

ZB# 99-15

**Guardian Self-Storage /
Roschino**

4-1-4

#99-15- Roscino, et al | Guardian
Area: (Redl) 4-1-4.

Prelim.

April 26, 1999.
Notice to Landmark 4/23/99.
Public Hearing:
May 24, 1999.
Area Variances
8' Fenced.
Granted.
Refund
\$ 353.50.

Wilson/Jones - Charlemagne - 5150-PCR Business - 3107N-CI, Tallahassee

RECEIPT 039203

DATE April 23 1999

RECEIVED FROM R/R Partnership

Address

One Hundred Fifty 00/100 DOLLARS \$150.00

FOR ZBA + 99-15

ACCOUNT	HOW PAID
BEGINNING BALANCE	CASH <u>00</u>
AMOUNT PAID	CHECK <u>139</u>
BALANCE DUE	MONEY ORDER <u>50.00</u>

Town Clerk

BY Cordey H. Hamann
sh

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Rosario Guardian

FILE# 99-15

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid
ck # 139
4/23/99.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

*paid ck.
140
4/23/99.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/21/99 - 7 \$ 31.50

2ND PRELIMINARY- PER PAGE 5/24/99 - 10 \$ 45.00

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 76.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 4/26/99 \$ 35.00

2ND PRELIM. 5/24/99 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 146.50

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$ 353.50

Refund

In the Matter of the Application of
ROSCINO/GUARDIAN SELF-STORAGE

**MEMORANDUM OF
INTERPRETATION
AND GRANTING
AREA VARIANCE**

#99-15.

WHEREAS, ROSCINO FAMILY of 56 Weyants Lane, Newburgh, N. Y. 12550, owners, and **HERBERT REDL PROPERTIES AND GUARDIAN SELF-STORAGE**, 80 Washington Street, Poughkeepsie, N.Y. 12601, contract vendee, have made application before the Zoning Board of Appeals for a variance to allow an 8 ft. fence and interpretation and/or area variance for front yard setbacks for a self-storage operation on the n/s of Square Hill Road in a C zone; and

WHEREAS, a public hearing was held on the 26th day of April, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Richard Chazen of Chazen Engineering and Cory Daniels of Guardian Self-Storage appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, the spectator did not oppose the application; and

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

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

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

2. The evidence presented by the Applicant showed that:

(a) The property is undeveloped commercial property located in a commercial neighborhood with some residences nearby.

(b) The Applicant proposes to develop the property by placing a self-service storage facility on the property and enclosing it with an 8 ft. chain link fence.

(c) The Applicant seeks a variance for the height of the fence because of the use of the property as a storage facility. An 8 ft. high fence is necessary to provide that security and provide the appearance of security for those renting the units.

(d) The Applicant requests a front yard variance because a request was made of it that it dedicate 25 ft. from the property line to the Town of New Windsor for a right-of-way, thus creating the need for a front yard variance because the buildings are set back 60 ft. from the property line. When the 25 ft. is subtracted from that 60 ft. it leaves an insufficient distance.

(e) The Applicant understands that if the requested variances are granted it must still obtain an approved site plan from the Planning Board before construction can begin.

(f) The property has a single-family dwelling immediately in front of the middle of that property. The Applicant seeks an interpretation of whether or not the portion of its property abutting that single-family residence is or is not a front yard for the purpose of determining the required set back.

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 portion of the Applicant's property abutting the adjacent one-family home owned by David Nunnally is not a front yard within the meaning of the Zoning Local Law of the Town of New Windsor because it does not abut on a roadway nor does it appear to persons on the adjacent roadway or in the vicinity thereof, to be a front yard. The legislative purpose in requiring a larger front yard setback is to preserve visual attractiveness by not having the properties appear too close to adjacent roadways and so to appear "crowded". The portion of this Applicant's property abutting the neighboring one-family home cannot appear to be "crowded" or too close to the roadway and therefore the front yard setback requirement is not properly applied to this portion of the property.

2. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

3. There is no other feasible method available to the Applicant which can produce the benefits sought.

4. The variance requested is substantial in relation to the Town regulations nevertheless is warranted for the reasons listed above.

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

6. The difficulty the Applicant faces in conforming to the bulk regulations is self-created

but nevertheless should be allowed.

7. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor interpret the above request as in Paragraph 1 in the conclusions of law stated above, and grant the request for a variance to allow an 8 ft. fence for a self-storage operation on the n/s of Square Hill Road, New Windsor, N. Y. 12553, in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

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

Dated: July 12, 1999.


Chairman

Date 5/3/99, 19.....

TOWN OF NEW WINDSOR

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

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

TO DR.

		CLAIMED	ALLOWED
	Zoning Board Mtg	75.00	
	Misc - 2		
	Paulik - 4		
	Heredia - 8		
	Pierrri - 2		
	Bila - 15		
	Boscini/Guardian Storage - 7 31.50		
	Berman - 3		
	Francon - 4		
	<u>45</u>	<u>302.50</u>	
		<u>277.50</u>	

ROSCINO/GUARDIAN STORAGE

MR. NUGENT: Request for variance to allow 8 ft. fence and interpretation and/or area variance for front yard setbacks for a self-storage operation on n/s of Square Hill Road in a C zone.

Mr. Richard Chazen, Cory Daniels and Allen Daniels appeared before the board for this proposal.

MR. CHAZEN: My name is Richard Chazen, I'm with the Chazen Engineering and Land Surveying Company and with me are Cory Daniels and Allen Daniels, who are with Guardian Self Storage. The board I'm sure is familiar with the Guardian facility that's already in town on Route 32, what we're doing is proposing a second facility, this one would be located on Square Hill Road, Square Hill Road is right off Union Avenue, this is Square Hill Road, some of you know it as Liner Road. It seems to have two names. The facility is on the top up here, Wal-Mart would be behind us and the Thruway would be to the west of the property. This site is about 6 acres, a little over 6 acres and we're proposing to construct 71,000 square foot of self storage units on this location. The entry to the site would be in this location, small office buildings with parking, two controlled access gates with key pads to go into the property. You can see we have 9 buildings here total, chain link fence around the entire perimeter of the property, a more decorative fence with piers and and iron fence across the front, some landscaping, resetting the stone wall and that's about how it's going to lay out.

MR. NUGENT: What's the little jog?

MR. CHAZEN: One of the reasons we're here, there's a single-family house which is the only other use on the road right in the middle of our property. This site is zoned C and we're an A6 use, a service use, so this is a permitted use in the zone. We're here for two reasons, the first involves fence height, your ordinance I believe says that the maximum height of a fence in the front yard is 4 foot and the maximum height of a fence on the side yard and the rear yard is

six feet, we're proposing an eight foot high fence around the entire property. That fence is necessary for security purposes, it's important. What we're selling here is security, to attract people to come, they need to know that they are safe and secure. The other reason we're here is we're seeking a front yard variance. The buildings that I see, the yellow highlighted line around 1, 2, 3, 4, 5 and a little piece of this one do not meet the 60 foot front yard requirement of your zoning ordinance. Our property line at the present time is in the center of Square Hill Road. You can see it going right along the center of the road there and when we laid this plan out, we measured our 60 foot from our property line and situated the, when we appeared before the planning board two weeks ago, the planning board requested that we dedicate 25 feet from center line to the town so that the road would be fully within a town road right-of-way. With that dedication, we will not meet the full 60 yard setback, so we need front yard variances for these. In addition, we were never quite sure because of the unusual configuration of the property whether this was in fact the front yard. We now believe it is a front yard, so the variance we're requesting would also affect these three buildings.

MR. BABCOCK: Mr. Chazen, just for the record, can you just tell us the number of the buildings that you are talking about when you keep saying these two buildings if we're not looking at the plan you're pointing to, there's no reference to what you're talking about.

MR. CHAZEN: The buildings that we need front yard variances are the proposed office building which is a 35 x 25 building on the easterly edge of the property, that one does not have a number, next would be building number 4, building number 5, building number 6, building number 8 and building number 9, those are the ones that are affected.

MR. BABCOCK: Thank you, just for the record, I know which buildings they are, but--

MR. CHAZEN: No problem, but that's the essence of our application. We'd be happy to answer any questions you

might have.

MR. NUGENT: Are all the front yard setbacks in the 25 foot less, in other words, 25 from 60, is that what you did?

MR. CHAZEN: That's what we did with these three, that's what we did with the office building, building number 8 and 9, as you can see, with the 25 foot dedication, this front yard would be 39 feet wherein 60 is required so we'd need 21 foot. This building is also 39 feet, so we'd need 39 feet of relief, the office building would end up being 36 feet from the front yard where 60 is required. These three buildings 4, 5 and 6 in the case of 4, this corner of it would be 32 feet away, building number 5 would be a 35 foot front yard, building number 6 would be a 44 foot front yard, so for the most part, we're within that 25 foot.

MR. KANE: We're only--

MR. BABCOCK: If you look at the paperwork that we sent down, it says interpretation possibly we're not sure cause of the outlay, the layout of this lot, whether that really is a front yard or not.

MR. KANE: You say you have two front yards, you have the guy that has a single family home and another front yard in front of that makes no sense.

MR. TORLEY: It's a side yard.

MR. CHAZEN: We'd be happy to call it a side yard in which case we'd amend our application and we'd only need three buildings affected.

MR. KANE: We're here for common sense, it's not fronting the road and we already have a frontage on the road, it can't be, Mr. Chairman, and my suggestion we consider that interpretation on that part of the plan.

MR. TORLEY: That again has to be part of the public hearing.

MR. KANE: Agreed.

**RETAKE
OF
PREVIOUS
DOCUMENT**

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MR. TORLEY: That again has to be part of the public hearing.

MR. KANE: Agreed.

MR. TORLEY: I'd like to ask you, to have you address the fence problem, your other facility, do you have an eight foot fence?

MS. DANIELS: Yes, it's a security, it's a safety issue.

MR. TORLEY: Forgive me, you said you had another one in the Town of New Windsor?

MS. DANIELS: We're next to Duffer's.

MR. TORLEY: That has eight foot fences?

MS. DANIELS: Yes, it does.

MR. TORLEY: I don't recall a variance for that.

MS. BARNHART: They have it, but not in the front.

MS. DANIELS: We have a decorative, it's attractive looking.

MR. CHAZEN: We're requesting a similar type fence across the front here.

MR. TORLEY: Again, when was that, I don't recall a variance request for that other one.

MS. BARNHART: Yes, they have it.

MR. TORLEY: For eight foot fence in the front, eight foot around the back?

MS. BARNHART: I would have to check.

MR. KANE: We'll, we're not here for that, let's stay on course here.

MR. CHAZEN: In total, how many facilities do you have?

MS. DANIELS: Eight facilities.

MR. CHAZEN: Every facility has an eight foot fence?

MS. DANIELS: Yes, you don't want people jumping over.

MR. NUGENT: Is the entire site lighted?

MR. CHAZEN: We're proposing to put wall packs on the buildings and the planning board has in fact asked us to do that, to provide them with photometrics but yes, there are wall packs on all the buildings for security.

MR. NUGENT: Ultimately at night you're not even going to see the fence, and from the road

MR. CHAZEN: Yes, interestingly, the only part of this facility that you really see from 300 is the office building, the rest of this site I would say our front yard is frankly over here and you can't see the rest of this facility with the exception of the one existing office on the street. So be it night or be it day for that matter, I don't think anybody is going to see it, we back up on Wal-Mart, the detention pond is over here and the Thruway is over here.

MR. TORLEY: The wrought iron fence is around the front of the property, what are you going to put as it wraps around the private home?

MR. CHAZEN: Proposed as chain link as it comes around the jog in the front.

MR. TORLEY: So that one family existing frame dwelling is now going to be looking at an eight foot chain link fence?

MR. CHAZEN: That's what we're proposing.

MR. NUGENT: Have they approved?

MS. DANIELS: We have had informal meetings, yes, nothing's become of it but--

MR. NUGENT: But they know what you're doing?

MS. DANIELS: Absolutely.

MR. NUGENT: Basically, if I understand this correctly, all we're looking for is a variance for an eight foot fence?

MR. BABCOCK: You have front yard.

MS. BARNHART: But the interpretation is out.

MR. KANE: That's part of the public hearing, the interpretation for the little jog area for those two buildings right there, the rest they need the frontage on for the one, two and the main.

MS. DANIELS: And the office is important for us, can I speak, only because we're kind of hidden, we're not on Union Avenue and it's, you know, it's a business, someone has to be able to find me.

MR. BABCOCK: The other point is, Mr. Chairman, is that the town would like them to dedicate 25 feet of their property so we can own the road that we should own, should have owned already and therefore, by making them move their property line back 25 feet to give that property to the Town of New Windsor, they lose the 25 foot.

MR. NUGENT: We're forcing them into that.

MR. CHAZEN: We also have an elevation with us as you can see this is what you're going to see from the road, a gabled end and no doors on it so--

MR. TORLEY: No doors on the road facing?

MS. DANIELS: No, we don't, nothing facing the street.

MR. TORLEY: Mr. Chairman, entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we set up Roscino/Guardian Storage.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN .	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. CHAZEN: What meeting would that public hearing take place at?

MR. NUGENT: When you get the information back.

MS. BARNHART: Did you request a list from the assessor's office?

MR. CHAZEN: Thank you very much.

6

Date 5/25/99, 19.....

TOWN OF NEW WINDSOR

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

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

DATE		CLAIMED	ALLOWED
5/24/99	Zoning Board Mtg	75.00	
	Misc - 1		
	Carito - 2		
	Librizzi - 3		
	JMB Assoc. - 3		
	Wolf - 4		
	Fioriti - 3		
	Boscina/Guardian Storage - 10	45.10	

ROSCINO/GUARDIAN STORAGE

MR. NUGENT: Request for variance to allow 8 ft. fence and interpretation and/or area variance for front yard setbacks for a self-storage operation on n/s of Square Hill Road in a C zone. Is there anyone in the audience? Would you like to sign this please?

MR. TORLEY: Just so we have your name for the record.

Ms. Eileen Travis from Chazen Engineering and Ms. Cory Daniels appeared before the board for this proposal.

MS. BARNHART: For the record, I sent out 10 addressed envelopes containing the notice on April 30, 1999.

MS. DANIELS: I'm Cory Daniels.

MS. TRAVIS: Eileen Travis from Chazen Engineering. What we're proposing here is a, we have already been in front of the Planning Board, we'll be back in front of them again. We're going to construct some self-storage facilities, approximately 75,000 square feet and approximately 875 square feet is the office building out front, there's 10 separate buildings. It's located off of Route 300 on Liner Road and we're requesting two variances, one is for the fence, we're proposing an eight foot high fence around the perimeter of the property, on the front side, we're proposing at the building entrance we're proposing brick pillars and decorative gate and remainder will be chain link fencing with black coated vinyl and the reason why we're requesting a variance is because security is a major part of this business. If the facility does not look secure, then people will not rent the units. Also 8 feet is the height that they found to keep people from actually coming over the units or over the--

MS. DANIELS: It's an industry standard.

MS. TRAVIS: And it's a discouraging height for people. The second variance that we're asking for is a front yard variance. Currently, we meet the side and rear yard variances, we're requesting a variance from that because when we went in front of the Planning Board in

the initial meeting, they had requested that we dedicate 25 feet from the property line for right-of-way and then that created the variance needed because our buildings are set back 60 feet from the property line and now they are not 60 feet from the property line because they want to have 25 feet.

MS. DANIELS: The property line is in the center of the road.

MS. TRAVIS: The existing property line is in the center of the road.

MR. REIS: It looks very tight ingress egress, I can't tell what kind of, how many feet do you have there between the building and your--

MR. NUGENT: The opening?

MS. TRAVIS: This is approximately 50 feet throat of the opening right here and we had submitted with the application a plan noting and drawn on the turning templates for a WB-40 truck, which is a semi-tractor trailer truck and it made all the curves throughout and the fire department is satisfied with the curves and mark Edsall is satisfied with the turning radii.

MR. REIS: Who am I to ask? Doesn't look like there's enough room.

MS. TRAVIS: Typically, when I lay out the units, I want to make sure the bigger trucks can get around because that's a part of what they rent.

MR. REIS: Thank you.

MR. TORLEY: I see there's, do you meet the front yard requirements or I don't know if it's front or side yard to the back of the residential structure, what's the distance there?

MS. TRAVIS: This was discussed last time at the meeting, I wasn't at this meeting last time and--

MR. BABCOCK: Mr. Chairman, at the beginning, I had

said that there's a possibility for interpretation from this board, whether they need a front yard setback variance for the buildings behind the property line and that night, the board determined that that was not a front yard, for the record, yeah.

MR. REIS: Is that a single family dwelling that's in the middle there?

MS. TRAVIS: Yes.

MR. TORLEY: There's an additional single family dwelling probably adjacent.

MS. CHAZEN: It's not the adjacent, it's another parcel over, Wal-Mart owns all the way up to this roadway in the back, they have a large L-shaped parcel, so they are our adjoiner here. Also, in regards to the fence and of our other adjoiner, they have eight foot high fencing all the way around their perimeter, obviously safety is an issue with them as well.

MR. REIS: That's chain link?

MS. CHAZEN: It's not coated, we're proposing vinyl coating on the chain link fencing.

MR. TORLEY: At your preliminary you were talking about putting not chain link.

MS. DANIELS: We do an aluminum decorative, very similar to what's in New Windsor, Wappingers and Fishkill, all the facilities have it, it looks nice.

MS. TRAVIS: It's brick piers with lights.

MR. TORLEY: What do you use to wrap around, is that going to be chain link?

MS. TRAVIS: Yeah, that's the most functional in the area.

MR. TORLEY: You're putting an eight foot chain link by somebody's house and a fancy one by the road that gets five cars a day?

MS. DANIELS: You can jump the pretty fence, that's why, we look to keep it where it's more of an issue. Because I just, I showed the difference and this is quite wooded back here as well and I--

MS. CHAZEN: We're concerned because there's a large stretch of woods between Route 300 and Square Hill Road that the visibility into the site obviously is very good at this point, looking at the office building, but once you get passed this site, it's screened by the existing vegetation on that side of the road.

MR. TORLEY: My point I know you cannot see that from the main road, that's not my point. Question is you're looking for eight foot high fence going behind somebody's house, now eight foot chain link fence is not exactly an attractive sight.

MS. DANIELS: Is this this gentleman here, is that your house?

MR. KONING: No, I'm at the end of the road. What kind of lighting, is this going to be lit like a circus, lit up all the time?

MS. DANIELS: You're welcome to drive through the other facility, it has to have some kind of lighting. I don't want kids in there at night. I don't want problems at night.

MR. KONING: It's pretty quiet.

MS. TRAVIS: We've laid out the lighting such that there's no casting of light over the property lines. We just finished it today.

Other man: It's going to be towards, the in and out is going to be towards the end of the road?

MS. DANIELS: It's over here. The only thing you have, they asked us to put an emergency access gate, we never use those, I'm just being honest with you up front, this is really the gate our customers would use. We're proposing to do the first four buildings in Phase 1. I

have to handle getting those rented before I move onto this area, I don't want to annoy you, I want to work with you. We worked with Pat.

MR. TORLEY: Now, the lighting that you're referring to?

MS. TRAVIS: They are all wall mounted fixtures. Here's a typical fixture, you can see that it's downward cast, it's really not an up light at all.

MS. BARNHART: May I say something? They are my neighbors, they are not directly in the back of my house, but they are on the next parcel in the back and all I see at night are yellow lights. It's very dim, it really doesn't annoy me at all.

MS. CHAZEN: The other facility in town.

MS. BARNHART: Right, it's on Windsor Highway.

MR. NUGENT: Do you happen to know the name of the person that lives in that house?

MR. KONING: David Nunnally.

MS. DANIELS: We met with him again last week, so meetings are continuing moving forward, nothing's being decided, nothing's been done.

MR. NUGENT: He's not objected to this thing going on?

MS. DANIELS: He's not here so--

MR. TORLEY: She cannot speak for what he would or would not say because he's not here. I want to make sure that it wasn't your lot adjacent to this.

MR. KONING: I'm all the way at the end, I've got Wal-Mart in between, which is nice.

MS. TRAVIS: That's wood and that will stay that way, we think.

MR. KONING: That's wetlands.

MS. TRAVIS: Yes, in the back, there's a very nice pond back there.

MR. TORLEY: That's where you're going to be putting your runoff?

MS. TRAVIS: No, we have a proposed storm water detention pond right here and we're, you know, we're not going to increase the flow off the site, pre equals post.

MR. KONING: Actually going to be water?

MS. TRAVIS: It's like a little holding pond. It let's it out slowly so the peak discharge will not exceed the existing peak discharge.

MR. TORLEY: Mike, we have no regulations about whether there's a pond out there?

MS. TRAVIS: It's not a pond, it's not standing water.

MR. BABCOCK: No, it only holds water when it first rains.

MR. TORLEY: They are trying to address the drainage problem, I want to make sure we weren't causing some other code violation.

MR. BABCOCK: Not at all.

MR. KONING: Other pond we're talking about is the one on Wal-Mart's property, there's a huge pond there.

MR. KRIEGER: So, I think one of the things that you should be aware of is if the Zoning Board grants the requested variance that's not the end of their application process. They then have to appear in front of the Planning Board where all the questions of lighting and drainage so forth will be decided in some detail. So this is not the last time it will be looked at nor are they looked at nearly as deeply here as they will be, that's really a Planning Board function that is as they well know a whole other process.

MR. KONING: I just wanted to see where the entrance was and what--

MR. NUGENT: Would you like to speak on the record so that they can take your comments?

MR. KONING: Yes, just saying I wanted to see where the entrance and the exits were and what kind of lighting they had.

MR. BABCOCK: Would you state your name?

MR. KONING: Frank Koning, K-O-N-I-N-G, 52 Liner Road, New Windsor.

MR. TORLEY: Do you have a position on whether you're in favor or opposed to this?

MR. KONING: Doesn't bother me, I mean, I'd like it to stay woods, but everything moves forward.

MR. KRIEGER: Would it be fair to say it means you're not opposed to it?

MR. KONING: No.

MS. TRAVIS: That's a photometric plan, it's a computer generated plan which depicts the light levels that are proposed in numbers and generally, you'd want things to be safely lit at approximately .5 and you don't want any casting of light off your property line so that's sort of the goal of the program and it helps you achieve that by plugging in different light elements in the program and allowing you to select different wattages and different types of lenses.

MR. REIS: What does .5 mean?

MS. TRAVIS: Point 5 is foot candles, it's a measurement of light and I'm not an electrical engineer, but it's a measurement of light that's a minimum standard for illuminating an area safely at night where you can, you know, readily see your keys, readily, you know, open a lock, read any literature if you had to read something, safe movement around parking

lots, typically, that's standard.

MR. TORLEY: Foot candle is the light you'd see on paper from a candle held a foot away, so it's a fair amount of light for nighttime.

MS. DANIELS: Compared to a car dealership we're nothing.

MS. CHAZEN: Or one of the Mobil Marts.

MR. REIS: It's minimal.

MS. TRAVIS: Yes, it's very minimal, so in certain respects, right under the fixture such as like you have here, it's much brighter than when you're several feet away. So they have rings of illumination that changes as you move away from a fixture so this is typically represented by numbers and what you want to do is make sure that all the pavement areas and all the access areas are adequately lit and that's what we do here with this and certainly seems to work well and you can see that there's very little overcast going onto the neighbor's property. Point 01 is extremely minimal.

MR. TORLEY: Less than a full moon.

MS. TRAVIS: Yeah.

MR. TORLEY: One question getting back to the fencing on the mover's side, they already have a fence, you're going to have two fences next to each other, what's going to happen there?

MS. CHAZEN: Well, yes, and it's entirely within their property line so I--

MR. TORLEY: How far apart are the two fences going to be?

MS. TRAVIS: This is approximately, about eight feet apart.

MR. BABCOCK: When they are off their line possibly a foot to two foot, she would have to cross to use their

fence, cross their property line for that two foot to connect to it and nobody wants that done. That's why we're seeing all the double fencing all the time. If the fence is right on the property line, they can both share it but once they set it in couple foot, she would have to go across his property line in the front and rear at least two foot to get to his fence with her fence.

MR. TORLEY: I think we all prefer not to have row after row of fences.

MS. DANIELS: That's really Mike's call, that's really up to Mike, that's really not my decision.

MR. BABCOCK: Well, if you can come up with something with Liner and you don't have to put that fence up, that's fine with me.

MS. DANIELS: It's worth a phone call.

MR. TORLEY: Do they have an eight foot fence?

MR. BABCOCK: Yes.

MS. DANIELS: I'll see what he says.

MR. TORLEY: Eight foot chain link is going to run a fairly amount of money.

MS. DANIELS: I don't disagree, I know it's, I think it's a good idea, I don't know if he's going to agree.

MR. TORLEY: That won't affect the rest of the variance.

MR. NUGENT: That has no bearing on this. Have enough?

MR. KRIEGER: Yes.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: Do you have to close the public hearing first?

May 24, 1999

26

MR. NUGENT: I never opened it.

MR. TORLEY: I move we grant Guardian Storage their requested variances for fence and front yard.

MR. REIS: Second it.

ROLL CALL

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

MR. REIS: Motion to adjourn.

MR. TORLEY: Second it.

ROLL CALL

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

Respectfully Submitted By:


5/26/99

Frances Roth
Stenographer

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693



Assessors Office

April 28, 1999

10

Herbert H. Redl
80 Washington Street
Suite 100
Poughkeepsie, NY 12601

RE: 4-1-4

Dear Mr. Redl:

Please be advised that the attached list of properties within five hundred (500) feet of the above referenced property.

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

There is no further balance due.

Sincerely,

J. Cook /ev

Leslie Cook
Sole Assessor

/ev

Attachments

Cc: Pat Barnhart, ZBA

Wal-Mart Stores
Property Tax Dept # 2104
1301 SE 10th Street
Bentonville, AR 72716-8013

Frank Joseph Koning
52 Liner Rd
New Windsor, NY 12553

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

L & M Properties LLC
682 Dutchess Turnpike
Poughkeepsie, NY 12601

David K. Nunnally
Natalie L. Caccavo-Nunnally
30 Liner Rd
New Windsor, NY 12553

Banta Reality
842 Main Street
Poughkeepsie, NY 12601

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

Johnny D's Diner
1430 Rt 300
Newburgh, NY 12550

HR&C New York Inc.
909 Union Ave
Newburgh, NY 12553

Town of New Windsor
555 Union Ave
New Windsor, NY 12553

5/24/99

Public Hearing: Roscino/Guardian Self Storage #99-15

Name: FRANK KOYINS Address: 52 LINER RD

No Opposition

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

#99-15.

Date: 4/22/99

I. Applicant Information:

- (a) Herbert Redl Properties, 80 Washington St., Poughkeepsie, NY 12601
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Chazen Engineering & Land Surveying Co., P.C., P.O. Box 3479, Poughkeepsie, NY
(Name, address and phone of contractor/engineer/architect) 12603

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) C Square Hill Rd., 150' west of Rt. 300 4-1-4 6.08± Ac.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI & R2
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? Currently under contract
- (e) Has property been subdivided previously? Unknown
- (f) Has property been subject of variance previously? Unknown
If so, when? N/A
- (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: None proposed or existing
- _____
- _____
- _____

IV. Use Variance.

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

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

(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:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 S.F.</u>	<u>264,844 S.F.</u>	<u>--</u>
Min. Lot Width <u>200'</u>	<u>526'</u>	<u>--</u>
Reqd. Front Yd. <u>60'</u>	<u>32'</u>	<u>Yes - 28'</u>
Reqd. Side Yd. <u>30/70'</u>	<u>30'+</u>	<u>--</u>
Reqd. Rear Yd. <u>30'</u>	<u>30'+</u>	<u>--</u>
Reqd. Street Frontage* <u>N/A</u>	<u>558'</u>	<u>--</u>
Max. Bldg. Hgt. <u>12"/ft.</u>	<u>20'</u>	<u>--</u>
Min. Floor Area* <u>N/A</u>		
Dev. Coverage* <u>N/A</u> %		
Floor Area Ratio** <u>N/A</u>		
Parking Area <u>4</u>	<u>4</u>	<u>--</u>

* Residential Districts only
** No-residential districts only

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

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

Please see attached Addendum

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

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(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:

VIII. Additional comments:

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

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

**Addendum To An Application
Town of New Windsor
Zoning Board of Appeals**

**GUARDIAN SELF STORAGE
SETBACKS
REASONS FOR APPEAL**

This is an addendum to an application before the Zoning Board of Appeals (ZBA), Town of New Windsor, Orange County, New York.

The Applicant, Herbert Redl, is seeking site plan approval to construct a new "Guardian" Self Storage Facility containing ten separate buildings totaling 71,075 sq. ft., of which 875 sq. ft. will serve as an office. The project is located on the north side of Square Hill Road (a.k.a. Liner Road) 150 feet west of State Route 300, in the Town of New Windsor, Orange County, NY. The total lot size is 6.08(+/-) acres.

According to the Town of New Windsor Zoning Code, Section 48-9, the required setbacks in the Design Shopping ("C") district for a service establishment

furnishing services other than of a personal nature but excluding gasoline filling stations and motor vehicle storage, repair, or service

are 60 feet for the front yard, and 30 feet for side yards (with a total of 70 feet for both yards). The rear yard depth is required to be 30 feet.

The project as proposed meets or exceeds the minimum requirements for side and rear setbacks. The Applicant is requesting a variance from the minimum requirements for the front yard setback. Specifically, the Applicant is requesting a variance for a total of 28 feet over the entire front yard of the property for accommodating the proposed building on the site.

As is shown on the attached plan, the need for this variance arose due a Town request for a dedication of a 25 foot Right-of-way along Square Hill Road. As the original property line extended to the middle of Square Hill Road, the Town's request prevents the Applicant from using 25 feet of the front yard.

REASONS FOR APPEAL

A VARIANCE FROM THE STATED SECTION OF THE ZONING ORDINANCE IS REQUESTED:

- (1) *Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby properties be created by granting the variance?*

No. The surrounding uses are commercial, industrial, and residential. Specifically, there is a large Wal-Mart Retail Store, a Hotel, and a Residential Dwelling. There is also another storage facility, Arnoff Warehouse Storage, located adjacent to the site. The site itself is located near State Route 300, a busy road with numerous large stores, malls, and other retail establishments. No change to this already commercialized area will be effected as a result of this variance.

- (2) *Can the desired result be achieved by some means other than granting the variance?*

No. The buildings on the site can not be reconfigured without significantly reducing their sizes. In addition, reconfiguration of the buildings would result in buildings of odd shapes and sizes, or would create unworkable interior traffic patterns. Alternatively, not abandoning the roadway to the Town (and thus measuring the set back from the existing property line) is unacceptable to the Town.

- (3) *Is the variance substantial?*

No. As previously stated, the variance requested is only for 6 of the buildings. All except one of the buildings affected by the variance, however, will be located a total of 35 feet or more from the property line. The impact of the buildings being located nearer the front property line will be partially mitigated by the decorative fencing along a portion of the front yard property line.

- (4) *Will variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

No. With the exception of the adjacent residential dwelling, all adjacent properties host uses which are industrial or commercial in nature. These uses have block buildings of various sizes, and some have large areas of associated parking. Therefore, the proposed storage facility will not affect the physical or environmental conditions of the neighborhood.

(5) Is the alleged hardship self created?

No. The hardship is that, during initial site plan reviews of the project, the Town of New Windsor requested that 25' of the property be dedicated to the Town. The original property line was the middle of the Square Hill Road right-of-way, and the Applicant's buildings were 60 feet from this front yard property line. After the Town's requested 25' dedication, the property line was subsequently moved closer to the buildings.

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

Prelim.
Apr. 26, 1999
#99-15

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-8

DATE: 23 APR '99

APPLICANT: HERBERT REAL PROPERTIES
80 WASHINGTON ST SUITE 310
POUGHKEEPSIE NY 12601

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-2-99

FOR (~~SUBDIVISION~~ - SITE PLAN)

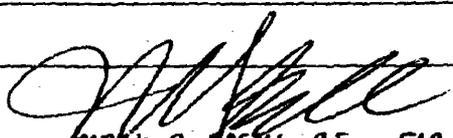
LOCATED AT NORTH SIDE SQUARE HILL RD APPROX.

40 FT. WEST OF RT 300 ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 4

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1) VARIANCE(S) REQUIRED FOR FENCE HEIGHT
- 2) INTERPRETATION AND VARIANCE IF NECESSARY FOR FRONT YARD SETBACKS.


MICHAEL J. BABCOCK, P.E. FIC
MICHAEL BABCOCK,
P.L.L.C.

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u>	USE <u>A-4</u>		
MIN. LOT AREA	<u>40 000 SF</u>	<u>264844 SF</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>526 FT</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>INTERPRETATION NEEDED</u>	<u>—</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>MIN-40 FT.</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>MIN-96 FT</u>	<u>—</u>
REQ'D REAR YD.	<u>30 FT.</u>	<u>53 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>558 FT</u>	<u>—</u>
MAX. BLDG. HT. <u>12' FT MAX = 30 FT</u>		<u>13.3 FT</u>	<u>—</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>1.268</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>4</u>	<u>4</u>	<u>—</u>

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

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

GUARDIAN SELF STORAGE SITE PLAN (99-8) SQUARE HILL ROAD

Mr. Richard Chazen and Mr. John Lawrence appeared before the board for this proposal.

MR. CHAZEN: I'm Richard Chazen from Chazen Engineering. With me is John Lawrence with Guardian Self Storage. Guardian is proposing a second facility in the Town of New Windsor. There's an existing one on Route 32, I'm sure you're all familiar with it. This facility is proposed to be located on Square Hill Road. I understand that's also known as Liner Road. The Arnoff Storage facility is on the top of the hill. This is Union Avenue out in front coming into Square Hill Road, I think this is Wal-Mart property to the north and the Thruway would be to the west of us. This parcel is approximately 6.1 acres in size, it is in your zone C, and we believe we're in a A4 use, a service establishment. We're proposing to construct approximately 71,000 square feet of self storage facilities in nine buildings, as you can see on the site plan here. There would be a small office 35 x 25 at the entry into the facility, double key pad controlled access gate to permit users to come and go as they choose, usually given the code and activate it themselves. You can see the building layout, there are various sizes with varying size units within each building and you can see the aisle width which we think is more than adequate to provide good circulation through this facility. The entire perimeter would be fenced for security purposes, again, eight foot high chain link being proposed. However, along the front of the property on Square Hill Road, we have a much more decorative fence, it's an iron fence on brick piers, I think we have given you a detail of that fence.

MR. PETRO: You'd need a variance at eight foot.

MR. CHAZEN: Correct, we understand six is the maximum allowed and we intend to make application to the zoning board for a variance to get the extra two foot. The entry to the facility we have shown some landscaping here, some junipers and crab apples and some perennials. We're also proposing to rebuild the existing stone wall that's in that location now that

would make an attractive entryway and we are proposing signage right in the corner of the property here, a 64 square foot illuminated sign. As far as utilities go, flip this over, there's an existing sanitary sewer line on Square Hill Road, the office will be manned during the day, we'll have facilities, sewage into the town system. There is no water, unfortunately, on Square Hill Road so we're proposing on-site well to provide potable water in the building. Storm water drainage would all be, this all kind of flows to the south where the water would be collected in a series of catch basins and piped into a proposed detention facility in the southwest corner of the property which would provide storm water quality and limit our discharges to at or below present conditions. As far as the appearance of the units themselves, we have an elevation here, this is the proposed office building which would be situated right here, and I think for the most part, the only thing you'll see is probably the ends of these units and we have shown you a little elevation of what they would look like.

MR. LUCAS: You'll be able to see any of it from Union Avenue, other than probably not much.

MR. LAWRENCE: Might see the roof of the office.

MR. CHAZEN: One of the reasons we're putting our sign in this location is to obviously try to get some exposure from Union Avenue.

MR. LANDER: One story frame dwelling, that's a residence?

MR. CHAZEN: That's an existing residence.

MR. PETRO: What other variances would be required?

MR. CHAZEN: I believe the only variance we require is the fence.

MR. PETRO: So, I think tonight what we need to do conceptually look at this and get him to the zoning board. Mark?

MR. EDSALL: One item which you should look at is my comment 2 and dealing with the methodology in which they measure their setbacks.

MR. PETRO: Why don't you go over it. Go ahead.

MR. EDSALL: The plan as far as I understand it and I can, subject to correction from the applicants, the measurements to the building setbacks are done to the deed line which just happens to be in Square Hill Road in the center of the road or near to the center of paved roadway, rather than measured at the 25 foot right-of-way line as it may be. That is not the method, customary method in which the setbacks are measured. Normally, it's measured from the road right-of-way or the limits of the road by use if there's no formal dedication. Now, in this particular case, looks as if they are anticipating for the road taking the 25 foot strip and dedicating it but the measurements to the buildings for setback really should occur from the 25 foot line.

MR. PETRO: Once we do that, will there be any zoning problems? Will they still have the necessary, what is it, 40 foot in this zone?

MR. EDSALL: I don't believe in all cases they meet the zoning, obviously, we don't have those measurements shown, so I don't know.

MR. PETRO: We have one of 66 foot but you have to deduct 25.

MR. BABCOCK: It's 60 foot required, Mr. Chairman.

MR. PETRO: You're not going to make it.

MR. EDSALL: Clearly going to be short for some of the buildings.

MR. CHAZEN: I'm guessing looks like the office building and the ends of these two units.

MR. EDSALL: It's not a serious problem. If you're going to zoning, you should include that.

MR. EDSALL: All depends what the board feels.

MR. LUCAS: Is that a dedicated road?

MR. EDSALL: That's why I made the comment if it's a road by use, if it's a road by use, it may not have been, there may not have been deeded dedications, but notwithstanding that, I don't know, don't know that the board normally measures setbacks to the center line of traveled ways.

MR. LANDER: Usually because the property line is not in the center of the road.

MR. BABCOCK: They are going to dedicate that 25 foot to the town which we would ask them to do.

MR. PETRO: That is where it should be measured from, sounds kind of cut and dry.

MR. EDSALL: What you need to do is decide if you believe that you want to make comment to the Zoning Board that you feel that a lesser than 60 setback is appropriate from a site plan review standpoint.

MR. PETRO: He can apply for the variance that's required for the front yard setback or he can shrink the buildings, the first two, and the office building, but being the applicant's not going to want to give up any rental of space, so I would apply, you're going there anyway, not being held up, apply for the variance.

MR. LANDER: So, you would have to deed 25 foot to the Town of New Windsor.

MR. CHAZEN: That's not a problem.

MR. PETRO: Show the new dimensions on the plan to the new front yard line, you'll need all the zoning information, all the variances required, variances received. Mark, do you think we covered that?

MR. EDSALL: Sorry, I was just discussing the route of

the road and potential for any widening with Mr. Babcock. I didn't hear your question.

MR. PETRO: I think we have covered that with the front yard. The only thing I question again if you notice that the lot that's created here in the center I guess the land that they don't own you'll see the other storage buildings are very close to that, that's also really the front yard, so you're going to have to maybe calculate those also as front yard setbacks.

MR. EDSALL: That would be a side yard setback to the side of the houses.

MR. PETRO: No, the ones in the back.

MR. EDSALL: Okay.

MR. PETRO: Really that's their front yard, it's the rear of the house but it's the front of their property.

MR. EDSALL: The other issue that comes to mind is when they go to the ZBA finding out if they need any height variances.

MR. PETRO: You're going to need one there, I can tell you that, I can tell you by how close that is, that's for sure.

MR. LANDER: Where are you going to measure?

MR. PETRO: From the property line to the house.

MR. CHAZEN: We look to you for some direction.

MR. PETRO: I think it's really--

MR. CHAZEN: We'll include that in our variance application, if for an interpretation if this is a front yard.

MR. PETRO: If that is not a front yard, tell me what it is. I realize it's the rear yard of the houses, but it's the front yard of your property, right, how can anybody disagree with that?

MR. LANDER: It's what's the rear yard setback.

MR. ARGENIO: To the north.

MR. LANDER: Is it 60 feet?

MR. CHAZEN: Sixty feet is required for a front yard.

MR. LANDER: What's rear yard?

MR. CHAZEN: Thirty feet.

MR. PETRO: Mark hits on another thing, I think there you better check the other ones when you do all your calculations, get the height requirement, how much is it per foot?

MR. EDSALL: Four inches but I understand that the town board just adopted new regulations so--

MR. BABCOCK: I don't have them with me, Jim, I think it's 12 inches now.

MR. PETRO: Check that because it's relief just adopted.

MR. BABCOCK: I don't know that for a fact, every zone is a little bit different but this is a PI zone?

MR. CHAZEN: This is zone C.

MR. BABCOCK: I think this did go to 12 inches.

MR. PETRO: Just going to reduce your variance, looks like three of the building will be affected.

MR. CHAZEN: We'll recalculate it and verify.

MR. PETRO: Mark, you don't disagree, we have to treat that as front yard?

MR. EDSALL: I think so, Ron.

MR. LUCAS: What's behind?

MR. CHAZEN: This is Wal-Mart, they have a very large pond back in here.

MR. STENT: Maybe you should try and address some of the remarks that Mark had before he comes back here, address those remarks.

MR. PETRO: Look at the storm water.

MR. LANDER: Can you tell me where the storm water is going to end up?

MR. CHAZEN: We have not done the storm water report yet. We know you're going to want one but we're collecting all the storm water in this location and proposing just to sheet it off-site hopefully at a rate below what's currently coming off the site.

MR. LANDER: Because you do have the City of Newburgh's water supply right on the other side of Union Avenue Washington Lake.

MR. CHAZEN: If quality is your issue, the storm water detention pond would be sized to meet first flush requirements, make sure we have enough volume here to hold that first inch or two inches.

MR. PETRO: That's going to be built with inlet outlet?

MR. CHAZEN: Yeah, I'm not quite sure what kind of discharge structure we'll have, we need to work on that. But yes, it will be a regular detention pond.

MR. LANDER: Do they have to send a letter to the City of Newburgh?

MR. PETRO: Five hundred feet.

MR. LNADER: To the City of Newburgh Water Supply?

MR. LUCAS: They are more than 500 feet.

MR. LANDER: Whether they are 500 or 1,000 feet, all depends where the water ends up. It's going to cross

the street, believe me.

MR. ARGENIO: I don't think so.

MR. STENT: That's not going to go across the street, it's going to go off to the pond or come down to the--

MR. CHAZEN: I believe our water will discharge into the pond that was built by Wal-Mart, so I think you'll actually have a double detention situation here.

MR. LANDER: All right.

MR. EDSALL: We can refer it to the City Engineering Department and let them at least be aware of it, we'll take care of that.

MR. PETRO: Give them 30 days to reply.

MR. EDSALL: I'll give Hauser a week.

MR. LANDER: One reason I bring that up when Arnoff came here for their project, we had them send to them and they are only up the road a little ways, still we sent a letter to the City of Newburgh.

MR. PETRO: Let's go to letter E with the 2.5 inches of asphalt you're going to get a lot of traffic in there, is that 1 1/2?

MR. LAWRENCE: No, we put down 2 1/2 inches of course binder then after five, six years we go back and put a top down.

MR. LANDER: That's going to be flush?

MR. LAWRENCE: Yes.

MR. LANDER: They do the aisle widths, there are 28 and 30 feet, I've seen them 20 feet, Mr. Chairman, so they are fairly wide.

MR. CHAZEN: Often people are renting trucks for the first time and we try to give them as much maneuvering room as possible.

MR. PETRO: So you've got 2 1/2 exactly that they are using.

MR. LANDER: 2 1/2 dense binder and then come back and put a top at a later date.

MR. EDSALL: I'd feel comfortable if they are putting 2 1/2 inches of dense binder to start out with, that's a good approach, other than 2 1/2 inch compacted.

MR. LAWRENCE: Our compacted finish is 2 1/2 inch, we don't finish until about five years later.

MR. CHAZEN: For detail.

MR. PETRO: This is open at night also, people can go in any time, is it 24 hour service?

MR. LAWRENCE: Yes, if they have the code.

MR. PETRO: You need to do a lighting plan.

MR. CHAZEN: Photometric plan?

MR. PETRO: I think so because it's really a public place.

MR. CHAZEN: All the lighting is wall packs on buildings, but we can generate.

MR. PETRO: Obviously, they are so close, I don't know how you couldn't help but light everything up.

MR. ARGENIO: The one on 32 is not unsightly, it's clean, I'm not a customer of yours, there's nothing unsightly about it when you drive down 32.

MR. LAWRENCE: Thank you.

MR. STENT: Motion for approval.

MR. PETRO: Conceptually, does anybody have anything else they want to add to this before we go to zoning board?

MR. BABCOCK: I see that they have a proposed well location; state law says that if you are within 500 feet, your property's within 500 feet of a town water line on a commercial operation, you have to hook up to the town water.

MR. PETRO: We're within 500 feet.

MR. BABCOCK: It appears to me that it is.

MR. LANDER: Where is that water line, Mike?

MR. BABCOCK: On Union Avenue.

MR. LAWRENCE: Is there a chance we can get a variance or some waiver on that law only because we have one toilet and one person in that space and there's no one else down that road that I believe would ever use a main so we put a main for one toilet, tear up an awful lot of town road for just that.

MR. EDSALL: Probably run a service, but you'd need a service to meet the State law's requirements.

MR. LAWRENCE: Just seems like a lot of work to go through for one small office with one toilet and hand wash sink.

MR. PETRO: Bring up another subject, why would these buildings not need to be sprinklered over 5,000 feet?

MR. BABCOCK: They do.

MR. EDSALL: They need a waiver for that.

MR. CHAZEN: That's a local law?

MR. BABCOCK: Yes.

MR. PETRO: New Windsor, 5,000 feet.

MR. EDSALL: You should check cause Mike just was discussing the fact that Arnoff is sprinklered so there must be a main that runs up there, I would doubt that

it is a private main.

MR. CHAZEN: There's a hydrant here but I'm not quite sure.

MR. EDALL: I suggest that you get ahold of the water department and seek their input on where you can best connect.

MR. CHAZEN: What's the process for seeking waiver on the sprinkler requirement?

MR. EDSALL: Bureau of Fire Prevention Control.

MR. BABCOCK: Right, Bob Rogers.

MR. LUCAS: Is it 5,000 or less?

MR. PETRO: No, it's 5,000.

MR. CHAZEN: Mr. Rogers who I met with in your workshop?

MR. EDSALL: Same fellow at the workshop.

MR. PETRO: Well, the reason I was saying he was talking about just going with the well, he's not going to be able to do that if it needs to be sprinklered. So he's going to have to find a way to get in with Arnoff, it would become a moot point if it has to be sprinklered and you're going to build and the well's useless anyway.

MR. LUCAS: His other option is to take the building and cut it in half.

MR. PETRO: That's correct, he can make a couple separations and they can explain that to you, say that you have a long building there that's 8,400 feet, you leave a 30 foot separation in the center, I don't know if it's 30, might be 10 or 20, we've done that a couple times, but I can tell that you also that if you weigh out your costs of the sprinkler system and losing that square footage that you would buy leaving a couple slits, you might be--

MR. CHAZEN: It would have to be a dry system, these are not heated units.

MR. PETRO: You're talking about a serious--

MR. LAWRENCE: It's not cost effective.

MR. PETRO: Kind of lean to what I am telling you because I think the fire inspector, they've had storage buildings here.

MR. LAWRENCE: Are there others in the town currently sprinklered of this type with metal frame?

MR. PETRO: Depends on when they were built, I don't know when the law went into effect, but it's been at least ten years.

MR. CHAZEN: You'll probably see ten foot breaks.

MR. BABCOCK: You can ask for a waiver of that.

MR. EDSALL: Pursue that.

MR. BABCOCK: You have to demonstrate why it's a hardship for you.

MR. EDSALL: They may like you to break the buildings with fire walls.

MR. PETRO: Reason we got on that subject because we're discussing the well and I said there's no sense in going with the well if you're going to need water.

MR. LUCAS: Seems like everybody that comes with a building of this size seems to be breaking them down.

MR. PETRO: Because of the cost factor. Town of Newburgh is 2,500 square feet, I know that firsthand. I'd rather let the tenant pay the insurance and I'll keep the 50 grand for the system.

MR. STENT: Motion we approve Guardian Self Storage site plan.

MR. LANDER: Second it.

MR. PETRO: Should take lead agency first please.

MR. LANDER: We're sending them to zoning first.

MR. PETRO: Okay.

MR. EDSALL: You can take care of that when they come back.

MR. PETRO: Then we have a motion and seconded for final approval for the Guardian Self Storage site plan on Square Hill Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor zoning Board for proper and necessary variances that you may require. Once you have received those variances, you may then again come here before this board for your further site plan review.

MR. EDSALL: Just so the minutes so we're going to send it over being that we don't know how to fill out the referral form, we're going to fill it out for referral for an interpretation. Once they make an interpretation, how they are going to do measurements, they can decide what variances they need because at this point, we don't know how to fill out a referral.

MR. PETRO: I think our comments should accompany that.

MR. EDSALL: That's why I wanted this in the minutes cause I'm sure they'll read them.

*Pls. publish immediately. Send bill to: Redl Properties
80 Washington St. - Suite 310
Poughkeepsie, NY 12601*

PUBLIC NOTICE OF HEARING

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: #15

Request of ROSCINO/GUARDIAN SELF STORAGE (REDL)

for a VARIANCE of the Zoning Local Law to Permit:

Construction of an 8 ft. fence and Interpretation and/or area variances for front yard in connection with the construction of a storage facility;

being a VARIANCE of Section 48-12, Table of Use/Bulk Regs., Col. E, Section 48-14 - Supplemental Yard Regulations, and Section 48-33 - Interpretation, for property situated as follows:

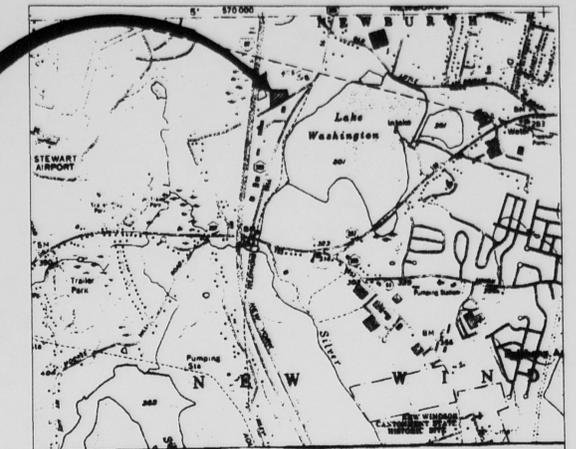
N/S of Square Hill Road (aka Liner Road), 150 ft. west of Route 300, New Windsor, New York, known as tax lot Section 4 Block 1 Lot 4.

THE HEARING will take place on the 24th day of May, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock p.m.

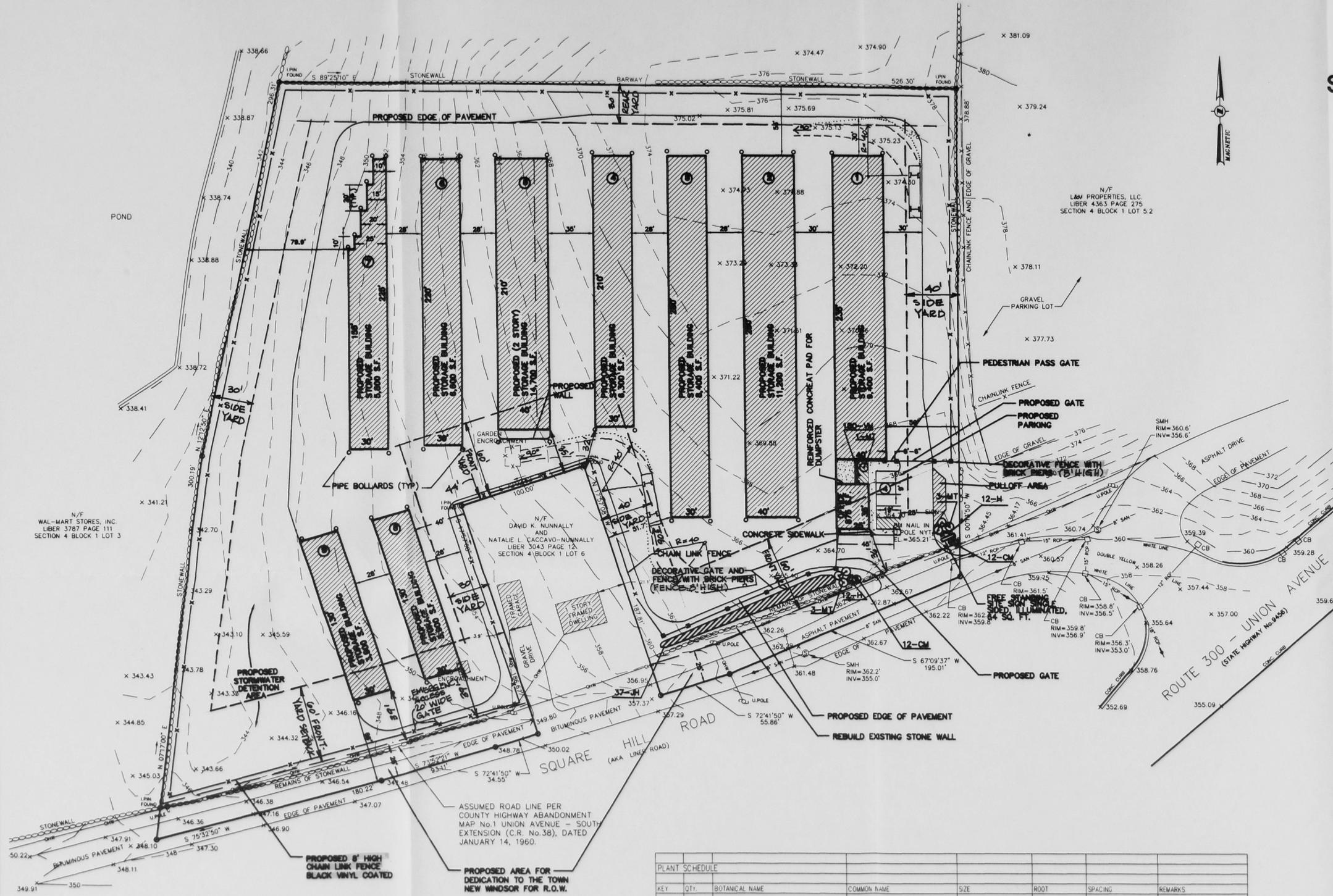
James Nugent, Chairman

By: Patricia A. Barnhart, Secy.

SITE



LOCATION MAP Scale: 1" = 2000'



- LEGEND:
- NO PHYSICAL BOUNDS
 - - - 110 - MAJOR CONTOUR
 - - - MINOR CONTOUR
 - x108.7 SPOT HEIGHT
 - - - FENCE
 - ○ ○ ○ ○ STONE WALL
 - OVERHEAD WIRES
 - 8" PVC UNDERGROUND SEWER LINE
 - 15" RCP UNDERGROUND STORM LINE
 - ⊕ HYDRANT
 - ⊞ CATCH BASIN
 - ⊞ SEWER MANHOLE
 - ⊞ UTILITY POLE
 - ⊞ SIGN

ZONE: C - DESIGN SHOPPING
 USE: A-6 SERVICE ESTABLISHMENT

ZONING REQUIREMENT	REQUIRED	PROPOSED
Lot Area	40,000 s.f.	6.08 acres or 264,844 (+/-) s.f.
Lot Width	200 feet	526(+/-) feet
Lot Frontage	N.A.	558(+/-) ft.
Yards (Minimum)		
Front	60 ft.	66(+/-) ft.
Sides	30/70 ft.	40/53(+/-) ft.
Rear	30 ft.	53(+/-) ft.
Maximum Height	12 inches per foot of distance to the nearest lot line	minimum height Storage Units=13.3±ft Office =20±FT (26' Allowed) 71,075 (+/-) s.f.
Building Area	N.A.	
Floor Area Ratio	0.5	26.8%
Parking Spaces	1 space per 200 s.f. of Office area	4 parking spaces (required)
Development Coverage	N.A.	N.A.

PLANT SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING	REMARKS
MT	7	MALUS THERIFERA 'VAN ESELINE'	VAN ESELINE CRABAPPLE	2"-2 1/2" CAL	B&B	PLANT 20' O.C.	
JH	37	JUNIPERUS HORIZONTALIS PLUMOSA	ANDORRA JUNIPER	18"-24"	5 GALLON	PLANT 4' O.C.	
CM	24	COREOPSIS VERTICILLATA MOONBEAM	MOONBEAM COREOPSIS	TOP SIZE PLANTS	1 GALLON		
H	12	HEMEROCALLIS	AMERICAN MIXED DAYLILIES	TOP SIZE PLANTS	1 GALLON		MIXED COLORS
VM	180	VINC A MINOR	PERIWINKLE	2" POTS	2" POTS	PLANT 12" O.C.	

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STEVEN J. ALEX, L.S. #50016

THE **Chazen** COMPANIES
 Engineers/Surveyors
 Planners
 Environmental Scientists

CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

Dutchess County Office: 125 Route 9, Box 3478, Poughkeepsie, New York 12580, Phone: (517) 454-3580

Orange County Office: 283 Route 179, Middletown, New York 12550, Phone: (517) 567-1133

Capital District Office: 1257 Route 9, Box 2, Colton Park, New York 12068, Phone: (518) 371-0929

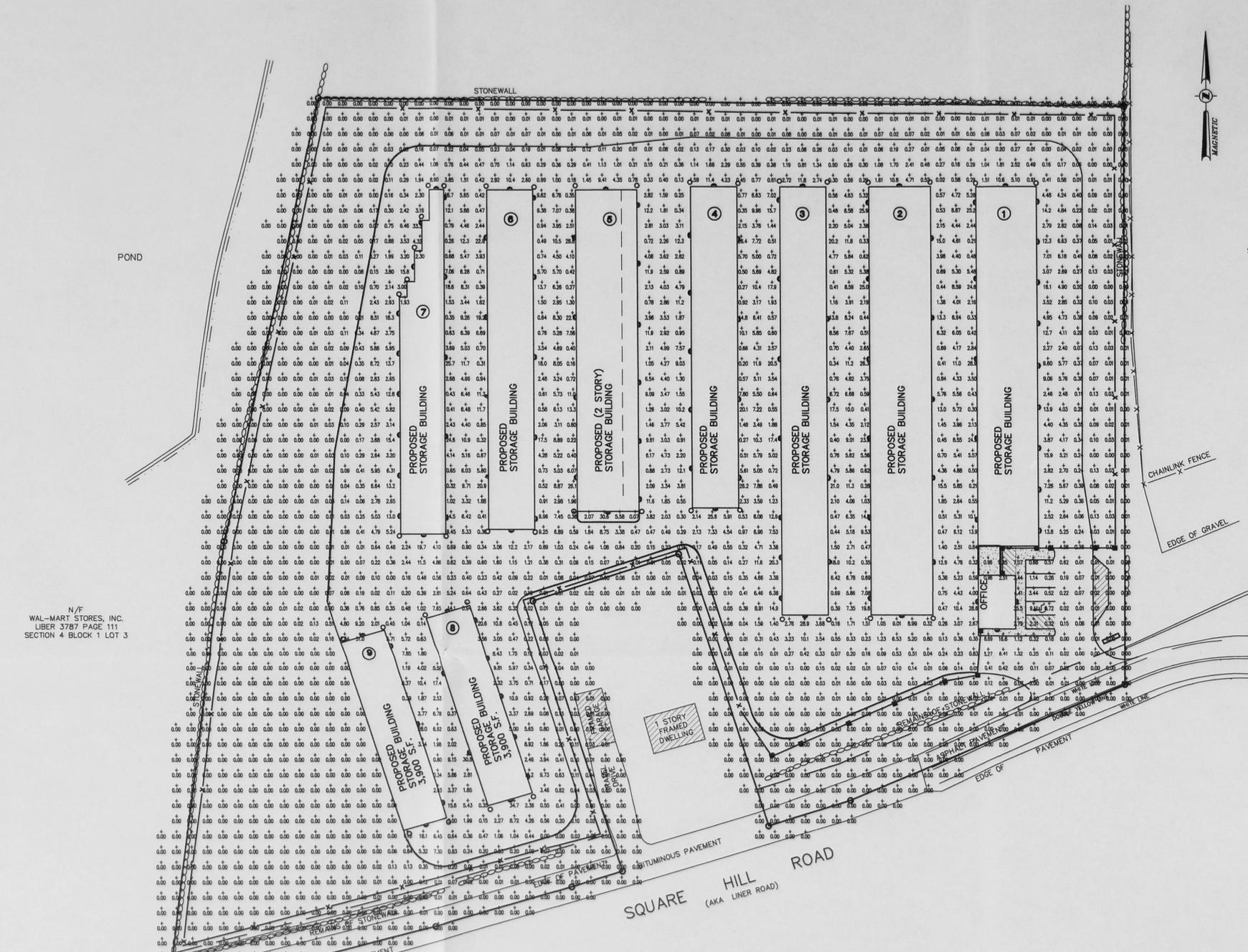
REV.	DATE	DESCRIPTION
1	4/22/99	AS PER P.D.

GUARDIAN SELF STORAGE

SITE AND LANDSCAPE PLAN

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Drawn: [Signature]
 D.W.P.
 Date: 3/31/99
 Scale: 1"=40'
 Project No.: 88815.00
 Sheet No.: C-2



N/F
L&M PROPERTIES, LLC.
LIBER 4363 PAGE 275
SECTION 4 BLOCK 1 LOT 5.2

N/F
WAL-MART STORES, INC.
LIBER 3787 PAGE 111
SECTION 4 BLOCK 1 LOT 3

CALCULATION SUMMARY-

AREA NAME	DIMENSIONS	GRID NAME	AVE	MAX	MIN
OUTDOOR	841x563ft	10R	<->	1.4	35.5

LUMINAIRE SCHEDULE

TYP	SYMBOL	DESCRIPTION	LAMP	LUMENS	MOUNTING/BALLAST	LLF	QTY
MP1		SPAUDLING (1) *MP-1* SFI-S100-IV	(1) LU-100	9500		0.90	109

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CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

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Orange County Office: Newburgh, New York 12550, Phone: (845) 567-1133
Capital District Office: 1427 Route 9, Bldg. 2, Clifton Park, New York 12065, Phone: (518) 371-9929

rev.	date	description

GUARDIAN SELF STORAGE
PHOTOMETRIC PLAN
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn	checked
DEC	
date	scale
5/24/99	1"=40'
project no.	
89915.00	
sheet no.	
C-7	