

ZB# 91-13

Sun Oil Company

65-2-11

91-13 - Sun Oil Company - area variance

Prelim. 1st

Apr. 22, 1991.

Referred to L.B.
to review amended
plan.

Prelim. 2nd

June 24, 1991.

(OCPD) ~~to be~~
notified on 7/8/91. ✓
Sentinel notified
on 7/9/91. ✓

Public Hearing:

July 23, 1991.

Collect \$ PILOT

Decision:

Hold up - payment of fee -
+ ~~Bea~~

Variances 1, 2, ~~6~~

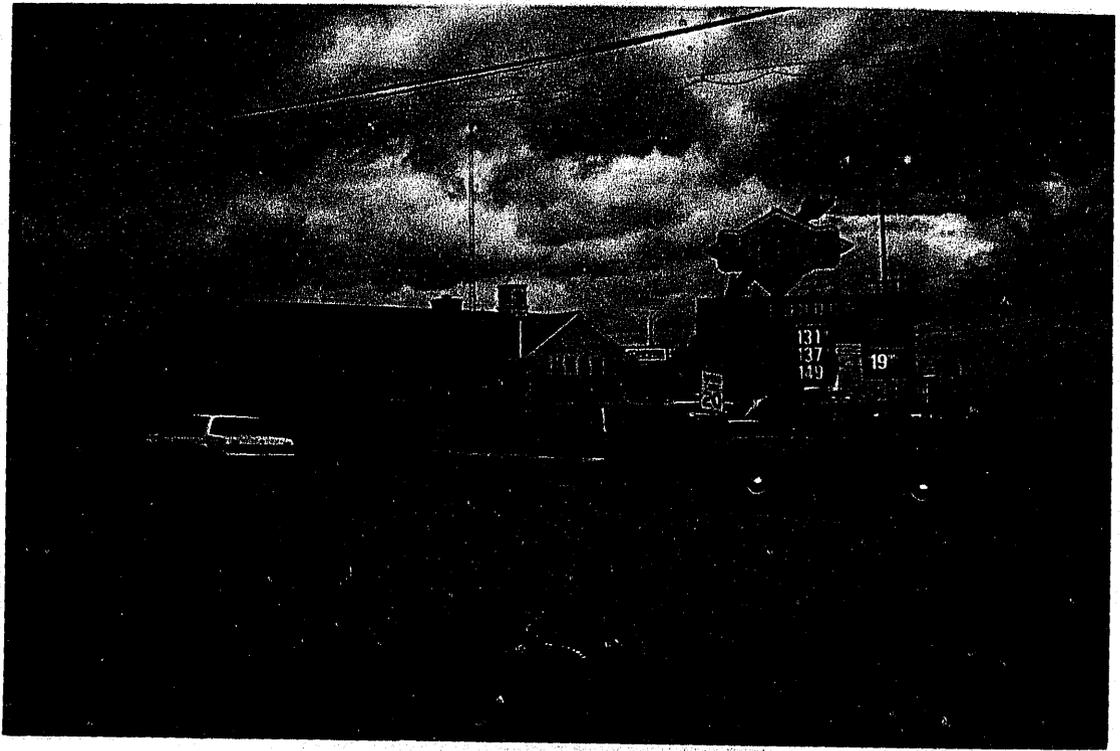
Granted

Variances Denied

3, 4 + 5, 6 + 7.

Check to T, C
4695
on 9/26/91





General Receipt

12255

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

Sept - 26 19 91

Received of Dun O's Co. (Ralph R. Stott) \$ 50⁰⁰/₁₀₀

Fifty and⁰⁰/₁₀₀ DOLLARS

For ZBA Approval (#91-13)

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Check # 4695</u>		<u>50⁰⁰</u>

By Pauline J. Townsedge

Town Clerk

Title

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

91-13 - own the company - will own...

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

(ZBA DISK#7--091991.FD)

file

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

SUN REFINING & MARKETING COMPANY

#91-13.
-----X

DECISION GRANTING AREA
VARIANCES, DENYING
OTHER AREA VARIANCES,
AND DENYING SIGN
VARIANCES.

WHEREAS, SUN OIL & MARKETING COMPANY, maintaining a place of business at Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699, has made application before the Zoning Board of Appeals for the following area variances: (1) 25,000 sq. ft. lot area, (2) 63.06 ft. lot width, (3) 58.5 ft. front yard, (4) 26.25 ft. side yard, and (5) 12 ft. building height; and for the following sign variances: (6) 13 ft. sign set back, and (7) 46 sq. ft. sign area, in connection with a proposed reconstruction of applicant's service station at 432 Windsor Highway, Town of New Windsor, in a C zone; and

WHEREAS, a public hearing was held on the 22nd day of July, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented at said public hearing by Ralph Holt, who spoke in support of the application; and

WHEREAS, the public hearing was attended by a number of spectators, two of whom spoke in opposition to the application, to wit, Emilio Panella, the owner of land abutting the rear of the applicant's property, objected on the grounds that the applicant's lot was too small for a convenience store and four gas pumps with a canopy, and that the proposed signs would block the view of the intersection, and especially with school buses stacking up in front of the premises before school dismissal; and Carmine Andriuolo, the owner of the Citgo gas station across the street from the applicant's property, objected on the grounds that the applicant's lot was too small for the proposed convenience store, and that four gas pumps were too many for this lot and that the proposal would cause traffic congestion on the lot and at the adjacent intersection as well as parking problems on the lot itself; and

WHEREAS, the Zoning Board of Appeals received and filed correspondence from Fritz Kass, a general partner of the New Windsor Mall, which is located diagonally across the intersection from the applicant's property, in favor of the application on the grounds that it would improve the visual appeal of the busy corner and encourage a greater amount of business in the area; and

WHEREAS, the ZONING BOARD OF APPEALS of the TOWN OF NEW WINDSOR makes the following findings in this matter:

1. The Notice of public hearing was published in The Sentinel as required by law.

2. The evidence shows that the applicant is seeking permission

to vary the provisions of the bulk regulations pertaining to lot area, lot width, front yard, side yard, building height, sign setback and sign area with regard to the proposed reconstruction of applicant's existing service station to eliminate automotive service, to add a convenience store, and to add two additional gasoline pumps, in a C zone.

3. The evidence presented by the applicant substantiated the fact that variances for less than the allowable lot area, lot width, front yard, side yard, building height, sign set back and sign area would be required in order to allow the proposed reconstruction of applicant's service station, which otherwise would conform to the bulk regulations in the C zone.

4. The evidence presented by the applicant indicated that it received use, lot area and side yard variances from the Zoning Board of Appeals in 1967 to operate the present service station on the site. Thus, the applicant's present use of the property as a service station constitutes a nonconforming use in a nonconforming building, permitted by virtue of the previously granted use and area variances.

5. The evidence presented by the applicant indicated that some of its land along N.Y.S. Route 32 (Windsor Highway) was taken by the State in connection with a recent road widening. This Board finds, based upon the applicant's failure to present any evidence to the contrary, that the applicant was compensated fairly by the State of New York for any land taking as part of the said road widening. Consequently, this Board finds that the taking, in exchange for fair compensation, cannot be used as a substantial evidence of significant economic injury from the application of the bulk regulations to the applicant's land. It is not the taking in and of itself which generates the substantial area variances sought by the applicant.

6. The evidence presented by the applicant indicates that the applicant's reconstruction of its service station really is a proposal to demolish the existing 1,800 sq. ft. building in its entirety, move the building location back on the property (to a point at which a 58.5 ft. front yard variance is required use to a proposed front yard depth of only 1.5 ft. in one of the front yards) and replace it with an entirely new building of 1,200 sq. ft. The applicant also proposes to double the number of gas pumps (from two pumps with four nozzles to four pumps with eight nozzles).

7. The Board finds that the applicant's decision to demolish the existing building causes it to lose its status as a nonconforming building, permitted by virtue of the previously granted area variances. The applicant's proposal to demolish the existing building and replace it with an entirely new building, in a different location, which increases the degree of and/or creates new nonconformities, does not fall within the "grandfathering" provisions of Zoning Local Law Section. 48-25(B). Thus, the applicant's application is treated as one for entirely new construction on the subject lot.

8. The applicant's current use of the property as a service station is a nonconforming use, permitted by virtue of the previously granted use variance. The applicant now proposes to change its use of the property by eliminating automotive service, adding retail sales at

a convenience store, and adding two additional pumps. The Zoning Board of Appeals has not considered the applicant's proposed change of use on the application since the property is currently in the Design Shopping, C zone, in which retail stores are uses permitted by right and gasoline filling stations are uses permitted by special permit (Table of Use/Bulk Regulations, Design Shopping, C, Zoning District, Column A, Use 1, and Column B, Use 5, respectively). Thus, the change of use and the necessary special permit must be addressed by the Planning Board upon its review of the applicant's site plan. This Board has only considered the area variances requested.

9. The evidence presented by the applicant indicated that the change in building location was needed because of the lack of space due to the road widening. This Board finds that the building location proposed by the applicant generates a need for excessive front yard, side yard and building height variances. This Board is charged, pursuant to the provisions of Zoning Local Law Section 48-33(B)(1)(b), to grant the "minimum variance" that will allow the applicant a reasonable use of the land or building. It is the finding of this Board that the applicant can continue to use its land as a gas station, and could even add a convenience store thereto (assuming that the Planning Board grants the necessary approvals) with no variances, or with substantially smaller variances for front yard, side yard and building height, and such use would still be a reasonable use of the applicant's land or building.

10. The evidence presented by the applicant further indicated that the applicant simultaneously was seeking to upgrade its operation by adding a second set of gas pumps. This would double the number of pumps from two pumps with four nozzles to four pumps with four nozzles. The applicant's presentation indicated that this upgrade was necessary to the taking for the road widening, that no new land was available, and that it was the most economic way to make the upgrade to serve the public. This Board finds that the taking, in and of itself, does not create any economic need to double the number of gas pumps, nor was any evidence presented to support this position. This Board finds that no new land is available to applicant and that, given the prior operation of a service station on this site, pursuant to the previously granted use and area variances, and given to the taking, for fair compensation, that the applicant has demonstrated significant economic injury from the application of the lot area and lot width requirements to its land. Thus, this Board finds that the applicant has demonstrated practical difficulty with respect to the requested variances for lot area and lot width.

11. However, the Board does not find that the applicant has demonstrated practical difficulty sufficient to warrant the granting of the front yard, side yard and building height variances, and since the sign set back and sign area variances are in part dependent upon the design and layout of the applicant's building and canopy, and given the reservations expressed by the public about blocking the view of the intersection, the traffic congestion and school buses stacking up in front of the premises, this Board further does not find that the applicant has demonstrated practical difficulty, sufficient to warrant the granting of the sign set back and sign area variances requested.

12. This Board's decision should not be read as one which would

deny all front yard, side yard, building height, sign set back and sign area variances on the applicant's land. Given a new application, which possibly could include requests for variances of a smaller magnitude, based upon a different design and/or layout that did not attempt to make such intensive use of a small corner lot, and given appropriate attention to the health, safety and welfare issues arising therefrom, it is possible that this Board could act favorably upon such variance requests if the applicant was able to demonstrate the requisite practical difficulty.

13. The requested variances are all substantial in relation to the bulk regulations. However, as to the requested variances for lot area and lot width, this Board finds, given the prior area variances granted for this site, and the proof offered by the applicant, that the applicant has made a sufficient showing of practical difficulty to warrant the granting of the requested lot area and lot width variances.

14. The requested variances for lot area and lot width will not result in substantial detriment to adjoining properties nor change the character of the neighborhood. The requested variances for front yard, side yard, building height, sign set back and sign area would result in substantial detriment to adjoining properties and would change the character of the neighborhood.

15. The requested variances for lot area and lot width will produce no effect on the population density or governmental facilities.

16. There is no other feasible method available to applicant which can produce the necessary results, as to lot area and lot width other than the variance procedure.

17. The interest of justice would be served by allowing the granting of the requested variances for lot area and lot width, and by denying the requested variances for front yard, side yard, building height and sign set back and sign area.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant (1) 25,000 sq. ft. lot area and (2) 63.06 ft. lot width variances for the proposed reconstruction of applicant's service station in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor, DENY, (3) 58.5 ft. front yard, (4) 26.25 ft. side yard, (5) 12 ft. building height, (6) 13 ft. sign set back, and (7) 46 sq. ft. sign area variances, numbered as in application, for the proposed reconstruction of applicant's service station in accordance with plans filed with the Building Inspector and presented at the public hearing.

AND, 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.


Chairman

Dated: September 23, 1991.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Ralph Holt.
564-1195

February 15, 1991

Sun Refining & Marketing Co.
Ten Penn Center
1801 Market St.
Philadelphia, PA 19103-1699

Re: Tax Map Parcel 65-2-11 (Sun Refining & Marketing Co.)

Gentlemen:

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

Please remit the balance of \$40.00 to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Leslie Cook (signature)

LESLIE COOK
Sole Assessor

LC/po
Attachments

cc: Pat Barnhardt

← Barnhart
(initials)

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

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

Canzoneri, Carina
323 Old Forge Hill Rd.
New Windsor, NY 12553

Graziano, Jr., Jack V. & Phyllis T.
1318 Union Ave.
Newburgh, NY 12550

Blooming Grove Operating Co., Inc.
PO Box 188
Washingtonville, NY 10992

Panella, Emilio, As Trustee
PO Box 573
Vails Gate, NY 12584

Bila Partners
158 North Main St.
Florida, NY 10921

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

Kroposki, Henry & Walter
Po Box 731
Monroe, NY 10950

Navedo, Juvencio
& Albertha Johnson
49 Vails Gate Hgts. Dr.
New Windsor, NY 12553

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

Diaz, Rafael & Dolores
53 Vails Gate Hgts. Dr.
New Windsor, NY 12553

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

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

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

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

Martini, Peter & Lucy
Po Box 331
Vails Gate, NY 12584

Reed, Barbara
65 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Yelin, Bella
67 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Dugan, Dennis P. & Annette F.
69 Vails Gate Hgts. Dr.
New Windsor, NY 12553

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

Luongo, Carmine A. & Norma
73 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Zeneri, Alberto P. & Mary A.
75 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Gojka, Josika
& Adrian Bitz
125 Lakeside Rd.
Newburgh, NY 12550

Thomas, Lewis
& Claudia Rudin
81 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Windsor Properties
c/o R.W. Sholes, Inc.
2300 Vails Gate Hgts. Dr.
New Windsor, NY 12553

Lipovsky, Jerome
85 Congers Rd.
New City, NY 10956

Mylonas, Dimitrois & Pope
c/o New Windsor Coach
351 Windsor Highway
New Windsor, NY 12553

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

DeGregorio, Peter & Sondra
54 Continental Dr.
New Windsor, NY 12553

Hilton, Frank & Daisey Lee
Po Box 193
Vails Gate, NY 12584

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

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

Cohen, Richard M.
& Jeryl A. Dorsey
62 Continental DR.
New Windsor, NY 12553

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

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

Bakker, Berend & Margaret R.
68 Continental Dr.
New Windsor, NY 12553

Forge Hill Management Associates
11-G Ivy Lane
Bergenfield, NJ 07621

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

Andriulo, Carmine
363 Windsor Highway
New Windsor, NY 12553

Estate of Harold J. Adams
c/o Carol-Sue Adams, D.C.
70 Oak St.
Walden, NY 12586

Laborers Local #17 Realty Trust
305A Little Britain Rd.
Newburgh, NY 12550

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

Vitolo, Reziero
12 Lancer Dr.
Newburgh, NY 12550

Bankers Trust Hudson Valley N.A.
c/o Barclays Bank
Attn: Real Estate Dept.
604 Broad Hollow Rd.
Melville, NY 11747

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

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

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

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

Vails Gate Elementary School
98 Grand St.
Newburgh, NY 12553

PUBLIC HEARING: SUN OIL REFINING:

MR. FENWICK: This is a request for (1) 25,000 square foot lot area, (2) 63.06 foot lot width, (3) 58.5 foot front yard, (4) 26.25 foot side yard, (5) 12 foot building height, (6) 13 foot sign setback and (7) 38 foot sign variance to reconstruct service station at 432 Windsor Highway in C zone.

Mr. Ralph Holt came before the Board representing this proposal.

MR. HOLT: I was here before your Board last month as a preliminary for the reconstruction of our Sunoco Station on Route 32 or Route 300 and Old Forge Hill Road and I'm here tonight with the hope that our request for variances will be granted. This I don't have the elaborate pictures that my predecessor did but this will look approximately how the station will appear when it's reconstructed. This is the station that was just completed in the City of Newburgh. You can get an idea of what it looks like. This station will be eliminated as a service station and the only thing connected with what's there now will be the dispensing of gasoline which will be self service. We propose to remove the present building, which is 1800 square feet and replace it back further on the lot, which comes out about 1200 square feet so we are dropping the size of the building about 600 square feet. I might point out that before it was mentioned about DOT and this has all been approved by DOT. In fact, our plan was from what the DOT has already established.

MR. NUGENT: As far as curb cuts?

MR. HOLT: Yes. I don't know what you fellows have seen. This is 32, it will be an island around here and before the light so it will be turning into the Old Forge Hill Road.

MR. NUGENT: No, I haven't. How many gas islands are you having?

MR. HOLT: Two of them, four pumps.

July 22, 1991

58

MR. TORLEY: Two pumps, you're doubling the number of pumps?

MR. HOLT: That's right.

MR. LUCIA: Mr. Holt, I notice your application is asking for 38 square foot sign variance which is the figure we discussed briefly. In looking at this plan which has just been submitted, there are illuminated signs on the canopy. Does that 38 square foot variance request including the areas of those illuminated signs?

MR. HOLT: No, they are only small, about 4 square feet or something like that. In fact, we are eliminating more signage from doing what we intended to do and what signs will go up, new signs.

MR. LUCIA: Mike, should that enter into the computation of the sign area variance?

MR. TORLEY: Sir, you mentioned that in widening the road, the DOT took some of the property, how much area was taken?

MR. HOLT: How much area, I can't tell you but they took off on also on 32 and also on the corner.

MR. TORLEY: An inch, 4 feet?

MR. HOLT: No, I would say 3, 4 feet.

MR. LUCIA: This is a new plan, this incorporates the revisions that were suggested at the preliminary. This Board has not seen this plan before tonight.

MR. NUGENT: What?

MR. LUCIA: I don't believe we have seen this plan before tonight. This incorporates the changes at your last preliminary meeting.

MR. HOLT: This is the same plan.

MR. LUCIA: It incorporates the changes?

MR. HOLT: No, it's the same.

MR. FENWICK: From the original one.

July 22, 1991

59

MR. LUCIA: Maybe it has changed from the very first preliminary.

MR. NUGENT: Mr. Holt, you did in fact lose property when they took that curb cut? You did lose it?

MR. HOLT: Yes.

MR. NUGENT: That's why we're short 25,000 square feet?

MR. TORLEY: No.

MR. NUGENT: Why are we short 25,000 square feet?

MR. TORLEY: It's just small.

MR. HOLT: We have a small parcel there. There isn't anymore land available. We have a little island by ourselves.

MR. FINNEGAN: Only one employee at a time in the store?

MR. HOLT: Generally, that's all, yes.

MR. TORLEY: As you know, we're required to discuss the minimum possible variances. Would you care to address why you need four gas pumps rather than two? This whole thing could be moved closer.

MR. HOLT: To keep it in competition. I looked at the station on Little Britain Road and 207 and Union Avenue coming down. They have four pumps with six hoses on each pump. That's the one -- but the one up on 300 and 207, they have got new pumps in there and they have got three hoses and each side of those pumps.

MR. TORLEY: Aren't those rather larger lots?

MR. HOLT: No. He's on the corner, has three aisles, Mobil, you know, has four aisles. This makes it more convenient. We are on a small lot and we are just trying to utilize what we have to work with.

MR. FINNEGAN: The door to the convenient, that's way over here and the parking is way over here.

July 22, 1991

60

MR. HOLT: Well, the convenient, as far as parking goes, is incidental because most of your traffic into the convenient store is for people that are at the islands. Very seldom do you see two or three cars in fact the cars, the pictures I showed you of the station just completed on 9W and North Street, you can hardly, you hardly see a car. There's no cars parked around like the station before.

MR. FINNEGAN: I think you said like Cumberland Farms, you have milk and things?

MR. HOLT: It's a food store but it's a fast food, the average customer is in there ten or fifteen minutes.

MR. LUCIA: Did we ever get a resolution on the sign area variance? Should you be asking for more than a --

MR. HOLT: More than the outside sign?

MR. LUCIA: More than the 38 square foot sign area. If you want to include the illuminated signs on the canopies.

MR. HOLT: Do you want to add another 8 square feet?

MR. LUCIA: The Board understands that at the last hearing, I guess we did not realize that there were illuminated signs on both sides of the canopy. So, the original project of the total 78 square foot sign area that created a need for 38 square foot sign variance is inadequate. He's proposing to add 8 square feet to that. I don't think it poses any difficulty to the public. The variance as requested just increases the scope of the sign area variance to 46 square feet.

MR. FENWICK: Orange County Planning and Development says no significant intercommunity or countywide concerns to bring to your attention. That's their comments.

EMILO PANELLA: I live at 16 Broad Street, New Windsor, New York. So I, what I want to say they own a postage stamp of land, a quarter of an acre and I abutt them on the back so I'm not entirely against what they want to do except that you can't put all these signs on here. He's got how many gas pumps, you got four gas pumps.

July 22, 1991

61

MR. FENWICK: Four (4).

MR. PANELLA: On a lot that's a quarter of an acre. If you walk over on that lot and you see that you don't need all these signs. In other words, you have to restrict these signs on this particular job because it obscures, it blocks my view of my building plus this is a corner and the school buses, they swing around from 32 and they make the turn, even though they cut the nose off that corner, they didn't cut it off enough so that the school buses will line up all along here to get into the school so it's like putting a round screw in a square hole. You can't do it.

MRS. BARNHART: Where is your property located?

MR. PANELLA: Right behind it, where the bakery is. The bakery plus the other stores. I think they are going to eliminate car repairs, I believe because when they had, they had the back of the building became a junk yard because they had nowhere to put it.

MRS. BARNHART: And the front too and the corner.

MR. PANELLA: So I'm looking at a restriction of the signs only.

MR. FINNEGAN: Signs or gas pumps?

MR. PANELLA: The signs go with gas pumps. They are together. In other words, you have a gas pump over, under the hood and then they got a great big sign out there in front. See, this sign obscures my building.

MR. FINNEGAN: That's a sign.

MR. PANELLA: This particular sign so coming down 32 from the Vails Gate before you can get to my driveway, you have got to get almost on top of it before you can make that turn.

MR. FINNEGAN: There's a sign there now.

MR. PANELLA: There's my sign and this sign, not quite this big. There's a smaller sign something like this here so it's important. All I'm doing is bringing out it's important for whoever of you folks is going to vote this here to look at the property, take a look at the

July 22, 1991

62

property and then match it to what they want to do with it and then you'll know. Plus, what happens to the buses when they tie up along side waiting to get into the school yard? They pull around the corner then they start lining up to get into the school at 3:00 or get out or bring them in. The corner should have been cut much farther.

MR. FENWICK: Anything else?

MR. PANELLA: No, that's it.

CARMINE ANDRIUOLO: I'm at 636 Windsor Highway. That's my business. I'm right across from the Sunoco station, the Sitco. There's going to be demolished?

MR. FENWICK: This proposal is to demolish the existing building, put this little one in the back.

MR. NUGENT: The whole site is going to be demolished.

MR. ANDRIUOLO: How many pumps?

MR. TORLEY: Four (4).

MR. ANDRIUOLO: And you're going to have parking space for the convenient, how many parking spaces is there going to be there?

MR. HOLT: Six parking spaces.

MR. FINNEGAN: Four for the public.

MR. NUGENT: Proposed five.

MR. ANDRIUOLO: Where are they going to park the rest of the cars if he's going to put the rest of the four pumps at that location? Two pumps, the way I have the setup. I could see it, I'm not trying to be against it or anything. I just want to make sure that as I stated before, I care for New Windsor, New Windsor has been good to me so I want all these properties, if I make a change or anything, I want to look good and I figure four pumps is going to be, I think it is going to be congested anyway. There's no question about it. As far as they can have two pumps with six hoses, in other words, you can have six hoses with two pumps because they don't have no land. I see right now because they

July 22, 1991

63

are working across the street, they already cut it most of his frontage and he's going to be cut around the corner, which is about a good 20 feet, which is going to be like a curb so if they lose that 20 feet and they have four or five parking now, no way are they going to get four pumps there. There's no way and you're going to create a very congested corner.

MR. FENWICK: Thank you. Anyone else have any other comments?

MR. PANELLA: Are they going to do any selling of food on the property?

MR. FENWICK: That's what's proposed.

MR. PANELLA: Proposed to put a store with the four pumps and a store?

MR. FENWICK: Yes.

MR. PANELLA: Never make it. You have to go to that place and look at it before you can say to yourself.

MR. FENWICK: I think everybody on this Board is aware of the property.

MR. LUCIA: If I could have you focus on the practical difficulty. Can you tell me what significant economic injury the applicant is going to suffer from the strict application of the ordinance of this land? Why is it you need the variance from an economic standpoint?

MR. HOLT: To update our facility, to continue in the same location we have for the past 25 years.

MR. LUCIA: Can this be done without the variance you're asking?

MR. HOLT: Without the variance requested, which we have to deal with because it's all the land we have. We can't buy anymore. There's no land available.

MR. LUCIA: Okay, could this proposal be accomplished with lesser variances than what you're asking for?

July 22, 1991

64

MR. HOLT: Not in the plan which we think is the best economic way to do it. The best way to serve the public with the self service gasoline and also the food store.

MR. TORLEY: Mr. Holt, how long do you expect the average person to be there at the store?

MR. HOLT: Ten to fifteen minutes. I'd like to address that.

MR. TORLEY: Where are you going to stack the cars?

MR. HOLT: The cars, the people that go in here are at the island. They pump the gas and go in and pay, pick up the stuff and go back.

MR. TORLEY: Where are you going to put the cars that are going to be waiting to get gas?

MR. HOLT: No different from any other station we have.

MR. TORLEY: Except their lots are rather large.

MR. HOLT: No, they aren't.

MR. LUCIA: Mr. Holt, bring along a copy of the deed and title policy?

MR. HOLT: I have asked the company to send that up which we have been there for 25 years on the tax rolls. There's no restriction as I recall at the time.

MR. LUCIA: There are no covenants, restrictions, easements, rights-of-way whatsoever which would prohibit you from constructing the facility proposed if this Board grants you the necessary variances?

MR. HOLT: None whatsoever.

MR. LUCIA: Would you get to me please a copy of the deed and the title policy when you receive them because we need that before the Board comes to a final decision.

MR. HOLT: Okay.

MR. LUCIA: If I could have you again just return to the issues of significant economic injury. If you construct

July 22, 1991

65

a facility to conform with the present zoning ordinance, could you get a reasonable return on the property?

MR. HOLT: No, because we have gone into a different type of operation from the gasoline service station repairs, selling of tires, batteries, etc. We're eliminating all that type of business for that location.

MR. FINNEGAN: But it was profitable before you made the change?

MR. HOLT: It was.

MR. FINNEGAN: So you made an economic -- so you made the economic change for competition?

MR. HOLT: Yes.

MR. FENWICK: At this time, I'll read a letter that we have received in reference to this. It's addressed to me.

"...A Navy speaking engagement in Albany prohibits me from attending your 22 July 1991 hearing concerning SUN's proposed reconstruction of their service station on the corner across from New Windsor Mall. Please consider making this letter strongly endorsing SUN OIL's reconstruction part of your official record.

SUN's efforts will improve the visual aspects of the busy corner, and encourage a greater amount of business in that area. It will increase the Town of New Windsor's tax base and tax income. This is a zoned business area. SUN is trying to invest in the Town of New Windsor and due more business.

SUN's products and services are needed and used by the fine citizens of the Town of New Windsor including myself. We want responsible businesses like SUN to be attracted to the Town and to profitable do business here.

Thank you for your consideration.

Sincerely, Frederick (Fritz) J. Kass, Jr., General Partner, (CAPT US Navy)..."

This letter is dated July 12, 1991.

MR. NUGENT: I have a little problem with this. That's that building. I don't have a problem with the pumps. I have a problem with the area variance. I have problems with the building. We have to give three major variances at least I think it's three front yard and side yard and building height. Am I correct?

MR. FENWICK: Yes.

MR. NUGENT: Major, I mean, one is 58 feet, one is 26 feet and the other one is 12 foot building height. But the lot area is the lot. The lot is the lot. There is nothing this man can do about that lot but there is certainly something he can do about that building. Is there any feasible way that you could change the physical size of that building or relocate it differently as to not to require those large variances?

MR. HOLT: We have cut it down 600 feet as it is.

MR. NUGENT: From what is there now. You also moved it back.

MR. HOLT: To take advantage of unused space.

MR. TORLEY: Unused space.

MR. NUGENT: I can understand that part but you have created larger variances required.

MR. HOLT: Before it was just a junk yard in the back.

MR. NUGENT: Yes, it was.

MR. HOLT: Now, it's all cleaned up.

MR. FENWICK: As it should be. It shouldn't have been a junk yard. That's not an argument. It shouldn't have been a junk yard to start with. That's, I don't see that as being an argument.

MR. NUGENT: What I'm getting at is there anyway cause I noticed that the canopy is built on a, it's not perfectly square with anything at least that I can see. Why can't the building be built that way in order to lessen the variances that are needed.

a facility to conform with the present zoning ordinance, could you get a reasonable return on the property?

MR. HOLT: No, because we have gone into a different type of operation from the gasoline service station repairs, selling of tires, batteries, etc. We're eliminating all that type of business for that location.

MR. FINNEGAN: But it was profitable before you made the change?

MR. HOLT: It was.

MR. FINNEGAN: So you made an economic -- so you made the economic change for competition?

MR. HOLT: Yes.

MR. FENWICK: At this time, I'll read a letter that we have received in reference to this. It's addressed to me.

"...A Navy speaking engagement in Albany prohibits me from attending your 22 July 1991 hearing concerning SUN's proposed reconstruction of their service station on the corner across from New Windsor Mall. Please consider making this letter strongly endorsing SUN OIL's reconstruction part of your official record.

SUN's efforts will improve the visual aspects of the busy corner, and encourage a greater amount of business in that area. It will increase the Town of New Windsor's tax base and tax income. This is a zoned business area. SUN is trying to invest in the Town of New Windsor and due more business.

SUN's products and services are needed and used by the fine citizens of the Town of New Windsor including myself. We want responsible businesses like SUN to be attracted to the Town and to profitable do business here.

Thank you for your consideration.

Sincerely, Frederick (Fritz) J. Kass, Jr., General Partner, (CAPT US Navy)..."

This letter is dated July 12, 1991.

MR. HOLT: Do you see where the building is now, you see this line here, that's where the building is now. We have taken it out of there and put it back in, back in here. We opened it up, gives us more maneuverability for the cars in the parking lot.

MR. TANNER: It also increases the variances considerably.

MR. TORLEY: One part of the building virtually sits on the property line.

MR. HOLT: It does now.

MR. NUGENT: This one part is grandfathered.

MR. FENWICK: If he levels the building now, he loses everything he has.

MR. NUGENT: I understand and I'm sure he does too. The only thing, you know, I don't know --

MR. LUCIA: The problem really arises in part because you're razing the building. You were grandfathered on some of these very substantial variances with the pre-existing nonconforming building but you lose that by razing it and starting from scratch. That puts you in a position to make a showing to try and support some substantial variances.

MR. TANNER: If you can pull it forward.

MR. FENWICK: I don't see any problem as evidence you presented to this Board, these pictures from the City of Newburgh service station which happens to be one that I go passed everyday, the building has not changed. The location of the pumps haven't changed. Everything is exactly the way it was before but now it's no longer a bay type site or service station. Now, it's a grocery market/convenience store type site. The gas pumps are virtually the same. I think they put new tanks underground but the things the same. I don't see how you can compare this to what this piece of property is. This is a completely different situation. They haven't, they left the building exactly the way it was. I mean, as far as location and the building itself.

MR. NUGENT: How many pumps are on that property?

MR. FENWICK: Two islands but they were there before and the piece of property is bigger.

MR. TANNER: I just think you're trying to squeeze too much on a small piece of property.

MR. HOLT: We are squeezing less than what we have there now. The only thing we are doing is increasing the canopy and putting another island.

MR. FENWICK: That's not the only thing. That's a big thing, that's not the only thing. That's quite a thing.

MR. HOLT: The variances are incidental as far as I'm concerned. Having the building up a couple feet from the property line is not incidental. It's on his parking lot. He doesn't care about the parking lot. He's worried about the signs on the pumps. I'd like to address that. This is just a rendering of the station. The sign is going to be way down on the corner where it is now. It isn't by you, it's on the corner.

MR. PANELLA: Right behind your building we have got to cut across, the trucks and cars go right up through the property in the back of your building.

MR. NUGENT: Is there a governing body that says that you have to have 22 feet between islands?

MR. HOLT: Yes. There's cars being gassed up here, a car can get around and go to this pump or go here. This is just an idea of being able to maneuver around there without crowding up and I don't see any difference what this plan is to the competition's plans all over town.

MR. TORLEY: Where are the cars that are waiting to get to the pumps going to stand? There's no place for them to be. I mean if you're going to have four cars in there, six cars in there, that's it, you know.

MR. NUGENT: You can have nine cars and everybody has a place to park and you can probably have two or three waiting which I don't think that's going to be a problem.

July 22, 1991

69

MR. HOLT: I'm asking for a right to continue with an updated and upgraded station to compete with the competition. We're not asking for a car wash.

MR. TANNER: Wouldn't have been cheaper to take the building there and --

MR. HOLT: We don't need the building. It's too big and it sets out too far.

MR. TORLEY: Because you want the extra two sets of pumps.

MR. HOLT: I don't know why you're --

MR. FENWICK: You're comparing it to Hess which does not have a grocery business. You keep making these comparisons to things that aren't the same. I think if nothing was on this piece of paper to start with and you came before this Board to put a station in there, you wouldn't get it.

MR. HOLT: I realize that.

MR. FENWICK: But you're there already and my feeling is you're there already and you have got a viable site there now.

MR. TORLEY: But if by law if he wipes out everything he's got there now to do this, if he razes the structures, then it's as if he was never there.

MR. LUCIA: That's correct. He's effectively creating a high hurdle for himself by doing it that way.

MR. TORLEY: Do you want a motion?

MR. NUGENT: I'm not sure that we're quite ready for that.

MR. FENWICK: If there's more discussion, I have no problem with that.

MR. NUGENT: I really have a problem with this building not so much with the building as the variances that are required to give that building.

July 22, 1991

70

MR. HOLT: This plan has been before the Planning Board. They have looked at it. They have referred it to you folks for variances. That's all. They didn't mention anything about changing any building or anything else. That plan there is satisfactory to them.

MR. NUGENT: That's fine, not satisfactory to me.

MR. HOLT: I'm not going to get into zoning.

MR. TORLEY: By razing the building as our attorney mentioned by razing the structure and going back to ground zero, you really are going back to ground zero and we must look at this as an empty piece of ground that you're starting a business on.

MR. HOLT: I don't see why.

MR. TORLEY: That's what the law says.

MR. HOLT: The Zoning Board is here for help.

MR. TORLEY: No, sir, the Zoning Board is here to see whether there should be a variance from an existing law.

MR. HOLT: That book there is a guide. You have to use common sense too.

MR. FENWICK: We don't want to get into common sense over this piece of property. I think that's what, just what we're addressing right now.

MR. HOLT: We don't want to go into an Article 78. I don't think you want that.

MR. FENWICK: I'm not going to use that as a threat.

MR. HOLT: It's not a threat. I don't mean it that way. I think we have a legitimate reason for this approval.

MR. NUGENT: I'm going to speak for my own self. I have no problem with the concept. I have absolutely no problem with the concept of this piece of property. What I do have is the size, I have a problem with the size of the variances that are being required because of this design. That's the only problem that I have. I have no problem with four pumps. I have no problem with the parking spaces or the ingress or egress. I have a

problem with the building being so large. That requires 58 foot front yard and I think that is mainly because of it being on this is almost a three-sided lot too.

MR. FENWICK: If we were to take down that building, there's no place on this whole lot just because of the characteristic of the lot that he's not going to need a variance because he needs 60 feet. If he --

MR. NUGENT: You're right.

MR. TANNER: But I think we can get by with smaller variances.

MR. LUCIA: Or he didn't have to face that if he didn't raze the existing building. If he made it smaller, if he wants to cut down on the area, he's grandfathered.

MR. NUGENT: There's nothing we can do about the existing building that's there.

MR. LUCIA: Because he's razing it, he's creating very high hurdles and very substantial variances for himself.

MR. FENWICK: I was thinking along the line if this is the outline of the existing building, if it were in fact say take this, leave the outline here and cut the size of the building in half, now, now he's got his space here whatever but we're not encroaching onto the back end of the property.

MR. LUCIA: Just noting that the Chairman was indicating that if you keep half of the existing building and razed the west half.

MR. FENWICK: There's still a total concept to be looked at here. Again, for a lot that small to encourage more traffic flow is also a problem.

MR. NUGENT: The company is entitled to a return on their property, let's face it.

MR. FENWICK: As far as I'm concerned, it was such a small piece of property having a gas station there probably getting a pretty good return for the size of the property for 15,000 square feet.

July 22, 1991

72

MR. NUGENT: Unfortunately, that old building is really right in the middle of the property.

MR. TORLEY: Do you want individual motions on these variances or as a group?

MR. FENWICK: I would like to ask for, I'm sorry?

MR. TORLEY: Do you want individual motions?

MR. FENWICK: That was what I was going to ask for is individual motions.

MR. NUGENT: The way I see it is three motions.

MR. FENWICK: Yes.

MR. NUGENT: One and two are together, three and four and five are together and six and seven are together.

MR. FENWICK: That's fine with me. One and two treat the whole parcel.

MR. NUGENT: Three and four is the building, three, four and five is the building and five and six are the signs.

MR. FENWICK: Can I have a motion?

MR. NUGENT: I make a motion on Number 1 and 2.

MR. LUCIA: Spell it out, that's Number 1 is 25,000 square foot lot area and Number 2 is 63.06 foot lot width.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: Can we have a motion?

July 22, 1991

73

MR. TORLEY: I make the motion for approving variances Number 3, 4 and 5, Number 3 is 58.5 foot front yard, Number 4 is 26.25 foot side yard and Number 5 is 12 foot building height.

MR. FINNEGAN: I'll second it.

ROLL CALL:

Mr. Torley	No
Mr. Finnegan	No
Mr. Tanner	No
Mr. Nugent	No
Mr. Fenwick	No

MR. FENWICK: Remaining items six and seven with reference to the signs?

MR. TANNER: I make a motion to approve Number 6 which is 13 foot sign setback and Number 7, 38 foot sign variance to reconstruct service station on 432 Windsor Highway in a C zone.

MR. LUCIA: Pursuant to Mr. Holt's proposal tonight that was amended to 48 square foot sign variance. Is that correct?

MR. HOLT: Yes.

MR. LUCIA: Forty-six (46) square foot sign variance.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	No
Mr. Finnegan	No
Mr. Tanner	Yes
Mr. Nugent	Yes
Mr. Fenwick	Yes

MR. FENWICK: That's where it is at, Mr. Holt.

July 22, 1991

74

MR. HOLT: Will you spell that out to me, please, yes or no? What do I have?

MR. LUCIA: You were granted variances on Numbers 1 and 2 so you're granted a 25,000 square foot lot area variance and a 63.06 foot lot width.

MR. HOLT: We already had that 25 years ago.

MR. LUCIA: I understand that. I think the Board tried to get across to you by proposing to raze your existing building, and build from scratch, you really created some dramatic hurdles for yourself and I think as you can see from by collective conscience of the Board in voting on this, it's too much to put on this lot in the manner you're proposing. If you come back with a proposal that salvages the existing or even takes away part of the existing building in a way that doesn't create these dramatic variances, the Board might look at it differently. I think if you analyze what the Board did is really the extent to what you're proposing to use a very, very small piece of land is what he's creating variances that are very close to 100% of the requirements and that's frankly what the Board is having a little difficulty with.

MR. HOLT: What about the rest of it?

MR. LUCIA: The proposed variances 3, 4 and 5 which are front yard, side yard and building height were denied unanimously and you're variance 6 and 7 for sign and setback and sign area were denied by a split vote. You would have required four affirmative votes to be granted a variance and you did not get four affirmative votes so it's denied.

MR. HOLT: Okay, thank you.

7/22/91 Public Hearing - Sun Oil Company

Objecting to signs & 4 pumps. Emilio Parella - Bakery ^{other} & store owner

Objecting - CAROLINE ANDRIUOLO - ^{owner} City across street.



New Windsor Mall

367 Windsor Highway
New Windsor, NY 12550
(914) 561-4132

RKF -
7/22/91.

July 12, 1991

Richard Fenwick
Chairman
Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

ref. Appeal #13 Sun Refining and Marketing Company

Good Evening Chairman Fenwick,

A Navy speaking engagement in Albany prohibits me from attending your 22 July 1991 hearing concerning SUN's proposed reconstruction of their service station on the corner across from New Windsor Mall. Please consider making this letter **strongly endorsing SUN Oil's reconstruction** part of your official record.

SUN's efforts will improve the visual aspects of the busy corner, and encourage a greater amount of business in that area. It will increase the Town of New Windsor's tax base and tax income. This is a zoned business area. SUN is trying to invest in the Town of New Windsor and due more business.

SUN's products and services are needed and used by the fine citizens of the Town of New Windsor including myself. We want responsible businesses like SUN to be attracted to the Town and to profitably do business here.

Thank you for your consideration.

Sincerely,

Fritz Kass

Frederick (Fritz) J Kass, Jr.
General Partner
(CAPT US Navy)

cc: Ralph L. Holt, 23 Meadow Hill Road, Newburgh, NY 12550



Louis Helmbeck
County Executive

**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 Town of New Windsor D P & D Reference No. NWT 23 91 M
County I.D. No. 65 / 2 / 11

Applicant Sun Oil Refining

Proposed Action: Area Variance

State, County, Inter-Municipal Basis for 239 Review Within 500' of Rte. 32

Comments: There are no significant inter community or County-wide concerns to bring to your attention.

Related Reviews and Permits _____

County Action: Local Determination XX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

7/17/91
Date

B. Vincent Hammond
DEP Commissioner

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

91-73

Date: 7/18/91

I. Applicant Information:

- (a) SUN REFINING & MELTING Co.
(Name, address and phone of Applicant) (Owner) ✓
- (b) 1801 PENN-CENTER - PHIL, PA. 19103
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) RALPH L. HOLT-AGENT-73 MEADOW HILL Rd. NY 9, NY. 12550
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) C 432 Windsor Hwy. GS-2-11 133x143
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? N/A
- (d) When was property purchased by present owner? 1967
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? 1967 When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? N/A
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance: N/A

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

(b) ^{N/A} 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.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. C-E F 1-N
S/N/T

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000</u>	<u>15,000</u>	<u>25,000</u>
Min. Lot Width <u>200</u>	<u>136.74</u>	<u>63.06</u>
Reqd. Front Yd. <u>20</u>	<u>61.5 FT - 27.5 FT</u>	<u>8 FT 258.5 FT</u>
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd. <u>30</u>	<u>N/A</u>	
Reqd. Street Frontage* <u>N/A</u>	<u>320 FT</u>	
Max. Bldg. Hgt. <u>4' PF = 6"</u>	<u>12.5 FT</u>	<u>12 FT</u>
Min. Floor Area* <u>N/A</u>		
Dev. Coverage* <u>0.5</u> %		
Floor Area Ratio** <u>0.15</u>	<u>0.14</u>	

* 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.

VARIANCE REQUESTED - SO COMPANY CAN REMOVE AND UPGRADE PREMISES - TO A SELF SERVICE GAS / FOOD STORE OPERATION.
NO OTHER LAND AVAILABLE - FOR EXPANSION - OTHER THAN NOW EXISTS.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. C-E F 1-N

	Requirements	Proposed or Available	Variance Request
Sign 1	<u>40'</u>	<u>78'</u>	<u>38'</u>
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.

PRESENT SIDEWALK - NEW PROPOSED SIGN 48 SQ FT
REQUEST FOR VARIANCE ON SIDEWALK SET BACK
OF 12' - DO FOR DOT'S TAKING

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

VII. Interpretation: N/A

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

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

VIII. ✓ Additional comments:

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

ALL OF ABOVE WILL BE ADHERED TO AND
NEW PROPOSAL WILL CLEAN UP CORNER - NO
CARS OR JUNK WILL EXIST.

IX. ✓ Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- ✓ Copy of tax map showing adjacent properties.
- N/A 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 \$ 50.00 payable to TOWN OF NEW WINDSOR.
- ✓ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date July 8, 1991

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.

Scan Referring + meeting Co
Robt. A. Street - agent.

(Applicant)

Sworn to before me this
8th day of July, 1991.
Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991

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.

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 91-1

DATE: 8 APRIL 1991

APPLICANT: SUN COMPANY ATT: T. TOSKO

TEN PENN CENTER

1801 MARKET STREET

PHILADELPHIA PA 19103-1699

REVISED
30 April 1991

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 24 DEC 1990

FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT NYS RT ³² AND OLD FORGE HILL RD.

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65 BLOCK: 2 LOT: 11

RETAIL AND FILLING STATION SITE PLAN

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

FRONT YARD, SIDE YARD AND BLDG. HEIGHT VARIANCES

ALSO, APPLICANT REQUESTS SIGN SETBACK AND
SQ. FOOTAGE VARIANCES.



PLANNING BOARD CHAIRMAN

MAC K ED SALL FOR CARL SCHEIFER

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-1 & B-5</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>15,000 SF</u> ** <u>25,000</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>136.74 FT</u> ** <u>63.06</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>61.5 FT & 1.5 FT</u> <u>0 FT & 58.5 FT</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>37.5 FT</u> <u>26.25 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N-A</u> <u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>N-A</u> <u>—</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>320 FT</u> <u>—</u>

APPLICANT: SUN COMPANY ATT: T. TOSKO
TEN PENN CENTER
1801 MARKET STREET
PHILADELPHIA PA 19103-1699

REVISED
30 April 1991

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 24 DEC 1990

FOR (~~SOB~~ 32 - SITE PLAN)

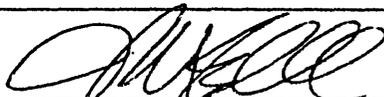
LOCATED AT NYS RT ~~31~~ AND OLD FORGE HILL RD.

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 65 BLOCK: 2 LOT: 11

RETAIL AND FILLING STATION SITE PLAN

IS DISAPPROVED ON THE FOLLOWING GROUNDS:
FRONT YARD, SIDE YARD AND BLDG. HEIGHT VARIANCES
ALSO, APPLICANT REQUESTS SIGN SETBACK AND
SQ. FOOTAGE VARIANCES.


PLANNING BOARD CHAIRMAN
MARK EDSALL FOR CARL SCHEIFER

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-1 & B-5</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>15,000 SF</u> ** 25,000
MIN. LOT WIDTH	<u>200 FT</u>	<u>136.74 FT</u> ** 63.06
REQ'D FRONT YD	<u>60 FT</u>	<u>61.5 FT & 1.5 FT</u> <u>0 FT & 58.5 FT</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>37.5 FT</u> <u>26.25 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N-A</u> <u>—</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>N-A</u> <u>—</u>
REQ'D FRONTAGE	<u>N-A</u>	<u>320 FT</u> <u>—</u>
MAX. BLDG. HT.	<u>4" / FT = 6"</u>	<u>13.5 FT</u> <u>12 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.14</u> <u>~</u>
MIN. LIVABLE AREA	<u>N-A</u>	<u>—</u> <u>—</u>
<u>SIGN SETBACK</u>	<u>15 FT.</u>	<u>23 FT.</u> <u>13 FT</u>
DEV. COVERAGE	<u>N.P.</u> %	<u>—</u> %
<u>SIGN SIZE</u>	<u>40 SF</u>	<u>78 SF</u> <u>38 SF</u>
O/S PARKING SPACES	<u>4</u>	<u>5</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

CC: ~~ZONING~~, APPLICANT, P.B. ENGINEER, P.B. FILE


4/30/91

SUN OIL COMPANY:

Mr. Ralph Holt came before the Board representing this proposal.

BY MR. FENWICK: This is a request for a 25,000 square foot lot area, 63.06 square foot lot width, 0/58.5 feet front yard, 26.25 feet side yard, 12 foot building height, 13 foot sign setback and 38 square foot sign area, 12 foot building height variances to construct retail/gasoline station on the corner of Route 32/Old Forge Hill Road in a C zone.

BY MR. LUCIA: Mr. Holt, I notice in that notice that the 12 foot building height variance was repeated twice. Is that merely duplication or --

BY MR. HOLT: Must be, yes.

BY MR. LUCIA: Is there also a sign height variance needed?

BY MR. HOLT: Yes, on the height. No, no, the sign is, the sign that's going there is the same that's there now, not the same sign but the same height. Have you folks all seen the plan?

BY MR. FENWICK: No, we haven't.

BY MR. HOLT: This station here was erected location in 1967. The station has been there ever since. The company would like to update by remodeling the location. Unfortunately, we lost some of our land to the widening of Route 32, which is under construction now and our proposal is to remove the present building, which is sitting in here. You can't see it, and building a new building back here, which will be about 12,000 square feet, against the one that's there now of 1800. This will be new, 1200 and the present one is 1800. The location will look, when finished, similar to this.

BY MR. FINNEGAN: It will be smaller than what's there now?

BY MR. HOLT: Smaller by 600 square feet. By these proposals, we'll clean out the corner, there'll be no more cars waiting to be serviced or whatever and it will be just a self service gas station for in and out. The present canopy will be taken down and a new

one put up. All this work here by the state curb cuts have all been taken care of by the state already.

BY MR. FENWICK: Why are they changing the building as it stands right now?

BY MR. HOLT: It's because of the lack of space that the state took away from us putting the new station back at least 50 feet, 40 to 50 feet from where the present one is now, but using the smaller location. They'll widen up the corner and give more maneuverability for cars coming in because we're controlled at that point by the light. Now, right now you can go right out to the highway and make a right. They're putting in an island before the light, if anybody is going into Forge Hill Road or Old Forge Hill Road or into the back way to Shoprite, they go in and they don't have to wait for the light and go around and in the back way which will control and take away a lot of the traffic stopped at the light itself.

BY MR. FINNEGAN: This will also be a convenient type store?

BY MR. HOLT: Yes, it will be on the same order as Cumberland Farms.

BY MR. TANNER: Is that a prefab building or --

BY MR. HOLT: Yes, be brought in three parts.

BY MR. TORLEY: Sir, is this actually overhanging the property line?

BY MR. HOLT: No, this is the property line here.

BY MR. TORLEY: That actually cuts through the property line.

BY MR. HOLT: By six inches or so, but we did, when we negotiated this land back in '67, we were granted variance for use and also the area and side lines. So a variance, as you know, goes with the land.

BY MR. TORLEY: What was the variance for the side yard?

BY MR. HOLT: Whatever we needed.

BY MR. TORLEY: At that point here, is virtually over on the property line.

BY MR. FENWICK: I'm trying to see that. Is that true? Is that what is happening there? Is that the property line, the black line?

BY MR. TORLEY: The far side of it and it's like that far from it, so where does the, how much of a side yard to they need here?

BY MR. HOLT: It's three feet off the property line.

BY MR. FINNEGAN: It's three feet off the property line.

BY MR. LUCIA: That's three feet, I think the way it appears here, the outside ring apparently is a three foot concrete walkway, which does come within inches of the property line. The building is, apparently is three foot nine inches from the property line. Is that correct, Mr. Holt?

BY MR. HOLT: That's right.

BY MR. FINNEGAN: Can I see the picture again?

BY MR. HOLT: Yes.

BY MR. LUCIA: Mr. Holt, you mentioned in 1967, there were a use and a side yard variance.

BY MR. HOLT: That's right. They were undersized at that time.

BY MR. LUCIA: For the Board's information, that raises a couple of issues. Section 4824B1 applies to nonconforming uses, which this would be. It's a nonconforming use that exists by virtue of a pre-existing variance, I gather according to Mr. Holt's statement. Such nonconforming uses shall not be changed to another nonconforming use without special permit for the Zoning Board of Appeals. That, I'm sure can be granted as part of this application. The section goes on to say, and then only to a use which in the opinion of the Board is of the same or a more restricted nature. So, in this instance, I guess you're eliminating automobile service but adding retail sales.

BY MR. HOLT: Right.

BY MR. LUCIA: So I leave it to the Board's discretion whether that's the same or more restricted use. As far as the area variances, I think those would cease to exist when you tear this building down cause you're applying for a variance on new construction here.

BY MR. HOLT: I'm not, I'm asking for a new variance.

BY MR. LUCIA: And all the variances you need now are part of this application, is that correct?

BY MR. HOLT: Yes, this plan has already been given the blessing by the Planning Board.

BY MR. LUCIA: Along the same lines, in the C zone, where you're located, a gas station is a special permit use. Since this is a new application, you probably are going to require a special permit from the Planning Board, even though it's the same use in your sense as an owner since you're demolishing that building entirely and coming in with a new application, you probably are going to require a special permit. You can give the history of the variance.

BY MR. HOLT: Don't tell me I've got to go back to the Planning Board, please.

BY MR. LUCIA: You have to go back to the Planning Board in any event.

BY MS. BARNHART: When you go back to them, then they'll have the special permit hearing.

BY MR. FENWICK: You're installing a second set of pumps also?

BY MR. HOLT: Yes, the pumps will be relocated from where they now exist.

BY MR. FINNEGAN: So you're replacing a gas station with a gas station, only reason you're doing it is because of all the land that was lost when the state took it over?

BY MR. HOLT: We're upgrading the operation.

BY MR. TORLEY: Who owns the property adjacent to you, sir?

BY MR. HOLT: That's the bakery there and all this is parking lot. The bakery sits over here.

BY MR. FENWICK: I'm having a problem with extending the use. Now we're into a second set of pumps, it's four pumps right now. There are two pumps there on one island. They are anticipating another island with two more pumps on it. See where we are looking at the thing looks like a dog bone in the front, that's about where they are now, the front set then there's a back set.

BY MR. HOLT: The existing pumps are way back here. This will be moved back and just for the matter of convenience the four pumps rather than having two pumps.

BY MR. TORLEY: That's not really part of the variance requested right?

BY MR. LUCIA: It raises the issue, I guess, as an extension of a nonconforming use. If you continue on in 4824B3 covers extensions or remodeling of structures used in nonconforming uses. That would be up to 30 percent.

BY MR. TORLEY: But he's knocking down the whole thing now, so that's not really applicable. If you're taking out foundation, you no longer have an extension of your nonconforming use.

BY MR. FENWICK: Nonconforming use is probably based on the pumps then it was the old building because he was allowed to service vehicles but not allowed to sell gas except by special permit.

BY MR. LUCIA: He's actually reducing.

BY MR. TORLEY: Still, the case that he needs special permit to pump gas.

BY MR. FENWICK: That's right and we're extending what the original was and adding two pumps.

BY MR. LUCIA: Actually a reduction rather than extension of the building, but an extension of the

area devoted to pumping gas. Now, I, whether those are separate aspects of one use or two separate uses is a question how the Board wants to consider it.

BY MR. HOLT: The building is going to be 600 feet less than what it is now. As far as the pumps go, the four pumps are for convenience. If you leave two there and you have cars backing up out in the street, this way here you got four cars, you can service eight cars at one time.

BY MR. FENWICK: As far as it making it less, that doesn't mean anything to me. You can put a 40 by 40 building here and it would be totally ridiculous to say it's a less sized building compared to what's there now and stick it all the way in the back of the property like that.

BY MR. HOLT: We're utilizing what we have to work with and we're upgrading the corner. We're not downgrading it and isn't any different than what Cumberland Farm is, as far as their size lots.

BY MR. LUCIA: You'd have more bays than the typical Cumberland Farms.

BY MR. TORLEY: They have three different pumps.

BY MR. LUCIA: Two physical pumps and three gas lines, each pump is split half and half, is that it, four nozzles and two pumps, is that it?

BY MR. HOLT: Right.

BY MR. LUCIA: And you propose how many pumps and nozzles?

BY MR. HOLT: It's going to be four double pumps sold from both sides of the aisle.

BY MR. LUCIA: Eight sets of nozzles then?

BY MR. HOLT: Most gasolines today have three pumps because they have the ultra special, regular one in the middle and ultra special.

BY MR. TANNER: You mean stations, islands.

BY MR. FINNEGAN: Just going to be a gas station, that sells convenient food or convenient store that

sells gasoline?

BY MR. HOLT: Self service gasoline.

BY MR. FINNEGAN: The primary business is convenience store or gas?

BY MR. HOLT: It will be 50/50. The cars are only in there anywhere from eight to 12 minutes and they are gone again.

BY MR. TORLEY: I'm concerned about the very small six inches from your sidewalk to the property line is kind of tight.

BY MR. HOLT: It goes up to an open parking lot in the back.

BY MR. TORLEY: This being a C zone, there's developmental coverage.

BY MR. TANNER: No.

BY MR. LUCIA: Not applicable in this zone.

BY MR. TANNER: Are you going to be able to make it without parking spaces to satisfy the Planning Board?

BY MR. HOLT: Yes. Parking spaces are required in the zone, four, and we have five.

BY MR. TORLEY: The special permit as far as the gasoline and retailing is the Planning Board, we're concerned with the areas and setbacks and building height. I assume the building height variance comes into play because of this corner.

BY MR. HOLT: Yes, well it would be because the building --

BY MR. TORLEY: You're talking a 12 foot building height variance because you're three foot off the edge of the property line. What's the 13 foot sign setback?

BY MR. HOLT: That's off the, where the present sign is now, we're practically in the highway and we'd like to put the sign in the area again, but we need a 13 foot, it's two foot off the curb, so we need a 13 foot variance, which wouldn't be much different than

what it is right now.

BY MR. TORLEY: The sign itself is smaller than the sign that's presently there?

BY MR. HOLT: Right now, it's 88 square feet and the other is 78.

BY MR. FINNEGAN: That's both sides?

BY MR. HOLT: Both sides.

BY MR. TORLEY: Why would it be --

BY MR. LUCIA: 40 is allowed.

BY MR. HOLT: All the signs will be on the same station, logo, food and price.

BY MR. TORLEY: Sir, what's this next to your dumpster?

BY MR. FENWICK: Parking space.

BY MR. HOLT: That's for the help.

BY MR. FINNEGAN: How many parking spaces do you have?

BY MR. HOLT: Five. See this one is taking more room, it's taking up two spaces.

BY MR. FINNEGAN: One space in the back for the employees?

BY MR. HOLT: Right.

BY MR. TORLEY: And you have all the appropriate clearances from the state?

BY MR. HOLT: Yes, and also from the fire department.

BY MR. FENWICK: Well, moving it all the way back into the --

BY MR. FINNEGAN: But he's taking it over and starting over, now it's considerable.

BY MR. TORLEY: Yet if the fire inspector had that document, if he had no objection to it.

BY MR. HOLT: We have a letter. Everybody is in agreement but the Zoning Board right now.

BY MR. FENWICK: It's easy enough for them to put it off on us. We have had it happen before. This is really a nice concept, give it to the Zoning Board, we're either the bad guys or good guys. What's left up to us.

BY MR. HOLT: You're a relief valve.

BY MR. TORLEY: I confess to be most concerned about the back of the yard back in these corners.

BY MR. HOLT: Have you inspected the site, sir?

BY MR. TORLEY: Yes.

BY MR. FENWICK: What did you say it was?

BY MR. HOLT: Now the building is 1200 square feet.

BY MR. FENWICK: In essence, if we get right down to it, the way I'm looking at it right now, it has nothing to do with what they did with your curb cuts. If you were down to one island with the gas pumps where they are now, the building where it is now, you'll have sufficient parking. If you were to take the building, leave it where it was, even make it smaller but because of the addition of these pumps right here, it has caused you not to be able to leave the building in the same place and push it back, correct?

BY MR. HOLT: Well, that's the way you look at it, yes.

BY MR. FENWICK: What other way is there to look at it? You're increasing the gas pump usage here, considerably, let's say we're doubling what you're pumping gas now. I mean, this gas station has existed all these years with one set of pumps. Let's say at one island, now we're going to double that and because you're doubling that, it has nothing to do with this side yard or whatever has gone on in here because of the addition of these pumps. Now we're forced to put in a building and push it back here, rather than leave it the way it was or do anything else the way it was, the way I look at it, it's

because of these pumps here is what we're forced into this situation.

BY MR. HOLT: Not forcing, the company wants, would like the proposal to put this smaller building in the back and open up the front. Now, if the land in the front along here was, has been taken and some of our operating property taken away from us, it's wide open anyway.

BY MR. FENWICK: Here two pumps, one of them is going to be right where the building is right now.

BY MR. HOLT: What's wrong with that?

BY MR. TORLEY: If you took out this set of pumps he can move the whole thing down there.

BY MR. FENWICK: If he didn't have the middle set of pumps, he could leave the building right where it is now, still probably have more parking than you have right now.

BY MR. TANNER: Bigger buildings.

BY MR. FENWICK: Or building a building in the same place.

BY MR. LUCIA: I think what the Board is wrestling with, the owner's decision to demolish the existing building and replace it with an entirely new facility throws you into the position of bringing you here with a brand new application. If you were in the position of you'd be reducing the size of leaving it the same, you'd be grandfathered on certain aspects. I think what the Board is faced with is a very substantial application for a variance on new construction. And so that is what the Board is wrestling with.

BY MR. HOLT: I can understand that but we are not asking for a larger building. We are asking for a smaller building. We are putting it back in the lot and taking advantage of what we have left to do business with. Now, as far as the pumps are concerned, that's an in and out, they don't come in and they don't park there. The average --

BY MR. FENWICK: This isn't going to be an in and out, I get gas there now. You can sit there all day

long trying to get out of this place and it's never going to change, even with this or whatever that's beyond -- it's really fine the way I look at it. It's really great. I don't understand why you need the second set of pumps. Most of these convenient places around and the Board agrees, have one island, not two. We're talking about two islands.

BY MR. HOLT: Does Mobil up on the corner have one or two?

BY MR. FENWICK: It's strictly a gas station.

BY MR. HOLT: What's the difference

BY MR. FENWICK: You're increasing this little lot, you're increasing the use of this little lot. I don't care what you do with the building. You can come down to half the size. You keep shoving it up against the property lines here.

BY MR. TORLEY: What we're required also to do as I'm sure our attorney will back me up, is to ask for the smallest possible variances from an existing structure and by putting in this extra set of pumps is going, two pumps to four pumps, that requires you to put the building back into the conflict of side and back yards. What's the justification for saying you must have four pumps instead of two?

BY MR. HOLT: For convenience. We just, the station on 9W and North Street double islands, it's been there. We've been doing business there for the last 25 years. Most of our stations on Union Avenue has double right up by --

BY MR. TORLEY: I know you prefer to have double islands if you had the land to do it on. Now you say that the state took part of the property but you were compensated for that, so that's not part of that. That can't be part of the application.

BY MR. HOLT: I know we ended up with less land.

BY MR. TORLEY: You were compensated with that, so you can't use that loss for a justification.

BY MR. FENWICK: If you had a piece of property like you have got up on Union Avenue, that would be fine. That's quite a big, that's quite a big sized lot.

That's a nice one and they are not selling anything in there right now, but gas, but that's quite a nice operation in there for the size of it. It certainly, I don't know, I may be wrong because I can't see dimensions, but it certainly seems to be a lot bigger than that.

BY MR. HOLT: The one on Union Avenue is 100 foot frontage.

BY MR. FENWICK: By how deep, that's a big piece of property?

BY MR. HOLT: 125 deep. I bought it for the company in 1965.

BY MR. FENWICK: I'll leave it up to the wishes of the Board.

BY MR. TORLEY: I really, if that, Chairman pointed out if these two aisles were not present, this building sitting more or less where the old foundation was, you'd need very much less in the way of a variance.

BY MR. HOLT: What does that add up to? It doesn't add up to anything different.

BY MR. TORLEY: It means you're not six inches from the property line. They plotted it out for the maximum profit for your firm, that's not our concern.

BY MR. HOLT: The building is there now since 1967. What's the difference?

BY MR. TORLEY: Yes, that building has been there. If you left this foundation there now --

BY MR. FINNEGAN: The difference is you're taking the building down is like starting from scratch. That's what we're confronted with. Sure, the new building is smaller than the old building, but the old building isn't there any more, it's a vacant lot and that's quite a different thing.

BY MR. HOLT: Am I understanding that your Board here will deny us the right to build and put another building on there?

BY MR. LUCIA: No, as you may have heard me explain to the applicant, if you want to present the site plan to the Board, the variances as are stated in your notice of denial, you have an absolute right to do so. I think the Board is giving you a feeling of their collective conscience that there are some problems with using the area and the shape of this site as extensively as you propose to use it. And I think the Board is being up front in telling you so you know of their reservations. You have the option of either proceeding with the site plan as it is now drawn and ask, asking for a variance and taking your chances on that, or going back to the company and sharing some of the Board's concerns and possibly revising. That's your decision.

BY MR. FENWICK: I'll inform you there's two members that aren't here that I'm not going to say what they are going to say. They may not have any problems with the concept at all. We're missing two members this evening.

BY MR. HOLT: Can I indulge upon you to put me on for a public hearing?

BY MR. FENWICK: Sure, absolutely.

BY MR. LUCIA: If there's a motion to that effect and it carries.

BY MR. FENWICK: Motion to set him up for a public hearing?

BY MR. TORLEY: I'll so move.

BY MR. TANNER: I'll second it.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

Tanner: Aye.

Fenwick: Aye.

BY MR. HOLT: I certainly will appreciate an early

hearing because I have been kicking this around since last October.

BY MS. BARNHART: Did I give you the application?

BY MR. HOLT: No, not for the public hearing but I can stop down tomorrow and pick it up.

BY MS. BARNHART: I won't be here tomorrow. I'm on vacation.

BY MR. LUCIA: When you come back to the public hearing on the area variance, I'd like you to speak to the issue of practical difficulty because that's the legal standard the Board uses in deciding whether or not to grant you an area variance. As part of that, you should speak specifically to the issue of significant economic injury as it affects the size and shape of your parcel, the taking by the state and as Mr. Torley mentioned, now there may have been some compensation for the taking, so that I think in turn, would affect your significant economic injury argument. On the extension of the, not the extension, I'm sorry, on the change in nonconforming use, as we mentioned, you're changing from a gas station to somewhat smaller gas station and adding retail sales. I would like you to speak also to the issues raised in section 4824B1 of the ordinance. Okay, because I think that really it is tied up with your whole application.

BY MR. HOLT: That's pertaining to what?

BY MR. LUCIA: That has to do with nonconforming uses. When you're changing to a different nonconforming use and you're seeking permission of the Zoning Board of Appeals with regard to that change. Pumps would be an accessory building. That's a possibility.

BY MR. FENWICK: Pat will have them put in your office, there will be somebody in the office tomorrow. The application will be there.

BY MS. BARNHART: I cannot set anybody up until the paperwork is all finished, all addressed and back in my hands. Then it can be scheduled.

BY MR. HOLT: When is the next meeting?

BY MS. BARNHART: July 8th.

BY MR. HOLT: My only question is --

BY MS. BARNHART: The letter goes out to the owners.

BY MR. HOLT: You have to give me the wording on it, right, and I stick them in the envelopes.

BY MS. BARNHART: It's the notice, the legal notice that you have to fill out.

BY MR. HOLT: Don't you have the wording for that that we carry through for the newspapers and also --

BY MS. BARNHART: Well, what happens, I give you all the blanks and you fill them out and bring them back to me and I double check them. Then if they are right, then we can go ahead and send them out.

BY MR. LUCIA: When you come back, we want photographs and I'd like to look at a copy of the deed to the property and the title policy.

BY MR. HOLT: I have got it all in my file. Thank you very much.

VERNON PETERSON:

Mr. Vernon Peterson came before the Board representing this proposal.

BY MR. FENWICK: This is a request for 50 foot front yard variance to relocate satellite dish from rear to front yard of property on Route 94 in the C zone.

BY MR. PETERSON: What I did is, well, first of all, I wasn't aware that I needed a building permit to install a satellite dish. All right, which I went ahead and I purchased the dish used and I had it installed in the back yard. And I found I was only getting six satellites instead of two dozen of them, so I had a site survey done and at the same time he mentioned that New Windsor has an ordinance which I need a building permit. So, I spoke to Frank and I applied for a building permit which was denied because there's an ordinance that it can't be in the front of my trailer. So, here I am, you know, with the pictures that they requested and just to try to find out why, you know.

BY MR. FINNEGAN: Why what?

BY MR. PETERSON: Why the ordinance for the satellite dish in the front of the residence.

BY MR. FENWICK: It's not just a satellite dish.

BY MR. PETERSON: He calls it a permanent structure.

BY MR. LUCIA: Under the definitions of the ordinance, which would be section 4837B, a satellite dish would be considered an accessory building so it's considered as any accessory building with a specifically under subsection 4 of the definition of building, is included radio and television receiving and transmitting towers and antennas so you're clearly within the definition of accessory buildings. Moving on then to section 4814A4 of the ordinance, it provides that no accessory buildings shall project near or to the street on which the principal building fronts and the principal building itself, so basically any accessory building of which a satellite dish is one could not be closer to the street line from the front of your residence. That's the reason you're here.

BY MR. PETERSON: What if I made it mobile where it was not cemented in the ground where I can move it back and forth?

BY MR. FENWICK: Put it on wheels?

BY MR. PETERSON: Right. Frank said he wouldn't see a problem. It will look stupid but if that's the way to get it to go, I'll do it. I can buy a car, put a four inch hole in the roof, stick it there and move it back and forth.

BY MR. FENWICK: I don't see any problem with it, doesn't make any difference. Basically it's --

BY MR. PETERSON: It's green mesh, you can see right through it.

BY MR. TORLEY: Does it come under the regulations?

BY MR. TANNER: Don't do it with a car. Then they'll get you for a junk car. Make it a trailer.

BY MR. LUCIA: I guess it's an unlicensed vehicle. You certainly can try anything you want. I don't think this Board is about to give its blessing to something that seems so obviously to be a way of running around the ordinance.

BY MR. PETERSON: I'm trying to figure out how they'll let me do it.

BY MR. FENWICK: Did you approach Frank or Mike with this concept of putting it on wheels? Did you approach them and they said it's all right.

BY MR. PETERSON: I mentioned it to them, just in speaking. I never met the guy. I spoke to him maybe a half a dozen times. I have been two months with this just trying to, you know, get moved on the whole bit.

BY MR. FENWICK: If you'd like, as this is what I would think -- if you'd like to proceed with the site as you have right now, showing four by four concrete pads with the dish mounted on it, we'll proceed with the application as it shows right now. If in the meantime, you go to them and you want to put it on wheels and they said they don't care if it's on wheels, then it doesn't have any effect on it

whatsoever. Then it's gone.

BY MR. PETERSON: I would like to put it in the cement and just leave it there.

BY MR. FENWICK: Then we're going to proceed with the application?

BY MR. TANNER: What you're saying, if it stays in the backyard, you don't get full benefit from it?

BY MR. PETERSON: This year I had a site survey done and that's where they recommended it to be in the front. They said that would be the only location and that size lot where it will work for most of the satellites.

BY MR. FENWICK: Whereabouts on 94?

BY MR. PETERSON: Right next to Windsor Gate Plaza.

BY MR. FENWICK: Looking at it right or left?

BY MR. PETERSON: I'm across from F&N Plumbing. I guess it depends right or left where you're standing. They asked me to take pictures. I can understand having an ordinance for the front, you know, of the residence, if I'm in a residential area. All right, but this is commercial area, you know.

BY MR. FINNEGAN: Satellite dish moves around though, right?

BY MR. PETERSON: It moves maybe 30 or 40 degrees maximum. In other words, the farthest it's going to go would be facing 94 west and then from there it would go, I guess west, which would be going out towards where Stewart is.

BY MR. LUCIA: The requirement on no accessory buildings in the front yard applies in any zone, so it's not applicable to your residential property.

BY MR. PETERSON: It surprises me when I came across this.

BY MR. FINNEGAN: Do they guarantee that you are going to pick up the other 18 stations when you moved that the 50 feet?

BY MR. PETERSON: Yes, that's what the site survey was. He went out there with his little tripod and all his little gauges and that.

BY MR. FENWICK: It's definitely evidence for this Board to look at without a doubt.

BY MR. PETERSON: If you want to see the pictures of the dish, you know --

BY MR. FENWICK: Yes, please. You're ten foot back from the property line, is this the property line or just --

BY MR. PETERSON: This is the property line, this here is the edge of 94 and there's a 20 foot right of way that the state has.

BY MR. FENWICK: Thank you.

BY MR. PETERSON: If they want a small fence around it, I don't have a problem with it.

BY MR. FENWICK: We're most likely not going to act on something like that. I think it would just make it worse, draw attention to it.

BY MR. TANNER: I make a motion we set him up for a public hearing.

BY MR. FINNEGAN: I second it.

BY MR. PETERSON: What's the public hearing, because I'm new with this.

BY MR. FENWICK: Hold tight.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

Tanner: Aye.

Fenwick: Aye.

BY MS. BARNHART: Mr. Peterson, if you read

everything that's on the instructions here, I'm sure you'll know exactly what you're doing.

BY MR. PETERSON: I take this with me or --

BY MR. LUCIA: When you come back for the public hearing, Mr. Peterson, the legal standard this Board has to find in order to grant you a variance is something called practical difficulty. That involves a showing on your part of significant economic injury why it is you're being economically hurt by the strict application of the zoning ordinance in your lot. You're welcome to bring in any proof on that you think is relevant, why you think you can't get an adequate return on your property without locating the satellite dish in the front yard. If you would bring back the photographs you had, as well as some photographs of the front yard, just viewing the property, so that the Board can see the impact on, you know, from passing traffic or from your neighbors or what, the satellite dish in the front yard is going to look like. When you come back, I'd like you to bring in a copy of the deed and a copy of the title policy.

BY MR. PETERSON: Does it have the date when it is?

BY MR. LUCIA: When you get all the paperwork back to Pat, if it's complete, she'll then be able to schedule you for a public hearing.

BY MR. PETERSON: Okay, thank you.

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. 13

Request of SUN REFINING & MARKETING CO.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit reconstruction of service station with insufficient lot area, front yard, sideyard, building hgt. and sign setback;

being a VARIANCE of

Section 48-12-Table of Use/Bulk Regs.-Cols. C, E, F, I & N

for property situated as follows:

432 Windsor Highway & Old Forge Hill Rd.,
known and designated as tax map Section 65,
Block 2 - Lot 11, New Windsor, N. Y.

SAID HEARING will take place on the 22nd day of July, 1991, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 91-13

1. Municipality Town of New Windsor Public Hearing Date 7/22/91
 City, Town or Village Board Planning Board Zoning Board

2. Owner: Name Sun Oil Refining
 Address 1801 Penn Center, Phila, PA 19103

3. Applicant*: Name (Same)
 Address _____

* If Applicant is owner, leave blank

4. Location of Site: 432 Windsor Hwy. Int. Old Forge Hill Rd
(street or highway, plus nearest intersection)

Tax Map Identification: Section 65 Block 2 Lot 11

Present Zoning District C Size of Parcel 133 x 143

5. Type of Review:

Special Permit: _____

Variance: Use _____

Area See Aps. attached

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

7/5/91
Date

Patricia A. Bauhaert, Secy.
Signature and Title

SUN OIL SITE PLAN (91-1) ROUTE 32

Mr. Ralph Holt came before the Board representing this proposal.

MR. HOLT: My name is Ralph Holt and we'd like to upgrade and remodel our location on 32 and Old Force Hill Road. I appeared before your Board in January and there were some missing measurements and so forth. Mr. Edsall and myself, after that, got together and came up with all the proposals needed from the Zoning Board. I was referred to the Zoning Board, appeared last meeting. However, inasmuch as our plot plan was not signed by Mr. Edsall nor Mr. Schiefer, so they referred me back to your Board here to look over our plan so I can go back to the Zoning Board and get the necessary variance, if they see fit.

MR. SCHIEFER: Okay, from what I hear on this, gentlemen, this whole thing is coming down therefore there will be no pre-existing problems. He's going to have to start new as a result of that, nothing is pre-existing. There will be an additional variance requested and I think that's what the Zoning Board is asking for. Find out all the deviations that they need.

MR. HOLT: I think it's all spelled out on the plot plan now but there isn't anything we can change. We are changing, taking down the present building, which is 1800 square feet and putting up a new building, which is approximately 1200 square feet back on the lot.

MR. VAN LEEUWEN: All of them need variances, isn't that correct?

MR. SCHIEFER: This was not our doing. The Zoning Board of Appeals said since this building is coming down, they are going to consider it as a new application. You cannot go with the existing deviation because the building has come down.

MR. EDSALL: Let me just get some information into the record. The referral was sent on the basis that the lot area and the lot width were pre-existing nonconformances because the use existed and it was a new building being put up with the same use on the same parcel. Since we referred that over, the Zoning Board indicates that because the building is being totally demolished, they are considering the needs for those as well. They just want it referred to as a variance, not pre-existing condition. They also need front yard variances, side

5-8-91

yard variance, building height variance in addition they are now indicating a sign setback as far as, caused by the State DOT and also sign size variance for square footage, even though the sign is being decreased, it's still greater than what is allowed so they need a total of eight variances, it appears. It's really the same plan you looked at before. It's just that based on their determination, there's more variances needed.

MR. SCHIEFER: Okay, thank you Mark. What was your comment?

MR. HOLT: They have cut down on the size of the parcel now we have had a station there since 1965. So, the--

MR. SCHIEFER: You don't agree with the Zoning Board of Appeals, Mr. McCarville?

MR. MC CARVILLE: I have seen operations where they'll virtually take a building down without taking it down, they jack the roof up and build the new walls around it and come up with the same thing. These folks come in with a clean sweep on the same lot with less coverage, that's unfortunate. I'm not saying I disagree with the Zoning Board of Appeals. I kind of disagree with the structure of the code on it.

MR. SCHIEFER: I have no problem doing it their way. Everything I see here is an improvement. The variances they need are not as great as they would have needed before. Hopefully, the Zoning Board of Appeals sees it the same way. But, if they want it back for the complete list of variances, I don't see why we should delay it by getting into a discussion.

MR. VAN LEEUWEN: Let them handle it and let's just sign off on the map.

MR. SCHIEFER: If this is a true copy of the map that you want to take, let me sign that, date it, take it to them and ask for all of the variances that Mark has listed. Anything else?

MR. EDSALL: Based on the information that was on the plan, I believe that's all the variances they need. I'm not aware of any others.

MR. SCHIEFER: I kind of apologize, sir, but we have no control.

5-8-91

MR. HOLT: This is a copy of the plan. I don't know where it is, you don't have it but I left the plan with Myra, with the signature on it.

MR. SCHIEFER: Is that the same?

MR. HOLT: Same thing, only the one that Myra has has the signature of Mr. Edsall.

MR. EDSALL: I have signed one, let's see if it is the same. I can sign this and we'll send him to--

MR. KRIEGER: Did you work out a new referral form? Apparently, the referral--

MR. EDSALL: No, it's not a new form.

MR. HOLT: I can go to the Zoning Board of Appeals now?

MR. VAN LEEUWEN: Yes.

MR. SCHIEFER: I'm sorry we did it that way but I thought it, that it was going to go the other way. Thank you.

MR. HOLT: Thank you very much.

MR. BABCOCK: Are we going to make a vote, send it to the Zoning Board of Appeals?

MR. EDSALL: Put it in the minutes as a motion.

MR. BABCOCK: Normally, you make a motion to send it.

MR. LANDER: I make a motion to approve.

MR. SCHIEFER: Make a motion to send it to the Zoning Board of Appeals for variances listed.

MR. EDSALL: In the minutes.

MR. LANDER: So moved.

MR. KRIEGER: And such other variances as they Zoning Board of Appeals may deem necessary.

MR. VAN LEEUWEN: I'll second it.

5-8-91

ROLL CALL:

Mr. McCarville	Aye
Mr. VanLeeuwen	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Schiefer	Aye

~~SUN OIL SITE PLAN (91-1) ROUTE 32~~

Mr. Ralph Holt came before the Board representing this proposal.

MR. HOLT: I am representing Sun Oil Company and an application to demolish the present building, Sunoco Station on Route 32 and Old Forge Hill Road. What the company is proposing to do is eliminate the service station type of operation and go to just self service gas line and food store outlet and in so doing, I want to demolish the present building and put up a new building such as this one that it would look like when it is finished. Ironically, about 25 years ago, I was before the Planning Board and the Zoning Board and got all the necessary variances for this particular building. Now, we are tearing it down and we want to do it over again.

MR. VAN LEEUWEN: I remember when there was a school-house there.

MR. HOLT: Very briefly, I have done this all, my preliminary work with the boys over there on the work sessions and they looked over the plan and we know that we have to, I imagine to go to the Zoning Board of Appeals and the reason why if you have any questions why other than that--

MR. VAN LEEUWEN: Yes, looking at the sidelines.

MR. LANDER: I make a motion to approve.

MR. VAN LEEUWEN: I will second that.

ROLL CALL:

Mr. Lander	No
Mr. VanLeeuwen	No
Mr. Dubaldi	No
Mr. Pagano	No

MR. EDSALL: I have some comments we have to get back to the applicant, ~~there's still corrections that need to be made to the bulk table that in addition there's some other adjustments that should be made before we send it over to the zoning board of appeals so that it's the same plan when it's as what they intend. I'm sure to bring back soon. I'll give the applicant the listing of the problems with the zoning bulk table.~~

otherwise it's impossible for us to send it over unless it's corrected.

MR. PAGANO: Can I direct our secretary to incorporate Mark's notes into the minutes and make them a part of the record.

- "1. The application involves two (2) uses, one being a use by right (retail, A-1), the other a special permit use (filling station, B-5). For the "C" Zone, these two (2) uses have the same bulk requirements.

The proposed site plan involves the demolition of the existing building and the construction of a new building (which is somewhat smaller) in a different location. As a result of this re-location, several variances become necessary.

Prior to this plan being forwarded to the Zoning Board of Appeals, the bulk table should be corrected (see next comment).

2. The bulk table shown on the plan requires corrections. The table should be checked by the Applicant prior to submittal to the ZBA or re-submittal to the Planning Board. My review indicates the following, which should be verified by the Applicant:
 - a. The table should distinguish between existing non-conformances and necessary variances. This can be accomplished by single and double asteriks.
 - b. Lot depth is not a zoning criteria in the Town of New Windsor, and should be deleted from the table.
 - c. This site includes two (2) front yards and, as such, values for each should be listed for both existing and proposed.
 - d. For this site, only one (1) side yard exists. The appropriate value should be provided for existing and proposed.
 - e. Street frontage for existing and proposed appears incorrect, since the value should reflect the total along all road frontages.

- f. Maximum building height is based on the closest lot line, 4 inches per foot. The table should indicate the permitted height for the existing site and the permitted height for the proposed site, since the degree of variances may be increasing.
 - g. The value indicated for existing floor ratio appears incorrect.
 - h. The plan should indicate that parking is based on one (1) space per 150 square foot of retail sales area.
3. The following additions and/or corrections should be accomplished prior to re-submittal to the Planning Board. If the Applicant desires a variance relative to any of these items, same should be clearly noted, such that same can be added to the referral to the Zoning Board.
- a. Parking spaces per Town code must be 10' x 20' (19' length is indicated).
 - b. The handicapped parking space must be 16 foot wide per State code requirements. This is not waivable. The plan should also denote the appropriate handicapped striping pattern and necessary sign.
 - c. Adjoining property owners should be added to the plan.
 - d. The new sign shown at the southerly end of the site does not conform with the zoning law. A setback of 15 foot from the property line is required, and the sign is permitted to have a total (including both sides) of 40 square feet.
 - e. The final plan should include a landscaping schedule to identify the type "shrubbery" proposed.
4. Submittal of this plan/application to the New York State Department of Transportation and Orange County Planning Department will be required.

In addition, it is my opinion that the "wide open" access to this site from both the State Highway and Old Force Hill Road is inappropriate.

The Board should keep in mind that this site is immediately adjacent to the traffic light and intersection. It is my recommendation that the Board seek input from the New York State Department of Transportation, as to the appropriateness of controlled access via curb islands and curb cuts.

5. The Planning Board may wish to assume the position of Lead Agency under the SEQRA process.
6. The Planning Board reminded that a Public Hearing is mandatory for this Special Permit, per the requirements of Paragraph 48-35(A) of the Town Zoning Local Law.
7. Based on the zoning information shown on the plan, it is obvious that this application must be forwarded to the Zoning Board of Appeals for necessary variances. The Board may wish to make that referral, conditional on the Applicant submitting a corrected plan.
8. At such time that the Planning Board has made further review of this application and the necessary variances have been obtained, further engineering reviews and comments will be made, as deemed necessary by the Board."

MR. EDSALL: A lot of the numbers we talked about but evidently all the numbers weren't fixed, some have, some haven't.

MR. HOLT: Well, my question is, what is my next move next week or next--

MR. BABCOCK: ~~Fix the plan first.~~

MR. HOLT: So I fix the plan with you?

MR. BABCOCK: No, you can fix the plan and then bring it back to us and we'll check it and make sure all those things are fixed and if they are fixed we can send you to the Zoning Board of Appeals.

MR. EDSALL: The Zoning Board of Appeals will refuse the application if the bulk table is incorrect. We could send you over but it would put you in a holding pattern. They want correct information.

MR. HOLT: They can go as soon as I satisfy with the

1-23-91

figures, I can go to the Appeal Board?

MR. EDSALL: Yes.

MR. HOLT: Thank you very much.

SUN OIL

MR. LUCIA: I have a topic to discuss that arose on Sun Oil, Ralph Holt. Mark Edsall gave me a call, Ralph has now done exactly what we asked he do. He took his amended plan back to the Planning Board. They have signed off on it and in due course, he'll be coming here. Mark raised a question for the future. It seems like a reasonable request but before I agreed to it, I thought I'd pass it to you guys.

Mark says he's put in a position where the Planning Board approves a plan in concept subject to the applicant making certain revisions on that plan which the Planning Board then refers to Mark to ultimately approve. And he asked if it is agreeable to you if that the work is set up, if the applicant amends his plan, gets it to Mark, Mark signs off on it, will you accept the referral signed at that point only by Mark? It avoids the second meeting of the applicant going back to the Planning Board saying okay, I've done the stuff you asked for. Mark has approved it. Will you now send me to the Zoning Board. The Planning Board turns to Mark and says have you approved it? He has and it comes here, it's kind of a pro forma meeting.

MR. FENWICK: Are we saying they are giving Mark the power to do that?

MR. LUCIA: The Planning Board will refer it to Mark for certain specific revisions which they leave to Mark to approve.

MR. FENWICK: I just don't want Mark doing something and it's going back to the Planning Board saying we didn't see this.

MR. LUCIA: This would be where the Planning Board is looking to Mark to have him pass on certain specific matters.

MR. TANNER: It makes a lot of sense.

MR. FENWICK: We are talking about curbs cuts or something like that but would we, in other words, the concept would stay the same? In other words, if we were in fact had to move the building, move the structure or something like that, would they also leave that to Mark?

MR. LUCIA: No, I think what he's referring to is

strictly technical matters where the Planning Board says we have approved this concept but we are not sure if that curb cut is 19 feet or 20 feet and you need a variance. Get together with Mark, take the measurements and resolve it. At some point, the applicant's engineer comes back and says it's 19.3 feet. We have a variance of x feet. Mark says yes.

MR. FENWICK: What I understand with reference to Holt, didn't he change the structure?

MR. LUCIA: This came up because of Holt but Holt was not an example of it.

MR. BABCOCK: One thing is that when it's code compliance and it says you need 100 foot setback and somebody has a 50 foot setback, it doesn't take a Planning Board action to know that you don't meet the zoning requirements. So, you have to go to the Zoning Board so that happens, they find that out in a technical workshop and what happens if you want to save expedite some of the projects, what we do is shove them on the agenda as a Zoning Board of Appeals referral so if you have a long agenda, you can still get a couple in because the Planning Board is looking at do we want a shopping center here again, yeah okay fine. Now, if you guys aren't going to give him the variance, we don't want him to go to the DOT and through engineering to design curbs because you might not be approving it. That's the key.

MR. FENWICK: I don't have any problem with that. I thought we were going to get back to the Holt thing where he actually changed the structure in between. We should still be seeing a plan that is somehow or another initialed by the Planning Board and then go through and get to Mark Edsall's changes on it.

MR. PETRO: I have one small point about this. When it goes to Mr. Edsall, okay, there can't be a judgment call on his point. It has to be an automatic yes or no by law or by definition of the law. Something, in other words--

MR. LUCIA: Or by what the Planning Board said they wanted. We like this concept but we need you to change this.

MR. PETRO: He might send something to the Zoning Board where if it went to the Planning Board, it wouldn't have needed Zoning Board. He shouldn't be in the position to have the power to start making

judgment calls.

MR. LUCIA: It would involve no judgment call. He only would be passing on something the Planning Board has specifically referred to him and has said yes, you have done what the zoning has asked now it can go to the Zoning Board.

MR. TORLEY: When the Planning Board send us something for a variance, let's use the Wind in the Willows for an example. They come here once for one thing. We saw there was additional things. They had to go back and forth. We wasted a lot of time. When the Planning Board sends us something for Zoning Board consideration, can they send it in such a manner that if we see some other problems, we can act on it without having to go back to the Planning Board?

MR. LUCIA: No, really, the Zoning Board of Appeals sits like a Court of Appeals. We have no jurisdiction except for the matters that are specifically referred to us. Although, we may see the problem, we can't pass on it unless it gets referred to us. We could have, had the applicant chosen to go that way in the Wind in the Willows, based on a specific area variance that came here, bounce it back to the Planning Board and say yes, assuming you grant the area variance, we have approved the area variance but we see potential for use variance. It would have been referred back again with the applicant's consent when we said why have two public hearings if that's the, why it's going to shake out the applicant consented to our referring it back to the Planning Board to have it referred here.

MR. TORLEY: If the Planning Board submitted a plan to us and said this plan needs x y z variances and any others that the Zoning Board of Appeals shall deem appropriate, can they have a general--

MR. BARCOCK: That's what they said from now on they're going to say that just in case. Nobody's perfect here and you have to remember nobody walks in here with a normal situation anymore where it's 50 feet and it's supposed to be 100 so you need 50 feet. Mr. Holt's example is a perfect example of that. I told him the first day he came in here, I wish he was standing here because I can tell him again. That's how many times I have to tell him. He's a very nice guy but you have to tell him you're taking down a complete building, in my opinion, that constitutes you have a vacant piece of land. You're starting brand new. Now, is he or isn't he? You guys are the only ones to say yes he is.

So, it's sometimes up to discretion, you know, what I mean, should we send him, that's why I said let's get him to the Zoning Board of Appeals. The number one thing is if the area variance and the lot width variance is still going to be required or is it a pre-existing condition? I know then all the other ones well that's what happens so it wasn't, he didn't waste any time. The thing what happened was see you guys instructed him to go back to the Planning Board. He came back to the workshop and I said you have to go to the Planning Board. He said nobody told me that. I said Mr. Holt, do what you want to do. I'm telling you exactly what the Zoning Board of Appeals told you to do. He went up and saw Pat, wanted to get on the agenda and she said you can't do that. You haven't been to the Planning Board. Sometimes the things like when you said the application you guys act on an application that's in front of you, same thing I do when somebody comes into me, I do make somebody come in and fill out a complete thing of developmental coverage because they are putting out a deck. What if they have a small house that doesn't meet today's criteria? Do they need a variance on that? So what I'm doing, if a guy walks in and says I look at the area which he's effecting which is maybe a rear yard now if the plan, coverage has not been one of my things, we just don't seem to look at that. If he's closer to the rear yard, boom, that's it. We set it up for a rear yard. Sometimes there's discretions, you know what I mean?

MR. FENWICK: It's something you have to look for. I would think if this guy were covering half the back yard, it's something that would pop into your mind.

MR. BABCOCK: I take it to the Planning Board and I told them in my opinion what the Zoning Board felt, okay cause I don't like to say that stuff because you can feel different than him, is that the plans sometimes we're getting here to fast, that they should take a better look at the plan and they had no objection to that. They should take more of a look before it got there.

MR. TANNER: That's an excellent point.

MR. BABCOCK: That's what happens. We've tried to help somebody on it and you try to refer them faster than normal procedure because sometimes the procedures take a long time. By the time the formal decisions get back to the Planning Board, the guy is in the process of getting approval for a year to build a building.

Everybody's went through it.

MR. TORLEY: You're trying to help the people.

MR. BABCOCK: What happens is you base your information on what they tell you at a workshop or in my office when a guy walks in and says we're going to have a little day care center--

MR. TANNER: You end up with people like Wind in the Willows that try and ram everything through and they are almost sliding through where a guy who's trying to follow the rules and he's not pushing you're scrutinizing his procedure a lot more than somebody who's trying to ram it through.

MR. LUCIA: In response to Larry's point on generic referral on area variances, maybe but I think we ought to get very specific referrals if it's an area variance or interpretation because that involves some options on the part of the applicant. I don't think it's fair for the Planning Board simply to say go to the Zoning Board for anything you need. I think we ought to have it categorized as an area variance, use variance or an interpretation because that involves some strategy.

MR. BABCOCK: We are but what Andy Krieger said is that if we can put some type of a clause in there that and/or if any other variances that are seen that are missed by us, we're not going to cause anybody problems by that.

MR. FENWICK: Okay, thank you.

Being that there was no further business to come before the Board a motion was made to adjourn the meeting by Mr. Tanner seconded by Mr. Torley and approved by the Board.

Respectfully submitted;


FRANCES SULLIVAN
Stenographer

SUN OIL COMPANY - PRELIMINARY MEETING

MR. FENWICK: This is a request 58.5 foot front yard, 26.25 foot side yard, 12 foot building height and setback for sign to construct a retail store and filling station on New York State Route 32/Old Forge Hill Road in a C zone.

Mr. Ralph Holt came before the Board representing this proposal.

MR. HOLT: I'm representing Sun. Are you familiar with the--do you have a plot plan?

MR. FENWICK: If you can pass it around, we can hold this one. If you want to put one over there.

MR. LUCIA: I notice that the plan that we have in the file did not incorporate the changes that Mark Edsall asked for before the Board. Is this one that you're handing out now has the Planning Board seen this one?

MR. HOLT: No. All the corrections were made by the suggestion of Mark Edsall.

MR. LUCIA: The plan that was in the file does not have a lot of corrections that Mark Edsall had pointed out to the applicant before the Planning Board. Mr. Holt says that the plan now conforms to the Planning Board, Mark Edsall's requirements. We have not seen this previously, neither has the Planning Board. So, the plan that's now before us has not been before the Planning Board.

MR. FENWICK: Our usual procedure is that this plan has to be signed by the Planning Board Chairman so that we know that we are acting on what they are sending to us.

MR. HOLT: The evidence here, the request from Mr. Edsall and incorporated on the final plot plan as per his suggestion and it's, you know, and I was before the Planning Board on the original and these plans, these variances came up and they were corrected in order to conform with the nonconforming use and also for nonconformance with what we are asking for.

MR. FENWICK: Do you know what date you were before the Planning Board?

MR. HOLT: It was in January some time.

MRS. BARNHART: The minutes are right here, January 23rd.

MR. TANNER: You have a list of the changes that he asked for there?

MR. HOLT: Yes, everything is complete, according to Mark's suggestions here. All on the bottom here.

MRS. BARNHART: Is this the plan that the one that was in the file?

MR. FENWICK: Yes, this is, yes, this is the one that was in the file.

MR. HOLT: I have more plans. I brought 16 plans in to Myra and she said I asked where they were going and she said all over and you didn't get one.

MRS. BARNHART: No.

MR. LUCIA: It's not so much a matter of Pat getting one, it's that the Planning Board sees the plan that we are acting on before we consider a variance. I don't think it's--the reason it becomes relevant, if you notice in Mark's notes, he raised a couple potential issues with respect to the variances, the design shows 78 square feet. Are you know asking for sign area variance also?

MR. HOLT: It's 78 square feet as approximately the same size as the sign that's there now. It would be a different type sign, such as this.

MR. LUCIA: If the requirement is 40 square feet, you need a variance for 78 square feet.

MR. HOLT: That is what we are asking for.

MRS. BARNHART: This is the original one that came to me with the referral from the Planning Board but he's been back to Mark, I believe for changes in the plan.

MR. HOLT: Several times.

MRS. BARNHART: That's with the Planning Board as a group.

MR. HOLT: See, the variances required are required by the Planning Board. I took care of all the variances

as they are existing today and now when you folks pass on this, if you give us the variances, I go back to the Planning Board for final approval period. What else?

MR. LUCIA: One of the issues that comes up is exactly what variance is needed.

MR. HOLT: It's all spelled out there, sir.

MR. LUCIA: Just bear with me for a moment. If you look at your notice of disapproval from the Planning Board, he lists minimum lot area and minimum lot width, that they are pre-existing conditions. I'm not sure you're grandfathered under that. Section 4825D of the Zoning Ordinance, deals with nonconforming buildings and my understanding is from the Planning Board presentation, you intend to demolish the existing building and replace it. That section on nonconforming buildings does not apply to demolition. If you look at the section, it applies to a number of issues, normal maintenance and repair, structural alteration, moving, reconstruction or enlargement of a nonconforming building. But, it has nothing to do with demolition so if you're going to completely demolish the existing building, I think this application comes in as a completely fresh application on this site. If you do need a variance on every matters, so you are not really grandfathered on anything.

MR. HOLT: As per instructions, as per the suggestion made by the Town Engineer, this is the final plan and these are the suggestions that were made.

MR. LUCIA: I am not doubting at all that you conformed to the letter of what was asked for. My concern is that the Planning Board has seen that plan and passed it on.

MR. TORLEY: You are going to need a signed variance.

MR. HOLT: Yes.

MR. TANNER: Why did they do it this way?

MR. BABCOCK: It was denied and sent here based on the plan. This plan came in, the date is April 4th, nobody has seen this plan yet. That's the difference.

MR. HOLT: Well, excuse me, when I brought in 16 copies of that, why didn't you folks see that?

MR. BABCOCK: Because that's not what we are supposed to do. They are not supposed to get the plan. They are supposed to get the plan that was referred to them, not any updates. I don't know that these plans came in until today, you know what I'm saying?

MR. KONKOL: Did the Planning Board get the corrected ones?

MR. BABCOCK: No. The Planning Board Secretary did but hasn't been seen by the Planning Board. That's the difference. Now, that Dan is pointing out that the difference in the demolition of the building, right now, I notice on the agenda it says about a sign and on the referral from the Planning Board the sign wasn't to my knowledge wasn't even discussed because we didn't put it on the referral.

MR. LUCIA: It was in Mark's letter, I think and also the, our preliminary meeting says setback for sign. I think he actually needs a sign area variance also.

MR. TORLEY: Seventy-eight (78) square feet certainly does.

MR. HOLT: Approximately, the same as the sign that's there now, only different type sign.

MR. TORLEY: But it's a new sign.

MR. HOLT: It's a new sign.

MR. TORLEY: Which is not conforming with the zoning code.

MR. HOLT: That's okay. I'll take the variance, you folks go ahead and vary it. That's your function, right?

MR. LUCIA: We are not commenting on the merits of your application. This whole discussion has to do with the procedure by which you came here.

MR. HOLT: Why wasn't I informed about the Planning Board or someone that I had to go to the Planning Board back?

MR. LUCIA: I think you were, sir, if you look in the minutes of the Planning Board, I think Mark Edsall says that you need to resolve the issue before the Planning Board.

MR. HOLT: After I came to you.

MR. LUCIA: Before you come here.

MR. TORLEY: Before we sent it over to the Zoning Board. In the past, we have had occasions where we are seeing one plan, the Planning Board is seeing another plan and it gets sort of--

MR. FENWICK: To get back to what I was saying in the beginning and that's we are, we always act on if it's a referral from the Planning Board, we always act on a plan that's in fact signed by the Chairman of the Planning Board. And this is not.

MR. HOLT: Well, if you insist upon signing of the plan by the Planning Board, prior to getting the variances, he's okaying that particular plan, if he puts his name on it before it goes before you.

MR. BABCOCK: It wouldn't be a stamp of approval. It's just a signature so they know that they are looking at the correct plan.

MR. HOLT: Why wasn't I told this?

MR. BABCOCK: Well, I think to be very honest about this, I think since that Dan brought to light that the building is going to be completely demolished, in my opinion, if that's the case what you're saying he's going to need a lot area and also a lot width so it's going to have to be modified anyway.

MR. HOLT: Nonconforming use.

MR. LUCIA: Not once you demolish it.

MR. BABCOCK: So really wasn't a wasted trip. This is good that this came out now. We know what we have to write up.

MR. LUCIA: If you were reconstructing it or enlarging it, that left the integrity of the existing building there, then you'd have an argument for coming under the nonconforming building. You're demolishing everything and nothing is grandfathered.

MR. NUGENT: We can vote on that plan. That does him no good whatsoever.

MR. LUCIA: There's not even a table on it.

MR. FENWICK: This plan?

MR. HOLT: I understand that is preliminary meeting.

MR. LUCIA: That's the function of this is to kind of flush out all these issues.

MR. HOLT: I come back next time to a public hearing, the same thing is going to be presented.

MR. LUCIA: I don't doubt that but it will have a signature.

MR. FENWICK: If you're going to come back here, you're going to have to come back for another preliminary.

MR. HOLT: I started these back in October. I have been from one Board to the other and back and forth and--

MR. FENWICK: This is the first time this Board has seen anything about this piece of property so as far as going from one Board to another, that's not true. This is the first time you have been before this Board with this piece of property.

MR. TANNER: We can sympathize with you the fact that it takes a long time sometimes.

MR. HOLT: Well, I wish that I was instructed on all these things because I don't like coming back half a dozen times. I don't like taking up your time either.

MR. LUCIA: I might suggest that you take a look at the minutes of the January 23rd, 1991 Planning Board meeting. I think it's spelled out exactly the steps which you have to take before the Planning Board in order to get a referral to the Zoning Board.

MR. HOLT: Can I have a copy of that?

MR. LUCIA: Call Myra, she'll get it for you.

MR. KONKOL: He has to go back to the Planning Board.

MRS. BARNHART: The Planning Board has to see this plan that we saw tonight for the first time before he can come back for a preliminary and we have to have a new sheet that says whatever it says on this plan on here.

MR. KONKOL: How did he get on the agenda tonight? I'm

a little bit confused.

MRS. BARNHART: Because we got one of these. We got one of these and we also got a plan. What else do we need?

MR. KONKOL: Where did you get that from?

MRS. BARNHART: The Planning Board.

MR. TANNER: But they didn't initial it.

MR. LUCIA: The Planning Board hasn't seen this plan yet either.

MR. FENWICK: The Planning Board sent them to us on the plan that didn't have anything on it. This is the drawing. This is the plan Mr. Holt left with us this evening which he can probably keep because it adds something else to the file that's pointless.

MR. LUCIA: I think you may have picked up the one original plan that the Zoning Board of Appeals had.

MR. NUGENT: We don't need one. We're going to get one anyway. We are going to get a signed one from the Planning Board.

MR. LUCIA: If you would just leave that for the file, Mr. Holt.

MR. FENWICK: The original plan has to stay in the file. That's the reason why this was directed here.

MR. LUCIA: I think what happened at the time they wrote that referral, they assumed he was going to make the amendments that Mark was asking for, resubmit to the Planning Board then sign the plan so unfortunately, the denial got a little bit ahead of the revised plan coming in.

MR. HOLT: What does that mean on the bottom?

MR. LUCIA: That, you know, that is in order to set a date for a preliminary.

MR. HOLT: Well, all right, so what am I supposed to do? I didn't know that I had to have a map signed.

MR. LUCIA: As I say, I think the minutes of the January 23rd meeting of the Planning Board spell that out. Maybe call Myra, get a copy of those minutes, go

through them and I think you'll see exactly what it is Mark and the Planning Board had in mind before you came to the Zoning Board.

MR. HOLT: Before I leave, what do I have to do?

MRS. BARNHART: You have to take that to the Planning Board.

MR. LUCIA: Get the minutes from Myra, go through and make sure you covered all your bases and Mark's comments. Then submit that plan to the Planning Board. You'll have a meeting with them. At that point, they'll sign the plan and refer you here for the necessary variances. But, for your own homework purposes, before you get there, take to heart my comments about the fact that you probably are not grandfathered on your lot area and lot width. They are no longer pre-existing, if you're going to demolish the building. So, when you go back to the Planning Board, you're going to have to ask for a referral on those items too, you no longer have a nonconforming use status, if you're going to demolish the building. So, you're going to need additional variances, even beyond what's shown on the revised map. I also suggest you put on the map the sign area variance because your sign exceeds the maximum allowable sign area.

MR. HOLT: Suppose that we remodel the building as it is?

MR. LUCIA: Then you may need smaller or no variance because you would be grandfathered on certain issues. Then that's a decision you're going to have to make for your final proposal.

MR. KONKOL: Make sure he signs that plan before they send it back.

MR. HOLT: I wished I knew it, I mean I wasn't advised.

MR. TORLEY: There's no indication that they have given you final approval, just keeps everybody straight which plan is which.

MR. HOLT: My understanding at the Planning Board meeting that the variances we needed that they were certain ones that were spelled out. All my plans were corrected and I got this all taken care of. I sat down with Mark and see everything is all right. This is quite some time ago and the first time I could get on the preliminary, you know, is tonight but there

was no mention that I had to go back to the Planning Board again with my corrections.

MR. LUCIA: If you look at the January 23rd Planning Board minutes, it does say so in there so maybe Mark just assumed that you were, once you were through with him, you were going to take it back to the Planning Board. It's in the minutes.

MR. HOLT: Thank you.

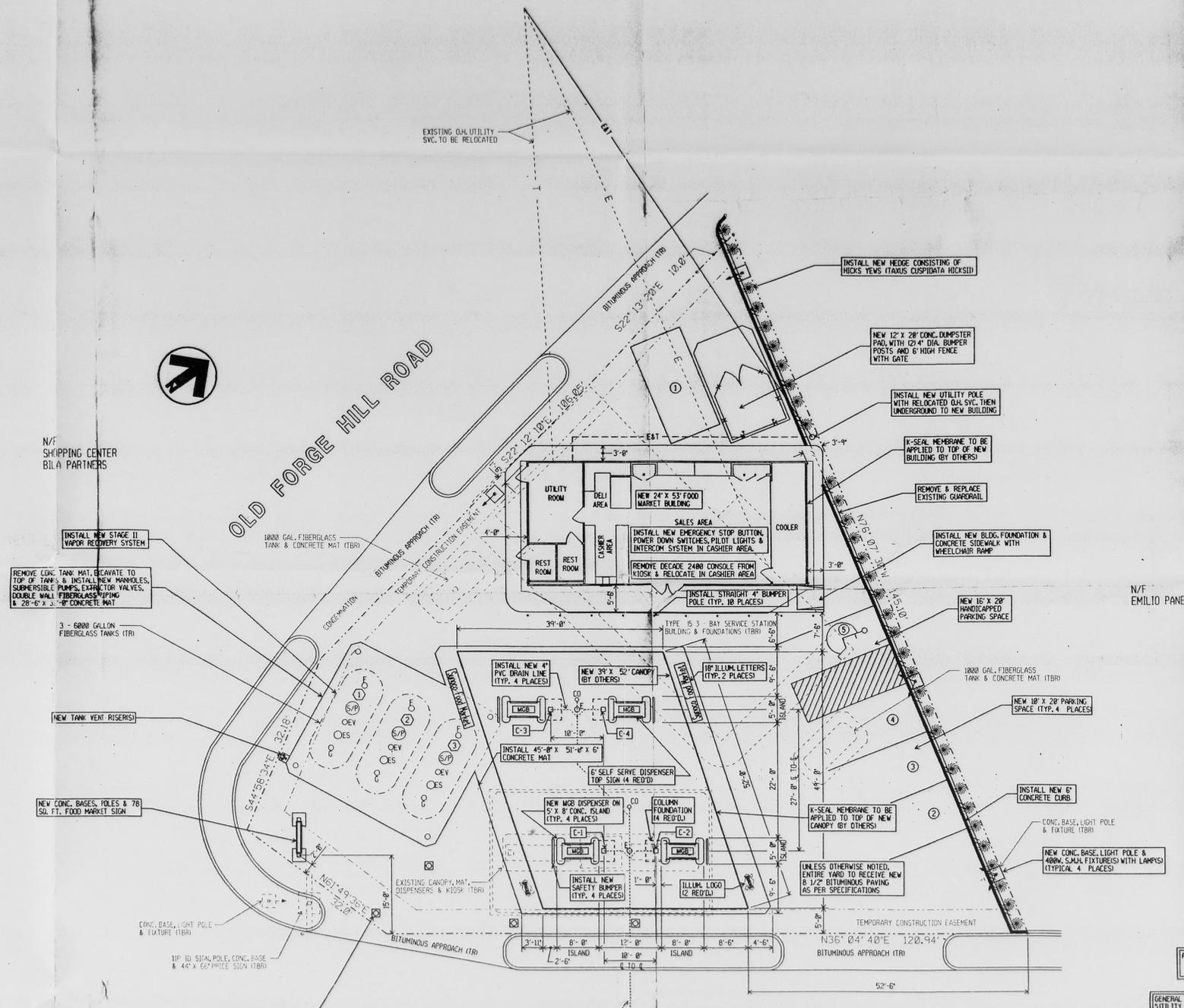
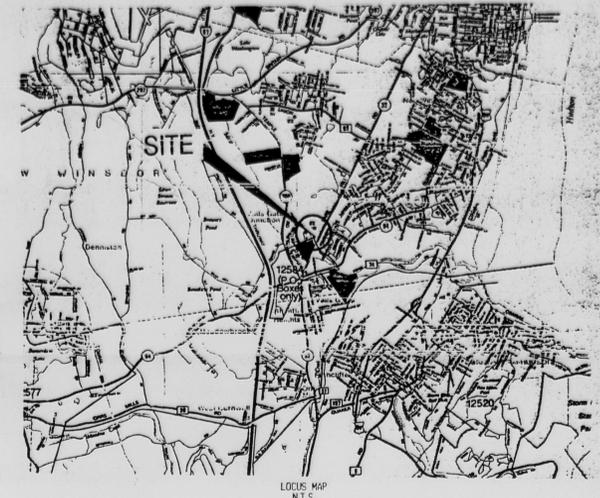
MR. FENWICK: Motion to table this?

MR. KONKOL: I'll make a motion to table this.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Tanner	Aye
Mr. Konkol	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye



- LEGEND**
- (TBR) TO REMAIN
 - (TR) TO BE REMOVED
 - (TBR) EXISTING GRADES
 - 00.00 PROPOSED GRADES
 - S.M.H. SUPER METAL HALIDE
 - MGB MULTI-GRADE BLENDER DISPENSER
 - CO CLEAN OUT
 - E MANHOLE FOR FUTURE E.P.O.S. CONSOLE
 - F FILL MANHOLE
 - ES ELECTRONIC SENSOR MANHOLE
 - EV EXTRACTOR VALVE MANHOLE
 - O.D.R.M. O.D.R.M. MANHOLE
 - S.P. SUBMERSIBLE PUMP MANHOLE
 - M/P MULTI-JET PUMP
 - C CAUSE MANHOLE
 - CONC. CURB (TBR)
 - CONC. CURB (TBR)
 - NEW 6" CONC. CURB
- NOTES**
- INDICATES NEW WORK TO BE PERFORMED UNDER THIS CONTRACT
 - TELEPHONE
 - ELECTRIC

REFERENCE DRAWINGS

MISCELLANEOUS DETAILS & ELEVATIONS	RM-1	REV. 2
DEVELOPMENT PLAN	RO-1	REV. 1
EMERGENCY STOP/START & DISPENSER SHUT-DOWN SCHEMATIC	2-328	REV. 3
EXTERIOR ELECTRICAL - SUNOCO FOOD MARKET WITH MGB'S	2-334	REV. 3
FIELD WIRING DIAGRAM FOR DISPENSING EQUIPMENT	2-368	REV. 1
SINGLE WALL FIBERGLASS TANK & PIPING DETAILS & SPECIFICATIONS	3-407	REV. 9
SINGLE WALL FIBERGLASS TANK & PIPING DETAILS AND MATERIAL SCHEDULE	3-410	REV. 8
SINGLE WALL FIBERGLASS TANKS & DETAILS	3-411	REV. 8
STAGE II VAPOR RECOVERY PIPING & DETAILS - IDEAL CENTRAL SYSTEM	3-422	REV. 3
EXTERIOR CONCRETE DETAILS	4-501	REV. 5
24' X 53' MODULAR BUILDING FOUNDATION FLOOR PLAN	5-3	REV. 0
24' X 53' MODULAR BUILDING INTERIOR EQUIPMENT & SCHEDULE	2WED	REV. 1
24' X 53' MODULAR BUILDING INTERIOR ELEVATIONS	5-9	REV. 0
24' X 53' MODULAR BUILDING FLOORING PLAN	P-1	REV. 0
24' X 53' MOD. BLDG. FLOORING SCHED. NOTES & DETAILS	P-2	REV. 0
24' X 53' MOD. BLDG. SINGLE PHASE ELECTRICAL PLAN	E-1	REV. 1
24' X 53' MOD. BLDG. SINGLE PHASE ELECTRICAL PLAN	E-2	REV. 1
24' X 53' MODULAR BUILDING FOUNDATION PLAN	F-10	REV. 0

FRED J. KAAS
SAM & ANDREA MADISON

CARMINE ANDRICOLA

WINDSOR HIGHWAY - ROUTE NO. 32

LABORERS LOCAL #17

TAX MAP SECTION: 65
BLOCK 2
LOT 14
ZONING: C-DESIGN SHOPPING & NEIGHBORHOOD COMMERCIAL

ZONING INFORMATION

	REQUIRED	EXISTING	PROPOSED	VARIANCE
LOT AREA	48,800 SQ. FT.	~15,000 SQ. FT.**	~15,000 SQ. FT.**	75% (SEE PT)
LOT WIDTH	200 FT.	136.94 FT.**	35.8 FT.*	(3) (SEE PT)
FRONT YARD SETBACK	60 FT.	31.5 FT.**/6.5 FT.**	61.5 FT.*	0% (SEE S)
SIDEYARD SETBACK	30 FT.	10.5 FT.**	3.75 FT.*	26.25 FT
REARYARD SETBACK	30 FT.	N/A	N/A	N/A
STREET FRONTAGE	N/A	320 FT.	302 FT.	N/A
MAXIMUM BUILDING HEIGHT	45 FT.	13 FT.2.2 FT. ALLOWED**	12.5 FT. 13.1 FT. ALLOWED**	13.1 FT
FLOOR AREA RATIO	5	N/A	N/A	N/A
MINIMUM LIVABLE AREA	N/A	N/A	N/A	N/A
DEVELOPMENT COVERAGE	N/A	N/A	N/A	N/A
PARKING SPACES	4	3	5	N/A
Sign Set Back	15 FT	16.5 FT	16.5 FT	13.0 FT
	14.25 FT	16.5 FT	16.5 FT	13.0 FT

- NOTES:**
- PARKING SPACE/100 SQ. FT. OF SALES AREA = 550 SQ. FT./150-3.5 (4 SPACES)
 - TABLE NOTATION:
 - * - REQUIRES VARIANCE. PROPOSED IMPROVEMENTS REQUIRE SPECIAL PERMIT BY PLANNING BOARD
 - ** - EXISTING NON-COMFORMANCE
 - VARIANCES REQUIRED:
 - FRONT YARD SETBACK
 - SIDE YARD SETBACK
 - SIGN SETBACK
 - TOTAL SQUARE FOOTAGE OF SIGNAGE

ALL IMPROVEMENTS TO BE DONE BY OWNER/D.O.T.
GENERAL CONTRACTOR SHALL CONTACT UTILITY CALL CENTER 72 HOURS PRIOR TO EXCAVATION AT 1-516-861-6000

4	2/11/90	REVISED ZONING INFORMATION TABLE & PARKING SPACE/100 SQ. FT. OF SALES AREA	DC	MCS	JK
3	3/15/90	REVISED ZONING INFORMATION TABLE & PARKING SPACE/100 SQ. FT. OF SALES AREA	DC	MCS	JK
2	1/11/90	REVISED ZONING INFORMATION TABLE & PARKING SPACE/100 SQ. FT. OF SALES AREA	SCG	DMR	JK
1	1/22/90	REVISED ZONING INFORMATION TABLE & PARKING SPACE/100 SQ. FT. OF SALES AREA	SCG	JCL	JK

SUN REFINING & MARKETING COMPANY
Facilities & Distribution Department
Philadelphia, PA

LOCATION: 362 WINDSOR HIGHWAY NEWBURGH, N.Y.

PROJECT NO. _____

PLOT PLAN PROPOSED IMPROVEMENTS

APPROVED: _____ DATE: 3-23-90

CHECKED: SCG
DRAWN: VVM

FACILITY NO. 6-7744

DRAWING NO. RP-1

SCALE: 1" = 10'-0"

REV. 4



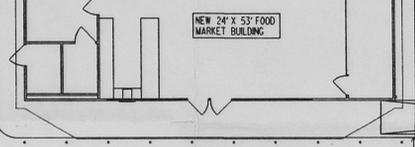


OLD FORGE HILL ROAD

REMOVE CONC. TANK MAT, EXCAVATE TO TOP OF TANKS & INSTALL NEW MANHOLES, SUBMERSIBLE PUMPS, EXTRACTOR VALVES, DOUBLE WALL FIBERGLASS PIPING & 28'-6" X 32'-0" CONCRETE MAT

3 - 6000 GALLON FIBERGLASS TANKS (TYP)

NEW CONC. BASES, POLES & 78 SQ. FT. FOOD MARKET SIGN



NEW 12' X 20' CONC. DUMPSTER PAD WITH 2" DIA. BUMPER POSTS AND 6' HIGH FENCE WITH GATE

NEW 39' X 52' CANOPY (BY OTHERS)

NEW 15' X 20' HANDICAPPED PARKING SPACE

INSTALL 45'-0" X 51'-0" X 6" CONCRETE MAT

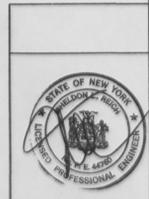
NEW 18' X 20' PARKING SPACE (TYP. 4 PLACES)

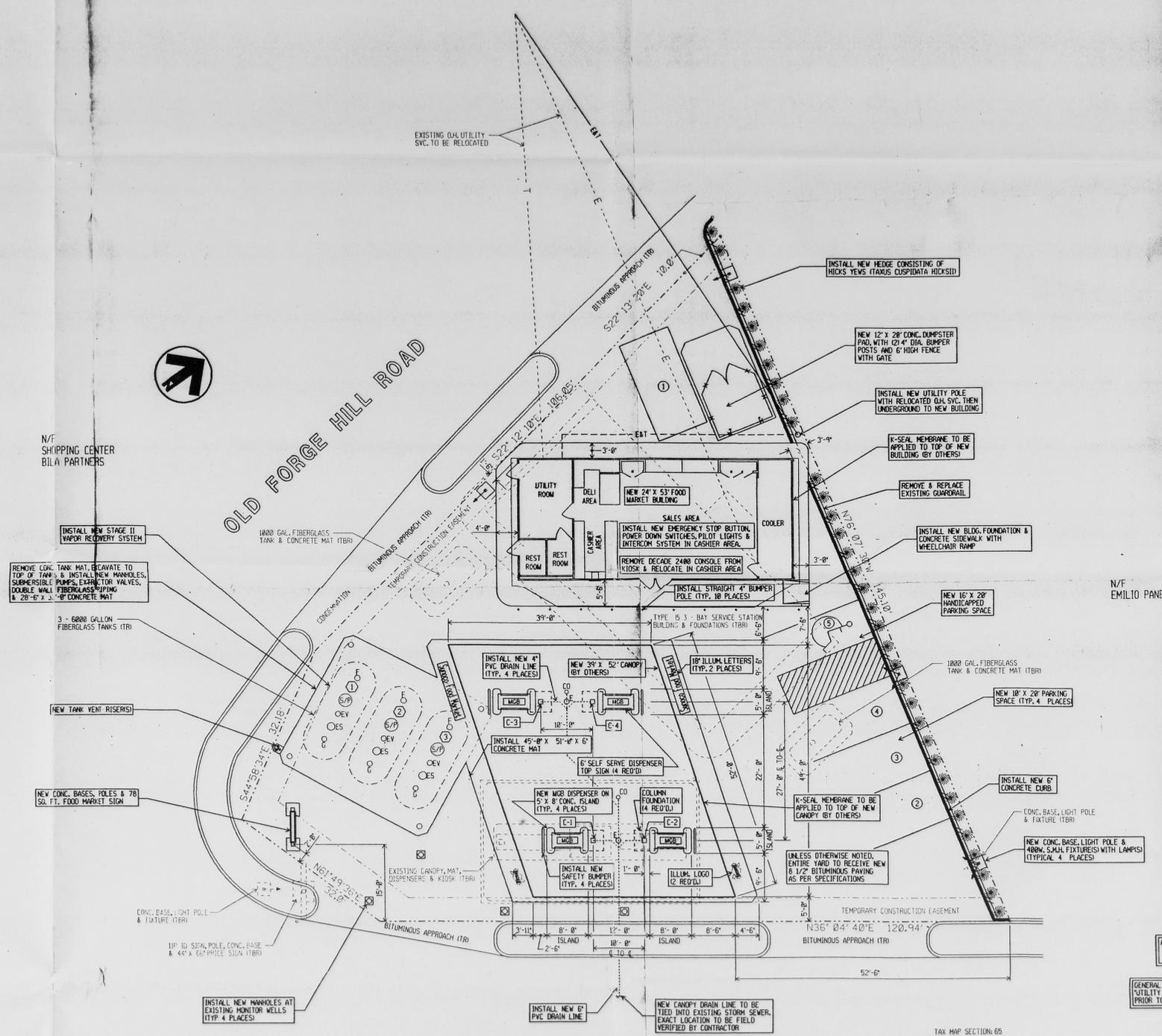
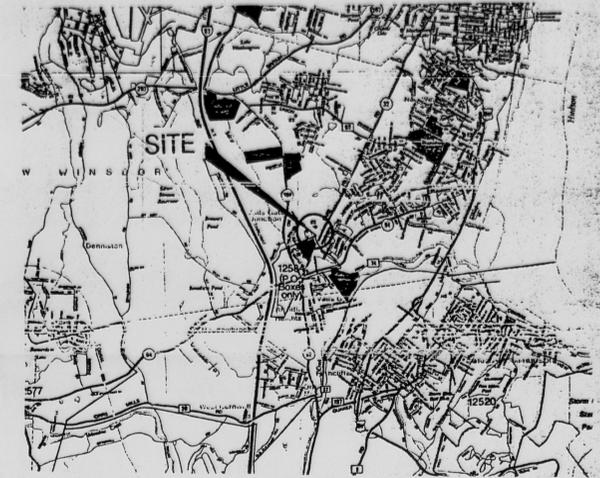
NEW MGR DISPENSER ON 5' X 6' CONC. ISLAND (TYP. 4 PLACES)

WINDSOR HIGHWAY - ROUTE NO. 32

REV. NO.	DATE	REVISIONS	DESIGN BY	CHECK BY	APPROV.
1		REVISED TO REFLECT CHANGES MADE TO PLOT PLAN 08-11-REV. 4.			DC RES <i>EVA</i>

SUN REFINING & MARKETING COMPANY Facilities & Distribution Department Philadelphia, PA		PROJECT NO.
LOCATION:	362 WINDSOR HIGHWAY NEWBURGH, N.Y.	
DEVELOPMENT PLAN PROPOSED IMPROVEMENTS		SCALE 1" = 10'-0"
APPROVED	FACILITY NO.	DRAWING NO.
CHECKED <i>R. SAVAGE</i>	6-7744	RD-1
DRAWN <i>D. FOCK</i>		1
DATE <i>11/12/93</i>		





- LEGEND**
- (TR) TO REMAIN
 - (TR) TO BE REMOVED
 - (TR) EXISTING GRADES
 - (TR) PROPOSED GRADES
 - (TR) S.M.H. SUPER METAL HALIDE
 - (TR) MGB MULTIGRADE BLENDER DISPENSER
 - (TR) CLEAN OUT
 - (TR) MANHOLE FOR FUTURE E.P.O.S. CONSOLE
 - (TR) F FILL MANHOLE
 - (TR) ES ELECTRONIC SENSOR MANHOLE
 - (TR) EV EXTRACTOR VALVE MANHOLE
 - (TR) DB DRYBREAK MANHOLE
 - (TR) S/P SUBMERSIBLE PUMP MANHOLE
 - (TR) M/JP MULTI-JET PUMP
 - (TR) C GAUGE MANHOLE
 - (TR) CONC. CURB (TR)
 - (TR) CONC. CURB (TR)
 - (TR) NEW 12" CONC. CURB
- NOTES**
- INDICATES NEW WORK TO BE PERFORMED UNDER THIS CONTRACT
 - TELEPHONE
 - ELECTRIC

REFERENCE DRAWINGS

MISCELLANEOUS DETAILS & ELEVATIONS	RM-1	REV. 2
DEVELOPMENT PLAN	RD-1	REV. 1
EMERGENCY STOP/START & DISPENSER SHUT-DOWN SCHEMATIC	2-328	REV. 9
EXTERIOR ELECTRICAL - SUNOCO FOOD MARKET WITH MGB'S	2-339	REV. 3
FIELD WIRING DIAGRAM FOR DISPENSING EQUIPMENT	2-350	REV. 1
SINGLE WALL FIBERGLASS TANK & PIPING DETAILS & SPECIFICATIONS	3-409	REV. 9
SINGLE WALL F/G TANK AND PIPING DETAILS AND MATERIAL SCHEDULE	3-410	REV. 8
SINGLE WALL FIBERGLASS TANKS & DETAILS	3-411	REV. 8
STAGE II VAPOR RECOVERY PIPING & DETAILS - HEALY CENTRAL SYSTEM	3-422	REV. 3
EXTERIOR CONCRETE DETAILS	4-501	REV. 5
24' X 53' MODULAR BUILDING FOUNDATION FLOOR PLAN	S-3	REV. 0
24' X 53' MODULAR BUILDING INTERIOR EQUIPMENT & SCHEDULE	2WD	REV. 1
24' X 53' MODULAR BUILDING INTERIOR ELEVATIONS	S-5	REV. 0
24' X 53' MODULAR BUILDING PLUMBING PLAN	P-1	REV. 0
24' X 53' MOD. BLDG. PLUMBING SCHED., NOTES & DETAILS	P-2	REV. 0
24' X 53' MODULAR BUILDING SINGLE PHASE ELECTRICAL PLAN	E-1	REV. 1
24' X 53' MOD. BLDG. SINGLE PHASE FIBERGLASS & S/PVC EXT. WIRING DIA.	E-2	REV. 1
24' X 53' MODULAR BUILDING FOUNDATION PLAN	F-1b	REV. 0

TAX MAP SECTION: 65
BLOCK: 2
LOT: 14
ZONING: C-DESIGN SHOPPING & NEIGHBORHOOD COMMERCIAL

ZONING INFORMATION

	REQUIRED	EXISTING	PROPOSED	VARIANCE
LOT AREA	40,000 SQ. FT.	15,000 SQ. FT.**	15,000 SQ. FT.*	25,000 SF
LOT WIDTH	200 FT.	136.94 FT.**	136.94 FT.*	63.06 FT
FRONT YARD SETBACK	60 FT.	31.5 FT.**/6.5 FT.**	61.2 FT./1.5 FT.*	DF 59.5
SIDEYARD SETBACK	30 FT.	10.5 FT.**	10.5 FT.**	26.25 FT
REAR YARD SETBACK	30 FT.	N/A	N/A	
STREET FRONTAGE	N/A	320 FT.	320 FT.	
MAXIMUM BUILDING HEIGHT	4' FT.	13 FT. (2 FT. ALLOWED)**	12.5 FT. (3 FT. ALLOWED)**	(3 FT)
FLOOR AREA RATIO	.5	.14	.11	
MINIMUM LIVABLE AREA	N/A	N/A	N/A	
DEVELOPMENT COVERAGE	N/A	N/A	N/A	
PARKING SPACES	4	3	3	
Sign SETBACK	15 FT	2	2	13.0 FT
	14.5 FT	14.5 FT	14.5 FT	

- NOTES:**
1. PARKING: 1 SPACE/150 SQ. FT. OF SALES AREA = 550 SQ. FT./150 = 3.6 (4 SPACES)
 2. TABLE NOTATION:
 - ** - REQUIRES VARIANCE. PROPOSED IMPROVEMENTS REQUIRE SPECIAL PERMIT FROM PLANNING BOARD
 - ** - EXISTING NON-COMFORMANCE
 3. VARIANCES REQUIRED:
 - FRONT YARD SETBACK
 - SIDE YARD SETBACK
 - SIGN SETBACK
 - TOTAL SQUARE FOOTAGE OF SIGNAGE

FRED J. KAAS
SAM & ANDREA MADISON

CARMINE ANDRICOLA

WINDSOR HIGHWAY - ROUTE NO. 32

LABORERS LOCAL #17



SUN REFINING & MARKETING COMPANY
Facilities & Distribution Department
Philadelphia, PA

LOCATION: 362 WINDSOR HIGHWAY NEWBURGH, N.Y. PROJECT NO. _____

PLOT PLAN
PROPOSED IMPROVEMENTS

APPROVED: SCG FACILITY NO. 6-7744 DRAWING NO. RP-1
DATE: 3-23-90