

**ZB# 88-25**

**Diplomat Assocs. /  
Banta Food**

**4-1-12.11**

#88-25 -  
Diplomat Assocs. | - Use  
Banta Food. | - Variance

Rec'd.

Apr. 25, 1988

Public Hearing:

June 13, 1988.

Notice to Sentinel ✓

on 5/16/88.

Fee paid

Use  
Variance  
Permitted  
5/16/88

CK- #337  
to T.C.

General Receipt

9851

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, N. Y. 12550

May 24 19 88

Received of Philip A. Bernaglia \$ 50.00

Deputy and 00  
100 DOLLARS

For ZBA Application Fee #88-25

DISTRIBUTION:

FUND	CODE	AMOUNT
CK 337		50.00

By Paulene G. Townsend ES

Town Clerk  
Title

Williamson Law Book Co., Rochester, N. Y. 14609

file

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

-----X  
In the Matter of the Application of  
DIPLOMAT ASSOCIATES/BANTA FOOD CO.

DECISION GRANTING  
USE VARIANCE

#88-25.  
-----X

WHEREAS, DIPLOMAT ASSOCIATES, by its officer, Joseph D. Roscino, Sr., a domestic corporation having an office at 12 Rose Hill Park, Cornwall, N. Y. 12520, and BANTA FOOD CO., 842 Main Street, Poughkeepsie, N. Y. 12603, through its agent, Philip A. Cerniglia, 143 Bedford Road, Katonah, N. Y. 10536, have made application before the Zoning Board of Appeals for a use variance for the purposes of:

The continuing use of and proposed extensions to the existing restaurant located on Union Avenue, New Windsor, N.Y. in an OLI zone;

WHEREAS, a public hearing was held on the 13th day of June, 1988 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, Applicant's agent, Philip A. Cernignia appeared in behalf of DIPLOMAT ASSOCIATES/BANTA FOOD CO.; and

WHEREAS, the application was unopposed; and

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

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

2. The evidence shows that applicant presently operates a restaurant in an OLI zone, same being a prohibited use in the OLI zone. In 1972 applicant applied for and received a building permit to construct the restaurant and has been operating since that time without the benefit of a change of use.

3. The evidence shows that applicant intends to construct two (2) additions to the existing property. No area variances are required for the additions.

WHEREAS, the Zoning Board of Appeals of the Town of Windsor makes the following conclusions of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of a reasonable use of such

land since the property is located in a district which, according to the use regulations, is not conducive to the OLI zone.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and general conditions.

3. The evidence shows that the application as presented will not alter the essential character of the neighborhood which is OLI (Office/Light Industry) in nature.

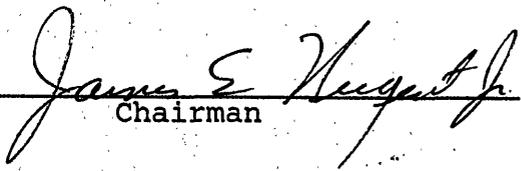
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a use variance to the applicant.

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 the applicant.

Dated: June 27, 1988.

  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

June 15, 1988

Philip A. Cerniglia/Architect  
143 Bedford Road  
Katonah, N. Y. 10536

RE: APPLICATION FOR USE VARIANCE  
DIPLOMAT ASSOCS./BANTA FOOD  
#88-25

Dear Phil:

This is to confirm that the Zoning Board of Appeals at its June 13, 1988 meeting voted to grant the above application for a use variance.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART  
Secretary

/pab

Enclosure

cc: Town Planning Board  
Michael Babcock, B. I.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

APPLICANTS AGENT: PHILIP A. CERNIGLIA/ARCHITECT  
143 BEDFORD RD., KATONAH, NY 10536 914-232-1112

# 88-25

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

I. Applicant Information:

- (a) DIPLOMAT ASSOCIATES: MR. JOSEPH ROSCINO, 12 ROSE HILL PARK, CORNWALL, NY 125  
(Name, address and phone of Applicant) (Owner) 914-534-4775
- (b) BANTA FOOD CO., 842 MAIN ST., Poughkeepsie, NY 12603 914-452-2226  
(Name, address and phone of purchaser or lessee)
- (c) DUGGAN, CROTTY & DUNN, P.C., 343 TEMPLE HILL RD., NEW WINDSOR, NY 12550  
(Name, address and phone of attorney) 914-562-6500
- (d) NONE  
(Name, address and phone of broker)

II. Application type:

- Use Variance  Sign Variance  
 Area Variance  Interpretation

III. Property Information:

- (a) 011 UNION AVE., NEW WINDSOR, NY 4 1 12.11 2.6 AC.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? 011/R2
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? \_\_\_\_\_
- (e) Has property been subdivided previously? NO When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? NO When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the 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 Regs., Col. A, to allow:

(Describe proposal) THE CONTINUING USE OF AND PROPOSED EXTENSIONS TO THE EXISTING RESTAURANT FACILITY AND SITE.

(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.

(SEE ATTACHED SHEET)

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

V. Area variance:

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

Requirements	Proposed or Available	Variance Request
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**	_____	_____

\* Residential Districts only  
\*\* Non-residential districts only

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

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

VI. Sign Variance:

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

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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

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

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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:

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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 Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(SEE ATTACHED SHEET)

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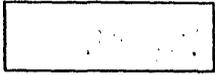
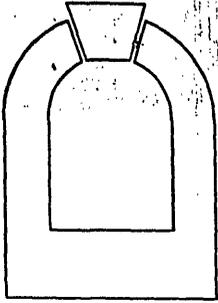
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IX. Attachments required:

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- 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.
- Copy(ies) of sign(s) with dimensions.
- Check in the amount of \$ 50.<sup>00</sup> payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.



PHILIP A. CERNIGLIA/ARCHITECT 143 BEDFORD ROAD KATONAH, NY 10536  
PHONE 914-232-1112

PART IVb, and PART VIIIa RESPONSE

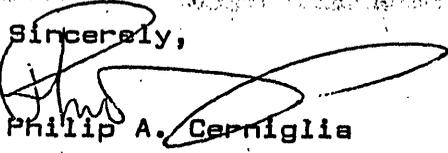
Review of town records by The New Windsor Building Department, following initial submission of our project before the Planning Board, revealed that the premises had never been granted a Use Variance as would have been required under town zoning laws as then existed. Current town zoning was adopted in 1966. The existing Steak & Stein restaurant was issued a building permit and constructed in 1971. It's current and continued operation would be considered an illegal use without the granting of a Use Variance. Closing of the facility, if no variance were granted, would create an obvious unnecessary hardship upon both the property owner and restaurant owner.

Although in an OLI zone, the current property (restaurant) use conforms with the spirit of the immediate neighborhood. The parcel directly south is currently used as a motel and restaurant facility. To the east across Union Ave. is Lake Washington. Residential uses exist to the west along Liner Road, but are buffered from the restaurant by a landscaped hill. The only light industrial use is to the north on a parcel used by North American Van Lines, which does not exhibit any apparent negative or hazardous impact upon Steak & Stein.

Our proposed amended site plan is the result of existing parking lost due to the widening of Union Ave. completed by The N.Y.S. Dep. of Transportation. The proposed additions to the existing structure are in conformance with article VI, section 48-24 B3 of The town of New Windsor Zoning Ordinance, listing the requirements for extensions and remodeling of structures used for non-conforming uses. The existing structure and proposed additions exceed set back requirements.

In my opinion, the proposed additions and amended site plan will greatly enhance the quality of both the parcel in question and the immediate neighborhood. As proposed on the enclosed drawings, the structure's exterior and interior will be improved and remodeled extensively, and the site will be enhanced by the addition of extensive landscaping, curbing, paving, lighting, and improved parking and traffic flow. I believe these improvements will foster The Town of New Windsor zoning law.

Sincerely,

  
Philip A. Cerniglia

X. AFFIDAVIT

Date May 11, 1988

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

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 knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

*Esmeralda Pinho*  
ESMERALDA PINHO  
NOTARY PUBLIC, State of New York  
Qualified in Orange County  
Reg. No. 4914997  
Commission Expires December 21, 1989

*Joseph D. Rocinowicz*  
(Applicant)

Sworn to before me this  
11<sup>th</sup> day of May, 1988.

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.  
Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

6/13/88

Public Hearing - Diplomat Assoc./Banta Food #88-25.

Name:

Address:

Howard CHOE

845 Union Ave

Newburgh NY

Jon K. Chae

845 Union Ave.

New Windsor N.Y., 12550

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. 85.

Request of Diplomat Associates

for a VARIANCE of

the regulations of the Zoning Local Law to

permit Continuing use of and the proposed

extensions to the existing restaurant facility and site.

being a VARIANCE of

Section 48-9, Table of Use Regulations, col. A

for property situated as follows:

On the southwest corner of Liner Road and

Union Avenue, Tax Map Section 4, Block 1,

Lot 12.11, New Windsor, N.Y. 12550

SAID HEARING will take place on the 13th day of  
June, 1988, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

JAMES NUGENT  
Chairman



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

May 9, 1988

Philip A. Cerniglia  
143 Bedford Road  
Katonah, NY 10536

Re: 4-1-12.11

Dear Sir:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00, which you have already paid in the form of your deposit.

Very truly yours,

*Leslie M. Cook*

LESLIE M. COOK  
Acting Assessor

LMC/cp

M & M Development Partners ✓  
PO Box 496  
Rock Hill, NY 12775

Roscino, Joseph & ✓  
Talbot, Rose M.  
RD 1  
Weyants Lane  
Newburgh, NY 12550

Nunnally, David K. ✓  
26 Liner Road  
New Windsor, NY 12550

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

HRC Inc. ✓  
8.5 Union Avenue  
New Windsor, NY 12550

Balmville Estates Inc. ✓  
6306 NW 74th Avenue  
Tamarac, Florida 33319

Lothar Neumetzger ✓  
29 Susan Drive  
Newburgh, NY 12550

Town of New Windsor ✓  
555 Union Avenue  
New Windsor, NY 12550

James S. O'Neill & ✓  
James Z. Patsalos &  
Leggy Ann Patsalos  
47 South Plank Road  
Newburgh, NY 12550

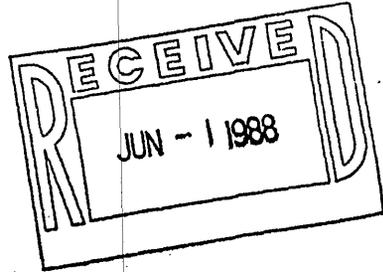
**THE SENTINEL**  
P.O. Box 406  
Vails Gate, New York 12584-0406  
(914) 562-1218

CUSTOMER:

TERMS: NET 30 DAYS

DIPLOMAT ASSOCIATES  
C/O PHILIP A. CROTTY, ESQ  
RD2 TEMPLE HILL RD.  
NEW WINDSOR, N.Y. 12550

DATE	REF-NO	TYPE	DESCRIPTION	CHARGE	CREDIT	BALANCE
			OPENING BALANCE.....			0.00
05/19/88	4571	INV	LEGAL NOTICE	12.68		



TOTAL AMOUNT NOW DUE..... 12.68

WANT HELP DESIGNING A NEW ADVERTISING CAMPAIGN? OUR SENTINEL AD REPS AND GRAPHIC ARTISTS ARE HERE TO HELP YOU. NO EXTRA CHARGE!

<b>PHILIP A. CERNIGLIA</b> ARCHITECT 143 BEDFORD ROAD KATONAH, NY 10536		<b>357</b> 50-235/219
PAY TO THE ORDER OF <b>THE SENTINEL</b>		<b>JUNE 13</b> 19 <b>88</b>
<b>TWELVE DOLLARS &amp; 08/100</b>		<b>\$ 12.08</b> <b>08</b> <b>100</b> DOLLARS
<b>THE BANK OF NEW YORK</b> 140 Katonah Avenue Katonah, N.Y. 10536		
FOR <b>STEIN &amp; STEIN ZBA LEGAL NOTICE</b>		<b>000357 0219023521 47 229502</b>



Louis Heimbach  
County Executive

Rec'd. ZBA  
5/26/88

Department of Planning  
& Development  
124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

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

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

Referred by T. NEW WINDSOR ZBA D P & D Reference No. NLOT 27-8810  
County I.D. No. 4 1 1 12.11

Applicant STEAK & STEIN

Proposed Action: USE VARIANCE (RESTAURANT)

State, County, Inter-Municipal Basis for 239 Review FRONTAGE ACCESS NYS 300

Comments: \_\_\_\_\_

MAYBE A REEXAMINATION OF THE UNION  
AVENUE CORRIDOR IS IN ORDER AS RESPECTS  
FUTURE PLANNING AND ZONING

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination  Disapproved \_\_\_\_\_ Approved \_\_\_\_\_

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

MAY 24, 1988  
Date

Peter Garrison  
Commissioner



McGOEY and HAUSER  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
*Associate*

Licensed in New York,  
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: BANTA'S STEAK AND STEIN SITE PLAN  
PROJECT LOCATION: UNION AVENUE  
NEW WINDSOR #: 88-3  
13 April 1988

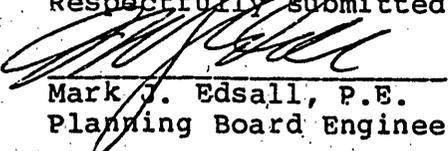
1). The Applicant has submitted a plan for review which includes an expansion of the existing structure with two (2) additions. The additions reflect an increase of approximately 24% to the floor area of the existing structure. The plan was previously reviewed at the 23 March 1988 Planning Board meeting.

2). As noted in my 23 March 1988 review comments and discussed by the Board, the use of an eating and drinking place is not a use by right or use by special permit within the OLI Zone. This existing facility is a non-conforming use within the OLI Zone. It is my understanding that a review of the Town records does not indicate that any variances were received for the non-conforming use.

3). Based on the previous comment, it is my recommendation that the Planning Board refer this matter to the Zoning Board of Appeals such that the Applicant can obtain any and all variances required for the use and its proposed expansion.

4). After the Applicant receives the necessary variances, further engineering reviews and comments will be made as necessary.

Respectfully submitted,

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

MJE/dl  
Banta's

#88-25

Prelim:

Apr. 25, 1988

7:30 pm.

cc: Phil

OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, N.Y.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 88-3

Date 20 APRIL 1988

To: BANTA FOOD CO.  
842 MAIN ST.  
POUGHKEEPSIE N.Y. 12603

PLEASE TAKE NOTICE that your application dated 26 JAN 1988  
for (~~Subdivision~~ - Site Plan) BANTA'S STEAK AND STEIN  
located at UNION AVENUE

is returned herewith and disapproved for the following reasons.

NON-CONFORMING USE AND EXTENSION THEREOF

HENRY SCHEIBLE

Planning Board Chairman

DLI ZONE  
Requirements\*

Min. Lot Area 10 000 Sq.Ft.  
Min. Lot Width 100 Ft.  
Req'd Front Yd. 40 Ft.  
Req'd. Side Yd. 15-35 Ft.  
Req'd. Rear Yd. 15 Ft.  
Req'd. Street

<u>Proposed or Available</u>	<u>Variance Request</u>
<u>122,794 Sq.Ft.</u>	<u>---</u>
<u>1615 Ft.</u>	<u>---</u>
<u>82 Ft.</u>	<u>---</u>
<u>84-225 Ft.</u>	<u>---</u>
<u>79 Ft.</u>	<u>---</u>

USE  
VARIANCE  
ONLY

Frontage 1112

11174 Ft.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 28-3

Date 20 APRIL 1988

To: BANTA FOOD CO.  
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HENRY SCHEIBLE  
Planning Board Chairman 

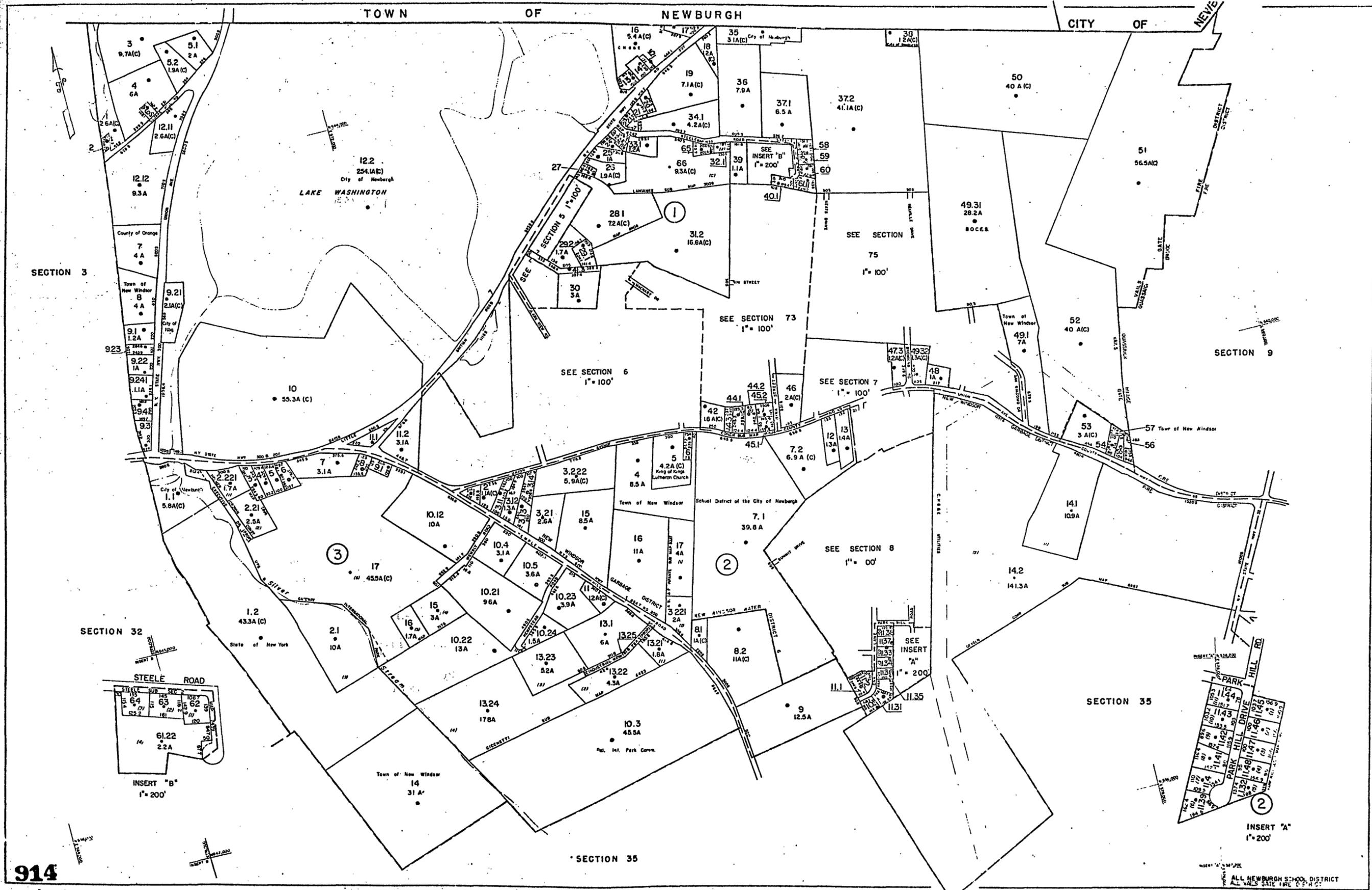
<u>DLI ZONE</u> <u>Requirements</u> *	<u>Proposed or</u> <u>Available</u>	<u>Variance</u> <u>Request</u>
Min. Lot Area <u>10 000 Sq.Ft.</u>	<u>122,794 Sq.Ft.</u>	<u>---</u>
Min. Lot Width <u>100 Ft.</u>	<u>165 Ft.</u>	<u>---</u>
Req'd Front Yd. <u>40 Ft.</u>	<u>82 Ft.</u>	<u>---</u>
Req'd. Side Yd. <u>15-35 Ft.</u>	<u>84-225 Ft.</u>	<u>---</u>
Req'd. Rear Yd. <u>15 Ft.</u>	<u>79 Ft.</u>	<u>---</u>
Req'd. Street Frontage* <u>N/A</u>	<u>1472+ Ft.</u>	<u>---</u>
Max. Bldg. Hgt. <u>35 Ft.</u>	<u>26 Ft.</u>	<u>---</u>
Min. Floor Area* <u>N/A</u>	<u>N/A</u>	<u>---</u>
Dev. Coverage* <u>N/A</u> %	<u>---</u> %	<u>---</u> %
Floor Area Ratio** <u>1</u>	<u>.06 ±</u>	<u>---</u>

USE  
VARIANCE  
ONLY

\* Residential Districts only  
\*\* Non-residential Districts only  
\*<sub>1</sub> Requirements Based on "Eating and Drinking Places" Use  
Per NC Zone.

TOWN OF NEWBURGH

CITY OF NEWBURGH



914

Prepared by  
**AERO SERVICE**  
 COMPANY, INC.  
 1100 ROUTE 9  
 NEWBURGH, N.Y. 10950  
 FOR TAX PURPOSES ONLY

LEGEND			
SECTION BOUNDARY	FILED PLAN LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY/TOWN OR VILLAGE	EQUIPMENT	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION I.D.	WATCH	ADDRESS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	AREA	COMMISSIONER	COUNTY HIGHWAYS

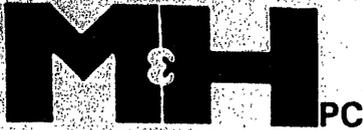
ORANGE COUNTY - NEW YORK

Photo No. 8-496, 497, 498  
 Date of Photo: 1-1-66  
 Date of Map: 5-24-67  
 Date of Revision: 3-1-71

TOWN OF NEW WINDSOR

Section No. 4

ALL NEWBURGH SCHOOL DISTRICT  
 ALL VAL'S STATE FIRE CO'S R.C.



McGOEY and HAUSER  
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)  
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640  
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.  
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TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

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13 April 1988

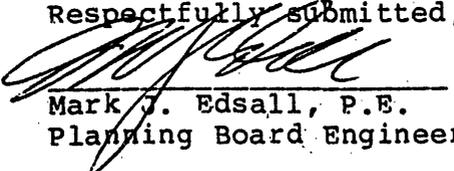
1). The Applicant has submitted a plan for review which includes an expansion of the existing structure with two (2) additions. The additions reflect an increase of approximately 24% to the floor area of the existing structure. The plan was previously reviewed at the 23 March 1988 Planning Board meeting.

2). As noted in my 23 March 1988 review comments and discussed by the Board, the use of an eating and drinking place is not a use by right or use by special permit within the OLI Zone. This existing facility is a non-conforming use within the OLI Zone. It is my understanding that a review of the Town records does not indicate that any variances were received for the non-conforming use.

3). Based on the previous comment, it is my recommendation that the Planning Board refer this matter to the Zoning Board of Appeals such that the Applicant can obtain any and all variances required for the use and its proposed expansion.

4). After the Applicant receives the necessary variances, further engineering reviews and comments will be made as necessary.

Respectfully submitted,

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

MJE/dl  
Banta's



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

## MEMORANDUM

TO: ZONING BOARD OF APPEALS  
FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER  
SUBJECT: BANTA'S STEAK AND STEIN SITE PLAN  
PLANNING BOARD TASK NO. T88-3  
DATE: 19 APRIL 1988

Pursuant to the direction of the Planning Board, I am writing this memorandum to advise the members of the Zoning Board of Appeals that the Planning Board, based on its initial review of the project plans, has "no problem" with the proposed use and its expansion. If you have any questions concerning the above, please do not hesitate to contact Chairman Henry Scheible.

Respectfully submitted,



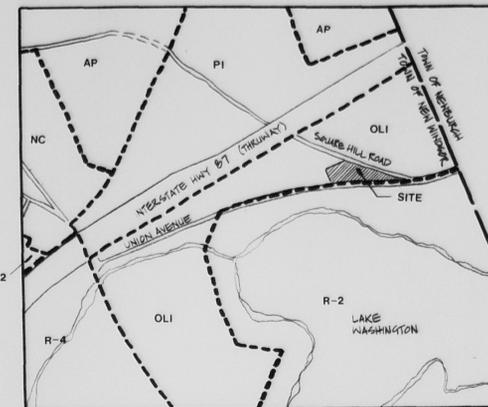
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Mark J. Edsall, P.E.  
Planning Board Engineer

cc: Planning Board File T88-3

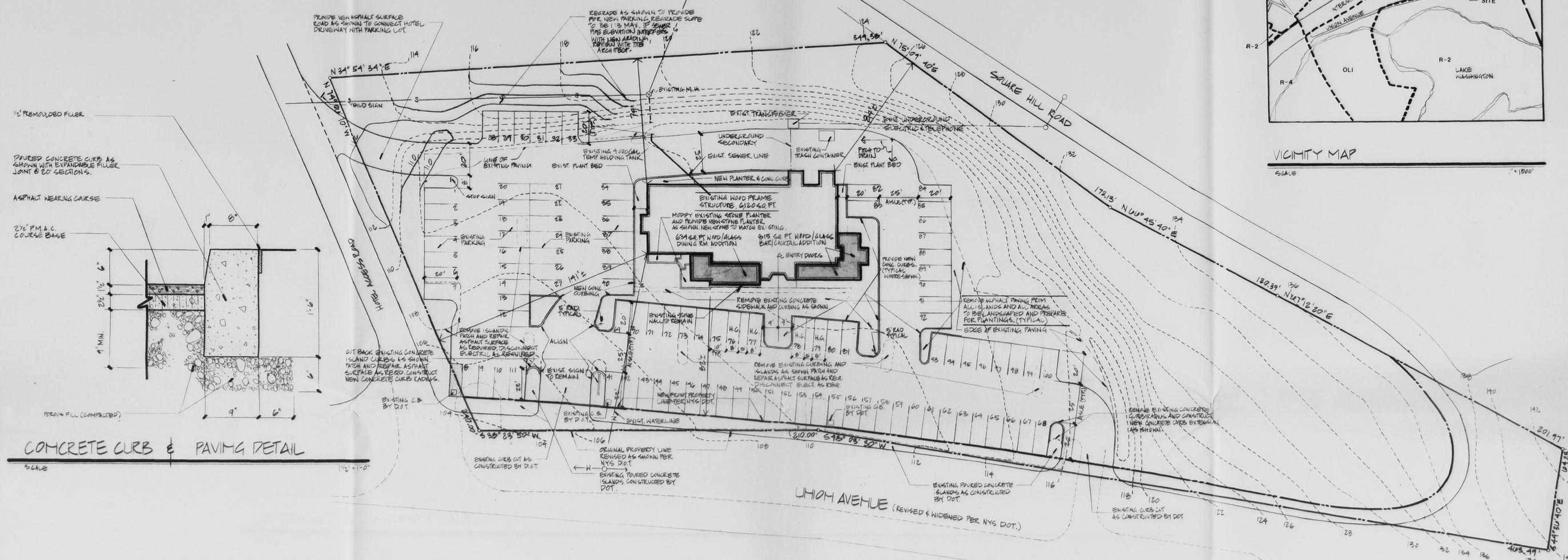
MJEcao  
steak

M/P P.S. TUMG



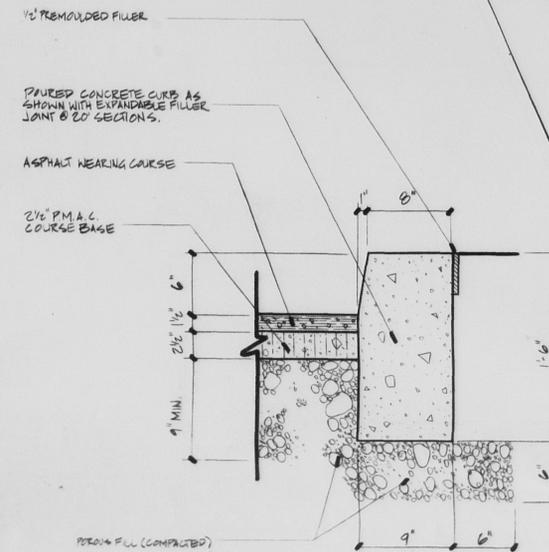
VICINITY MAP

SCALE 1"=100'



SITE PLAN

SCALE: 1"=20'-0"



CONCRETE CURB & PAVING DETAIL

SCALE 1 1/2"=1'-0"

NOTE: OWNER OF RECORD OF THE ABOVE PROPERTY IS MARY EDGEMO JOSEPH CINCINNATI AND OTHERS.

NOTE: ALL PARKING SPACES ARE TO BE LINED WITH WHITE PAINT AS SHOWN ABOVE.

NOTE: THE SURVEY INFORMATION SHOWN ABOVE WAS TAKEN FROM SITE PLAN #2 AS PREPARED BY MILTON CHAZEN, C.E.C. REVISED 6/20/74; AND FROM THE UNION AVE WIDENING PROJECT, DRAWING NO. P-3, DATED 7/65 AS PREPARED BY THE STATE OF N.Y., DEPARTMENT OF TRANSPORTATION; AND FROM INFORMATION SUPPLIED BY THE OWNER.

SITE TABULATIONS

Item	Allowed/Req'd	Provided
TAX MAP DESIGNATION	SEC 9 BLOCK 1, LOT 12.11	
ZONE	OLI	
BULK REQUIREMENTS PER USE GROUP AA, COL. A, #5 EATING AND DRINKING PLACES		
SITE AREA	12,220 SQ. FT.	22,794 SQ. FT.
LOT WIDTH	100 FT.	615 FT.
FRONT YARD	40 FT.	82 FT.
SIDE YARD (TOTAL BOTH SIDES)	15 FT. (35 FT.)	84 FT. (235 FT.)
REAR YARD	15 FT.	79 FT.
FLOOR AREA RATIO	1	.002
BUILDING HEIGHT	35 FT. (TWO STORIES)	26 FT. (ONE STORY)
BUILDING COVERAGE		7,569 SQ. FT.
BUILDING COVERAGE (AS % OF LOT)		62%
PAVEMENT COVERAGE		49,100 SQ. FT.
PAVEMENT COVERAGE (AS % OF LOT)		39.1%
OPEN SPACE		67,125 SQ. FT.
OPEN SPACE		54.7%

Item	Allowed/Req'd	Provided
FLOOR AREA (GROSS SQ. FT.)		6,120 SQ. FT.
EXISTING STRUCTURE		6,120 SQ. FT.
FINISH ADDITION		684 SQ. FT.
BAR/COFFEE ADDITION		615 SQ. FT.
TOTAL GROSS SQ. FT.		7,569 SQ. FT.
PARKING UNITS		
DINING AND BAR NET AREA = 4,270 SQ. FT.		
PER NYS CODE PROVIDE 15 SQ. FT. / PERSON	4,270 / 15 = 285 SEATS	
PER NEW BUILDING CODE PROVIDE 3 SEATS / CAR		
PARKING UNITS	95	100
TYPICAL PARKING SIZE	10 FT. x 20 FT.	10 FT. x 20 FT.
HANDICAPPED P.U.	4	4



TOWN APPROVAL STAMP



REV	DATE	DESCRIPTION

Project: ADDITIONS & ALTERATIONS TO STEAK & STEM  
 UNION AVE NEW HAVEN, CT  
 PHILIP A. CERNIGLIA ARCHITECT  
 149 BROADWAY  
 KATONAH, NY  
 PHONE 914-832-1112

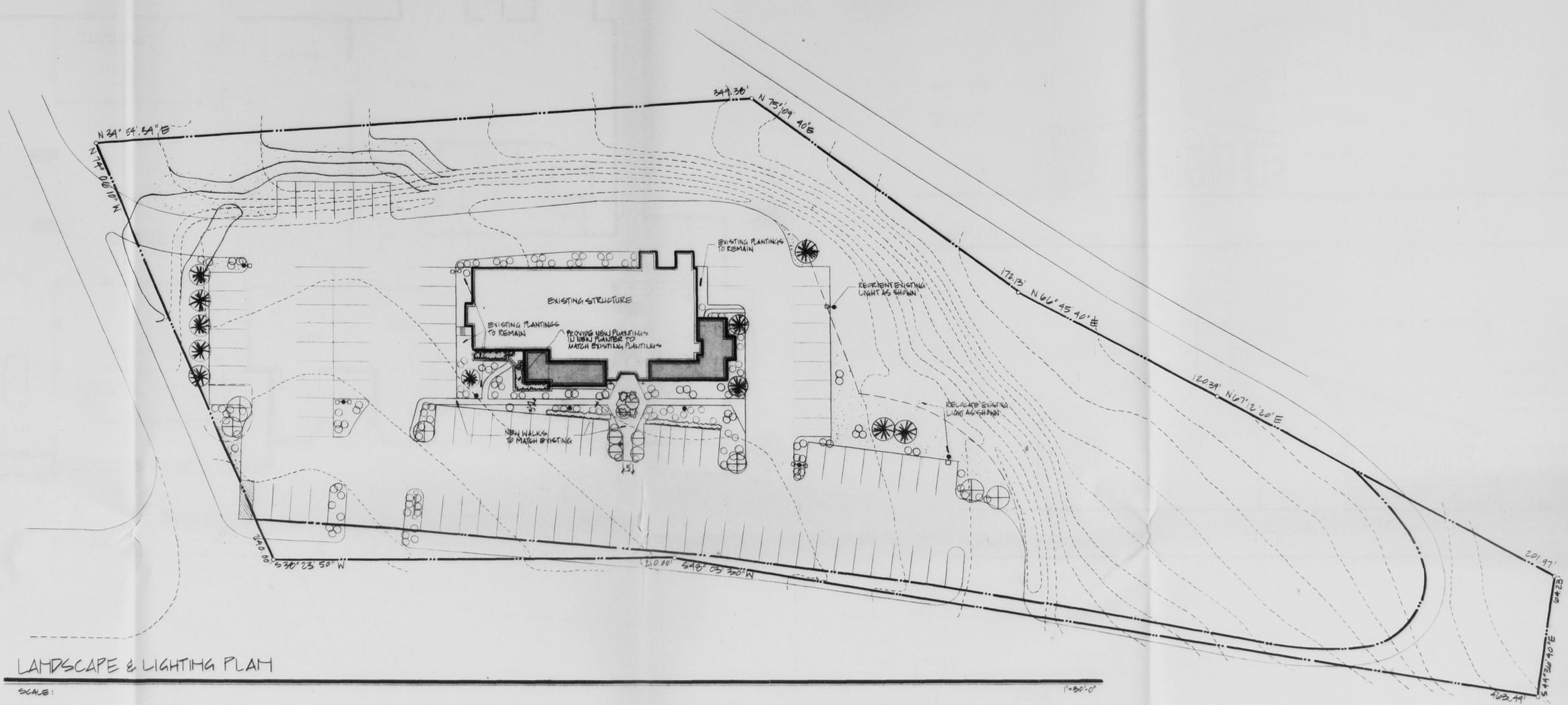
Project Title: SITE PLAN/TABULATIONS/DETAILS

Scale: AS NOTED

Drawn by: BGA

Checked by: PKG

Project No: 2615



**LANDSCAPE & LIGHTING PLAN**

SCALE: 1" = 50'-0"

PLANT LIST					
SYMBOL	NAME	QUANT	CAL. HGT.	BALL SIZE	REMARKS
	WHITE PINE PINUS	11	4'	16" 1/2"	B & B (BALLED AND BURLAPPED)
	SUGAR MAPLE ACER SACCHARUM	7	6'	16" 1/2"	B & B
	SPRING SNOW CRAB MALUS - SPRING SNOW	6	6'	16" 1/2"	B & B
	EVERGREEN HEDGE	VARIES	5'	16" 1/2"	B & B
	AZALEAS	4	5'	12" 1/4"	B & B
	VARIOUS EVERGREEN & SEASONAL FLOWER PLANTINGS	VARIES	VARIES	VARIES	LANDSCAPE IN COMPLIANCE WITH THE TOWN GENERAL STANDARD FOR LOW PLANTING SPECIES.
	GRASS / GROUND COVER				

1. PLANT PIT FOR SHRUBS SHALL BE 12" WIDER AND 6" DEEPER THAN ROOT BALL.
2. BACK-FILL ALL PLANT PITS WITH (4) PARTS TOP SOIL, (1) PART HUMUS.
3. PROVIDE PINE BARK MULCH IN ALL PLANT BEDS OVER PERFORATED 6 MIL POLYETHYLENE VAPOR BARRIER, OR EVERGREEN GROUND COVER TO MATCH EXISTING.
4. PLACE 1/2" TOPSOIL IN ALL GROUND COVER BEDS AND OVER ALL REGRADED AREAS TO BE SEEDDED.
5. ALL DISTURBED AND REGRADED AREAS ARE TO BE SLOPED A MAX 1:3 SLOPE OR AS NOTED SEEDED AND COVERED WITH HAY. THE TOPS OF ALL REGRADED SLOPES SHALL BE LINED WITH HAY BALES TO PROTECT THEM FROM EROSION UNTIL THE PLANTING OR GRASS TAKES HOLD.
6. ALL PLANTS TO BE NURSERY STOCK.
7. ALL WORK IS TO BE GUARANTEED BY THE CONTRACTOR FOR (1) YEAR.
8. THE CONTRACTOR SHALL INSTALL ALL REQUIRED EDGING STRIPS.

- LIGHTING LEGEND**
- LIGHT POLE AND LAMPS NEW & EXISTING (SEE ABOVE)
  - NEW BOLLARD WALK LIGHTS
  - ⊥ EXISTING WALL MOUNTED ENTRANCE LAMPS

TOWN APPROVAL STAMP



REV	DATE	DESCRIPTION

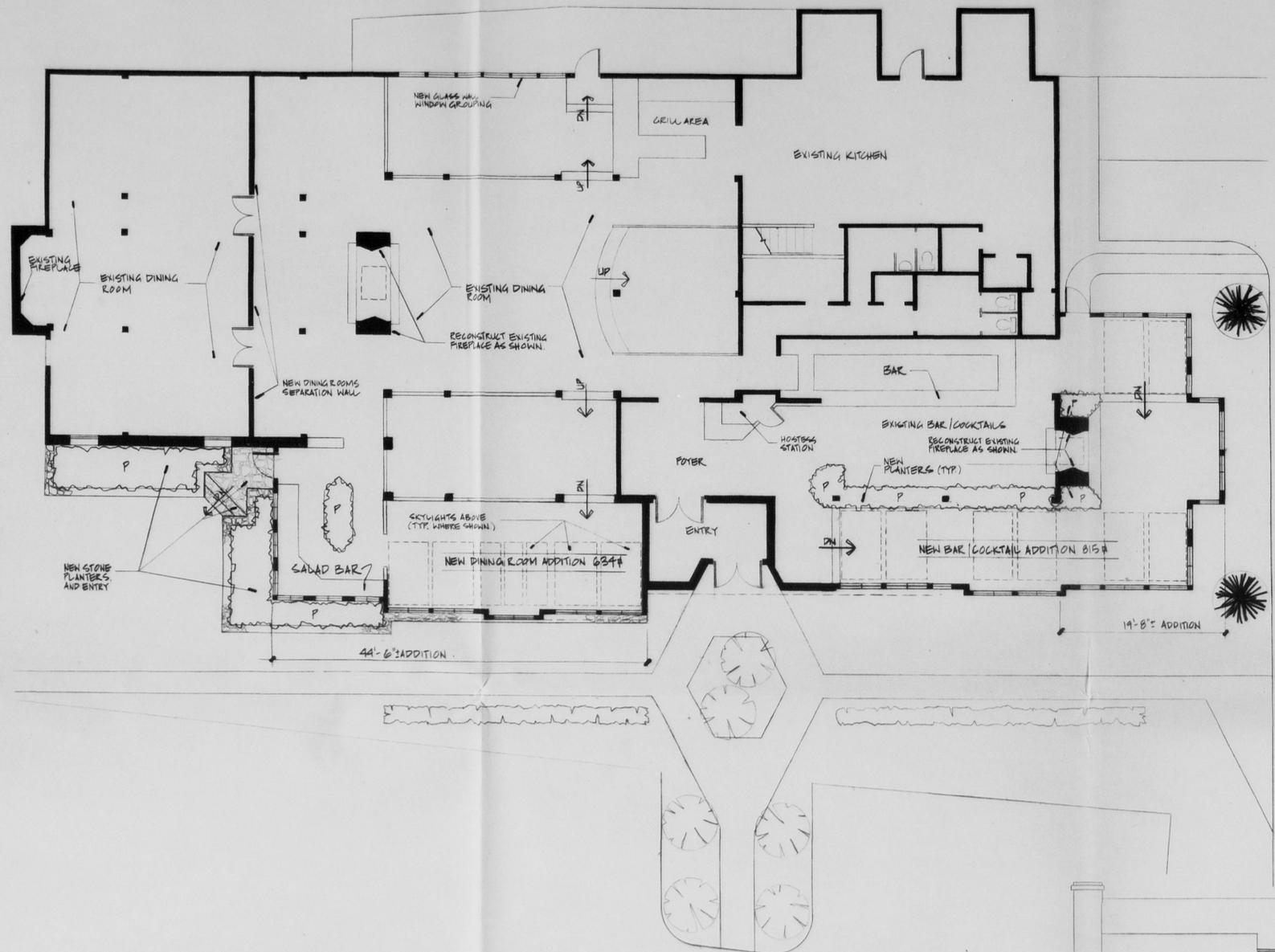
project  
 ADDITIONS AND ALTERATIONS TO  
**STEAK & STEIN**  
 UNION AVE.  
 NEW HAVEN, CT  
 FOR  
 SANTA PAPA CO.  
 2472 MAIN ST.  
 FAIRFIELD, CT

drn title  
**LANDSCAPE & LIGHTING PLAN**

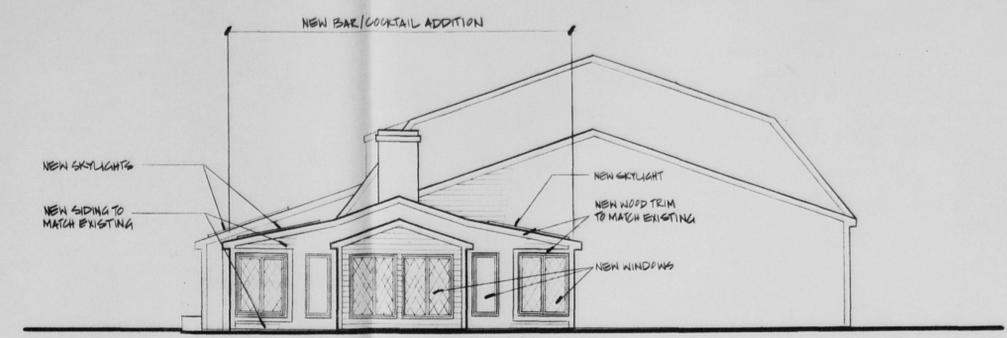
date 8-24-87  
 scale 1" = 50'-0"  
 drn by DC  
 ckd by P&L  
 project no 0615

**PHILIP A. CERNIGLIA ARCHITECT**  
 143 BEDFORD ROAD  
 KATONAH, NY 10536  
 PHONE: 914-232-1112

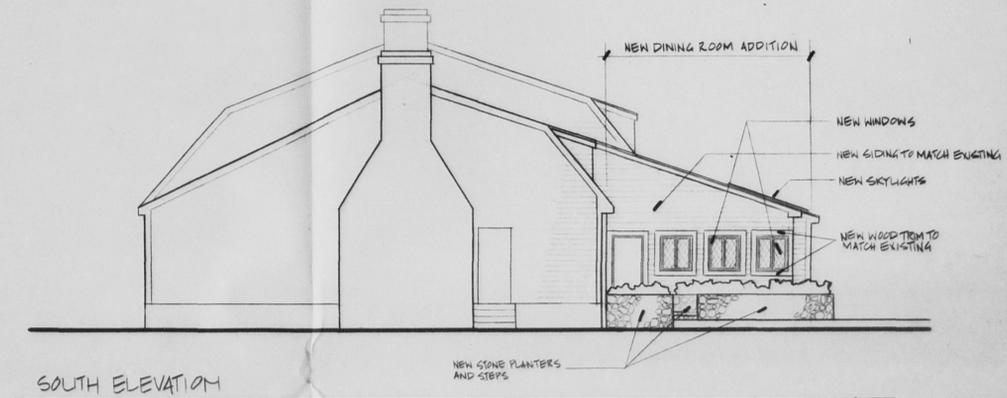
drn no  
**SY 2**



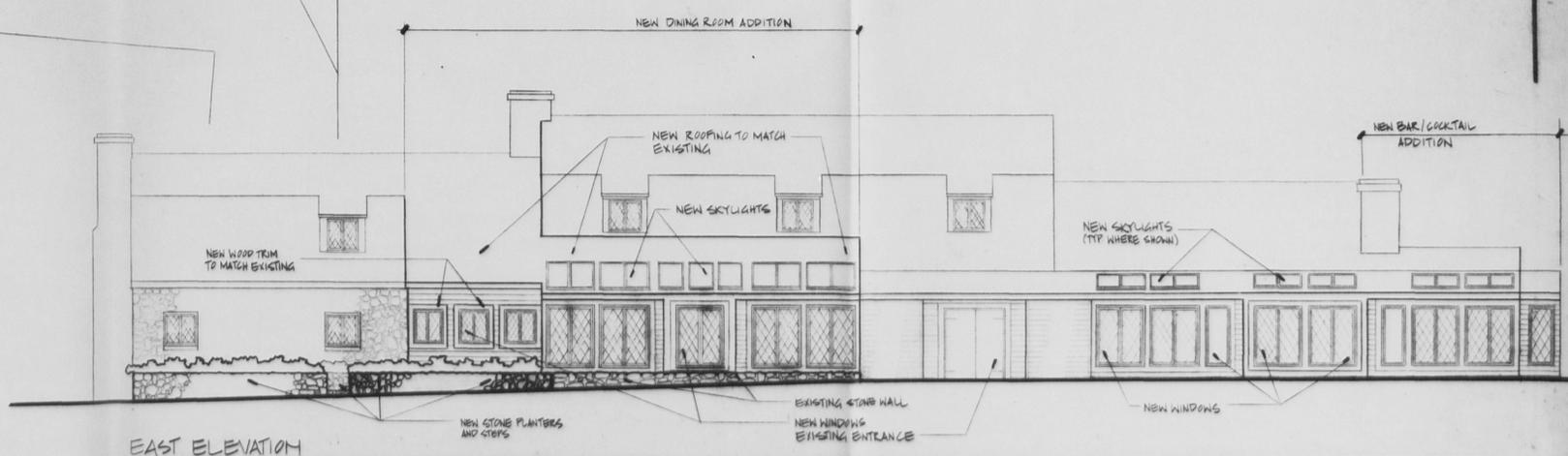
# CONCEPTUAL PLAN



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION

# CONCEPTUAL ELEVATIONS



TOWN APPROVAL STAMP

rev	by	date	description

Project: SPORTS AND RECREATION TO: **STEAK & STEIN**  
 UNION AVE.  
 NEW WINDSOR, NY  
 POE.  
 PLANTA PRIMO CO.  
 842 MAIN ST.  
 PALMBOURNE, NY

Project Title: <b>CONCEPTUAL PLAN &amp; ELEVATIONS</b>		Project No: <b>0615</b>
Date: <b>8-24-07</b>	Scale: <b>1/8" = 1'-0"</b>	Architect: <b>PHILIP A. CERNIGLIA ARCHITECT</b>
Drawn by: <b>PA</b>	Checked by: <b>PA</b>	Address: <b>143 BEDFORD ROAD, KATONAH, NY 10536</b>
Project No: <b>0615</b>		Phone: <b>914-232-1112</b>

