additions added onto the building as far as for our purpose, the structure that stands now is the structure that we would use except for updating the inside to meet codes and adding the handicapped ramp for handicapped accessibility.

MR. KASSOW: And there will be some fencing and some landscaping and some playground equipment on the outside.

MR. O TRLEY: Your proposed use variance request would have no negative impact on the surrounding community?

MR. REICH: None whatsoever.

MR. KRIEGER: How would you control the noise from the, generated by children that are there?

MS. CIANCIO: Well, at play time, say if we have a selected play time after lunch, the children would go out on a rotating schedule, so you wouldn't have everybody in the school outside at the same time. If you had 30 students, maybe ten students would go out, others would eat lunch and we'd go on a rotating schedule until everybody had their 45 minutes out on the playground, that would greatly diminish whatever noise there would be.

MR. TORLEY: I doubt the school would exceed the decibel limits of the PI zone anyway.

MR. KRIEGER: Well, I'm just mindful in asking surrounding neighborhood being that is the only potential impact which may occur, this is a use that will not create toxic fumes.

MR. REICH: Part of operating the building they are going to have to renovate the windows, the walls are over a foot thick so the quality of maintaining a low decibel is very very easy.

MR. KRIEGER: What plans have you made with respect to traffic, the incoming of automobiles and the outgoing?

MS. CIANCIO: The existing parking area and driveway that exist at American Felt is a circular driveway where parents can drive and drop their children off, either park the car, cause we have more than enough spacing for parking for our own staff, and additional parking for parents who have to either come into the building who didn't want to drop their children at the door, and can circle around and the driveway's wide enough if one car was parked for the short period for whatever it took two or three minutes to walk their child in the building, cars could continue to go around.

MR. KRIEGER: Is it anticipated that there would be any significant bus traffic, children going to be bused?

MS. CIANCIO: The only time a bus would be there is at the 12:30 when the children, if they were there for an after-school program and they were kindergarten, that bus would stop, an employee would be waiting for them at the end of the driveway, the bus would drop off the children, so it would never be in the driveway, it would come to a stop there just like they do for any residential home, that employee would walk the children from the bus into the school and the bus would leave.

MR. NUGENT: Both entrance and exiting on Walsh Road?

MS. CIANCIO: Yes, they do.

MR. TORLEY: Mike, in our present code, would this site given if it was not in a PI zone, if it was in an area where a school was permitted, are there any futures of this property that would require a variance parking provided anything like that?

MR. BABCOCK: I don't have the book in front of me.

MR. TORLEY: I just just want to make sure should we grant the use variance we have covered any other necessary variances.

MR. BABCOCK: It's not something I'm familiar with, you know, a school, we very seldom, I don't think we have had any schools built since I have been here so I am not familiar with that section.

MR. TORLEY: My purpose in asking just so that should we grant the use variance, the applicant would have to come back again later for area variances or number of parking spots.

MR. BABCOCK: Well, this was one of the ones that we decided that normally, the process is to go to the planning board first with a use like this, get their site plan and then maybe they do need an area variance for parking or for whatever they might need, but it's a very costly thing so what we have decided to do now is to change that. If you remember, I think January 1st we changed it, anybody requiring a use variance could come here first, they know that they are on their own for this, if they do get approval for the use variance, they go back to the planning board and if there is any area variances they might need to get, they are going to have to come back here.

MR. KASSOW: I just want to say one of the considerations renegotiate to get the extra acreage to guard against having to come up with more parking, they believe that based on what is typical in this kind of school, that there's enough on the 1.6 acres or 1.8 acres of land, but they have this other vacant land which are part of it, can be used for parking. So they

have anticipated that. They have tried to anticipate what other uses a school may have, there's a second right now, they are only using one driveway, but there's a second driveway at the other end of the circle which is not being used but it can be used. There is no problem, I'm afraid that unless someone comes up with something they are willing to do all the changes that they have analyzed it carefully enough.

MR. TORLEY: Just trying to--

MS. CIANCIO: I just wanted to add something if that would help ease your mind, I know when we first came in here, the first time we did talk about parking we went and took a look at what an average parking spot or what a legal parking spot would be, it comes out to 200 square feet, when we went and measured that area just on the back side of the parking lot, if you look at the picture, there's a back side on the circle and obviously there's an inner side, if you look around along the back side, there's enough room for 16 parking spots, it exceeds our parking spots plus additional 7, should anyone come and tour the building, without even using the additional inner side of the circle or any area along the driveway coming into the property.

MR. TORLEY: Since your students aren't going to drive to school.

MR. REIS: What kind of problem do you expect for the square footage that you have got there, how many students or children can you expect?

MS. CIANCIO: We're looking at a minimum of between 40 to 50 kids, the building will allow up to 86 children but for our purposes and the amount of classrooms that we want to put in there existing right now there's approximately five classrooms, we're going to use four, if we used four and we put 10 to 15 kids in each one of those rooms, we'd have somewhere around 40 children, if we had ten and if you had the additional five, we want to operate within the minimum of what we can do if we are meeting state codes we don't want to have the maximum because no parent wants to walk into a classroom and see one teacher with ten kids, even

though that is the allowable.

MR. NUGENT: Have you presented your information?

MR. KASSOW: Yes.

MR. NUGENT: Any further questions by the board? At this time I'll open it up anyone who would like to speak, raise your hand.

MR. UMBERTO FERNANDEZ: I'm the neighbor across the street from the property and we have been living there for a little bit over a year and it's been empty and we have been concerned about that and when we moved into our property, we tried to fix it up, we did a lot of work to get the area fixed up and some of the other people in the area are doing the same thing too but some of the other area's kind of run down, so we feel this would be really good and we were concerned too about what was going to be put in there too and so this sounds like it's a good thing because further down there's a factory, there's, I think it's an asphalt building on one side and then there's a car place and all these things are kind of like industrial things, we feel like school property would be something on a positive note away from that kind of atmosphere.

MR. NUGENT: Anyone else?

MR. MICHAEL LUCAS: I'm kind of here in a dual capacity because I confer with this gentleman here that it did come first in front of planning board and we were enthused about it and we encouraged him to come to the zoning board. I can't say, I can't speak for the whole board, I can't speak officially because I wouldn't do that but I will confer that it is something that we're enthusiastic about. Second thing is personally I own the lot and the house next to it and I couldn't ask for a better situation than this. I mean I wouldn't want to see a factory, an office, first thing to have the children in the neighborhood to use that building and knowing that they are going to preserve the building as they say they are going to do, it will enhance the value of my property, it will enhance the value of that property, they'll make great

neighbors. As far as children's noises are concerned, I can't think of anything more beautiful than a child's noise. I think it's all positive, I can't think of any negatives. It's going to help me, help them, help the Town of New Windsor because there are people in this town that we want to bring jobs, we want to bring people into this community and to do that, they have children, we want a safe place for the children and this is a perfect location and I think it's a, I couldn't ask for a better thing for that neighborhood and that is what I have to say. Thank you.

MR. KASSOW: Seven to ten full time employees, it's not an awful lot but it's something and in this day and age every employee you have is better for the town.

MRS. FERNANDEZ: I just have the same remarks as my husband, very happy to have a daycare center there.

MR. NUGENT: At this time, I'll close the public hearing.

MR. TORLEY: Before you do that Andy, the present state of our information, do you feel that you could write a defensible decision, we have sufficient information for that?

MR. KRIEGER: Yes.

MR. NUGENT: Close the public hearing and open it back up to the board for any other further discussion.

MR. TORLEY: I think it's a great idea.

MR. REIS: It's a great use for the property, like to make a motion if you will accept it.

MR. NUGENT: I will.

MR. REIS: Motion made.

MS. OWEN: Second it.

ROLL CALL

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MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: For the record, this is a great job, this is very good, this is the most thorough catalogue. She did the best job I have ever seen for eight years.

MS. CIANCIO: Thank you.

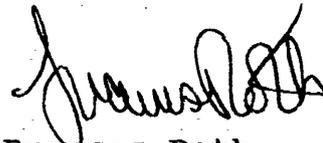
MR. REIS: Motion to adjourn.

MR. TORLEY: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

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: (PRESUB 40/97) DATE: 24 JAN 97

APPLICANT: TONI CIANCIO
6 OLD INDIAN RD.
MILTON, N.Y. 12547

FAX - 221 - 9028

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED (PRESUB 40/97)

FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT PLYMPTON ST.

ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 14 BLOCK: 22 LOT: 3.1

NON-PUBLIC SCHOOL NOT PERMITTED
IN P.I. ZONE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

USE VARIANCE REQUIRED


MICHAEL BABCOCK,
BUILDING INSPECTOR

January 8, 1997

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PRESUBMISSION:

CIANCIO, TONI - FORMER AMERICAN FELT & FILTER BUILDING
- POSSIBLE ZBA REFERRAL

Ms. Toni Ciancio appeared before the board for this presubmission application.

MR. PETRO: This is also a possible referral but what we're going to do, Mike, you're telling me that we can refer it to zoning board now before making application to the planning board?

MR. BABCOCK: Well, I think what we talked about and you want to answer that what we talked about, Jim, is that some of the referrals to the zoning board will be use variances and rather than having an applicant go through a complete site plan review, an engineer with site plans and so on and so forth, get to the zoning board for a use variance which is very difficult and be denied.

MR. PETRO: Is that why you are here for a use variance?

MS. CIANCIO: Yes.

MR. BABCOCK: If they were to be able to come to this board just for a discussion, if this board would refer them and you can either tell them tonight that you want a you want a full site plan before you refer them or not and then see how they do at the zoning board.

MR. PETRO: We're doing this only on use variances?

MR. BABCOCK: Yeah, that is what we figured the last time, we used to do it all the time, we got in trouble where the zoning board gave them a variance, came back here and you wanted the parking in front of the building, in front of the building, behind the building, so they had to go back to the zoning board so we're on a use variance they are very difficult today to obtain at the zoning board.

MR. PETRO: This is the first meeting of the year and

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we're changing a lot of things, this is a good one for you because otherwise you have to do a full site plan, come her and then maybe get over there and say no so we might eliminate that, that is the reason for it.

MS. CIANCIO: My name is Toni Ciancio. I'm here tonight to ask your approval in using the American Felt and Filter building located on Walsh Road as a non-public under age of six school. It would eventually house two pre-K's and two private kindergartens, the building, as it stands now, needs little to no constructional change on it, the outside and inside, the only thing we would have to put is an additional bathroom in the upstairs floor.

MR. PETRO: Have you reviewed as far as building department?

MR. BABCOCK: No.

MS. CIANCIO: Problem is contingent on the offer that we put in for the building, it can have no contingencies so that means I can't say if it is approved for a variance or a use change that I will withdraw my offer. Once I put in the offer, I lose the money if it's not approved, so I need to know that the building can be used for the purpose before I put in the money.

MR. PETRO: Couple things you should think about too even if we said yes, this is going to work, we won't say yes or no, the planning board will say how. the Zoning board may say yes or no, but further down the road from that, when you go to the building department, you may find some of the laws there might be, may not be conducive to that building, that building might not be conducive to having kids. Didn't we have that one time before something very similar?

MR. LUCAS: Building in front of it, right?

MS. CIANCIO: Right.

MR. PETRO: But my point is you don't want to go through all this and the building department or state

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codes may keep you, so you should do all your homework, not just through the zoning board and planning board.

MR. BABCOCK: You need some professional help in the area as far as maybe an engineer or architect to look at the building because there's so many different ways that you can accomplish things, depending on what you want to spend. One of the things is that it is handicapped accessibility to the second floor, you can do that quite a few different ways. Today, we tell you you need an elevator, you might not want to do that so you really should seek some professional people.

MR. PETRO: Very simple thing, maybe like a ceiling may be State Code for school may be 15 eight feet, I don't know what it is, all hypothetical, you go there and you have 6 foot 6 so he couldn't give you a building permit if you wanted to and then what are you going to do.

MS. CIANCIO: As of right now, I went to the state and I brought these with me.

MR. LUCAS: Should I say now that I have property adjacent to that or--

MR. PETRO: You just did.

MR. LUCAS: I own the house next to that piece of property.

MR. PETRO: You have no interest in this project?

MR. LUCAS: I Have no interest in this project.

MS. CIANCIO: What I did was I went to the state, told them what I was trying to do, told them about my problem with buying the house under the conditions. What I did was I highlighted some of the areas, I had a builder go in there and the woman who is going to be my partner is the lieutenant for East Fishkill Fire Department so she went in and took a look around as far as safety features, getting fire escapes on the second

1001 and so forth. Now I did I went through and highlighted some of the areas I thought would be a concern for the planning board as far as and for myself

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as far as making sure that there would be enough room for the amount of children that would be there, what the bathroom codes for the facility would be, what I'd need in the building as far as lighting, ceiling heights, as you said, and the children, not having children handicapped accessibility on the second floor and also putting a ramp in on the bottom floor. American Felt and Filter building has floor to ceiling windows which are easily turned into doors, large doors and as far as the rooms on the inside are concerned all the rooms on the lower level have the sliding french doors, so it's one huge room and the sliding french doors open to more than five feet which is what you'd need.

MR. PETRO: Didn't we have someone for a funeral home on this?

MR. BABCOCK: Yes.

MR. PETRO: So there's parking?

MR. BABCOCK: There's plenty.

MR LUCAS: The other--

MR. STENT: Somebody did antiques.

MR. LUCAS: That was an eviction, they are out of there, it's empty.

MR. PETRO: You had some highlights that you thought the planning board should look at?

MS. CIANCIO: On the first page, if you look at 125.2 where it says building facilities states number with 3 classroom shall have minimum of 35 square feet per child exclusive of, the building is 3,700 approximately with 3,000 square feet exclusively for those rooms so it would have more than enough space for approximately 65 children, which is what we we're looking for. It probably allots for about 86 children in that building. And as far as the outside acreage, you need at least an acre of land for a private or non-public school and the area of land that is presently cleared off right now is

1.83, you know, give or take. And we're going to buy the acreage that is also surrounding the building and there's an additional five acres to that building. And also the property as far as it talks about fencing it in, there will be a chain link fence that will be around the whole property, including the front area where we'd have the parking so the road that the cars drive in to drop off and pick up children will not be accessible to the children.

MR. PETRO: Private school for grades one through six?

MS. CIANCIO: No, private school for children under the age of six so it is private kindergarten and pre-K and it would also be a bilingual program.

MR. STENT: Is this the building with the black iron fence around it?

MS. CIANCIO: Yes.

MR. T SENT: I thought that was on John Street.

MS. CIANCIO: It's Plympton.

MR. LUCAS: What was the original name of that street?

MS. CIANCIO: If you look on the next page, I believe it's 125.2 also if you look down to the middle of page it's C just sanitary facilities right now are downstairs, there are three flush toilets on the first floor which is accommodating for 15 children.

MR. PETRO: A lot of this will be building department or fire department, really wouldn't have anything to do with the zoning board or planning board. Mark, do you see any outstanding problems as far as the engineering part of it, at this point, why we could not refer her to the zoning board if she can get the use variance. What's the zone there?

MS. CIANCIO: PI.

MR. EDSALL: It's PI and adjacent to an NC zone, if she was in the NC zone, it would be acceptable.

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MR. PETRO: That is a big plus being that you are adjacent to a zone that is permitted this way cause they don't like spot zoning if it's in the middle of something far away noting else around it is permitted like that, it's a little harder. But make sure you bring that up when you go to the zoning board and the attorney for the zoning board is also here tonight, hear what I am saying?

MR. KRIEGER: Yes, I hear what you're saying. Discuss it in more detail when you're there, you have to go through a process before you can come back here, if they refer you here, that is generally a two meeting process. If you are referred there, you can confer with the Zoning Board secretary who is in town hall 9 to 5, she's in the town attorney's office, same person, and she'll straighten you out. When you appear in front of the zoning board, I can tell you in detail I will tell you right now, use variance notwithstanding the fact that it is next to a zone to be permitted which is helpful but a use variance, the hurdles have been made very high by the state, this isn't a question of the town and what the members of this board or ultimately the members of the zoning board think about it or think about the desirability of the application and so forth, although all of that is certainly something you want to discuss and want to bring to their attention. But you should be aware that it is difficult for a use variance and you certainly do not want to commit yourself personally until you obtain what you need from the zoning board.

MR. EDSALL: In answer to your question, my understanding of the law as it is now is that you can make an application to the ZBA without the need to say you're appealing somebody else's disapproval. You can go directly to the Zoning Board. Now, as Mike said, we usually don't like doing that for area type variances because they are affected by your site plan review for use variance, I think it's a great idea to get them over there and let them find out what the zoning board thinks before they spend more money on the plan. It's

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they get there variance how this site couldn't support it cause the site's got plenty of room.

MR. PETRO: Which brings me to the next point which may help her in her request for a use variance. I'd like to poll the board, if this young lady should get a variance and things go well, does anyone here see any reason as long as she met all the criteria of the planning board that this would not be a proper use for the site and that she would have a positive recommendation from this board?

MR. LANDER: I have no problem with it, Mr. Chairman.

MR. LUCAS: I like the idea.

MR. DUBALDI: I have no problem with it.

MR. STENT: I have no problem.

MR. PETRO: And also myself, I would have no problem and I think it would be a nice improvement to the site and hopefully you'll acquire the variances that you need and come back to this board and they do read the minutes, that is the reason for what I am doing.

MS. CIANCIO: Thank you.

MR. PETRO: Do you want, do we have to do this in the form of a motion, even though she's not an application?

MR. EDSALL: You have nothing to disapprove because you have no application.

MR. PETRO: I think I covered it.

MR. EDSALL: It's being referred over and pending them making an application.

MR. PETRO: You're being referred with a positive recommendation. Good luck to you.

MR. EDSALL: Also we'll put in the minutes that Mr. Rogers was at the planning board work session and he was generally in support of it and I think he would

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probably try to find a way to work with the applicant from the indication that I got.

MR. PETRO: Off the record.

(Discussion was held off the record)

MR. PETRO: Thank you, good luck.

Zoning Board of Appeals
Meeting: Monday, June 9, 1997

Objective: Obtain a use variance for a Nursery/Day Care

1. Definition of PI zone

- definition of professional business
- new state requirements regarding pre-school licensing - licensed staff; both state and CPR certified
- Presently there is no correct zone for Nursery/Daycare

In order, to obtain a use variance you must satisfy all four of the following requirements for each and every allowable use in a PI zone.

Refer to given Table of Use/Bulk Regulations

Allowable uses will be evaluated in the order in which they appear on the chart.

1. - Area does not warrant business complex of this size
 - Would not be cost effective to reconstruct this building to accommodate office space
 - Building is not in the main stream of a business district
2. - Building is not large enough to create a warehouse, given present square footage
 - Insufficient acreage for the loading and unloading of trucks for warehouse distribution
 - Additional property surrounding the building is not level and is therefore, not conducive to the construction of an additional warehouse facility
 - Increased tractor trailer traffic on residential neighborhood roads
3. - Building does not have adequate space to provide or construct an environmentally safe, and cost effective laboratory
 - People are very concerned about air, land, and water pollution and most research laboratories create environmental hazards and can be very dangerous to a residential community
 - Building does not have proper ventilation systems, waste removal or containment areas, the cost to install or provide the necessary requirements needed to meet environmental or safety codes would not be cost effective
4. - Laboratories create environmental hazards, which is not conducive to residential living
 - In order to modernize this specific building to enable a

legitimate research facility, would be to take away from the buildings original stature and historical qualities

5. - Building is not functionally large enough to accommodate any type of assembly line packaging of materials or prepared materials.
 - Nor would the property be adequate to provide for trucking docks, loading and unloading, to make cost effective product distribution
 - Proper ventilation systems not available, and would be costly to install
 - Insufficient acreage for trucking traffic
6. - Building does not provide adequate space for a manufacturing plant
 - Nor does the building have adequate ventilation or electrical power sources for heavy machinery or equipment, this, again, would not be cost effective installation
 - Smoke and pollutants that are emitted to the air via, smoke stacks and ventilation systems, can be toxic and carcinogenic in nature, neither of which is conducive to a residential area
7. - Building is not functionally cost effective for office space, as the rooms as they were originally created are spacious and have the minimum of partitions
 - The modernization of this building, in order to receive maximum occupancy per available space would dramatically reduce the original beauty and stature of the building
 - Do not meet 5 acre requirement
8. - Functionally obsolete
 - Do not meet 5 acre requirement
9. - In order to meet the provided standards for spraying, which are permitted by code there would not be adequate land space left available due to the positioning of the existing house on the property and the residential area homes that reside to the North and West of the property
 - Even providing for the demolition of the entire existing structure, the area remaining would not be profitable enough to deem sufficient the cost of demolition
 - a. structure is located at the center of property significantly decreasing the amount of usable space for the raising of field and garden crops
 - b. property can not meet the 20 acre minimum for the raising of farm animals, nor would you be able to house these animals without building barns, stables, etc., which are not permitted on this property, in addition the use of manure for fertilizer, and the obvious production of such, by farm animals would create an odor problem in a residential area

- c. property does not meet the 5 acre minimum needed to meet the requirement for small animal breeding or raising

Consecutively, items 10, 11, 12 would not be applicable to us because we do not meet the most obvious requirement in being the Town of New Windsor. In order, to provide for any of the three above mentioned articles it would have to be a town operated facility.

- 13.- The building does not meet space requirement for a printing and/or publishing house, nor does it have the necessary electrical power for the equipment needed for this particular business.
 - The cost incurred to provide the necessary space would not be feasible when considering the profit margin
 - Changes that would occur to the inside and outside of the building would take away from the buildings original stature
 - Not cost effective to modify front entrance of building in order to install necessary equipment
- 14.- The nature of the building is not structurally conducive to a large cafeteria facility. It does not house the necessary kitchen space needed for large scale cooking or dining facilities. To adhere to the health codes, alone that would be necessary to update the kitchen, freezer, and storage space for food products would require additional space and rooms to be built on to the existing structure. (ie. walk in freezers)
 - Again, the building does not have adequate rooms, as per original design, to make it conducive to an office or clinical area for employees; as the building only has available space for one of the above, and would not be cost effective to house only one of the needed appendages.
- 15.- Building is in a mixed zone area, with residents located on two sides of the property, and small commercial businesses on the third. It would not be in the best interest of the surrounding residents to enable a manufacturing plant to exist within close proximity to a residential area, which may prove to be hazardous in emitted toxins or waste removal either now, or in the future.
 - Manufacturing plants, by the nature of their existence are undoubtedly going to produce waste, dust, and some kind of pollution to the environment, even if that pollution comes out in the form of noise due to the operation of heavy machinery.
 - The statuettes regarding the restrictions for industrial existence were written at a time when waste removal and environmental concerns did not exist. There is not an industrial facility, or any other for that matter, that

does not pose some kind of risk to the environment.

- 16.- There is not adequate land to provide for a safe and operable truck transfer terminals.
- It would require the demolition of the existing structure and the restructuring of an adequate facility which again would not be cost effective, nor would it be keeping with the idea of the preservation of the original building.
 - The increased traffic of large trucks driving through a residential area would not be beneficial or safe to the area children
- 17.- Building is not structurally adequate to house the storage of lumber or any machinery of that nature, consequently the existing structure would have to be removed or an additional structure would have to be built on the property. Both would be extremely costly and the latter would significantly limit the amount of remaining space needed for truck loading and unloading of lumber and other materials. Which at this time, is inadequate at best with only the existing structure being considered.

II. Documented proof of unusual hardship existing due to present zoning of property as demonstrated by real estate assessment.

- Length of time on market
- Diminishing return due to lowered asking price (zoning restrictions)

III. Verbal Confirmation by licensed appraiser for highest and best

IV. Conclusion

At this time, I would like to assure the board that the present zoning has been carefully reviewed and evaluated. Due to the limited size of the building, for the uses presently permitted, and the cost of structural changes needed to satisfactorily construct a permitted use, it would not be cost effective to the buyer to create any of the businesses that are presently allowed in this zone. In addition, the environmental hazard that the surrounding community would be subjected to, would make these most unbeneficial. This board should be aware of the cancer causing hazards, toxins, and pollutants; factories laboratories, and research centers bring to an area and community.

The above represent the main reason we can not accommodate the present zoning. In obtaining a use variance for a state licensed Nursery/Day Care we would be maintaining

the original structure of the building, while providing a much needed service to the community. This business would be environmentally safe for both children and the community as a whole.

We would like to assure the board that we have taken in consideration all health and state codes for Nursery/Day Care facilities. Presently, the Fire Inspector, the Department of Social Services, and the Building Inspector have all been notified as to our proposed plan and have either initiated a pre-site inspection, or are scheduled to do so, pending the decision of this board.

The safety and security of our children is a top priority to both us, as the service provider and the parents of the children who are entrusting us as licensed professional to care for the well being of their child. There will be a 6" ft fence surrounding the playground area which will not allow for children to enter or exist grounds without going through the main building. The building will have one main entrance for pick up and drop off, which will be maintained by a licensed professional at all times. This person will be accountable for all persons listed on any said childs pick up sheet. These persons will properly identified, as an allowable pick up person by producing a valid identification. CPR and First Aid certification will be mandatory for all employees. We will also have a New York certified EMT on the premises at all times. There will also be a background check done through the state of New York, for any record of child abuse.

We will abide by all Board of Health regulations, by providing nourishing meals and snacks in a clean and healthful environment. Our menus have been approved by a licensed nutritionist and are presently being approved by the Board of Health and Department of Social Services.

We believe that our proposed project can only be a benefit to the community, and that the children that attend our school will be cared for with in the highest degree of standards.

TOW OF NEW WINDSOR

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE #97-8
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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

ROBERT P. SWEENEY, being duly sworn, deposes
and says: I am the V.P. FINANCE & CFO of AMERICAN FELT & FILTER COMPANY
the record owner of
a certain parcel of land within the TOWN OF NEW WINDSOR
designated as tax map SECTION 14 BLOCK 2 LOT 3.
I HEREBY AUTHORIZE ROSE MUSTAKOS & RHODA CANTIOS of
(Company name)
to make an application before the ZONING BOARD OF APPEALS as
described in the within application.

Dated: MAY 12, 1997.

[Signature]
(Signature of Corporate Officer)
Title: V.P. FINANCE & CHIEF FINANCIAL OFFICER

Sworn to before me this
12th day of May, 1997

[Signature]
Notary Public

(ZEA DISK#1-012996.CP)

NAOMI R. ASHER
Notary Public, State of New York
Qualified in Orange County
Reg. # 01AS495921 1997

Table of Use/Bulk Regu
Planned Industrial
Town of New Wind

A	B	C	D	E	F	G	H	I	J
Uses Permitted by Right	Uses by Special Permit of the Planning Board or Town Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/Total (both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Rat
<p>✓</p> <p>1. Professional business, executive and administrative offices and buildings²</p> <p>2. Businesses which combine office space with a warehouse or a center for the distribution of products wherein such warehouse or distribution center is incidental to the main purpose of the business²</p> <p>3. Businesses which combine office space with a research laboratory or its equivalent for the purpose of testing a product or products, provided that no manufacturing or assembly shall take place therein²</p> <p>4. Laboratories and related offices engaged in product testing and research²</p> <p>5. Assembly or packaging of products from previously prepared materials, including cloth, plastic, paper, leather and precious stones²</p> <p>6. Manufacturing, assembling and/or packaging of electronics and electric components, instruments, precision tools and time pieces²</p>		80,000	200	100	50/110	50	N/A	4 inches per foot of distance to the nearest lot line	
7. Planned office building development groups, subject to § 48-21J ²		5 acres	500	100	50/110	50	N/A	4 inches per foot of distance to the nearest lot line	
8. Planned industrial development groups, subject to § 48-21J ²		5 acres	500	100	100/200	100		4 inches per foot of distance to the nearest lot line	
9. The following commercial, agricultural, operations and accessory uses therein, provided that these shall be no stable or similar animal housing nor storage of manure or other odor- or dust-producing substance or use, except spraying and dusting to protect vegetation, within 50 feet of any lot line: (a) Mowing of field and garden crops, vineyard and orchard pruning and the maintenance of manure (b) Keeping, branding and raising of cattle, chickens	<p>1. Trailers for business, office and commercial purposes not exceeding 6 months duration²</p> <p>2. 1 dwelling unit only on any lot for the exclusive use of an attorney, watchman or caretaker employed in connection with any permitted use on said lot</p>	40,000	150	50	15/40	20	N/A	6 inches per foot of distance to the nearest lot line	

<p>10. Buildings, structures and uses owned and operated by the Town of New Windsor?</p> <p>11. Public parks and playgrounds?</p> <p>12. Outdoor recreational facilities, including golf courses, ice skating rinks, swimming pools, parks, playfields and ski areas, subject to § 48-21A?</p>		5 acres	200	100	50/100	50
<p>13. Printing plant or publishing house?</p> <p>14. Office buildings for editorial, business and professional offices and research, design and development laboratories, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees?</p> <p>15. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing or incidental storage of products or materials involving the use of only oil, gas or electricity for fuel, and which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electromagnetic or other disturbance; or glare, harmful discharge, storage or disposal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area?</p> <p>16. Truck transfer terminals?</p> <p>17. Lumber and building material and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than 6 feet nor more than 10 feet?</p>		40,000	150	50	15/40	20
	3. Railroad, public utility, radio and television transmission antennas and right-of-way	10 acres	300	100	100/200	100
	4. Bulk storage, including warehouses and oil and gas storage, above the ground?	30,000	200	100	50/10	50
	5. Manufacture of bricks or concrete blocks?					
	6. Municipal refuse composting and recycling centers. Refer to additional use regulations applying in all districts.	25 acres	1,000	400	400/800	400

6/9/97 Public Hearing: AFD/F/Ciaccio # 97-8

Name:

Address:

no objection

Michael D. Lucas

146 Quassaick Ave (Plympton)

no objection ✓

HUMBERTO FERNANDEZ

15 PLYMPTON ST.

"

Celso Fernandez

15 Plympton st.



1763

TOWN OF NEW WINDSOR (42)

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4633
Fax: (914) 563-4693

OFFICE OF ASSESSOR FOR TOWN

April 28, 1997

Rhoda Antonia Ciancio
6 Old Indian Road
Milton, N. Y. 12547

Re: Tax Map Parcel 14 - 2 - 3.1

Dear Ms. Ciancio:

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 \$65.00, minus your deposit of \$25.00.

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

Sincerely,

LESLIE COOK
Sole Assessor

LC/pab

cc: Pat Barnhart, ZBA

Thomas J. & Donna Curtin
17 Winchester Way
Washingtonville, N. Y. 10982

Roland & Marie E. Mitchell
87 John Street
New Windsor, N. Y. 12553

Jorge L. & Isabel Jimenez
P. O. Box 2947
Newburgh, N. Y. 12550

Claudia Torracco
81 John Street
New Windsor, N. Y. 12553

Frank Francon G.
19 Columbus Street
New Windsor, N. Y. 12553

Ginny Marta
28 Idlewild Park Drive, Apt. 3
Cornwall, N. Y. 12518

Alfred E. & Margaret M. Palumbo
186 Caesars Lane
New Windsor, N. Y. 12553

Ira Kroun
57 John Street
New Windsor, N. Y. 12553

Victor Bosacky
15 Ledyard Street
New Windsor, N. Y. 12553

Mira Ellen Rumsey
% Mira Ellen Blythe
7 Perry Street
Morristown, N. J. 07960

Ernestine Anderson
Carman L. Torelli
27 Ledyard Street
New Windsor, N. Y. 12553

Brenda Grevas
921 Maple Grove Ch. Road
Hays, N. C. 28635

Edward C. Reeves
19 Quassaick Avenue
New Windsor, N. Y. 12553

Dennis P. Deyo
778 Broadway
Newburgh, N. Y. 12550

Michael D. Lucas
146 Quassaick Avenue
New Windsor, N. Y. 12553

Patterson Materials Corp.
20 Harlem Avenue
White Plains, N. Y. 10603

Mans Brothers Realty Inc.
P. O. Box 247
Vails Gate, N. Y. 12584

Edith F. Craig
10 Wintergreen Avenue
Newburgh, N. Y. 12550

Central Hudson Gas & Elec. Corp.
% Tax Agent
284 South Avenue
Poughkeepsie, N. Y. 12602

Calvary Cemetery
% Church of St. Patrick
55 Grand Street
Newburgh, N. Y. 12550

Marie Petro
24 Stori Road
Newburgh, N. Y. 12550

David Cleaves
8 Bridge Street
Cornwall, N. Y. 12518

Patrick Bianco
90 Frozen Ridge Road
Newburgh, N. Y. 12550

Hermينو & Zelandia Maldonado
44 Quassaick Avenue
New Windsor, N. Y. 12553

Michael Jacobson
16 Paulding Avenue
Cold Spring, N. Y. 10516

52 Quassaick Avenue Inc.
% Somporn Toombs
32 Ellis Avenue
Newburgh, N. Y. 12550

Glen T. Mitchell, Eugene H. Bernieri
Arnold Sabino
501 Balmoral Circle
New Windsor, N. Y. 12553

Frank H. Reis Realty Corp.
79 N. Front Street
Kingston, N. Y. 12401

Ann C. Szloboda
14 Ledyard Street
New Windsor, N. Y. 12553

Mathias J. Sloboda
Gloria C. Hrynecwicz
4 Ledyard Street
New Windsor, N. Y. 12553

Humberto & Celsa M. Fernandez
33 John Street
New Windsor, N. Y. 12553

Natashia & Lenora Grable
257 Walsh Avenue
New Windsor, N. Y. 12553

Saffioti Bros. Inc.
61 Quassaick Avenue
New Windsor, N.Y. 12553

Francis Dubetsky
89 Harrigan Road
Hopewell Junction, N. Y. 12533

Mario A. & Ezenia Espana
57 Quassaick Avenue
New Windsor, N. Y. 12553

Zygmunt & Stella Orzechowski
61 Blanche Avenue
New Windsor, N. Y. 12553

Arthur E. Gray
% MHG Realty
45 Quassaick Avenue
New Windsor, N. Y. 12553

Masud N. Naraghi
% Torr International
70 John Street
New Windsor, N. Y. 12553

Brewster H. & Geraldine C. Paffendorf
1 Quassaick Avenue
New Windsor, N. Y. 12553

Twin Bridge Group Inc.
% Roskoski & Otto
710 Broadway
Newburgh, N. Y. 12550

American Felt & Filter Co.
34 John Street
New Windsor, N. Y. 12553

David Plotkin
% Steel Style Inc.
401 South Water Street
New Windsor, N. Y. 12553

*Pls. publish immediately. Send bill to Rhoda Ciancio
6 Old Indian Rd.
Milton, N.Y. 12547*

**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. 8

Request of Rhoda Ciancio and American Felt & Filter Company

for a VARIANCE of the Zoning Local Law to permit:

Use variance for non-public school in a PI Zone

being a VARIANCE of Section 48-9 Table of Use Regulation, Col. A

for property situated as follows:

Plympton and Walsh Road, Town of New Windsor, NY

known as tax lot Section 14 Block 2 Lot 3.1

SAID HEARING will take place on the 9th day of June, 19 97, 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 A. Barnhart, Secy.

Date 2/18/97, 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 MISC - 2	75 00	
	UGR - 7		
	Pietrzak - 3		
	Pizzo - 3		
	AFF - 7 ✓ 31.50		
	Beddings - 17		
	Coyman - 3		
	L & M 3 <u>45 pp</u>	202 50	
		<u>277 50</u>	

AF&F/CIANCIO

MR. NUGENT: Request for use variance for a non-public school in a PI zone to be located on Plymton Street (American Felt & Filter building).

Ms. Toni Ciancio appeared before the board for this proposal.

MR. TORLEY: Mr. Chairman, quick question, I see in the original agenda, there's a meeting for this, this is going to be for a medical health facility. Is that now dead or what's going on?

MR. NUGENT: Well, there is a little problem with that.

MR. BABCOCK: What happened was we started the new system as far as how people get to the zoning board and instead of going for a full blown site plan when something that needs a use variance goes to the planning board, spend 4 or \$5,000, we were going, we would send them to the planning board just for the referral purposes. The guy that works for me, Ernie Smith, somebody came and seen him, he either forgot or whatever he did he sent them directly here so they were contacted and he told them they have to go to the planning board for a recommendation, a referral to this office.

MS. CIANCIO: Good evening, I'm here tonight, we are here to request a use variance for a non-public school in a PI zone. I brought with me the blueprints of a plan and land survey for it to make you familiar with the project. What I am trying to do is set up a bilingual school for kindergarten, private kindergarten and pre-K. The building itself is the old American Felt and Filter property on Plympton and Walsh Road. The reason that I am trying to do that, I am going for this so rapidly, is that the proposal that I want to put in with the, to buy the property is a no contingency policy, they can't put contingencies on a favorable reapproval, contingent on receiving a variance, it's buy as is and once you put your bid in, you lose your money. So what I am trying to do is get as much done as possible so I know for the most part

that I can put a school here before I put my bid in on the property.

MR. NUGENT: When has that got to happen?

MS. CIANCIO: Like the gentleman said, there's another person who's trying to buy the same property so I am trying to do the best I can as fast as I can, just so I know I am going in the right direction before I put my bid in. We're looking, if you look at the plans, the building itself needs very little construction, all changes as far as making it into a school, the rooms are staying the same, the only additions we have are additional bathroom, that will be put in where the bathrooms are but additional flush toilets to accommodate the number of people. The building will probably hold about 86 children, we're looking at 30 downstairs and 30 upstairs which means you'd need two toilets on one floor, one toilet for every 15 children so I'd need, and there already is a separate, an adult facility already on the ground floor.

MS. BARNHART: There's no area variances needed on this is there?

MR. BABCOCK: Well, everything is existing, you know, the buildings are existing.

MR. NUGENT: The problem is that that school is not allowed in a PI zone.

MR. BABCOCK: That is correct.

MR. TORLEY: Neither is a medical facility.

MR. KRIEGER: That is the other people that are competing.

MR. TORLEY: Yeah.

MR. NUGENT: But you can have a truck transfer terminal there which would be allowed.

MR. BABCOCK: Right.

MS. CIANCIO: Even as far as parking goes, you have the line survey map, the parking area is pretty much it's already in place and there's, the driveways been blacktopped already and still exists although the parking area needs to be reblacktopped, it's kind of broken up, but the parking area exists and probably does fit some 15 spots, I don't know, maybe 20 spots, although I don't have the specifics on it, we're talking about maybe 9 employees at the most.

MR. TORLEY: I don't know what the code requires for parking for a school.

MR. NUGENT: No, not allowed in that zone.

MR. TORLEY: No, if there was a school in the past we have done it, we have talked about use variances, we have tried to match it over to what requirements would be for that use in some permitted area which is what I am asking. What are the parking requirements for a school?

MR. BABCOCK: I don't have that with me, I don't know if anybody's got their tables.

MR. KANE: I think that is the least amount of our worries.

MR. BABCOCK: The planning board, if she's successful.

MR. REIS: What is on either side of the building?

MR. NUGENT: Woods.

MS. CIANCIO: I mean the building itself sits on 1.83 acres of clear land, but I'm buying the additional five acres, this is around it, across the street are I believe residential homes and if you are looking I guess would be to the west of the building around the other 3 sides is wooded area.

MR. BABCOCK: The requirement is one space for every 12 seats for students or 4 seats in an auditorium, whichever is greater. She doesn't have an auditorium so it is going to be one space for every 12 seats.

MR. NUGENT: So that you need five spaces.

MR. BABCOCK: Right.

MR. NUGENT: So she's got 9 employees so she'd probably need ten.

MS. CIANCIO: I believe the parking lot will hold 15 to 20.

MR. BABCOCK: I would say that she would want more than that but, you know, she's going to have parents dropping the kids off. So if she has 60 kids being dropped off there, you know, pretty much they basically would probably arrive somewhat at the same time. She wants to make sure she has enough parking for that. I'm sure she has and there's plenty of room for parking, parking is not a problem.

MR. TORLEY: It's a big area.

MR. NUGENT: What I am concerned about though and I think you should know this up front is a use variance is very difficult, very difficult hurdle to get over. It's going to require you to do your homework.

MS. CIANCIO: Okay.

MR. NUGENT: Any other questions?

MR. TORLEY: Maybe Andy ought to--

MR. KRIEGER: When the chairman says it's very difficult, what he means, let me give you this list of criteria, this is the list that the statute sets forth. The most difficult of those for most people is the first one that requires people to show that a lack of reasonable return as the statute defines it for each and every use that is permitted by competent dollars and cents proof, it can be a difficult standard to overcome, it's more than just, more than just homework, it is something that you're going to have to carry the burden of proof and it is a stiff one. Let me point out that it is not something which is either the

creature of this board or the town board in terms of their making up the criteria, these are state criteria that are handed to the zoning board of appeals over which they have no choice. However desirable they may think the project is, however appropriate they may think it is, all of that is irrelevant, if the standards are not met, then however reluctantly they are going to be the members are going to have to vote to deny it. Even if they believe that the zone is inappropriately zoned, doesn't matter, that is not their call. Their ability is meeting those standards and they are, they have been intentionally made by the state to be very difficult, not impossible but very difficult. It is going to require some considerable effort on your part and probably expensive to prove by dollars and cents proof, in other words, it's not something for novices, they have made it extremely difficult. I might point out that as the building is presently zoned, it appears and this is not, you may not rely on this, but it appears that the other party that is interested in the building would have to go through the same process. Cause their proposed use may not be allowed for that zone. But again, I must emphasize it isn't a question whether this board thinks it's appropriate, it isn't a question whether they even think it's a good use, they can be all in favor of it, they can think it's the best thing since sliced bread, the fact of the matter is if you can't meet the criteria, doesn't matter.

MR. NUGENT: I have a question to ask you. This young lady is not the owner of the property, she would either need a proxy letter that she was going to represent American Felt and Filter or American Felt and Filter would have to make the presentation?

MR. KRIEGER: Correct.

MR. TORLEY: Or at least be here.

MR. NUGENT: You'll need a proxy statement.

MR. KRIEGER: Be here, may not be here because it as a corporation, it's not an individual, so but in order to make a presentation because you'll be speaking on

behalf of the property owner, and the decision that is made by this board will bind the property owner because it binds the property, even if it is not what you're looking for and you go on and the property is still there, they are still there and now they are stuck with that decision. So that is where the board insists, must insist that you have a proxy from them.

MR. NUGENT: How did the two of you get on the same piece of property? Did a real estate agent sell to it both people?

MS. CIANCIO: No, same real estate agent, just that this individual put her bid in and our bid was taken as a second bid for the original bid that she put in fell through.

MR. TORLEY: There's one other thing once you get over this high hurdle, one of the other things the board always has to bear in mind is the health and safety of the community and the use so you have to be able to be very clear about steps for the safety of the children getting in and out, things like that and all the Federal and State Code for schools.

MR. KANE: Main hurdle is going to be financial, you need to take each use that the property is currently allowed and show that it is not financially feasible to do that and it can't be sold, not at a profit, just can't be sold at that point so--

MS. CIANCIO: And where would I get a list of what could be?

MR. NUGENT: You have to get that from, well, you can probably get it from the building department what it is is bulk tables.

MR. TORLEY: Then you're going to need an appraiser, experts in real estate.

MR. KANE: We can't recommend.

MR. KRIEGER: You can't just come in with a couple letters from realtors. The test to meet a use variance

is different, much different in practice than many realtors think it is or ought to be. And the members of this board cannot question a letter. So it isn't going to be a simple process and you must meet that test by as they say in the statute dollars and cents proof which means actual facts, not conclusions.

MR. TORLEY: Figure how long it's been on the market is part of it.

MR. KRIEGER: Part of it, attempts to sell it, attempts to market it, but you need something, somebody who is going to recite facts, it is not satisfactory to have somebody who has a real estate license come in and say trust me on this, it just won't sell. That determination is what this board is required by law to make.

MR. KANE: What we're going to do now is set you up for a public hearing and if you choose not to keep that, inform Pat if you decide it's not worthwhile, but it doesn't mean it's mandated on you to be here, just sets up a date for you in case you want to go forward.

MR. TORLEY: You have the right but not the obligation.

MR. REIS: We also recommend that you have counsel help you with this.

MR. NUGENT: Accept a motion.

MR. KANE: Move we set up AF&F and Ciancio for their requested public hearing.

MR. TORLEY: Second it.

ROLL CALL

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

MS. BARNHART: Here's your paperwork.

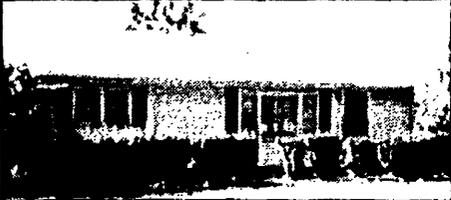
PHOTO SUBMITTED



ST HWY 94 #225905 \$116,751
 PO VAILS GATE AR 620 YR 1874 ESTIMD
 ACRE .61 LOC FREESTN \$/SF \$.00 SF1973
 USE APARTS SRMK TYP COM CRID Y8
 RDRF 120.00 DPTN 221.00 STR 2 SEC 067.000
 SIDE VINYL BSHT PARTIA DCK BLK 0005 EXN
 CONS FRAME #PRK 10 LOT LOT 014.000
 HEAT FA FUEL OIL AMP 220 ZND
 NATR DRILL SEHR MUNCI PHAS 1 TAX \$4,000
 AC 1 UNITS GAS N VOLT 110 ASN \$11600
 TOTAL AVAIL CL FLR SPR N FIN SRMK
 OFF 1970 1970 RAL POS TOAGREE
 RET 1970 OND AGE 120
 HRRN CFB GOI
 MAN CH NOT
 RRK \$500 BONUS FOR ANY APO/CLOSING/UNIQUE OPPORTUNITY! 120' FRONT RT94 ANTIQUE HOME, CORNER/BE CREATIVE!!! POSSIBILITIES! AC
 DIR 5 CORNERS RT 94 PAST MARKET ON LEFT CORN
 SA Y 3.5 BA Y 3.5
 ON BATES KENNETH E OWN ACC BKR APPT Y
 LA LIZA ARMBRISTER 914-561-3526 EXCL N
 RE/MAX REALTY 914-565-6080 5/26/97

903 JACKSON AV #226768 \$129,000
 PO NEW WINDSOR AR 620 YR 1972 ACTUAL
 ACRE .62 LOC FREESTN \$/SF \$.00 SF875
 USE APARTS SHOPPING TYP MULTI CRID A12
 RDRF 176.00 DPTN 153.00 STR 1 SEC 032.000
 SIDE ALUM BSHT UNFNSH DCK BLK 0002 EXY
 CONS FRAME #PRK 6 LOT LOT 081.000
 HEAT BASE FUEL OIL AMP 100 ZND R3
 NATR DRILL SEHR SEPTIC PHAS 1 TAX \$2,150
 AC NONE GAS N VOLT 220 ASN \$36300
 TOTAL AVAIL CL FLR SPR N FIN NONE
 OFF 650 650 12 1 RAL POS TOAGREE
 RET 650 650 12 1 OND AGE 1
 HRRN CFB12 GOI
 MAN CH NOT
 RRK UNIQUE OPPORTUNITY-GIVE AWAY \$\$ 1780 STONE CAPE (ORIGINAL) + APT/RETAIL WONDERFUL OPPORTUNITY FOR CRAFTSMAN OR
 DIR SIGN ON PROPERTY
 SA Y 3.5 BA Y 3.5
 ON WOOD RITA DOLORES OWN ACC BKR APPT Y
 LA DAWN YACEK 914-562-3662 EXCL N
 RE/MAX BENCHMARK REA 914-565-0004 12/12/96

70 RIVER RD #221960 \$129,000
 PO NEW WINDSOR AR 620 YR 1900 ESTIMD
 ACRE 2.02 LOC INDUSTR \$/SF \$.00 SF714
 USE COH.HSE TYP COM/IN CRID B5
 RDRF 89.00 DPTN 350.00 STR 2 SEC 009.000
 SIDE CLAPBD BSHT FULL DCK BLK 0001
 CONS FRAME #PRK 4 GARAGE LOT 092.000
 HEAT BASE FUEL GAS AMP 100 ZND PI
 NATR MUNCI SEHR MUNCI PHAS 1 TAX \$2,100
 AC NONE GAS Y VOLT 110 ASN \$19170
 TOTAL AVAIL CL FLR SPR N FIN COM/IN
 OFF 1408 RAL POS SRK
 RET 1000 OND AGE
 HRRN CFB GOI
 MAN CH NOT
 RRK LOT# 1 SEC 20 BLK 2 LOT 40 1.3 ACRES LOT #2 SEC9 BLK 1 LOT 92 70 PLANNED INDUSTRIAL OWNER WILL RENT 20
 DIR
 SA Y 5 BA Y VARIES
 ON MASLUSKI STANLEY J OWN ACC BKR APPT
 LA ALAN SCHEINER 914-565-6080 EXCL
 C/21 ABS REALTY 914-534-3300 10/2



243245 TEMPLE HILL ROAD #219271 \$149,000
 PO NEW WINDSOR AR 620 YR 1960 ACTUAL
 ACRE .90 LOC CORNER \$/SF \$.00 SF
 USE OFF/RET OFFICE TYP COM CRID Y7
 RDRF 156.00 DPTN 250.00 STR 1 SEC 035.000
 SIDE ALUM BSHT FULL DCK BLK 0001 EXN
 CONS FRAME #PRK 8 GARAGE LOT 023.000
 HEAT BASE FUEL GAS AMP 100 ZND P1
 NATR MUNCI SEHR MUNCI PHAS 1 TAX \$2,751
 AC NONE GAS Y VOLT 110 ASN \$29000
 TOTAL AVAIL CL FLR SPR N FIN NONE
 OFF RET OFFICE RAL POS TOAGREE
 HRRN OND AGE
 MAN CFB GOI
 CH NOT
 RRK GREAT OFFICE BUILDING FOR PROFESSIONAL OFFICE - EXCELLENT LOCATION - CLOSE TO 184 AND 187.
 DIR ROUTE 300 SOUTH - PASS CANTONMENT - FIRS
 SA Y 4 BA Y 4
 ON ESTATE OF PREVIIT VAC ACC BKR APPT Y
 LA PHYLLIS DRENNEN 914-565-2045 EXCL N
 RE/MAX BENCHMARK REA 914-565-0004 11/08/96

356 WINDSOR HIGHWAY #222885 \$154,950
 PO VAILS GATE AR 620 YR 1960 ESTIMD
 ACRE .00 LOC BUSDIST \$/SF \$.00 SF1300
 USE GROCERY RETAIL TYP COM CRID ZB
 RDRF 20.00 DPTN 60.00 STR 1 SEC 067.000
 SIDE BLOCK BSHT SLAB DCK BLK 0005 EXN
 CONS BLOCK #PRK 3 PUBLIC LOT 018.100
 HEAT BASE FUEL GAS AMP 20 ZND C
 NATR MUNCI SEHR MUNCI PHAS 3 TAX
 AC CENTRL GAS Y VOLT 120/240 ASN
 TOTAL AVAIL CL FLR SPR N FIN OWNER2
 OFF 1300 RAL POS CLOSING
 RET 1300 OND AGE 2
 HRRN CFB GOI
 MAN CH NOT
 RRK BUSINESS ONLY FOR SALE, TEN YEARS ON GOING, ALL INVENTORY AND EQUIPMENT OWNER WILL HOLD PAPER, CALL AGENT FOR
 DIR ROUTE 32 VAILS GATE
 SA Y 5 BA Y 5
 ON MARIO POBEGA OWN ACC BKR APPT Y
 LA STEPHANIE RILEY 914-561-3140 EXCL N
 C.B. CURRIER & LAZIE 914-534-5555 8/22/96

WALSH AV #224853 \$159,900
 PO NEW WINDSOR AR 620 YR 1870 ACTUAL
 ACRE 1.84 LOC SRMK \$/SF \$.00 SF2100
 USE SRMK TYP COM/IN CRID A17
 RDRF .00 DPTN .00 STR 2 SEC 014.000
 SIDE BRICK BSHT FULL DCK BLK 0002
 CONS BRICK #PRK 20 PRIVATE LOT 063.000
 HEAT FA FUEL GAS AMP 200 ZND P1
 NATR MUNCI SEHR MUNCI PHAS 1 TAX \$4,700
 AC NONE GAS Y VOLT 110 ASN \$45000
 TOTAL AVAIL CL FLR SPR N FIN SPT
 OFF 3840 RAL POS CLOSING
 RET OND AGE
 HRRN CFB GOI
 MAN CH NOT
 RRK 3840 SF-12ROOMS W/FPLCS-CLOSE TO H.20 FULL UNFIN BASEMENT--AS IS CONDITION PRESENT ALL OFFERS! CALL LB FOR DETAILS
 DIR ROUTE 94 TO WALSH TO PLYMPTON OFF (S)
 SA Y 3.5 BA Y 3.5
 ON AMERICAN FELT & UNW ACC BKR APPT
 LA CAM CAHILL 914-294-9548 EXCL
 C.B. CURRIER & LAZIE 914-782-5151 10/2



435 LITTLE BRITAIN RD #225872 \$195,000
 PO NEW WINDSOR AR 620 YR 1875 ESTIMD
 ACRE 10.00 LOC FREESTN \$/SF \$.00 SF2272
 USE MIXED WHSE TYP COM/IN CRID Y6
 RDRF 250.00 DPTN 800.00 STR 2 SEC 004.000
 SIDE WOOD BSHT FULL DCK BLK 0001 EXN
 CONS FRAME #PRK 115 GARAGE LOT 026.200
 HEAT RADTOR FUEL OIL AMP 100 ZND P1
 NATR DRILL SEHR MUNCI PHAS 1 TAX \$5,700
 AC NONE GAS N VOLT 220 ASN \$57000
 TOTAL AVAIL CL FLR SPR N FIN NONE
 OFF 2272 2272 8 MIX RAL POS TOAGREE
 RET OND AGE
 HRRN CFB GOI
 MAN CH NOT
 RRK HIGH-DRY GOOD ACCESS-MOST OF PROPERTY CLEARED-OLD FARM HSE.OWNER WILL RENT BCK SALE INCLUDES 2 PARCELS-HOUSE + 2 BLDGS
 DIR RT 707 OPPOSITE WASHINGTON LAKE ON NEWBU
 SA Y 3.5 BA Y 3.5
 ON LANGAN HERBERT & OWN ACC BKR APPT Y
 LA MICHAEL REIS 914-562-5420 EXCL N
 M. REIS REALTORS 914-496-5970 5/19/97

ST HWY 32 #228000 \$880,000
 PO NEW WINDSOR AR 620 YR 1968 ESTIMD D-CHG
 ACRE 1.40 LOC BUSDIST \$/SF \$.00 SF8620
 USE RETAIL OFF/RET TYP COM CRID ZB
 RDRF 313.00 DPTN 231.00 STR 1 SEC 045.000
 SIDE BRICK BSHT FULL DCK BLK 0001 EXN
 CONS BLOCK #PRK 100 LOT LOT 036.000
 HEAT FA FUEL GAS AMP 220 ZND
 NATR MUNCI SEHR MUNCI PHAS 3 TAX \$17,647
 AC CENTRL GAS Y VOLT 220 ASN \$178800
 TOTAL AVAIL CL FLR SPR Y FIN NONE
 OFF 8620 RAL POS CLOSING
 RET 8620 OND AGE 1968
 HRRN CFB GOI \$78540
 MAN CH NOT \$54893
 RRK HIGH TRAFFIC LOCATION--- EASILY EXPANDABLE. TEENANTS PAY WATER & SEWER
 DIR RT 32 NORTH OF 5 CORNERS - ACROSS FROM P
 SA Y 5 BA Y VARIES
 ON KADUK TEN ACC BKR APPT Y
 LA ALAN SCHEINER 914-565-6080 EXCL N
 C/21 ABS REALTY 914-534-3300 2/15/97

PO CORN ACRE 1 USE M1 RDRF 42 SIDE BL CONS BL HEAT FA NATR MU AC 1 UN TOT OFF RET HRRN MAN RRK GRE: BUS LOT DIR ROU SA Y 5 ON FISC: LA DIA: PRUDENT:

ABOVE INFORMATION IS FROM SOURCES BELIEVED RELIABLE BUT SHOULD NOT BE RELIED UPON WITHOUT VERIFICATION. THE OCMLS ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.



DESCRIPTION
~~ST WELSH & PLYMPTON ST.~~
 ELA
 I CAN FELT & 4.6 ACRES
 FR 4.1 ACRES
 MAP 102-93 1.8 A
 ES PLYMPTON ST

	179-80	181	194	V	
	18200	18300	18300		
ENTS	28500	28500	28500		
	48300	46200	46800		

EXEMPTION	
TAXABLE	

ADJUSTMENT FROM 14-2-3 FOR 1994 ROLL

LAND DESCRIPTION	VALUATION FRONTAGE	VALUATION DEPTH	UNIT PRICE	DEPTH FACTOR	ADJUSTED FF PRICE	INFLUENCE			LAND VALUE
						CODE	1	2	
LOT									
INFLUENCE CODES									
1 CORNER									
2 TOPOGRAPHY									
3 UNIMPROVED									
4 EXCESSIVE FRONT									
5 SHAPE OR SIZE									
6 RESTRICTIONS									
7 ECONOMIC MISIMPROVED									
8 VIEW									
9 OTHER									
0 NONE									
TOTAL									

3348.00 14. 2 3.1
 SWS S B L SUFFIX

PROPERTY ADDRESS: 34 JOHN STREET
 OWNER: AMERICAN FELT & FILTER CO.

MAILING ADDRESS:
 SITE: 01 PROPERTY CLASSIFICATION: 4.64
 EXEMPT (E OR N): 586202
 CARD 01 OF 01 GRID COORDINATES

SALE PRICE: _____ DATE: _____
 SALE PRICE: _____ DATE: _____
 N 512862
 542857

SALES SOURCE: 1 BUYER 2 SELLER 3 FEE 4 AGENT
 VERIFICATION: VALID SALE: 0 NO 1 YES
 SALES TYPE: 1 LAND 2 BUILDING 3 LAND AND BUILDING

SITE DESCRIPTION: GENERAL PROPERTY FACTORS

NEIGHBORHOOD I.D.	07
ZONING: (SBEA Numerical Codes)	PT
TRAFFIC: 1 LIGHT 2 MEDIUM 3 HEAVY	1
PEDESTRIAN TRAFFIC: 1 LIGHT 2 MEDIUM 3 HEAVY	1
NEIGHBORHOOD TREND: 1 DECLINING 2 STATIC 3 IMPROVING	2
PARKING: 1 INADEQUATE 2 ADEQUATE	2
ACCESSIBILITY: 1 INADEQUATE 2 ADEQUATE	2
WATER: 0 NONE 1 PRIVATE 2 COMMERCIAL 3 PUBLIC	3
SEWER: 0 NONE 1 PRIVATE 2 COMMERCIAL 3 PUBLIC	3
NEIGHBORHOOD TYPE: 1 RURAL 2 URBAN 3 SUBURBAN 4 SUB DIV.	3
LANDSCAPING: 1 NONE 2 AVERAGE 3 EXTENSIVE	1
OVERALL SITE DISIRABILITY: 1 POOR 2 TYPICAL 3 SUPERIOR	3
ROAD: 0 NONE 1 DIRT 2 GRAVEL 3 LOCAL PAVED 4 STATE	3
OTHER UTILITIES: 0 NONE 1 GAS 2 ELECTRIC 3 GAS/ELECTRIC	2

RECORD OF OWNERSHIP

SPECIAL DISTRICTS	
SEWER	FIRE
PARK	WATER
SCHOOL	LIGHT
AUDIT CONTROL	
MEASURED BY: _____	DATE: _____
LISTED BY: _____	DATE: _____