ZB# 90-36

Denhoff Developmnt Corp.

9-1-15.1

#90-36 - Denhoff Development Corp. - Bldg/Clock Tower Hgt.

Prelim.

Oct. 22, 1990.

Need:

1. Deed
2. Title Report
3. Photos.

Public Hearing:

Dec. 10, 1990

OCP & Dev.
11/20/90 notified ✓

Notice to Sentinel
on 11/9/90. ✓

Granted
Area Variances
2 Height
on 12/10/90

General Receipt

11784

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

Dec. 12 19 90

Received of Dexhoff Development Corp. $ 50.00/xx

Fifty and 00/100 DOLLARS

For ZBA Variance Application Fee #90-36

DISTRIBUTION:

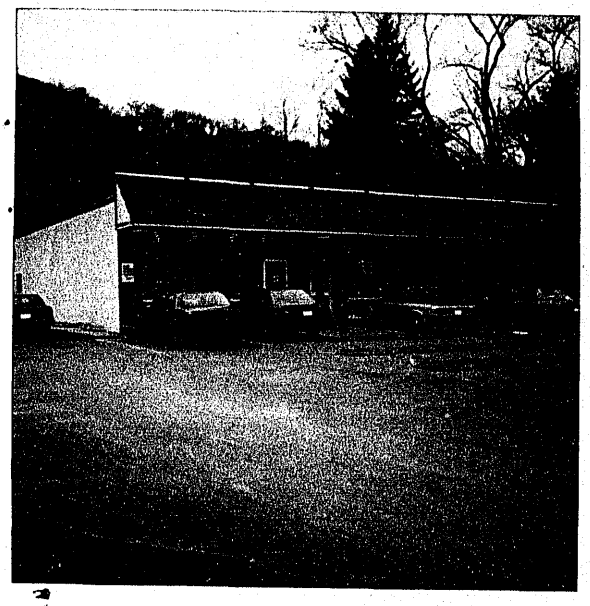
FUND	CODE	AMOUNT
CR #199		50.00

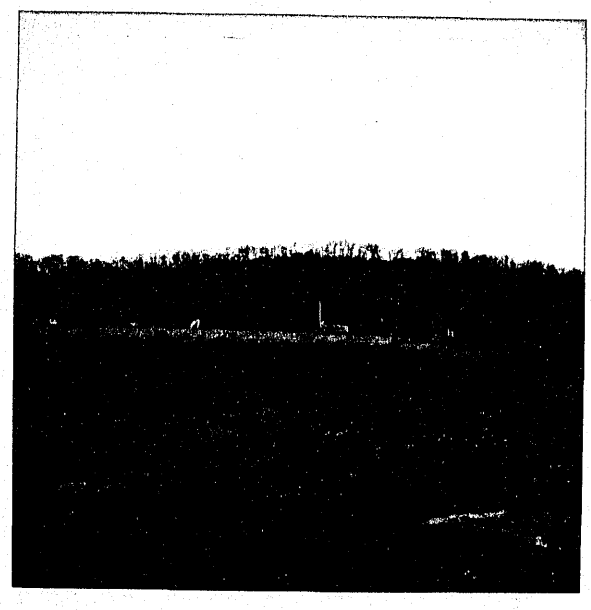
By Pauline G. Townsend

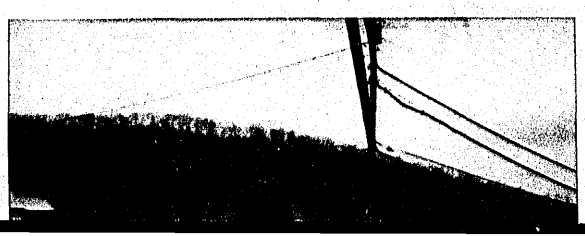
Town Clerk
Title

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

Gray





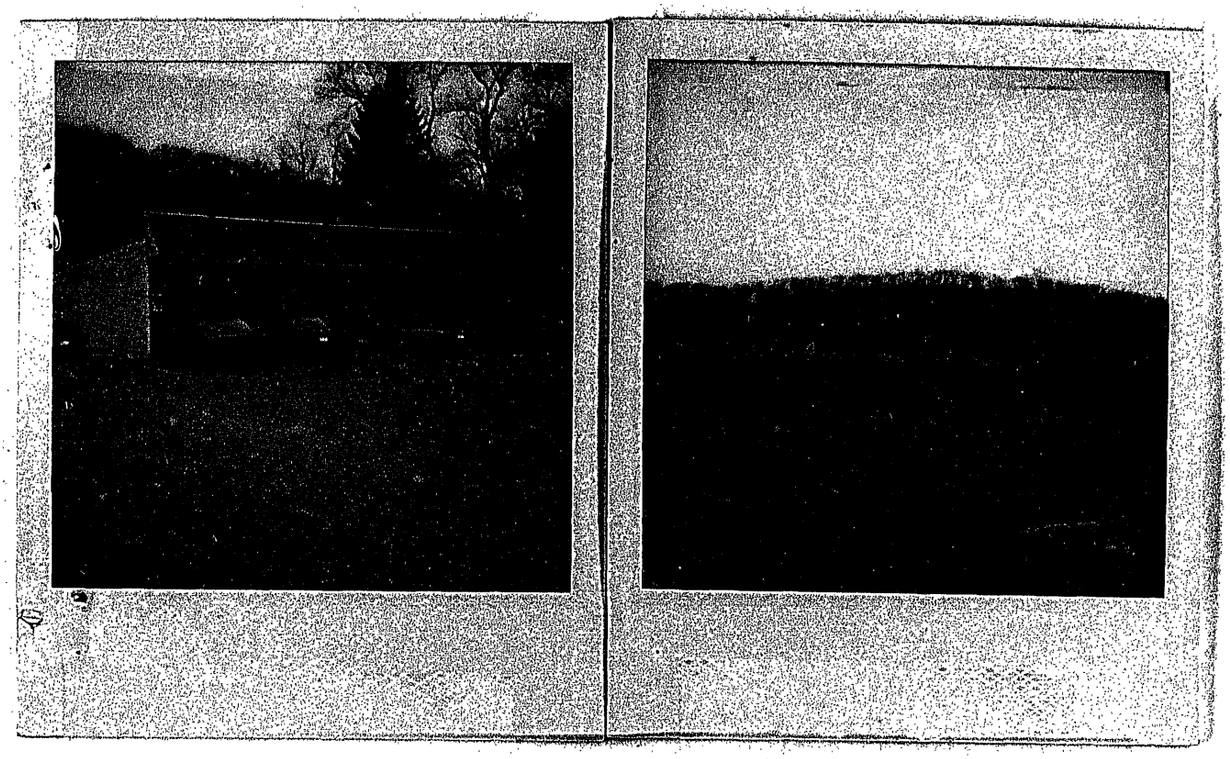


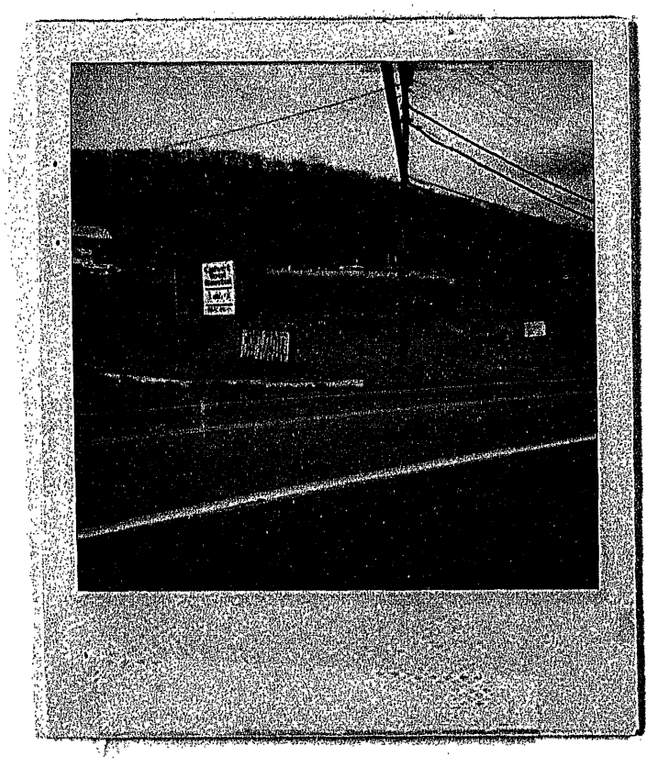
CR #199		50.00

Town Clerk
Title

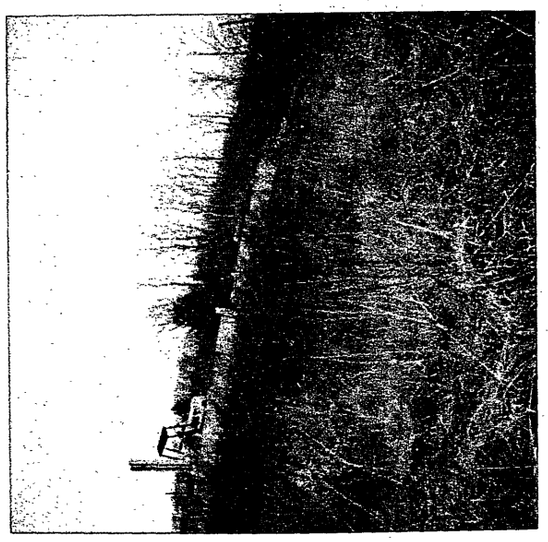
Williamson Law Book Co., Rochester, N. Y. 14609

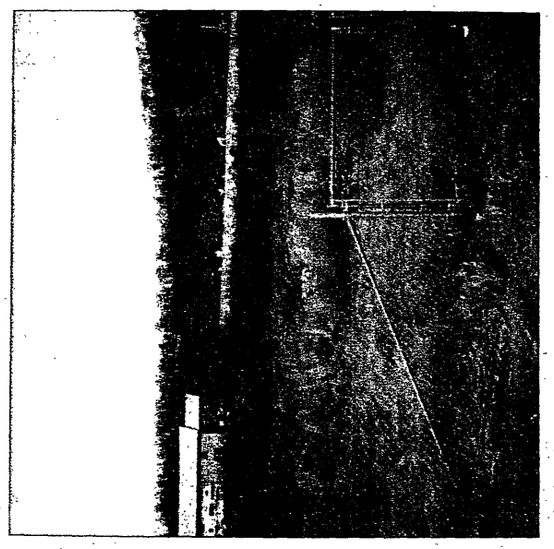
Greg





#90-36 - Denhoff Development Corp. - Bldg/Clock Tower Hgt.





TOWN OF NEW WINDSOR

file

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4630
Fax: (914) 563-4693

OFFICE OF ZONING BOARD OF APPEALS

1763

December 2, 1997

Mr. Charles W. Beck
Land Resource Consultants
2698 Route 6
Slate Hill, N. Y. 10973

Re: Application of Denhoff Development Corp. - Our File #90-36

Dear Mr. Beck:

This will confirm that a further extension of one-year was granted regarding the above-entitled area variance at the November 24, 1997 Zoning Board of Appeals meeting. This extension will expire on January 20, 1999.

If you require additional data please do not hesitate to contact this office.

Very truly yours,

Patricia A. Barnhart

Patricia A. Barnhart,
Secretary

/pab
cc: Michael Babcock, B. I.

Rec'd. TA/ZBA Office - 11/20/97.

CC: ZBA Members

Land Resource Consultants

Charles W. Beck, JD

2698 Route 6
State Hill, N.Y. 10973
(914) 355-1219

For 11/24/97 agenda.

November 19, 1997

Hon. James Nugent, Chairman and
Members of The Zoning Board Of Appeals
Town Hall, Town Of New Windsor
555 Union Avenue
New Windsor, New York

Re: Application of Denhoff Development Corp.
Your File #90-36

This is an application directed to the Zoning Board Of Appeals for a further extension of the limitation of time imposed upon the Variance granted by this Board on January 28, 1991, by Section 48-34, subsection G of the Zoning Law of the Town of New Windsor.

The above referenced File of the Zoning Board Of Appeals of the Town Of New Windsor will reveal that this office has represented the Applicant, Denhoff Development Corp., since it's original Variance application to the Board. It will also reveal the following relevant history:

January 28, 1991	Area Variance granted
October 28, 1991	an extension granted to January 20, 1993
October 26, 1992	an extension granted to January 20, 1994
November 8, 1993	an extension granted to January 20, 1995
December 22, 1994	an extension granted to January 20, 1996
December 12, 1995	an extension granted to January 20, 1997
November 26, 1996	an extension granted to January 20. 1998.

I will presume that this Board is fully familiar with this application and with the arguments I have repeatedly made in support of the relief requested. I can only further state that in the past year nothing has changed to improve the status of this project:

- Denhoff Development and the adjacent owner, Calvet, do not have a road maintenance agreement required by the Planning Board of the Town.
- Denhoff Development has not been able to obtain Final Site Plan approval from the Planning Board of the Town.
- the economic climate of the area remains unchanged and will not presently support the construction of this project.
- and, the, "significant economic injury" that existed for Denhoff Development in December of 1990 has significantly increased over the intervening years.

It is respectfully requested that the Area Variance granted to Denhoff Development Corp. be extended for an additional year. This Board's careful consideration and approval of this request is appreciated.

Very truly yours,
Land Resource Consultants

Charles W. Beck

Date 12/3/97, 19

TOWN OF NEW WINDSOR

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

TO Frances Roth 168 North Onny La. DR.
Newburgh, NY 12550

DATE			CLAIMED		ALLOWED	
11/24/97		Zoning Board Mtg	75	00		
		Misi - 1				
		Reinhoff - 6 27.00				
		Diaz - 4				
		Togota - 7				
		Mobil Oil - 24	189	00		
		42				
			264	00		

CORRESPONDENCE

DENHOFF

MR. NUGENT: First order of business is to act on the correspondence from Denhoff Development. As you all see by your papers that pat sent out, we have extended them six extensions so far. You're representing them? I thought it was just a letter, okay. It's yours.

Mr. Charles Beck appeared before the board for this discussion.

MR. BECK: I think the letter as well as the history that I am sure the board is well aware of is sufficient and I thought if there were any questions, I wanted to be present to address them.

MR. KANE: We're going originally back six years here. Doesn't say exactly what the use variance was for.

MR. BECK: It was an area variance as to height.

MR. NUGENT: It's on this sheet, I don't know if you got this Mike but there were several variances that were asked for and received.

MR. KANE: Okay.

MR. NUGENT: At that time some of the members weren't on the board.

MR. KANE: It just use sign variance, did we give them a use variance too on the property?

MS. BARNHART: I believe at the time the zoning was not C zone, it is now, so it's changed in the interim, so they don't need the use anymore but they still need the area.

MR. NUGENT: They waited several years for sewer, I believe for that.

MR. BECK: It was more than that that took it up to 1994 waiting for the sewer to be completed. I'm

working from recollection but I believe it was late September of '94 when the sewer district was completed and available for hookup.

MR. KANE: For the record, I mean obviously there has--has there been any other construction in that area that may warrant us to take another look at the height restrictions that you have been granted.

MR. BECK: Nothing has changed.

MR. KANE: I just wanted to put it on the record.

MR. NUGENT: What's the pleasure of the board?

MR. TORLEY: Well, I think November of '96 when we did this, delays with the sewer line wasn't, clearly was not the applicant's fault, he couldn't do it without the sewer lines. But after that, it's been a long time, it's my recollection that in '96, this was the last one I was going to support, you know, I'd like to stay with that. I think the applicant's had enough time at this point.

MR. NUGENT: You're saying would you grant it at this time?

MR. TORLEY: No, I would not grant another one. Last time I said it was going to be the last time.

MR. BABCOCK: Is it your intentions to do the construction now or have you, is there anything on the board or--

MR. BECK: We're still trying to put ourselves in a position to get final approval from the planning board. We have at this point conditional approval. The main hangup is between Calvet and Denhoff and they have been unable to come up with a private maintenance agreement that is required by the planning board and we're still working on that.

MR. KANE: Is there ongoing discussions on that now?

MR. BECK: Yes, there is.

MR. BABCOCK: See, the DOT would not give them a curb cut on 32, I remember that, so they want them to use the entrance of Calvet Tool Rentals. Planning board says if there's going to be two users of that road, we want a maintenance agreement on the road. And as I recall, Calvet said we really don't want to enter into that, now they are negotiating apparently with them to try and get that.

MR. TORLEY: How long has that been?

MR. BABCOCK: It's been a while now.

MR. BECK: It's in excess of three years at this point you have got two people that are like strange bull dogs.

MR. NUGENT: Are they in front of the planning board though?

MR. BABCOCK: Well, it's got conditional final approval that they get this maintenance agreement.

MR. NUGENT: That is the only thing holding up the project?

MR. BECK: There were two other very minor details that had to be addressed on the map that had been submitted and those two have to be cleared up but there are map notations, the major hangup is this road maintenance agreement between Calvet and Denhoff.

MR. KANE: If it weren't for the road maintenance agreement, you'd go ahead with the project?

MR. BECK: We'd be done, rather than come back here, we'd pick up a permit.

MR. KANE: My feeling would be to give them one more year with the condition that we know next year it's going to be it.

MR. TORLEY: That is what we said last time but to say that the economic climate of the area will not

presently support the presence of this project, I don't know that it is going to get much better.

MR. KANE: I have met the people, I met the people that are, I had met the people involved in that, six or seven years is getting to be a pretty long time. If they are willing to continue the approval, it may not pass, the last time it goes through here, we didn't question it too deeply.

MR. BABCOCK: Maybe, what would this do to his planning board approval if he looses his area variances?

MR. NUGENT: Starts over again.

MR. KRIEGER: Negated.

MR. KANE: He has to start over again. I'd rather give the warning which you didn't give last time, Larry.

MR. KRIEGER: The problem that concerns me, thank you for refreshing my recollection, which is the same as yours now, if there's no particular incentive for Calvet to enter into this they have got nothing at stake, they have got nothing to lose. Unfortunately, I don't see the situation where that is likely to change, they had nothing to lose the last year or nothing before, they still have nothing to lose. I don't see where they have as I say any incentive and without having that, frankly, I think the likelihood of their entering into voluntarily entering into an agreement in the coming year that they haven't in the last two years is not great.

MR. NUGENT: Didn't Calvet sell the piece of property to them?

MR. BECK: Sold it to our, there was an owner in between, so that the original transaction was not between Calvet and Denhoff, I don't know that I have the deed history. He doesn't care, he got his money already.

MR. KRIEGER: If Calvet has some legal obligation, I'm not saying they do, I'm just speculating if they do, I

can't see where they, where such an obligation would arise in the coming year, if it hasn't already arisen, such a legal obligation might provide an incentive if it existed. But apparently, by behavior, I have to come to the conclusion that Calvet is of the opinion that it doesn't exist, I have no opinion one way or the other, but looking at the parties--

MR. TORLEY: And I really don't wish to, we never have precedence here, each case is unique. But I don't want to have the attitude that well, we can keep renewing variances and variances forever, which is what I said last time cause the gentleman at that point said well, we're almost ready to go, it's been almost ready to go for a long time. The last time I said this is the last one I'm supporting that I gave them another 14 months to do something and there has been no change in the status since then materially.

MR. BECK: Not certainly not major or I wouldn't be here.

MR. NUGENT: I personally--

MR. BECK: The only thing that is changed in the past year is the cost of carrying this project as it costs us that much more.

MR. NUGENT: I'd like to put it to a vote guys and ladies if--

MR. TORLEY: For the purpose of bringing it to a vote, I move we grant the extension.

MR. KANE: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	NO
MR. KANE	AYE
MR. NUGENT	AYE

MR. KANE: Just for on the record, be my last yes vote.

MR. KRIEGER: So that you understand the zoning board is legally obligated if they are going to carry a vote if it is going to carry a vote to have three positive votes, regardless of how many members happen to be here on a particular meeting. You now have three votes, lose one, you won't have three votes so word to the wise.

MR. BECK: Thank you.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4630
Fax: (914) 563-4693

file

1763

OFFICE OF ZONING BOARD OF APPEALS

November 26, 1996

Land Resource Consultants
2698 Route 6
Slate Hill, N. Y. 10973
Attn: Charles W. Beck, Jr. JD

Re: Application of Denhoff Development Corp.
ZBA File #90-36

Dear Mr. Beck:

Please be advised that the Zoning Board of Appeals at its November 25, 1996 meeting acted on your request of November 19, 1996 to extend the above-entitled variance for an additional year. Therefore, the variance will expire on January 20, 1998.

Very truly yours,

Patricia A. Barnhart
Secretary to the ZBA

cc: Building Inspector Babcock

Land Resource Consultants

Rec'd. ZBA 11/20/96 (AB)

cc: ZBA

2698 Route 6
Slate Hill, N.Y. 10973
(914) 355-1219

November 19, 1996

Hon. James Nugent, Chairman and
Members of The Zoning Board Of Appeals

Town Hall, Town Of New Windsor
555 Union Avenue
New Windsor, New York

Re: Application of Denhoff Development Corp.
Your File #90-36

This is an application directed to the Zoning Board Of Appeals for a further extension of the limitation of time imposed upon the Variance granted by this Board on January 28, 1991, by Section 48-34, subsection G of the Zoning Law of the Town of New Windsor.

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December 22, 1994	an extension granted to January 20, 1996
December 12, 1995	an extension granted to January 20, 1997.

It should be quickly pointed out that the Variance granted to Denhoff Development Corp. anticipated that the Applicant would utilize the then pending Sewer District #24 and that all requests for extension of the Variance from 1991 through 1994 were founded in the fact that Sewer District #24 was not completed. As previously reported to this Board Sewer District #24 was determined to be on line for this Applicant as of September 14, 1994.

As a review, I would remind the Board that Denhoff Development Corp. received an area variance to the height limitations imposed by the bulk regulations of the Zoning Law of the Town of New Windsor. The variance was to accommodate both the construction requirements and the architecture design characteristics of the construction proposed. I would also remind this Board, as was specifically recited in the Variance, " The applicant has shown significant economic injury..."; and would add that the economics that had existed prior to December 10, 1990 have increased significantly with the continuing charges incurred with carrying this parcel as well as the costs incurred with the repeated trips before this Board and the Town of New Windsor Planning Board in a continuing effort to keep this project viable.

Land Resource Consultants

2698 Route 6
Slate Hill, N.Y. 10973
(914) 355-1219

It is an axiom in the law of Zoning, that an applicant should not seek relief from the Board if there may be alternative relief available. Let me state emphatically, that there are no alternatives available to this Applicant, other than the relief requested herein. Review of the records of the Planning Board of the Town Of New Windsor disclose that the application of Denhoff Development Corp. before that Board has received, "conditional" approval, subject to the satisfactory completion of three requirements, open as of the last meeting between these parties, which was April 10, 1996. Two of the requirements are mere notations to be added to Applicant's Site Plan, reflecting matters discussed with and approved by the Board. The third and more complex requirement, is for the Applicant to obtain a Road Maintenance Agreement with the adjacent owner and submit it to the Board for its' review and approval. Such an Agreement must be satisfactory to the owner of the adjacent parcel, Calvet, and to Denhoff, and then be in such form as to meet the approval of the attorney for the Planning Board. This item has become the one remaining obstacle for the Applicant to overcome.

In addition, as has been pointed out in the past, the economic climate of the area does not presently support this proposed development. Though every reasonable effort is being made to attract the type of lead tenant that such a project requires as a basis for approval of mortgage construction moneys, such a tenant has not, as yet, been found. These are matters of continuing effort by use of area professionals.

One additional matter of note with respect to this request. As has previously been stated, this proposed construction has been a pet project for Mike Denhoff of Denhoff Development Corp. He is the owner of the parcel and the concept of what he wants for New Windsor was very ably produced by Liebman and Horwitz, Architects, and presented to the Planning Board and to this Board. The completion of that project, as designed, remains a priority for Mr. Denhoff. It would be a shame to lose such a project because time constraints dictated abandonment of a goal in favor of cutting ones losses.

The careful consideration and approval of this request is respectfully urged.

Very truly yours,
Land Resource Consultants

Charles W. Beck

by: Charles W. Beck, Jr. JD

REQUEST FOR 70 FT. REQUIRED STREET FRONTAGE IN ORDER TO ALLOW ACCESS TO A LOT WHICH WAS SUBDIVIDED BY OWNER.

8-6-3 MARSHALL, PETER AREA VARIANCES GRANTED
12 ONA LANE R-4 ZONE #93-42 11/22/93
REQUEST FOR VARIANCE IN ORDER TO ALLOW AN EXISTING 5 FT. HIGH FENCE ON CORNER LOT WHICH SAID FENCE PROJECTS INTO THE FRONT YARD, CONTRARY TO §48-14C(1)(c)[1] AND 48-14A(4) OF THE SUPPLEMENTARY YARD REGULATIONS AT THE ONA LANE RESIDENCE IN R-4 ZONE.

9/1/7 RGM ENTERPRISES USE VARIANCE GRANTED
ROUTE 9W/ADJACENT TO PETRO/DICARLO LANDS 3/16/70
EXT. NON-CONF. USE/RESTAURANT/GI ZONE #70-1
CONDITIONS: (1) 4 FT. CYCLONE FENCE BE ERECTED ALONG REAR PROPERTY LINE; (2) SUBJECT TO SITE PLAN APPROVAL BY P.B.

9-1- GAF CORPORATION VARIANCE GRANTED
WALSH AVENUE #74-25 GI ZONE 12/2/74
INSTALLATION OF TWO 30,000 GAL. FUEL OIL STORAGE TANKS.

9-1-12.1 LA CASA D'ORO, INC. SIGN VARIANCE GRANTED
154 WINDSOR HIGHWAY C ZONE #92-48 06/14/93
REQUEST FOR 104 S.F. SIGN AREA VARIANCE FOR A FREE-STANDING SIGN FOR ITS MINI-MALL TO BE LOCATED IN THE FRONT PORTION OF PARKING LOT KNOWN AS "HERITAGE SQUARE".

9-1-15.1 APOLLO LAND DEVELOPMENT, INC. USE/SIGN VARIANCE GRANTED
124 WINDSOR HIGHWAY #86-27 PI ZONE 09/08/86
REQUEST FOR USE VARIANCE FOR CONSTRUCTION OF MINI-MALL WITH RETAIL STORES AND OFFICE USE. ALSO, REQUEST FOR 60 S.F. SIGN VARIANCE FOR DIRECTORY SIGN. (DENHOFF DEVELOPMENT CORP.)

Denhoff

9-1-15.1 DENHOFF DEVELOPMENT CORP. AREA VARIANCE GRANTED
124 WINDSOR HIGHWAY C ZONE #90-36 12/10/90
REQUEST FOR 23.34 FT. BUILDING HEIGHT AND 38.34 FT. HEIGHT VARIANCE FOR CLOCK TOWER TO CONSTRUCT COMMERCIAL MALL ON THE FRONT PORTION OF 124 WINDSOR HIGHWAY (FRONT PORTION OF CALVET RENTAL PROPERTY). REQUEST WAS MADE ON OCTOBER 28, 1991 TO EXTEND THE VARIANCE FOR ONE YEAR WHICH WOULD EXPIRE ON 12/10/92 DUE TO THE FACT THAT THE TOWN DELAYED CONSTRUCTION ON SEWER DISTRICT #24. FURTHER REQUEST WAS MADE FOR ADDITIONAL EXTENSIONS AND APPROVED THROUGH 12/10/93. ON 11/08/93 A MOTION WAS MADE, SECONDED AND CARRIED TO EXTEND VARIANCE THROUGH 01/20/95. ON 12/12/94 A FURTHER EXTENSION WAS REQUESTED FROM DENHOFF AND WAS GRANTED THROUGH 01/20/96.
ON 12/11/95 AN EXTENSION OF ONE YEAR WAS GRANTED TO APPLICANT FOR VARIANCE ISSUED ABOVE TO EXPIRE ON 01/20/97.

9-1-15.2, CALVET, HAROLD AREA VARIANCE GRANTED
3&4 41 WINDSOR HIGHWAY/GI LOT AREA/FRONT YD. 5/18/70
CONST. OF STORAGE BUILDING #70-2
9-1-15.2,3,4 CALVET, HAROLD VARIANCE GRANTED
41 WINDSOR HIGHWAY RB ZONE 11/5/73
REQUEST FOR TOOL RENTAL BUSINESS
9-1-15 CALVET TOOL RENTAL INC. AREA VARIANCE/INTERP. DENIED
124 WINDSOR HIGHWAY #83-28 PI ZONE 09/26/83
REQUEST FOR 1,450 S.F. AREA VARIANCE FOR LOT #2 ON FRONT PORTION OF PROPERTY AND 15 FT. LOT WIDTH; AND INTERPRETATION THAT THE SALE OF READY-MIXED CONCRETE FOR USE BY SMALL CONTRACTORS AND HOMEOWNERS IS A PERMITTED USE ON THIS PROPERTY. THE ZBA FOUND THAT THIS USE IS A PERMITTED USE UNDER THE TERMS OF SUBD. 4 AND 6 OF THE USE REGS. COL. A IN A PI ZONE. HOWEVER, AREA VARIANCES WERE DENIED.

Date 11/28/96, 19

TOWN OF NEW WINDSOR

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

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

DATE			CLAIMED		ALLOWED	
11/25/96		Zoning Board Mtg	75	00		
		Misc - 3				
		Denhoff - 2				
		Redding - 6				
		Coyman - 5				
		Klog - 4				
		20	90	00		
			165	00		

CORRESPONDENCE

DENHOFF DEVELOPMENT

MR. NUGENT: Next order of business is I have corresponded from Lane Resource Consultants for Denhoff Development, request for further extension of variance granted 1/28/91. Do they have this letter?

MS. BARNHART: Yes, everybody has a copy of it.

MR. NUGENT: Did you all have a chance to glance at it?

MR. TORLEY: Mr. Chairman, my recollection maybe is faulty, we told the applicant last time that he was, we were going to give him one last extension.

MR. NUGENT: No, I don't believe we did that.

MR. TORLEY: Was that a different applicant?

MR. NUGENT: I don't believe that we said that to him.

MS. BARNHART: I checked that out, Larry, it's not true.

MR. KRIEGER: I can see given the history why you might of thought that.

MR. NUGENT: We extended this thing five times.

MR. TORLEY: Really wasn't his fault until the sewer district came on line.

MR. NUGENT: Evidently, he's having problems getting tenants to fill the building. I have to agree with the letter that it would be a shame to see this project go by the boards or force him into doing, you know, another variance or--

MR. LANGANKE: I don't think he's harming anybody by asking for these extensions. As soon as the economic climate changes a little bit for the better that he will proceed with the project as quickly as possible which is in the interest of the town.

MR. BABCOCK: It was a height variance.

MS. BARNHART: It's only an area.

MR. TORLEY: And there have been no changes in the code since this started?

MS. BARNHART: Not yet, no, we're working on the bulk tables now. Maybe by the time the year is up, we might have the height extension, we don't know yet, you know.

MR. TORLEY: So there will be no contemplated changes that would make his granted variances more severe?

MR. BABCOCK: No, actually it may make it go away.

MR. KRIEGER: Won't make it worse, may make it better.

MR. BABCOCK: Right. If I remember right, it was for the clock tower.

MR. NUGENT: Right. What's your pleasure, gentlemen?

MR. REIS: Looking for a motion for extension?

MR. NUGENT: Yes.

MR. TORLEY: Is that necessary, a motion to extend?

MR. KRIEGER: Yes, if you are going to do it, you have to do it, that is the only way to do it.

MR. REIS: Make a motion that we grant the requested extension of the variance to Land Resource Consultants for Denhoff Development.

MR. LANGANKE: I second it.

ROLL CALL

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

Date 12/22/95, 19

TOWN OF NEW WINDSOR

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

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

DATE			CLAIMED		ALLOWED	
12/11/95		Zoning Board Meeting	75	00		
		Misc - 2				
		Rothstein - 8				
		Digeratu - 4				
		Denhoff - 4 18.00				
		Rhodes - 19				
		H.R+C - 10				
		Rosenbaum 9				
		56 pgs	252	00		
			327	00		

DENHOFF DEVELOPMENT

MR. NUGENT: Before we go on to the public hearing, I just want to spend one second, I didn't have the revised agenda, we have before us just Denhoff Development who would like to extend their variance for another year.

MS. BARNHART.: Mr. Beck is here.

MR. NUGENT: Would you like to bring us up to speed?

Mr. Beck appeared before the board for this request.

MR. BECK: I guess the easiest thing for me to do would be to read the letter that I wrote to the board requesting an extension but--

MR. NUGENT: I have that, sir.

MR. BECK: Basically, I'll just run through it. This hopefully you'll remember this is the application of Denhoff Development Corporation, it's your file 90-36, it was an area variance granted by this board to Michael Denhoff of Denhoff Development, it was granted January 28, 1991. That variance has been extended from time to time, October 28 of '91, October 26 of '92, November 8 of '93 and December 22 of '94, all those extensions primarily were requested an were granted by this board because of the pendency of sewer district 24. I advised this board about a year ago, as of September 14 of 1994, the district was complete to the extent that Mr. Denhoff was given notice that he could hook into the district and at that point, presumably he could have started his construction. He's run into a number of problems with this since being able to go ahead, one of the most recent to come to light was a review of his last meeting with the planning board and I had kind of assumed and I, that is an error for someone to make is to assume, but I had assumed that all Mike had to do was go into the building inspector and he'd be able to pick up a permit and start his construction. That is not the case, as we stand here tonight. The approval that he received from the Town of New Windsor Planning Board which was in April of

1991, was conditional approval. He has not as yet received final approval so as we stand here tonight, Mr. Denhoff cannot go pick up a building permit from the building inspector. There are three items according to those minutes that have to be completed by Mr. Denhoff before he qualifies for final approval and at that point, a building permit, two of them are relatively, if you review the minutes, they are relatively insignificant. The board had asked that two matters, one being the date that the Town of New Windsor town Board approved the site for inclusion in is your District 24 and the other one was a correction to bulk table regulations as they were contained on the site plan. The board asked that those corrections be made on the site plan. The other factor which is a little more difficult the board also asked that Mr. Denhoff obtain a road maintenance agreement with the adjacent owner that being Calvet. This has not been done as yet. Hopefully, it is in the works but it means that the attorney for Calvet, the attorney for Denhoff, have to come up with an agreement as to the maintenance of this roadway. And then it has to be approved by the attorney for the planning board. Hopefully, that will not take too long but it's because of the situation that we cannot today go pick up a building permit that I am here again asking for an additional extension of time as to the area variance that was granted Mr. Denhoff back in January of 1991. If there are any questions, I'd certainly attempt to address them.

MR. TORLEY: Sir, in your second page, the second paragraph economic climate does not presently support this proposed development, even if we grant you this, you're not going to build it?

MR. BECK: No, no, what I have said is that presently, the economic market, Mike has got at the time he appeared before this board for his variance, we figured he had about $350,000 tied up in this parcel. He's got to get a construction mortgage to go ahead and build. To get a construction mortgage, he's got to at least be able to show his lender a tenant so that the construction people can figure the income that he is going to generate to be able to pay off the mortgage.

At this point, he does not have a lead tenant and he's been seeking one since he started with this project. Property is currently listed seeking a tenancy with REMAX and has been for about six months. Other than that, Mike had been doing it on his own.

MR. LANGANKE: If these approvals are granted, it might make it easier to find a lead tenant, also, wouldn't it make it somewhat easier? Cause right now, if you don't even have the approval.

MR. BECK: There is no question but what he has got to do as quickly as he possibly can, he's got to finish up and get final approval from the planning board which I really, there may be some squabbling between the attorneys as to the language in the road maintenance agreement, but I think that isn't something that should take a great deal of time, six months perhaps at the most.

MR. KANE: I think we're all pretty familiar with this, Mr. Chairman. Will you accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move that we grant the applicant's request for an extension of the limitation of time imposed for another year.

MS. BARNHART: It expires in January.

MR. REIS: Second it.

MR. TORLEY: This would be the last one for this though okay.

MR. NUGENT: Hopefully.

MR. TORLEY: No, I mean this is the last one.

MR. KANE: Larry there's been a request and that wasn't part of the request.

MR. NUGENT: It wasn't his fault till now.

MR. KANE: Each time that he comes before the board, it will be taken on its own merits.

MR. LANGANKE: That is not part of it.

MR. NUGENT: Roll call.

ROLL CALL

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

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

1763

December 22, 1994
FAX:914-563-4693

LAND RESOURCE CONSULTANTS
410 Route 6
Slate Hill, N. Y. 10973

Attn: Charles W. Beck, Jr., JD

RE: DENHOFF DEVELOPMENT CORP.
REQUEST FOR EXTENSION OF VARIANCE-ZBA FILE #90-36
SECTION 9 - BLK. 1 - LOT 15.1

Dear Mr. Beck:

This is to confirm that your request for a one-year additional extension of the above-entitled variance was granted at the December 12, 1994 meeting of the Zoning Board of Appeals. The variance is now extended to January 20, 1996.

If I can be of further assistance to you, please do not hestitate to contact me.

Very truly yours,

Patricia A. Barnhart

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pd

cc: Building Inspector Babcock

Rec'd LDH 12/2/94 PAB

Land Resource Consultants

410 Route 6
Slate Hill, N.Y. 10973
(914) 355-1219

November 26, 1994

Hon. James Nugent, Chairman and
Members, Zoning Board of Appeals

Town Hall, Town Of New Windsor
555 Union Avenue
New Windsor, New York

Re: Application of Denhoff Development Corp.
Your File: #90-36

The above referenced File of the Zoning Board Of Appeals of the Town of New Windsor will reveal that this office has represented Denhoff Development Corp. since it's Variance Application to this Board. We appear again to request an extension of the expiration date of that Variance, which was dated January 28, 1991. Currently, by action of this Board nearly a year ago, that Variance will expire on January 20, 1995.

On three separate occasions since the granting of this Variance, this Board has seen fit to grant this Applicant extensions of time to the Zoning Laws' one year limitation to, commence and diligently pursue construction, Section 48-34, Subsection G. This relief has been granted because of the continued pendency of the planning, construction and completion of the Town's Sewer District #24.

As of September 14, 1994, the Applicant has been advised that Sewer District #24 is available to it for use with this construction project, a little over two months ago. Effectively, that means that as of September 14, 1994, Denhoff Development Corp. was allowed to utilize the Variance granted to it on January 28, 1991. However, Denhoff Development Corp. is not in a position to obtain its Building Permit and diligently pursue construction. Hence, our request for a further extension of the time limits imposed by the Zoning Ordinance of the Town of New Windsor.

To review; the variance granted herein is an area variance. It is a variance to the height limitations of the bulk regulations of the Ordinance. And, in part, that Variance is to accommodate the design characteristics of the proposed structure. No other relief was required, or sought, and if I recall correctly, there was no public opposition to the granting of the requested relief.

Mr. Michael Denhoff, a principal in Denhoff Development Corp. is the owner of the Parcel and is committed to this project. This is not a pending sale, nor a contract conditioned upon Variance relief. It is property in title to the Applicant who is dedicated to the successful completion of this project. Time however, has not been on the Applicant's side.

The delay in the completion of Sewer District #24 has not only lasted for some three years, but it has meant that in each of those years, it has been necessary for us to return to this Board in the hope of receiving new life for yet an additional wait. Though the wait for the reality of Sewer District #24 is now over, that does not mean move in the grading equipment. In the period of time that has elapsed, Mr. Denhoff has seen the ebb and flow of mortgage policies and interest rates; great fluctuation in the demand for commercial rental space and per square foot charges for the same; as well as the decline of general business climate of the Hudson Valley.

This is a request for yet an additional extension of time for the Variance granted to Denhoff Development Corp. and dated January 28, 1991, which is now scheduled to expire on January 20, 1995. Mr. Denhoff continues committed to the completion of this project and will work within any reasonable time frame established by this Board. Obviously, from the middle of September to the present, in our current economic climate, has not been a reasonable period of time to put together the multiple business factors required to permit commencement of construction.

We do sincerely appreciate the Board's further consideration.

Very truly yours,
Land Resource Consultants

Charles W. Beck

by: Charles W. Beck, Jr., JD

ZBA agenda 12/12/94.

12 ONA LANE R-4 ZONE #93-42 11/22/93
REQUEST FOR VARIANCE IN ORDER TO ALLOW AN EXISTING 5 FT. HIGH FENCE ON CORNER LOT WHICH SAID FENCE PROJECTS INTO THE FRONT YARD, CONTRARY TO §48-14C(1)(c)[1] AND 48-14A(4) OF THE SUPPLEMENTARY YARD REGULATIONS AT THE ONA LANE RESIDENCE IN R-4 ZONE.

9/1/? RGM ENTERPRISES USE VARIANCE GRANTED
ROUTE 9W/ADJACENT TO PETRO/DICARLO LANDS 3/16/70
EXT. NON-CONF. USE/RESTAURANT/GI ZONE #70-1
CONDITIONS: (1) 4 FT. CYCLONE FENCE BE ERECTED ALONG REAR PROPERTY LINE; (2) SUBJECT TO SITE PLAN APPROVAL BY P.B.

9-1- GAF CORPORATION VARIANCE GRANTED
WALSH AVENUE #74-25 GI ZONE 12/2/74
INSTALLATION OF TWO 30,000 GAL. FUEL OIL STORAGE TANKS.

9-1-12.1 LA CASA D'ORO, INC. SIGN VARIANCE GRANTED
154 WINDSOR HIGHWAY C ZONE #92-48 06/14/93
REQUEST FOR 104 S.F. SIGN AREA VARIANCE FOR A FREE-STANDING SIGN FOR ITS MINI-MALL TO BE LOCATED IN THE FRONT PORTION OF PARKING LOT KNOWN AS "HERITAGE SQUARE".

9-1-15.1 APOLLO LAND DEVELOPMENT, INC. USE/SIGN VARIANCE GRANTED
124 WINDSOR HIGHWAY #86-27 PI ZONE 09/08/86
REQUEST FOR USE VARIANCE FOR CONSTRUCTION OF MINI-MALL WITH RETAIL STORES AND OFFICE USE. ALSO, REQUEST FOR 60 S.F. SIGN VARIANCE FOR DIRECTORY SIGN. (DENHOFF DEVELOPMENT CORP.)

9-1-15.1 DENHOFF DEVELOPMENT CORP. AREA VARIANCE GRANTED
124 WINDSOR HIGHWAY C ZONE #90-36 12/10/90
REQUEST FOR 23.34 FT. BUILDING HEIGHT AND 38.34 FT. HEIGHT VARIANCE FOR CLOCK TOWER TO CONSTRUCT COMMERCIAL MALL ON THE FRONT PORTION OF 124 WINDSOR HIGHWAY (FRONT PORTION OF CALVET RENTAL PROPERTY). REQUEST WAS MADE ON OCTOBER 28, 1991 TO EXTEND THE VARIANCE FOR ONE YEAR WHICH WOULD EXPIRE ON 12/10/92 DUE TO THE FACT THAT THE TOWN DELAYED CONSTRUCTION ON SEWER DISTRICT #24. FURTHER REQUEST WAS MADE FOR ADDITIONAL EXTENSIONS AND APPROVED THROUGH 12/10/93. ON 11/08/93 A MOTION WAS MADE, SECONDED AND CARRIED TO EXTEND VARIANCE THROUGH 01/20/95.

9-1-15.2, CALVET, HAROLD AREA VARIANCE GRANTED
3&4 41 WINDSOR HIGHWAY/GI LOT AREA/FRONT YD. 5/18/70
CONST. OF STORAGE BUILDING #70-2

9-1-15.2,3,4 CALVET, HAROLD VARIANCE GRANTED
41 WINDSOR HIGHWAY RB ZONE 11/5/73
REQUEST FOR TOOL RENTAL BUSINESS

9-1-15 CALVET TOOL RENTAL INC. AREA VARIANCE/INTERP. DENIED
124 WINDSOR HIGHWAY #83-28 PI ZONE 09/26/83
REQUEST FOR 1,450 S.F. AREA VARIANCE FOR LOT #2 ON FRONT PORTION OF PROPERTY AND 15 FT. LOT WIDTH; AND INTERPRETATION THAT THE SALE OF READY-MIXED CONCRETE FOR USE BY SMALL CONTRACTORS AND HOMEOWNERS IS A PERMITTED USE ON THIS PROPERTY. THE ZBA FOUND THAT THIS USE IS A PERMITTED USE UNDER THE TERMS OF SUBD. 4 AND 6 OF THE USE REGS. COL. A IN A PI ZONE. HOWEVER, AREA VARIANCES WERE DENIED.

9-1-22 MILLER, KENNETH J. USE/AREA VARIANCE GRANTED
ROUTE 32 #73-13
CONST OF BLDG. FOR SALE OF NEW/USED CARS/CAMPERS/TRAILERS IN GI ZONE

Date 12/19/94, 19

TOWN OF NEW WINDSOR

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

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

DATE			CLAIMED		ALLOWED	
12/12/94		Zoning Board Meeting	75	00		
		Misz - 1				
		Denhoff - 3				
		Lovano - 4				
		Bowe - 8				
		Freed - 5				
		DiNitto - 16				
		Lippolis - 3				
		40pp	180	00		
			255	00		

DENHOFF DEVELOPMENT

RECEIVE AND FILE CORRESPONDENCE

MR. NUGENT: Request for further extension of time from Denhoff Development Corporation. (Variance to expire 1/20/95).

Mr. Charles W. Beck, Jr. appeared before the board for this proposal.

MR. KANE: I read the letter and I think it's all up front, I think it's a reasonable request.

MR. TORLEY: Certainly is not his fault.

MR. BECK: If there's any questions.

MR. TORLEY: Are you asking for one year, January 20, '95 to January 20, '96?

MR. BECK: Yes.

MR. TORLEY: I would have no problems personally, that would be the last one, okay. I'm going to be one out of the five votes here.

MR. LANGANKE: I'm just saying I don't agree with that, I think it should depend on what the conditions are and the reasons next year.

MR. BABCOCK: Hopefully we won't have to worry about this next year.

MR. KANE: It should be.

MR. NUGENT: We have been waiting for the sewer district to come in.

MR. KANE: But none of the extensions have really been at their request for their own delays. It was all because of the sewer system so it's, you know, there is nothing that they have requested in my opinion that is on their own.

MR. NUGENT: Is there any timetable on this? Is that supposed to be on line soon?

MR. BABCOCK: It's on line right now.

MR. BECK: You can have this for the Denhoff record. I don't know if you have one, it's a copy of the town's letter dated September 14 of '94 to Mike Denhoff advising him.

MR. BABCOCK: We have those letters. We sent those letters out to advise them that the sewer is available and that they can hook up at any time.

MR. TORLEY: Can't hurt to have another copy in the file.

MR. NUGENT: Can I have a motion to extend him for one year?

MR. KRIEGER: Do you want to establish on the record that nothing has changed with respect to the variance and the area and the conditions on which it was granted?

MR. NUGENT: Is that true?

MR. BECK: Nothing's changed, there's a sign that has been on the property for about two years that indicates that at some point in time, it will be built and we're looking for tenants.

MR. KRIEGER: But the neighborhood hasn't changed in any way?

MR. BECK: No, no, neither has the plan. The only thing that has changed I just found out within the past month is after getting the variance from this board, they did not return to the Planning Board to get final approval. They have as of now conditional approval and we have got to get our tail feathers back to the Planning Board to finish up with them which may take a little more time. But it's certainly not going to affect what we do now.

MR. BABCOCK: The Planning Board could not grant final approval because there was not sewer available.

MR. TORLEY: It's not the applicant's fault.

MR. NUGENT: Nor ours.

MR. KANE: Mr. Chairman, I make a motion that we grant the extension for Denhoff Development Corporation on their variance.

MR. TORLEY: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

ZBA file
Denhoff.
90-36

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

1763

November 09, 1993
FAX:914-563-4693

LAND RESOURCE CONSULTANTS
410 Route 6
Slate Hill, N. Y. 10973

Attn: Mr. Charles W. Beck, Jr., JD

RE: EXTENSION OF VARIANCE #90-36
DENHOFF DEVELOPMENT CORP.

Dear Mr. Beck:

This is to confirm that an additional one-year extension of the above-entitled variance was granted at the November 8, 1993 meeting of the Zoning Board of Appeals. The variance is now extended to January 20, 1995.

If I can be of further assistance to you, please do not hestitate to contact me.

Very truly yours,

Patricia A. Barnhart

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pd

cc: Building Inspector Babcock
Town Planning Board

Rec'd. ZBA.
10/28/93 (PAB)

CC: ZBA.

Land Resource Consultants

410 Route 6
Slate Hill, N.Y. 10973
(914) 355-1219

October 26, 1993

Hon. James Nugent, Chairman and
Members, Zoning Board of Appeals

Town Hall, Town of New Windsor
555 Union Avenue
New Windsor, New York

Re: Application of Denhoff Development Corp.
Your File: #90-36

Dear Chairman and Members of the Board:

A review of the above referenced File will indicate that this office represented the Applicant in the preparation of its Variance Application which resulted in an area variance granted by this Board, dated January 28, 1991. It should also reveal, that each year since that time we have returned to this Board requesting an extension of the expiration date of the Variance for an additional one year period. Currently, by action of this Board, that Variance will expire on January 20, 1994.

To briefly review, the Variance granted by this Board was an area variance to the height limitations imposed by the Zoning Regulations, permitting the development of a shopping mall on Route 32 in the Town of New Windsor, located directly in front of Calvet Tool Rental, per a site plan filed with the Building Inspector and with this Board.

The Variance granted to Denhoff Development Corp. did not make specific reference to a required use of Sewer District #24, a then pending project for the Town of New Windsor, but, on information and belief, the Application and the expectation of this Board was that the proposed construction would utilize that Project for its construction. The continued pendency of the Sewer District #24 has caused us to return to this Board annually with the request for extension of the Variance granted on January 28, 1991.

Sewer District #24 is about to become a reality for the Town of New Windsor, and for Denhoff Development Corp. By my latest contact with the Town's Engineers, completion may be as early as, "by the time the snow flies". Signs of construction are apparent along Route 32, northerly from Union Avenue. While the construction completion of Sewer District #24 may now be described as imminent, the construction process for Denhoff Development Corp. is approaching its first stage.

A tenant search has been under way for some time with on site advertisement of availability, broker listings and direct mailings, though the required, "anchor" tenant has not yet been attracted to the site. Proposals for construction financing are also in place but, because of present economic circumstances, will not be further committed to until the prospective tenant occupancy is guaranteed by written agreement.

Granted 11/8/93.

Clearly, were Sewer District #24 complete today, Denhoff Development Corp. is not in a position to make application for a building permit, nor to commence construction and diligently pursue the same to completion, which the Zoning Law of the Town of New Windsor requires, Section 48-34. Subsection G., as extended by action of this Board on October 26, 1992, to expire on January 20, 1994. It is therefore respectfully requested that the Variance granted to Denhoff Development Corp. dated January 28, 1991 be further extended for an additional one year period.

The extension hereby requested may be considered to be equivalent to the position held by Denhoff Development Corp. at the time of its original application back in the late fall of 1990, which resulted in the Variance dated January 28, 1991. Had Sewer District #24 been complete at that time, the Applicant would have had a one year period to put itself in a position to apply for, and receive its building permit, Sewer District #24 is about to be completed, and this request for an addition extension of time would afford the Applicant an equivalent one year period to effect a position to obtain its building permit.

In considering this request the Board may wish to review the original Application of Denhoff Development Corp. and may wish to seek more authoritative information on the status of Sewer District #24. Should the Board desire an appearance by Mr. Michael Denhoff of Denhoff Development Corp. or of another representative, we will accommodate your scheduling. This matter is very important to us and we will attend and/or produce any documentation you may require.

I do sincerely appreciate the Board's consideration of this request.

Very truly yours,
Land Resource Consultants

Charles W. Beck

By
Charles W. Beck, Jr. JD

DENHOFF

MR. NUGENT: First order of business tonight I would like to, I can't see letting this gentleman sit here for the whole meeting, last item request for further extension for Denhoff.

MR. LUCIA: I think we had that application under Denhoff Development Corporation.

MR. TORLEY: Clearly, not the applicant's fault that the sewer is not here.

Mr. Beck appeared before the board for this request.

MR. BECK: This is I believe our third appearance with this request all based on the same thing, the fact that the sewer is not yet there and we're just not in a position to go forward with the project as I've indicated. We are attempting to market it. We've listed it with brokers. We have a sign on the site. We've done our own marketing attempts. It's a matter of being able to get a permit and put the mortgage together at the same time. Obviously, our feeling is that we certainly can't get it done within the next month or two, which is what we'd have to do to pick up a permit at this present time and we're just not in a position to do that. In effect, what we're asking the board to do is to kind of told the statute in this case and if you were to extend it at this point in time from the pipes they've got in the road and the way construction seems to be going there within another year that should be a reality and we should be underway.

MR. NUGENT: I don't see any problem.

MR. TANNER: It was a good project to start with.

MR. NUGENT: I'll accept a motion.

MR. TANNER: Make a motion we grant the extension.

MR. TORLEY: Second it.

9/93
PENGAD CO., BAYONNE, NJ 07002 - LASER BOND-A

MR. LUCIA: For one year.

MR. TANNER: One year.

ROLL CALL

MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

9/93
PENGAD CO., BAYONNE, NJ 07002 · LASER BOND-A

RECEIVE AND FILE: Request from Charles W. Beck, Jr., representing DENHOFF DEVELOPMENT CORP., requesting an extension of variance granted to applicant on 1/28/91.

MR. FENWICK: We have a letter from Charles W. Beck, Jr. requesting an extension of a variance. Can we extend this?

MR. LUCIA: You can extend it. The question is the procedure you want to use. You can, if you wish, have him come in for a new public hearing, send out notices, formally apply for an extension and give it to him or entertain a motion to give him the extension. Obviously, his grounds were laid out. I went back and checked the note for the preliminary and public hearing, Greg Shaw represented him, did clearly say that the Planning Board was going to make a decision depending on the sewer but it's not yet available but nobody can claim that they were misled or did something without the public. The survey is all there in the original hearings only the timeframe has changed because of the sewer district.

MR. TANNER: Same period of time?

MR. LUCIA: One year although it wouldn't have to be. We could extend it for a shorter period of time.

MR. FENWICK: We have done it in the past, the applicant comes in.

MR. TORLEY: I don't want to make the guy come in for a public hearing.

MR. FENWICK: I'm not talking about a public hearing. Did you want your stuff from here tonight sent to your house so your don't have to bother coming in here? This guy is a lawyer that gets plenty of bucks and he sends us a letter by Mrs. Barnhart. He asked me what to do and I told him to send a letter. He did that because I told him.

MR. TANNER: Really wasn't an objection to it and I can't see troubling him to come back in again.

MR. FENWICK: Well, it's up to the, I'll leave it right now to the wishes of the Board.

MR. TORLEY: I'd like to make a motion that we extend the variance number 936, I guess it's for one more year.

MR. NUGENT: I'll second it.

MR. LUCIA: We want that a year from when it would have expired, which is probably --

MR. TORLEY: May the expiration date January 28th, 1993.

MR. TORLEY: I'll second it.

ROLL CALL:

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

PREVIOUS

DOCUMENTS

IN POOR

ORIGINAL

CONDITION

DENHOFF DEVELOPMENT CORPORATION

MR. FENWICK: This is a request for (1) 23.34 foot maximum building height variance for building and (2) 38.34 foot maximum building height for clock tower for construction of commercial mini-mall on New York State Route 32 (Calvet property) in C zone.

Mr. Gregory Shaw, P.E. of Shaw Engineering came before the Board representing this proposal.

MR. SHAW: Good evening, for the record, my name is Gregory Shaw from Shaw Engineering representing Denhoff Development Corporation. With me tonight is Michael Denhoff who is the principle of Denhoff Development Corporation also.

Our proposal before this Board tonight is to construct a retail structure of 12,960 square feet. It's located on the west side of Windsor Highway just a little bit north of it's intersection with Union Avenue. I believe the Board is familiar with this piece as its been before you before but if not, is in front of Calvet Tool Rental facility. The site plan which was prepared by my office, conforms is all respects to the Town of New Windsor zoning ordinance with the exception of building height. We are permitted based upon your zoning which allows 4 feet of height for every foot from the nearest lot line a building height of 11 feet 8 inches.

What we are proposing before you tonight is a structure which will be 34 feet high to the ridge line of the structure and the architecture again is before you and 50 feet to the clock tower. So, there are two variances before this Board tonight, one for the building height and one for the clock tower.

Very quickly, going over the site layout, we'll be utilizing the existing entrance off of Calvet Tool Rental which will be improved. We presently have a work permit from the New York State DOT to enter the site from the Calvet Tool Rental entrance and we have a permitted right-of-way over that from Calvet. With respect to the layout of the building, there will be an aisle way with double loaded parking in front of the building which will total 65 spaces again according to the zoning ordinance, we are required to provide 65 so we are in accordance with that. There will be a sidewalk in front of the building and there will be an aisle way to the rear of the building which will be one-way which will be for deliveries. Again, that is a quick overview of the site. If I can, I'd like to read

a page or two from the documentation that was submitted to this Board with the application. If you just bear with me.

The parcel, the parcel contains 80,736 square feet of lot area with 437 feet frontage on New York State Route 32 and approximate average depth of 198 feet. It is irregularly shaped lot along its southerly boundary and has a 32 foot rise in elevation from front to rear. Maybe as I am reading this, I can pass around the pictures, okay, so the Board can get a little feel for what is going on. The site is impaired with a severe embankment both the front and the rear. To develop the parcel, it is not only necessary to provide significant grade change, but it is also necessary to construct a large retaining wall of approximately 270 feet in length ranging from just above grade level to a maximum 9 feet along its highest area.

Engineering for the parcel was, in large measure, dictated by the existing topography coupled with optimum shopping center design criteria. The proposed structure, 60 feet by 216 feet retail sales structure, is located to the rear of the parcel, 35 feet from the rear property line and with side yards of 58 feet and 62 feet, all in excess of minimum requirements, with the large frontal area devoted to customer parking and easy access.

Architecture for the parcel was confronted with the same problem, but on a larger scale. The owners desire was to create an aesthetically attractive location for retailers, their customers and for the public in general. The proposed structure would be necessarily be on a slab foundation, dictated by the site preparation and the existence of surface and sub-surface rock formation, which requires that all amenities such as central heat/air be placed in ceiling spaces. In addition, retailers desire visibility for their public, and this area of Route 32 slopes severely to the north and directly south is a hill crest. The architect's answer is a colonial styled structure with pitched roof and a clock tower that projects from the roof line an additional 16 feet, and stands 25 feet square.

The owner/applicant desires to provide the community with an architecturally aesthetic property improvement. It has employed the firm of Shaw Engineering to provide proper mechanics for the site development and Liebman-Hurwitz and Associates as architects for the project. The architects, when advised of the height limitation imposed by the zoning ordinance of the Town of New

Windsor, declared that without some relief from the restriction, any viable commercial project would be impossible, and that New Windsor has a certain historic tradition which is reflected in the architecture of its many older buildings and continuing efforts to duplicate and preserve that style and the community is far better served by a structure that states a reasoned respect for both its physical and architectural environment than by one fitting a limited zoning criteria.

The owner/applicant has exceeded every bulk requirement for this permitted use, that is: lot area, lot width, front-rear and side yard setbacks and floor area ratio, except the maximum building height limitation. Further, it must be acknowledged that, in numbers, the deviation from that maximum is substantial. However, when viewed in terms of the substantial grade change from the front to the rear of the parcel, and the topography of the area, this deviation is not so substantial.

The proposed improvement, as compared to the improvement or use of the parcel, has no greater impact on governmental services and though it is acknowledged that the variance requested will result in a substantial change to the neighborhood, it is urged that it is a positive change and, certainly not a detriment to any adjoining properties. It is respectfully urged, that balancing the need, the harm and any alternate solutions will support the granting of the requested variance.

This parcel was purchased in January of 1988 by the owner/applicant for the express purpose of creating a quality retail sales site along the very visible Route 32 in the Town of New Windsor. That project has been pursued to the present and the available engineering and architectural work is submitted to this Board.

The completion of this project, with the variance requested, will represent a desirable location for merchants and public alike and should generate a return of the substantial sums expended in engineering and design and to be expended in site preparation and development. As the architect has advised, that without relief from the height restriction, any sort of viable commercial project is virtually impossible. A moderate height, flat roof structure placed on this site, as retail sales space, is lost in the topography of the lot and the area in which it is located, and is not a desirable site for any merchant seeking or relying upon public identification and aesthetic considerations.

It's the opinion of the applicant that the practical difficulty and significant economic injury would be encountered if the applicant were only allowed construction of a structure which is 12 feet in height. According to the bulk regulations contained in Section 48-12, this would be the allowable height of the proposed mall. The applicant purchased the property in 1988 at a significant purchase price taking into consideration that it will cost a substantail amount of money to construct the mall, the applicant would have to charge at least 20 per square foot to perspective tenants in order to get a reasonable rate of return on the intitial investment. Also, the value of the lot at the time of purchase will be significantly increased when the applicant constructs the mall in view of the fact that a mall with a variable roof line would be far more attractive to a perspective purchaser, the requested variance will not result in substantial detriment to the adjoining properties or change the character of the neighborhood. The requested variance will produce no effect on the population density, on governmental facilities or also there is no other feasible method available to the applicant which can produce the necessary results other than the variance procedure.

The interest of justice would be served by allowing the granting of the requested variances. Further aesthetic considerations may legitimately serve as a basis for granting or denying of an area variance to construct a commercial mini mall with clock tower. Such regulations must take the form of objective standards governing its construction whether or not an area variance should be granted may not be made to depend upon a subjective opinion such as whether a proposed clock tower is aesthetically objective although the Board may consider adding the clock tower for aesthetics. The applicant contends providing the hour of the day to the passerby is in its practical measure.

Due to the configuration of the terrain at this location, any structures that are constructed in the front portion of this property must be of a height which is clearly visible to the public, certainly a structure of a magnitude which is proposed, when taking into consideration the slope of the parcel in question. For the above reasons, the applicant believes that the granting of the height variance requested for the mall and the clock tower will be advantageous for all purposes.

Just a quick note on the municipal sewers which this Board requested at the last meeting. On October 8th, 1989, a sewer district within the area of applicant's project known as Sewer District 24 was approved for bonding by the New York State Department of Audit and Control. This project also received an approval from the New York State Department of Environmental Conservation, engineers for the town have stated that the Town of New Windsor will proceed to bid within the next few months and construction is forecasted for the spring of 1991. And again gentlemen, that is part of the application which was submitted to this Board.

With me tonight, I mentioned, is Mike Denhoff who is willing to speak about the economic hardship of this site, should the Board decide to take that subject up. With that, that concludes what I have to do before this Board. The pictures are being passed around and they open up to any questions that you may have.

MR. TANNER: The top part of the building is just storage, dead space?

MR. SHAW: Dead space, it will be one story, just shy of 13,000 square feet.

MR. TORLEY: We are really directed to consider the minimum possible variance, what is the economic loss and is there no alternative to removing the clock tower, if the clock tower is not there, you're saying there's no other architectural feature that could be embodied in the design that would make it stand out from the hillside?

MR. SHAW: We are of the opinion that the clock tower makes the building. If I was also prudent enough to make it two applications before this Board, I'll go on record with that.

MR. TORLEY: The main--I have no problem with the main roof line variance given the situation otherwise you're trying to build a doghouse but I must confess I have a great deal of difficulty sticking up, violating by 38 feet the zoning code because you want to make a pretty clock tower, you have to convince me that is, there is no other feasible way for architectural features to make this viable structure viable without that clock tower.

MR. SHAW: Maybe now would be appropriate for Mr. Denhoff to say what he has to say before the Board and we will get all the issues on the table. I think we are heading in the direction that Mr. Denhoff wants to discuss.

MR. DENHOFF: I don't want to read, I was prepared to read and I am not going to do that. I am going to try to get to it's my position or it's our position that we need as much visability as we can possibly have because the money that the project costs, the project costs without putting up a building, the project has cost $40 a square foot. In other words, the purchase price of the land, the brokers commission, the engineering and the architecture, I have figures here it's 528,000 plus 100,000 for interest so that is $40 a square foot. If we took a look at the market, I own Newburgh Mew in the City of Newburgh where the big clock tower is, the Rite-Aid, Loc, Stock and Bagel, H & R Block, we took a look at the rent we are asking there and what we are able to get. We took a look at the rents like people at Caldors people like Cristie's, the Cristie's Mall which is right near us, Cristie's is getting $15 negotiable on a triple net basis, the Union Avenue properties are going 15 to 20 now these figures were correct before the economic, it may be that right now for the short term, rents are just anything people want to pay. So, I am not even going to deal with that. If I started to deal with that, my return would be 4% and I don't want to speak about that. I don't want to think about that so what we tried to do, I took a look at the kind of people that over the years or over the last couple of years have come to us and in fact rented from me and the people like again H & R Block, TCBY and what I say here Lohman's, these are the type of firms that form the basis of any successful shopping center. They want the finest looking retail spots the marketing area can offer.

Theyunderstand the investment made by the developer and will pay what the least motivated merchant will pay. They will also, they respect the concept of a safe and clean and well lit shopping environment and will pay the contribution to C.A.M., common area maintenance that a lot of the smaller retailers or local retailers will not pay until a more substantial tenant comes in and he's first and they will come in like Loc, Stock and Bagle came in after H & R Block and after Rent-a-Center. So, we took a look at what that kind of lead tenant, I am not saying that this shopping center is going to have all those kinds of people because clearly, it will not but it will certainly try to attract a couple of those kind of people as a lead to get the other people to come in and have the place be viable because that is what I want from it. So, I took a look to see what do we need to have that kind of a customer, that kind of a renter take a spot in what is temporarily called Denhoff Center because the Marketplace of New Windsor,

there's another Marketplace that went bankrupt so I can't use that until we get a better name, in looking at that, what I discovered coming from the northerly direction to the southerly direction which when you come up, you cannot see the center at all. One of the distinctions about the clock not because it's a clock, you know, it's a clock because that's a nice way of doing something that says this is the Denhoff Center. When you are coming from that, in that southerly direction, you cannot see the property. There are a lot of trees, you cannot see the property until the very last minute. The thing that that clock, that we don't have a site elevation--

MR. SHAW: I do have one.

MR. DENHOFF: The thing that that clock tower does and as I said, doesn't matter if it's a clock tower or not, whatever it was up there, the thing that it does, attractive historical appropriate way, it allows people to take notice that there is, you know, now that was not just I don't have to tell you that wasn't thrown togehter, it tells people it allows people to know that there is in fact a beautiful shopping environment just a stones throw away as opposed to something low that won't be seen over the trees.

Now, when I took a look at the numbers, I have five kinds of, a compendium of returns and when I went over the returns, I took a look at what is a fair return and what would be economic hardship. What I discovered was that I am in the state of economic hardship no matter what. That the most that I could hope for is $15 a square foot trim and at $15 a square foot trim, my return is going to be between 10 and 12% depending upon vacancy factor. Now, I recognize that it is going to cost me somewhat more to do that than to do something insignificant but I am willing to have that be because the project has been a long time in coming. For the moment, it's got my name on it but when I look at it, it will have my name on it whether it does or not literally and I want it to be the best that it can be and in order for it to be the best it can be to present it, it needs to have that clock tower because the clock tower is the only way to, in a succinct way, to bring attention to the center when you're coming either north or south and when you're directly in front of the center, the interesting thing is I don't know if the photographs really make it clear that there is a very large concrete mixing tower from Calvet's and clearly and now that is fine and, you know, I bought the property with that, that was right up there when I bought the property but

clearly in an area that has been transformed per se from whatever zone it was into a shopping zone, that is going to serve not only the finer residential communities that have already been built but the ones that are planned for the community that are going to increase the tax rolls that the clock tower in relation to the whole project and especially the clock tower in relation to that concrete tower that rises well above this clock tower, that the clock tower really is a contribution, if you will, as opposed to an issue so I can't honestly, I can't say I can't say that if I don't put the clock tower in there that I won't be able to get $15 a square foot. I can't say that. I do say that my chances, my honest chances are increased 1,000% for that kind of customer that I spoke about, the H & R Block, the Rent-a-Center, the Nationwide customer that my chances with that kind of a customer are increased 1,000 fold by having something like that cover the issue of southerly and northerly and straight on concrete mixing tower that my chances are increased 1,000% and it's worth the financial gamble for me to have that be there because if I don't have it be there, then I'm going to come down to $12 and if I am down to $12, my return comes in somewhere about 9%. That is really a grievance so I respectfully submit that I, no, I request that I'd really like to have the opportunity to do the project the way the project was designed including the clock tower and that it's not, it was never seen or isn't seen now as an addendum, as something frivilous that in fact it was something very necessary and very appropriate to what the intention was and I thank you.

MR. JACK BABCOCK: This was in front of the Planning Board, right?

MR. SHAW: Yes.

MR. JACK BABCOCK: And the ingress and egress was approved by the Planning Board and the Fire Department as far as the amount of traffic going into the place and back out? They didn't call for another?

MR. SHAW: Let me respond. You have something?

MR. MIKE BABCOCK: I have the highway work permit.

MR. SHAW: Our last stop before the Planning Board, one of the members did express a concern about when, whether there was enough stacking distance on Calvet's property to get enough vehicles so there won't be any vehicles with vehicles trying to get off and on Windsor Highway. Based upon his input, we went back and we

designed this area where our aisle way intersects with Calvet's driveway and we improved from that point forward, we even went so far as to meet with the DOT and we have in our possession, a highway work permit which says the DOT is in agreement with what is on the plan because it's a State Highway and they have approved that entrance and we have paid the fee and posted the bond for the improvements.

MR. JACK BABCOCK: My concern coming over that hill, you come right over that hill, and like he says, Mr. Denhoff himself said that visibility is bad here, you know, so--

MR. FINNEGAN: There's access but that's already been through the Planning Board everybody coming down the hill always has to watch out.

MR. JACK BABCOCK: I like the concept and I think the design and the tower will be a real asset to that building number one because it's down in the hole, number two aesthetically, it will improve the looks of the building so I have no problem with the tower.

MR. FENWICK: Mike has some--you have some input here?

MR. MIKE BABCOCK: I just wanted to say I have the Planning Board file, there's the DOT work permit there which was approved, everybody has approved the project now it's got to go back for final approval at the Planning Board. The only one that has any comments is the sewer department of course because the sewer line is not there. The other thing I don't know if you are going to touch on that as far as the height right now, I think at the Tri-Board meeting maybe you gentlemen were involved, the Town Board has already said that they are going to change the height requirements in all these areas actually they are going to double it from the 4 inches per foot to 8 inches per foot. I had a discussion with Supervisor Green just today this morning about that with three of the changes what he told me was is that the, it's very costly to make these changes. What he'd like to do is get everybody's changes together, we want to have them done by February and it should take, we are proposing it to take effect June 1st. That is how long it is going to take to get this change done. Just so the Board knows that we are trying to work to change these things.

MR. TORLEY: What the future changes are doesn't effect what we have to do now. If it does go to that 8, what will be the variance required at that point?

MR. MIKE BABCOCK: He'd still need a variance, yes.

MRS. BARNHART: In that respect, there were 16 on the list and 13 return receipts received.

MR. KONKOL: On this, I have no problem with the structure. The clock tower looks good but how many different people are you going to have in here roughly? How many stores roughly?

MR. DENHOFF: Eight (8) to ten (10).

MR. KONKOL: What I'm leading up to, it's not part of the variance, you have a very small sign over here, only 80 square feet. I mean it's not included in this request and I can see down the line you are going to come back in here and we are going to have 8 or 10 people in here and you are going to have the same problem. You have a little tiny sign that nobody can see coming over the road. We are going to see the clock but we are not going to see the sign and I think that ought to be addressed really.

MR. SHAW: That is a good question. I am going--

MR. FENWICK: If they don't have anything to show us now--

MR. JACK BABCOCK: Do the same thing we did in Vails Gate, one sized sign for all the places, all the stores.

MR. KONKOL: You're creating a beautiful building, are you going to ruin it with a configuration of an oddball sign all over the place?

MR. DENHOFF: No, we won't do that.

MR. SHAW: That's going to be treated as an architectural entity unto itself, the architect will be generating the sign and consistant with the architecture of the building in conformance with the 80 square feet.

MR. KONKOL: It will be a sign that's going to be 4 by 10 for all those people?

MR. SHAW: Our intentions right now is yes, that is what it is going to be.

MR. KONKOL: As far as the concept, I have no problem with it. What are you going to do with the low electrical wires that go across there?

MR. SHAW: I don't know.

MR. JACK BABCOCK: When you fill-in to get your grades, you are going to be on top of the pole.

MR. SHAW: They are going to have to be relocated.

MR. JACK BABCOCK: That's their problem but--

MR. KONKOL: Just bringing this out that's all.

MR. SHAW: That's a good point. I didn't think anybody has mentioned it.

MR. KONKOL: You're not going to be able to see the beautiful building through the electrical wires.

MR. FENWICK: I'll open it up to the public, give your name and address if you have anything to say.

MARIO ORSINI: I live right near this. One thing I'd like to know about the sewers, are they going to install sewer systems?

MR. FENWICK: Yes, that is what he just mentioned that the bond I guess is on its way, it's been approved by the State. They are not going to get in here without a sewer, they have to have town sewer, they are not going in without town sewer and that bond issue I believe has something to do with all the way from there into the City line.

MR. ORSINI: This is something the town is going to do not because of this particular building?

MR. FENWICK: No, really had nothing to do with it.

MR. SHAW: They are projecting construction in the spring of '91.

MR. ORSINI: As far as the clock tower, how does that compare with Calvet's for instance the concrete structure?

MR. SHAW: Visually from Windsor Highway, it should block it out.

MR. ORSINI: The clock tower blocks out Calvet's?

MR. SHAW: That and the building itself.

MR. ORSINI: That is pretty high.

MR. FENWICK: You are not talking about the Calvet building?

MR. SHAW: No, I am talking about the concrete wall behind the site.

MR. JACK BABCOCK: The tower won't go any higher than that that is what he's looking for.

MR. MIKE BABCOCK: Jack, he's proposing the building at 35 feet and the clock tower is at 50 feet.

MR. FENWICK: We are talking about how high is the top of the retaining wall?

MR. NUGENT: Thirty (30) feet off grade, if you read the contour lines 30 feet off grade from the existing grade now that's the upper part of the wall, right, so it's over 30 feet there.

MR. FENWICK: So basically it's not going up as high as their building, no, it's comparing it to the concrete wall that's back there.

MR. ORSINI: What kind of a monstronsity is it going to be, you know, another thing, 9 foot retaining wall the highest point?

MR. SHAW: At the highest point--

MR. ORSINI: That don't seem to me like it would be high enough.

MR. SHAW: It's high enough.

MR. ORSINI: When you go, how far back are you going?

MR. SHAW: Thirty-five (35) feet of the back line, 9 feet is sufficient the way that we have done the grading of the site and it's all on this plan and it's been reviewed by the Planning Board, that's the highest that is the maximum height of the wall behind the building closests to Calvet's property on top.

MR. ORSINI: You are going to grade the--

MR. SHAW: This site is going to be regraded and--

MR. ORSINI: From the rear line you are going to grade it down to the 9 foot wall?

MR. SHAW: Yes, it's going to be graded up so the site

of the construction will be substantially different from what it is now. That is why it is going to get picked up and the height of the wall won't be that high.

MR. ORSINI: Can you tell me how far back from the front line is the building?

MR. SHAW: Ninety-three (93) feet from the right-of-way line to the front face of the building.

MR. ORSINI: Okay, sounds good. Incidently, the clock will not be seen going north, you might see it going south but you won't see it going north.

MR. DE CROSTA: Is there no way that the State can be influenced in making the zoning speed, slowing it up because--

MR. SHAW: At this point, I don't think the State wants to get involved other than improving the highway entrance.

MR. ORSINI: That's 45 mile speed zone, I don't think they'll lower it anymore.

MR. LUCIA: Mr. Orsini, we appreciate your questions. The Board is interested whether or not you are in opposition to this request for height variance or the true request, do you oppose, are you opposed?

MR. ORSINI: I have no trouble to it, I have no objection.

MR. LUCIA: Mr. DeCrosta, are you opposed to this application?

MR. DE CROSTA: No, I am not opposed to it but I am for trying to get the State or somebody to make a speed zone, cut it down because it's a trap.

MR. FENWICK: You're right, it is.

MR. LUCIA: We appreciate your concerns and I think probably some of the Board members agree with you but that is not our province along here.

MR. DE CROSTA: The ground that goes up along side it, there's some ground along this side of it too that's going to be quite a--should be able to make provisions to take that down.

MR. NUGENT: Maybe they'd like to see this.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	No
Mr. Finnegan	Aye
Mr. J. Babcock	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. SHAW: Thank you very much.

MR. FENWICK: Would you like to see this drawing? Any other comments? Excuse me, Mr. Shaw, I think we can get going on this if you don't have any more questions, I am going to close it to the public right now and open it back up to the Board members. Comments by Members of the Board?

MR. TANNER: No.

MR. FINNEGAN: No.

MR. TORLEY: No.

MR. NUGENT: Only one question. The tower is going to be lighted, is that correct, the clock tower is going to be lighted?

MR. DENHOFF: It's going to be light shining on it as opposed to light coming through it.

MR. NUGENT: Not going to have light inside?

MR. JACK BABCOCK: At night, how am I going to tell the time from my bedroom window? I want to be able to look at it and see what time it is. I move we grant the variance, both variances as per the application.

MR. TORLEY: I'd like to vote them one at a time.

MR. FENWICK: Do we have a motion to grant the variance for the height alone, height of the building?

MR. JACK BABCOCK: That will be my motion.

MR. TORLEY: I will second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. J. Babcock	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: Motion to grant the variance on the height of the clock tower?

MR. NUGENT: I'll make that motion.

Rec'd. ZBA office 3/4/91. (PAB)

cc: Greg Shaw, P.E.

orange county

MARY McPHILLIPS
County Executive

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

PETER GARRISON *Commissioner*
VINCENT HAMMOND *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 Zoning Board **D P & D Reference No.** NWT 1-91M

County I.D. No. 9 / 1 / 15.1

Applicant Denhoff Development

Proposed Action: Area Variance- height.

State, County, Inter-Municipal Basis for 239 Review Within 500 ft. of NYS Route 32.

Comments: There are no significant inter-community or countywide considerations to bring to your attention.

Related Reviews and Permits

County Action: Local Determination XXXX **Disapproved** _____ **Approved** _____

Approved subject to the following modifications and/or conditions:

_____ **Date**

R. Vincent Hammond
Dep. **Commissioner**

NEW WINDSOR ZONING BOARD OF APPEALS
----------x

In the Matter of the Application of

DENHOFF DEVELOPMENT CORP.,

#90-36.

DECISION GRANTING AREA VARIANCE

----------x

WHEREAS, DENHOFF DEVELOPMENT CORP., a corporation having an office located at 245 Fifth Avenue, Suite 2205, New York, N. Y. 10016, has made application before the Zoning Board of Appeals for (1) 23.34 ft. building height and (2) 38.34 ft. clock tower height variance to construct a commercial mall on the front portion of parcel located at 124 Windsor Highway, New Windsor, N.Y. 12553 in a C zone; and

WHEREAS, a public hearing was held on the 10th day of December, 1990 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Michael Denhoff, President of Denhoff Development Corp. appeared with Greg Shaw P. E. of Shaw Engineering; and

WHEREAS, the application was unopposed; 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 duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations with regard to building/clock tower height in order to construct a commercial shopping mall on the front portion of parcel located in a C zone.

3. The evidence presented by applicant's engineer and architect indicated that for applicant to construct the commercial mall within the height requirements of the bulk regulations would cause practical difficulty and significant economic injury. Without a variance, the maximum permitted height of the proposed structure would be limited to 12 feet. Although the variance request is substantial, it must be viewed in light of the substantial grade change in the topography of the site from the front to rear.

4. The evidence presented by the applicant also indicated that the completion of this project will represent a desirable location for merchants and public alike and should generate a return of the substantial sums expended in purchase, engineering, design, and construction. Without relief from the height restriction, any sort of viable commercial project is

virtually impossible. A moderate height flat-roofed structure placed on this site, as retail sales space, is lost in the topography of the lot and the area in which it is located and is not a desirable site for any merchant seeking or relying upon public identification and aesthetic considerations.

5. The evidence presented by the applicant indicated that the clock tower was needed for ready identification of an otherwise less-than-visible site by passing motorists, considering the grade of the road in front of the site, as well as to mitigate the impact of a large concrete tower on the property to the rear.

6. The applicant has shown significant economic injury from the application of the height restriction to this land since, given his cost for the parcel, he would be unable to obtain a reasonable return if he were limited to constructing a building in compliance with the height restriction. Due to the severe change in grade on this property, the strict application of the height restriction would deprive the applicant of any reasonable design shopping (C zone) use to which the property is reasonably adapted.

7. The requested variance is not substantial in relation to the required bulk regulations, given the substantial grade change in the topography of the site from front to rear.

8. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

9. The requested variance will produce no effect on the population density or governmental facilities.

10. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

11. The interest of justice would be served by allowing the the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a (1) 23.34 ft. building height and (2) 38.34 ft. clock tower height variance sought by Applicant in accordance with plan filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

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

Dated: January 28, 1991.

Richard Jenwick C.

12/10/90 Public Hearing - Denhoff Rec.

Name: Address:

[illegible] 500 E 85 St
NYC

Mario Orsini - no objection
103 Windsor Hwy.

James DeCarte - no objection
108 Windsor Hwy

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

90-36

Date: 10/22/90

I. Applicant Information:

(a) DENHOFF DEVELOPMENT CORP., 245 Fifth Avenue, Suite 2205, New York, N.Y.
(Name, address and phone of Applicant) (Owner) x

(b) n/a
(Name, address and phone of purchaser or lessee)

(c) n/a
(Name, address and phone of attorney)

(d) n/a
(Name, address and phone of broker)

II. Application type:

- [ ] Use Variance
- [x] Area Variance
- [ ] Sign Variance
- [ ] Interpretation

III. Property Information:

(a) C (Zone) 124 Windsor Highway (Address) 9-1-15.1 (S B L) 1.8 acres ± (Lot size)

(b) What other zones lie within 500 ft.? none

(c) Is a pending sale or lease subject to ZBA approval of this application? No.

(d) When was property purchased by present owner? 02/05/88

(e) Has property been subdivided previously? Yes When? 1985

(f) Has property been subject of variance or special permit previously? Yes When? 1986.

(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No.

(h) Is there any outside storage at the property now or is any proposed? Describe in detail: 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) _____

n/a

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

_____

_____

_____

_____

_____

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. I.

Requirements		Proposed or Available	Variance Request
Min. Lot Area	40,000 s.f.	80,736 s.f.	-
Min. Lot Width	200 ft.	437 ft.	-
Reqd. Front Yd.	60 ft.	78 ft.	-
Reqd. Side Yd.	30' / 70'	58' / 120'	- / -
Reqd. Rear Yd.	30 ft.	35 ft.	-
Reqd. Street Frontage*	n/a	n/a	-
Max. Bldg. Hgt.	11.66 ft.	35 ft. bldg. ~~50 ft. clock~~ tower ~~38.34 ft.~~	23.34 ft.
Min. Floor Area*	n/a	n/a	-
Dev. Coverage*	n/a %	n/a %	- %
Floor Area Ratio**	0.5	0.16	-
O/S Parking Spaces	65	65	-

* 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.

This is an application for an area variance. The parcel meets and exceeds all bulk regulations for its designated use in this established "C" zone, design shopping. When, however, engineering sets a location for a proposed structure on the parcel, a problem is created with that portion of the bulk regulation establishing maximum building height, "4 inches per ft. of distance to the nearest lot line."

(continued on Attached Schedule A)

VI. Sign Variance: n/a

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

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

n/a

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

_____

_____

_____

_____

_____

_____

n/a

(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.)

Applicant proposes to construct a mini-mall in a C (design shopping) zone on the front portion of 124 Windsor Highway which consists of 1.8 acres of property. A multitude of plantings will be included in the landscaping which surrounds the proposed mall.

IX. Attachments required:

x Copy of letter of referral from Bldg./Zoning Inspector.

x Copy of tax map showing adjacent properties.

x Copy of contract of sale, lease or franchise agreement.

x 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.

n/a Copy(ies) of sign(s) with dimensions.

x Check in the amount of $ 50.00 payable to TOWN OF NEW WINDSOR.

x Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 10/22/90

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

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his 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.

X (Seal)
(Applicant)
DENHOFF DEVELOPMENT CORP.
By:

Sworn to before me this
13 day of Nov., 1990.

DAVID ORLINSKY
Notary Public, State of New York
No. 31-2072510
Qualified in New York County
Commission Expires March 30, 1979

XI. ZBA Action:

(a) Public Hearing date 6/30/90.

(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.

SCHEDULE A

THE PARCEL

The parcel contains 80,736 s.f. of lot area with 437 ft. frontage on N.Y.S. Route 32 and approximate average depth of 198 ft. It is irregularly shaped along its southerly boundary and has a 32 ft. rise in elevation from front to rear. The site is impaired with severe embankment both at the front and the rear. To develop the parcel, it is not only necessary to provide significant grade change, but it is also necessary to construct a large retaining wall of approximately 270 ft. in length ranging from just above graded level to a maximum 9 ft. along its highest area.

Engineering for the parcel was, in large measure, dictated by the existing topography coupled with optimum shopping center design criteria. The proposed structure, 60 ft. by 216 ft. retail sales structure, is located to the rear of the parcel, 35 ft. from the rear property line and with side yards of 58 ft. and 62 ft., all in excess of minimum requirements, with the large frontal area devoted to customer parking and easy access.

Architecture for the parcel was confronted with the same problem, but on a larger scale. The owners desire was to create an esthetically attractive location for retailers, their customers and for the public in general. The proposed structure would necessarily be on a slab foundation, dictated by the site preparation and the existence of surface and sub-surface rock formation, which requires that all amenities such as central heat/air be placed in ceiling spaces. In addition, retailers desire visibility for their public, and this area of Route 32 slopes severely to the north and directly south is a hill crest. The architect's answer is a colonial styled structure with pitched roof and a clock tower that projects from the roof line an additional 16 ft., and stands 25 ft. square.

DESIGN CONSIDERATIONS

The owner/applicant desires to provide the community with an architecturally aesthetic property improvement. It has employed the firm of Shaw Engineering to provide proper mechanics for the site development and Liebman-Hurwitz and Associates as architects for the project.

The architects, when advised of the height limitation imposed by the zoning ordinance of the Town of New Windsor, declared:

1. That without some relief from the restriction, any viable commercial project would be impossible, and

2. That New Windsor has a certain historic tradition which is reflected in the architecture of its many older buildings and continuing efforts to duplicate and preserve that style and the

community is far better served by a structure that states a reasoned respect for both its physical and architectural environment than by one fitting a limited zoning criteria.

ZONING CONSIDERATIONS

The owner/applicant has exceeded every bulk requirement for this permitted use, that is: Lot area, lot width, front-rear and side yard set backs and floor area ratio, except the maximum building height limitation. Further, it must be acknowledged that, in numbers, the deviation from that maximum is substantial. However, when viewed in terms of the substantial grade change from the front to the rear of the parcel, and the topography of the area, this deviation is not so substantial.

The proposed improvement, as compared to the improvement or use of the parcel, has no greater impact on governmental services and though it is acknowledged that the variance requested will result in a substantial change to the neighborhood, it is urged that it is a positive change and, certainly not a detriment to any adjoining properties. It is respectfully urged, that balancing the need, the harm and any alternate solutions will support the granting of the requested variance.

SIGNIFICANT ECONOMIC INJURY

This parcel was purchased in January of 1988 by the owner/applicant for the express purpose of creating a quality retail sales site along the very visible Route 32 in the Town of New Windsor. That project has been pursued to the present and the available engineering and architectural work is submitted to this Board.

The completion of this project, with the variance requested, will represent a desirable location for merchants and public alike and should generate a return of the substantial sums expended in engineering and design and to be expended in site preparation and development. As the architect has advised, that without relief from the height restriction, any sort of viable commercial project is virtually impossible. A moderate height, flat roof structure placed on this site, as retail sales space, is lost in the topography of the lot and the area in which it is located, and is not a desirable site for any merchant seeking or relying upon public identification and aesthetic considerations.

Mr. Gregory Shaw of Shaw engineering came before the Board presenting this proposal.

BY MR. FENWICK: This is a request for one 23.34 foot maximum building height variance for building and two 38.34 foot maximum building height for clock tower for construction of commercial mini-mall on NYS Route 32 (front portion of Calvet Tool Rental property) in C zone.

BY MR. SHAW: As the Chairman pointed out the proposal before this Board tonight is height variance for a proposed mini mall on Windsor Highway in front of the Calvet Tool Rental building. The size of the building is to be a little less than 13,000 square feet with dimensions of 60 feet wide by 216 feet deep. It's in a C zone and we conform to all the zoning requirements of the C zone except for the building height. What I'd like to pass before the Board are the architectural elevations of the building so that the Board can get a flavor of the architecture that's proposed for the site. In my opinion, it's quite unique and again due to the architect, that is what is dictating the height of the building. We are asking for two variances. One variance is 22 feet that would be from the nearest lot line to the ridge and the second variance would be for a total of 38 feet and that would be from that same lot line to the ridge of the clock tower.

BY MR. FENWICK: Greg, what is allowed, what would be allowed?

BY MR. SHAW: According to the building inspector's notes, we are allowed 11 feet eight inches. Again, if we wanted to build something that would be in conformance with the zoning, we could go with a flat roof and keep your clearance inside the building by eight feet. By the time you go within the steel frame, you can keep it within 11 feet. We feel that is not appropriate for the Windsor Highway or the Town of New Windsor. We have come in with something a little more up scale and unfortunately with that comes the two variances or our request for them.

BY MR. TORLEY: On the previous proposals what

about the water and sewer?

BY MR. SHAW: The water is available from the Town of New Windsor. With respect to sewer I have had many conversations with the Town's consulting engineer, the latest being that they are hoping to go out for bid for the sewer district this fall with construction to start in the spring. We still have site plan approval yet to obtain from the Planning Board. After we obtain the variance, hopefully, so that is going to take some time also.

BY MR. LUCIA: Site plan will be predicated in obtaining the sewer?

BY MR. SHAW: Absolutely. The Planning Board has made it very clear that they will not entertain a subsurface system. If they should grant final approval, it will be held in abeyance until municipal sewers are available.

BY MR. LUCIA: You may want for your own edification you may want to watch your timeframes if you get a variance from this Board, it's going to expire before your sewer is available.

BY MR. SHAW: The variance is good for 12 months?

BY MS. BARNHART: Good for a year and then you can get an extension if you apply ahead of time.

BY MR. FENWICK: You said 34 feet at the side there?

BY MR. SHAW: Yes, well, 34 feet at the clock tower. This gets to be an interesting point.

BY MR. FENWICK: I am looking for actual height.

BY MR. BABCOCK: Isn't it 50 feet?

BY MR. SHAW: I'm sorry, over here actual height is 50 feet at the clock tower. Again, that is what we are proposing.

BY MR. TORLEY: So what the, from the ground level to the top of that is going to be 50 feet?

BY MR. SHAW: Correct.

BY MR. FENWICK: Are we looking at the, where the building is alongside of the property, in other words the height of the building at that point, at the side yard?

BY MR. BABCOCK: It's the closest to the closest of the distance off the nearest lot line is the way the code reads.

BY MR. FENWICK: The 50 foot clock tower, what side yard is that one being measured to, the rear?

BY MR. SHAW: I believe Mike based that off the same one as the closest to the structure itself. Actually in my opinion, you would have two different nearest lot lines, one for the building and one for the clock tower. Because the clock tower is farther removed from any lot line as you go into the interior of the building. When Mike reviewed this, Mike felt, correct me if I am wrong, that both the variance for the clock tower and the building height should be predicated off of one lot line. If that lot line being the closest to the structure itself, so in reality our clock tower is further away from the nearest lot line which would really make it a less of a variance.

BY MR. FENWICK: That is what I am looking at. I am trying to find out if they are talking about the height of the building? In other words, you are saying the clock tower is that the height the whole way, is that what is being taken into consideration because definitely the clock tower is quite a bit farther away from that side yard than the --

BY MR. SHAW: That is a rough sketch my engineer drafted of the building. Again, Windsor Highway, the building, the clock tower as you can see, you have this nearest lot line dimension from this corner to this line but when you get to the clock tower itself, in lieu of it being 37, it's 88 here, 80 feet there, so if you wanted to entertain this being the nearest lot line to the clock tower, it would be a third of 80 which would be 26, if my math is correct so therefore we'd only be asking for a variance of 24 feet, not 33.

BY MR. FENWICK: I see what is was.

BY MR. TORLEY: How far is it from the side of the clock tower to this back line?

BY MR. FENWICK: It's actually the rear property line that's too close, not a side yard.

BY MR. BABCOCK: The closest line is 35 feet to the building. I guess if you wanted to include the clock tower as part of the building, then we would just need the one variance and that is it. I am not sure.

BY MR. TORLEY: We have nothing in the code about different roof heights along a building as far as that height?

BY MR. BABCOCK: The definition of building height is the average elevation so it's very difficult to determine what is the average elevation, when you have two different areas that you are looking for.

BY MR. TORLEY: What about the absolute maximum height?

BY MR. BABCOCK: That is the clock tower as 50 feet.

BY MR. TORLEY: Absolute maximum height allowed?

BY MR. FENWICK: 11 and 2/3 feet.

BY MR. LUCIA: That is why he needs the variance.

BY MR. TORLEY: Forgetting in from the side.

BY MR. BABCOCK: If he's got 30 acres, he can build, if he's got 100 acres, he can build in that zone, he can build a 16 story mall.

BY MR. LUCIA: It's a formula height.

BY MR. TORLEY: I thought there is a maximum.

BY MR. BABCOCK: No cap, four inches per foot. He's allowed exactly 11.66 feet, that is what the plan says.

BY MR. TORLEY: In requesting then even if it

knocks it down to say a 30 foot height variance for the clock tower, rough guess.

BY MR. SHAW: Correct, even if you were to concur that the clock tower should be to this lot line here only allowed 26 feet eight inches and we are still requesting 50, so there is 24 feet still on the table that we need a variance for. If you were to accept this as the lot line, not this.

BY MR. TORLEY: That still would be a question of practical difficulty.

BY MR. FENWICK: Is this 35 feet at this corner or is it 35 feet up here?

BY MR. SHAW: This corner.

BY MR. FENWICK: What is the height at the closest corner?

BY MR. SHAW: I'd have to go to the elevations.

BY MR. BABCOCK: Is 34 feet, the building is 34 feet high at the peak.

BY MR. SHAW: That is not the question he's asking. Okay, proportionately speaking, if this is 34 feet and the point you are asking is to the facia boards, that looks like a little less than a third so I'd say 10 feet approximately. That would be the height from the slab to the top of the eave, not the ridge.

BY MR. TORLEY: I still have a problem to meet criteria for practical difficulty. It would be that you want to have an architectural feature that doesn't fit.

BY MR. SHAW: Correct.

BY MR. TORLEY: Does that rise to the level of practical difficulty? You can still have your building here without a clock tower.

BY MR. SHAW: Without that one particular variance, we still need the second variance.

BY MR. BABCOCK: It doesn't exclude a clock tower,

there are certain things that are excluded from the height of a building which is chimneys and doesn't include a clock tower.

BY MR. FENWICK: One of the things we are running into is believe it or not, just came up not too long ago, somebody wanted to do something with their house because it looked nicer, it was aesthetics. According to what we have read in the law coming down from the State is that is not a reason. Aesthetics are not a reason to grant a variance and that is very definite that they are not.

BY MR. SHAW: Was it a habitable space or purely design architecture?

BY MR. FENWICK: That would cause a variance to be initiated. They said that aesthetics are not a reason.

BY MR. LUCIA: You can speak to aesthetics but in and of itself, aesthetics are not a basis upon which the Board can grant a variance. It's not to be considered within practical difficulty. How it's relevant is that you really need to make an economic showing in terms of the value of the lot as presently zoned, if you built the structure that did conform to the existing zoning as opposed to the value of that structure value of a lot with a variance, so you kind of come in with an aesthetics through the back door on the economic analysis. A flat roofed building has far lower value to a perspective purchaser than a fairly nice building with a variable roof line. It's something you have to speak to. This Board needs to have you make a showing of practical difficulty to grant you the variance. You need to speak to more than just aesthetics.

BY MR. SHAW: I understand your point.

BY MR. FENWICK: If we can just read in a definition of height, the vertical distance measured from the average elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of such structure. So in other words, I'd say it's the average along this line going to the highest point

that would mean one variance, Mike, do you see why there would be two, I am not, if this is all the same structure I understand, I think you just brought it up to me, that is why I am looking.

BY MR. BABCOCK: Number two variance, the 38.34 feet would definitely include the clock tower and that is, we are going by the building height of 50 feet, possibly if there was some calculations done, we could say that that clock tower is lower than 50 feet. If you use the average grade, I am not sure whether that is how it was prepared as far as the height of the building is 50 feet.

BY MR. SHAW: I can't answer you because I am a little lost right now so you are going to have to back up a little bit.

BY MR. LUCIA: The definition in the ordinance, there is a definition, all sections, in Section 4837 on page 4895, look at that height definition compared to the variance you are applying for. It may help.

BY MR. SHAW: Are you saying that the two variances that Mike had written up might not be applicable, we may be talking one variance?

BY MR. FENWICK: One variance.

BY MR. SHAW: Just to expand on that further again, if I understood your definition or your height, at this point it's 10 feet and this point it's 50 feet, your average would be 30 feet?

BY MR. FENWICK: No, it's this average along the line versus in other words, if this were to rise or drop, the one line from here for instance, maybe if you went up to ten feet and eight here, the average would be nine feet which is the total overall height. The total overall height will never change, it's the average along the line we are talking about which is wherever this would be averaged, in other words, this is all the same so it, what are we talking about, eight versus this.

BY MR. BABCOCK: Maybe I should clarify, when the denial was wrote up, the four inches per foot was still based on the 35 foot setback, not on the

greater setback because the clock tower is in the middle. I just recalculated and it comes up to the same, so we base four inches per foot, 35 feet from the property line which allows you 11.8 feet and if he's asking for 50, it's a difference of 38.4, so the denial is 38.34 which comes up to exactly what it is, so that is including the, it's a variance number two, variance of 38.34 feet that is saying that the clock tower is 50 feet whatever the average is and that he is allowed 11.66 because of the 35 foot setback, so it's not going to increase, Greg. What we did is we didn't use the calculation of the larger setback for the clock tower. We still, we base both of these various numbers of the same --

BY MR. SHAW: Of the same 30.35 feet?

BY MR. BABCOCK: Yes.

BY MR. SHAW: Are you saying now that will now there is going to be one variance?

BY MR. BABCOCK: I would guess that is what the Board is saying if they were to give you a variance of 38 feet four inches, you could build your clock tower.

BY MR. SHAW: If the building height is 50 feet, you are still going to the 35 foot nearest lot line so that still holds?

BY MR. BABCOCK: Yes.

BY MR. SHAW: As far as the double variance, that is out, we are looking at the maximum height versus the nearest lot line to any portion of the building.

BY MR. FENWICK: That is correct.

BY MR. TORLEY: And we are charged with, if any variance is to be granted, it should be minimized and you have already heard aesthetics of a unit does not meet the standard of practical difficulty unless you can show a real economic loss by it not being there. We are supposed to minimize the variance. If that clock tower wasn't there, the variance would be minimized.

BY MR. FENWICK: It is a tough situation, I know, you want to make it look good and everybody is in favor, it's definitely a nice looking building, probably going to have to take down Calvet if you put this up but I don't know what to tell you. We are reacting to what we see and the notice we get from the State Planning Federation and that was not too long ago that was one of the things that they pointed to. If you have a practical difficulty, we'd be glad to hear it. That is for sure. We have to, that has to be addressed. If in fact we were to grant a variance, our attorney in fact has to write a law and that law has to address what the practical difficulty, the reason why we would grant the variance for this though to happen. Aesthetics I told you don't make it.

BY MR. SHAW: Just one point. When I came into the Board meeting tonight, there was two variances knowing full well that when the Board took a look at the elevations I thought you may have a concern with the clock tower and if the Board did not feel the clock tower was appropriate, they may decline that variance but grant the variance for the superstructure itself. If I combine both into one variance, I may lose the superstructure itself due to the clock tower.

BY MR. FENWICK: I understand. Okay, I understand that and that I don't see any problem with that at all. I don't think anybody here sees any problem.

BY MR. SHAW: There is some middle ground.

BY MR. TORLEY: Can we do that?

BY MR. FENWICK: Sure.

BY MR. TORLEY: Then I would move to reschedule for a public hearing as written.

BY MR. TANNER: I will second that.

ROLL CALL:

Finnagan: Aye.
Torley: Aye.

Tanner: Aye.
Fenwick: Aye.

BY MR. LUCIA: Copy of the deed, title report and photos of the site, please.

BY MR. FENWICK: Does your client own this property?

BY MR. SHAW: I believe he does, yes, he does.

BY MR. TORLEY: Request that you make stipulations about the sewer itself not part of the variance but it's, it will be helpful.

BY MR. FENWICK: You are still going to have to address practical difficulty whether we are talking about the building or the clock tower.

BY MR. SHAW: I realize that.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(16)

1763

Roman Catholic Church of St. Joseph
6 St. Joseph Place
New Windsor, N.Y. 12553

Calvet Tool Rental & Service Center
124 Windsor Highway
New Windsor, N.Y. 12553

Strack, Robert A. & Beverly A.
114 Windsor Highway
New Windsor, N.Y. 12553

DeCrosta, James V. & Regina
108 Windsor Highway
New Windsor, N.Y. 12553

Harris, George & Mabel Harris
102 Windsor Highway
New Windsor, N.Y. 12553

Kim Doo Joseph
425 Angola Rd.
Cornwall, N.Y. 12518

Impellettiere, Gerald I. Jr.
% Duffer's Hideaway
139 Windsor Highway
New Windsor, N.Y. 12553

Borchert, Ernest H. Living Trust
Borchert, Anne Louise Living Trust
Borchert, Robert A. Living Trust
Lattintown Road
Marlboro, N.Y. 12542

Monaco, Frank & Frances
122 South William Street
Newburgh, N.Y. 12550

Orsini, Mario & Marion
103 Windsor Highway
New Windsor, N.Y. 12553

Clegg, John W. & Mark
84B Windsor Highway
New Windsor, N.Y. 12553

Baker, Jeffrey S. & Christine
221 Hudson Street
Cornwall-on-Hudson, N.Y. 12520

Devitt, John L.
59 Windsor Highway
New Windsor, N.Y. 12553

Route 32 Corp.
70 Windsor Highway
New Windsor, N.Y. 12553

Redl, Herbert H.
240 North Road
Poughkeepsie, N.Y. 12602

Pleasant Acres Nursery
151 Windsor Highway
New Windsor, N.Y. 12553

(This Page is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

MAR 2 3

Appollo Land Development Corp.

TO

Denhoff Development Corp.

SECTION ___ BLOCK ___ LOT ___

RECORD AND RETURN TO:
(Name and Address)

Richard Schisano, Esq.
P.O. Box 2265
Newburgh, NY 12550

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 051593 DATE 1-22-88 AFFIDAVIT FILED _____ 19 ____

INSTRUMENT TYPE: DEED ✓ MORTGAGE ____ SATISFACTION ____ ASSIGNMENT ____ OTHER ____

BG20	Blooming Grove	
CH22	Chester	
CO24	Cornwall	
CR26	Crawford	
DP28	Deerpark	
GO30	Goshen	
GR32	Greenville	
HA34	Hamptonburgh	
HI36	Highland	
MK38	Minisink	
ME40	Monroe	
MY42	Montgomery	
MH44	Mount Hope	
NT46	Newburgh (T)	✓
NW48	New Windsor	
TU50	Tuxedo	
WL52	Wallkill	
WK54	Warwick	
WA56	Wawayanda	
WO58	Woodbury	
MN09	Middletown	
NC11	Newburgh	
PJ13	Port Jervis	
9999	Hold	

SERIAL NO. _____

Mortgage Amount $ _____

Exempt Yes ____ No ____

3-6 Cooking Units Yes ____ No ____

Received Tax on above Mortgage

Basic $ _____

MTA $ _____

Spec. Add. $ _____

TOTAL $ _____

CHECK ✓ CASH ____ CHARGE ____

MORTGAGE TAX $ _____

TRANSFER TAX $ 940 -

RECORD. FEE $ 17 -

REPORT FORMS $ 5 -

CERT. COPIES $ _____

J. T. Alstimont

MARION S. MURPHY
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.
Recorded on the 5th day of February 19 88 at 10:05 O'Clock A M. in Liber/Film 2883 Deed at page 224 and examined.

Marion S. Murphy
County Clerk

RECEIVED
6580 $ 940 -
REAL ESTATE
FEB 5 1988
TRANSFER TAX
ORANGE COUNTY

LIBER 2883 PG 224

A 291

17.00
940.00

Standard N.Y.B.T.U. Form 8007
Bargain & sale deed, with covenant against grantor's acts—Ind. or Corp.

DATE CODE

JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT – THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 22ND day of January, nineteen hundred and eighty eight

BETWEEN

APPOLLO LAND DEVELOMENT CORP., a domestic corporaton organized and existing under and by virtue of the laws of the State of New York with offices for the transaction of business at 335 Temple Hill Road, New Windsor, New York

party of the first part, and

DENHOFF DEVELOPMENT CORP., a domestic corporation organized and existing under and by virtue of the laws of the State of New York with offices for the transaction of business at 245 Fifth Avenue, Suite 2205, New York, NY 10016

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN DOLLARS AND NO/100 ($10.00) dollars,

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange and State of New York, known as Lot #1 as shown on a map entitled "Subdivision for Calvet Tool Rental, Inc.:, dated May 11, 1983, and filed in the Office of the Orange county Clerk on June 20, 1984 as Map #6610.

9
1
15.1

Containing 1.85 acres of land.

ALSO BEING DESCRIBED AS FOLLOWS:

ALL THAT certain piece or parcel of land lying, situate and being in the Town of New Windsor, County of Orange and State of New York, being Lot #1, as shown on a map entitled "Subdivision for Calvet Tool Rental, Inc., Minor Subdivision", said map having been filed in the Orange County Clerk's Office on June 20, 1984 as Map #6610, and being more particularly bounded and described as follows:

Beginning at a point in the westerly line of the N.Y.S. Highway known as Route 32, (S.H. 90433), said point being at the intersection of said line with the northerly line of the Grantors, and running thence the following courses:

(1) along the westerly line of Route 32, S 38 degrees 28' 15" W, 437.16 feet to a point;

(2) Along lot #2 as shown on the above referenced subdivision map, N 51 degrees 31' 45" W, 22.77 feet o a point;

(3) Still along Lot #2, N 22 degrees 20' W, 167.58 feet to a point;

(4) Still along lot #2, N 16 degrees 10' 24" E, 111.47 feet to a point;

(5) Still along Lot #2, being in part along a retaining wall, N 31 degrees 36' 32" E, 221.84 feet to a point in the northerly line of lands of the Grantor;

(6) Along said line, S 59 degrees 12' W, 240.00 feet to the point of beginning.

Containing 80,736 square feet, 1.85 acres of land, more or less.

TOGETHER with easement for ingress and egress over an existing drive through Lot #2 as shown on the above mentioned map. The boundary of the easement for said drive are more particularly bounded and described as follows:

SECTION: 9
BLOCK: L
LOT: 15.1
town of New Windsor
Orange County

BEGINNING at a point in the westerly line of New York State Route 32 (Windsor Highway), said point being the southeast corner of the above described Lot #1, thence;

(1) S 38 degrees 28' 15" W, 68.71 feet along the westerly line of New York State Route 32, thence;

(2) N 22 degrees 20' 00" W, 220.97 feet along lands now or formerly of the Roman Catholic Church of St. Joseph, thence;

(3) N 67 degrees 40' 00" E, 48.87 feet through Lot #2, thence the following two courses along Lot#2:

(4) S 22 degrees 20' 00" E, 167.58 feet, thence;

(5) S 51 degrees 31' 45" E, 22.37 feet to the point of beginning.

SUBJECT to covenants, easements and restrictions of record, if any.

BEING and INTENDED to be the same premises conveyed by deed dated December 31, 1986 from Calvet Tool Rental and Servicenter, Inc. to Appollo Land Development Corp. and recorded in the Office of the Orange County Clerk in Liber 2635 of Deeds at Page 77 on December 31, 1986.

This deed is made in the ordinary course of business and has been approved by a majority vote of the Board of Directors and by a 2/3 vote of all oustanding shareholders of the Corporation in accordance with the Business Corporation Law.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

APPOLLO LAND DEVELOPMENT CORP.

BY: John Brugmann

JOHN BRUGMANN, President

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 22nd day of January 19 88, before me personally came JOHN BRUGMANN to me known, who, being by me duly sworn, did depose and say that he resides at No. 1C Lillypond Lane Monroe, NY ; that he is the President of Appollo Land Development Corp., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

Arnold A. Bernstein

Notary Public State of New York

ARNOLD A. BERNSTEIN
NOTARY PUBLIC, State of New York
No. 0270150
Qualified in the County of Orange
Commission Expires October 31, 19 89

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ; that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

APPOLLO LAND DEVELOPMENT CORP.

TO

DENHOFF DEVELOPMENT CORP.

SECTION 9
BLOCK 1
LOT 15.1
COUNTY OR TOWN Town of New Windsor Orange County

RETURN BY MAIL TO:

Richard Schisano, Esq.
PO Box 2265
Newburgh, NY 12550

Zip No.

Space for use of Recording Office.

LIBER 2883 PG 228

NATIONAL ATTORNEYS' TITLE INSURANCE COMPANY

Title Insurance Policy

J. T. ABSTRACT CO., INC.
P. O. Box 2429
717 Broadway
Newburgh, New York 12550

In consideration of the payment of its charges for the examination of title and its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises.or by reason of liens or encumbrances affecting title at the date thereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

In Witness Whereof, **National Attorneys' Title Insurance Company** has caused this policy to be signed and sealed as of the date herein shown, the policy to become valid when countersigned by an authorized signatory.

NATIONAL ATTORNEYS' TITLE INSURANCE COMPANY CORPORATE SEAL 1929 NEW YORK

Policy No. 10-33295-F-NY

NATIONAL ATTORNEYS' TITLE INSURANCE COMPANY

Charles Koscalaski
President

Countersigned _____
Authorized Officer or Agent

Attest: Mario A. Scalfani
Secretary

DH 6915

CONDITIONS CONTINUED ON INSIDE BACK COVER

NATIONAL ATTORNEYS' TITLE INSURANCE COMPANY

Name of Insured

Denhoff Development Corp.

Policy No. 10-33295

Amount of Insurance $ 235,000.00

Date of Issue 2-5-88

The estate or interest insured by this policy is fee simple vested in the insured by means of

Deed made by Appollo Land Development Corp. to the insured, dated 1-22-88 and recorded 2-5-88 in Liber 2883 Cp 224.

SCHEDULE B

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to, by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Easements in Liber 479 cp 492 and Liber 2635 cp 77. (See copies attached).
8. Notes on Map #6610. (See copy attached).
9. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.
10. The amount of acreage is not insured.
11. NO title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
12. Subject to rights and easements, if any, acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.

SCHEDULE "B" OF THIS POLICY CONSISTS OF 1 SHEET(S).

DESCRIPTION OF LANDS FOR
DENHOFF DEVELOPMENT CORP.
Policy # 10-33295

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING, Situate and being in the Town of New Windsor, County of Orange and State of New York, being lot #1, as shown on a map entitled "Subdivision for Calvet Tool Rental, Inc.,Minor Subdivision", said map having been filed in the Orange County Clerk's Office on June 20, 1984 as map #6610, and being more particularly bounded and described as follows:

Beginning at a point in the westerly line of the N.Y.S. Highway known as Route 32, (S.H. 9033), said point being at the intersection of said line with the northerly line of the Grantors, and running thence, the following courses:

(1) Along the westerly line of Route 32, S38°28'15"W, 437.16 feet to a point;

(2) Along lot #2, as shown on the above referenced subdivision map, N51°31'45"W, 22.77 feet to a point;

(3) Still along lot #2, N22°20"W, 167.58 feet to a point;

(4) Still along lot #2, N16°10'24"E, 111.47 feet to a point;

(5) Still along lot #2, being in part along a retaining wall, N31°36'32"E, 221.84 feet to a point in the northerly line of lands of the Grantor;

(6) Along said line, S59°12'W, 240.00 feet to the point of beginning.

Containing 80,736 square feet, 1.85 acres of land, more or less.

Together with easement for ingress and egress over an existing drive through lot #2 as shown on the above mentioned map. The boundary of the easement for said drive are more particularly bounded and described as follows:

Beginning at a point in the westerly line of New York State Route 32 (Windsor Highway), said point being the southeast corner of the above described lot #1, thence;

(1) S38°28'15"W, 68.71 feet along the westerly line of New York State Route 32, thence;

(2) N22°20'00"W, 220.97 feet along lands now or formerly of

the Roman Catholic Church of St. Joseph, thence;

(3) N67°40'00"E, 48.87 feet through lot #2 thence the following two courses along lot #2;

(4) S22°20'00"E, 167.58 feet, thence;

(5) S51°31'45"E, 22.37 feet to the point of beginning.

Subject to convenants, easements and restrictions of record, if any.

Being the same premisees conveyed by deed dated December 31, 1986 from Calvet Tool Rental and Servicenter, Inc. to Appollo Land Development Corp. and recorded in the Office of the Orange County Clerk in Liber 2635 of Deeds at Page 77 on December 31, 1986.

owners and occupants of the said Church lot.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises. To have and to hold the above granted premises unto the said parties of the second part their heirs and assigns forever. And the said Thomas Conlyn and Joseph Conlyn parties of the first part doth covenant with the said parties of the second part as follows, First-That Thomas Conlyn and Joseph Conlyn the parties of the first part are seized of the said premises in fee simple and have good right to convey the same. Second-That the parties of the second part shall quietly enjoy the said premises. Third-That the said premises are free from incumbrances. Fourth-That Thomas Conlyn and Joseph Conlyn the parties of the first part will execute or procure any further necessary assurance of the title to said premises. Fifth-That Thomas Conlyn and Joseph Conlyn the parties of the first part will forever warrant the title to said premises.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

In presence of

John J. Beattie,

Thomas Conlyn LS
Maggie Conlyn LS
Joseph Conlyn LS
Mary Conlyn LS

State of New York,) ss-
County of New York,)

On this fifteenth day of December in the year of our Lord one thousand nine hundred and five before me the undersigned personally came and appeared Thomas Conlyn and Maggie Conlyn his wife and Joseph Conlyn and Mary his wife, to me personally known and known to me to be the individuals described in and who executed the foregoing instrument and severally acknowledged to me that they executed the same.

John J. Beattie, County Judge of Orange county.,

A true record entered Dec 18 1905 at 9 A.M.,

J. J. Leonard Clerk.

This Indenture made the 29th day of November in the year nineteen hundred five Between Charles H. Schaefer and Mary N. Schaefer his wife, of the town of New Windsor Orange county, New York, parties of the first part, and Thomas A. Parkhill of the city of Newburgh Orange county New York, and Emma E. Parkhill his wife, parties of the second part, Witnesseth, that the said parties of the first part in consideration of One thousand dollars lawful money of the United states paid by the parties of the second part do hereby grant and release unto the said parties of the second part their heirs and assigns forever.

All that parcel of land situated in the town of New Windsor, on the west side of the Snake Hill Turnpike bounded and described as follows,

L 479

Dec 12/18/1905

Beginning at a point in the west line of said Turnpike in the southerly line of lands owned by M.L.Knapp and running thence along the division line between lands of said Schaefer and lands of said Knapp,thich is along a stone wall,north sixty one degrees twenty five minutes west for eighteen hundred and ninety two (1892) feet to a point on Snake Hill in line of lands now or formerly owned by Mrs. - Musgrave,thence along her lands south twenty degrees twenty five minutes west for one hundred and fifty one feet and six inches (151'.6") thence south sixty one degrees twenty five minutes east keeping parallel with and one hundred and fifty feet southerly at right angles from the first above described line for eighteen hundred and fifty feet and four inches (1850'4") to a point in the west line of said turnpike distant one hundred and fifty feet southerly at right angles from the place of beginning.thence along the west line of said turnpike north thirty six degrees sixteen minutes east for one hundred and fifty one feet and four inches (151'4")to the place of beginning,Containing six-forty four hundredths acres of land. Being a part of the real property conveyed to Charles H.Schaefer and Mary N.Schaefer by Walter H.Vail and others by deed dated October 21st 1902 and recorded in Orange county Clerks Office November 15th 1902 in Book 461 of Deeds at page 238. The parties of the first part hereby reserve the right to themselves and their heirs to use take convey and carry away the waters from the spring or well located on the westerly side or end of the real property above described by pipes or otherwise for that purpose to maintain pipes across said real property as now constructed and to enter upon said real property to renew or repair such pipes and to procure water when said pipes shall be temporarily injured or out of repair.

The real property above described is conveyed subject to the consents heretofore granted to the Intervale Traction Company to construct and operate a street surface railroad throughtand along a portion of Snake Hill Turnpike as described and given by an instrument in writing recorded in Orange County Clerks Office May 11 1904 in Book 469 page 464 if such consent be now filed.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises.To have and to hold the above granted premises unto the said parties of the second part their heirs and assigns forever. And the said parties of the first part do covenant with said parties of the second part as follows,First-That the said parties of the first part are seized of the said premises in fee simple and have good right to convey the same.Second-That the parties of the second part shall quietly enjoy the said premises.Third-That the said premises are free from encumbrances.Fourth-That the parties of the first part will execute or procure any further necessary assurance of the title to said premises. Fifth-That the said parties of the first part will forever warrant the title to said premises.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Standard N Y B T U. Form 8002—1968 —Bargain and Sale Deed, with Covenants against Grantor's Acts—Individual or Corporation. (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 31 day of December, nineteen hundred and eighty-six

BETWEEN

CALVET TOOL RENTAL AND SERVICENTER, INC., a New York Corporation
Route 32, New Windsor, New York 12550

party of the first part, and

APPOLLO LAND DEVELOPMENT CORP., a New York Corporation
Temple Hill Road, New Windsor, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE A

069091

9-1-15.1

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

CALVET TOOL RENTAL AND SERVICENTER, INC.

By: Hilliard Calvet, ~~President~~ Secretary-Treasurer

LIBER 2635 PG 77

SCHEDULE A

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, known as lot #1 as shown on a map entitled "Subdivision for Calvert Tool Rental, Inc.", dated May 11, 1983 and filed in the office of the Orange County Clerk on June 20, 1984 as map #6610

Containing 1.85 acres of land.

TOGETHER with easement for ingress and egress over an existing drive through lot #2 as shown on the above mentioned map. The boundary of the easement for said drive are more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of New York State Route 32 (Windsor Highway), said point being the southeast corner of the above described lot #1, thence;

(1) S38°28'15"W, 68.71 feet along the westerly line of New York State Route 32, thence;

(2) N22°20'00"W, 220.97 feet along lands now or formerly of the Roman Catholic Church of St. Joseph, thence;

(3) N67°40'00"E, 48.87 feet through lot #2, thence the following two courses along lot #2;

(4) S22°20'00"E, 167.58 feet, thence;

(5) S51°31'45"E, 22.37 feet to the point of beginning.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On the 31 day of December 1986, before me personally came HOWARD CHATT to me known, who, being by me duly sworn, did depose and say that he resides at No Northwest Road Highland Mills, NY; that he is the President Secretary/Treasurer of CALVET TOOL RENTAL, INC. and Secretary the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness at the same time subscribed his name as witness thereto.

GALE C. STEELWAG
Notary Public, State of New York
No. 4621645
Qualified in Orange County
Commission Expires March 30, 1987

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 740-0-3312

SECTION
BLOCK
LOT
COUNTY OR TOWN

TO

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to
Harold A. Berman, Esq.
102 Windsor Hwy.
New Windsor, NY 12550

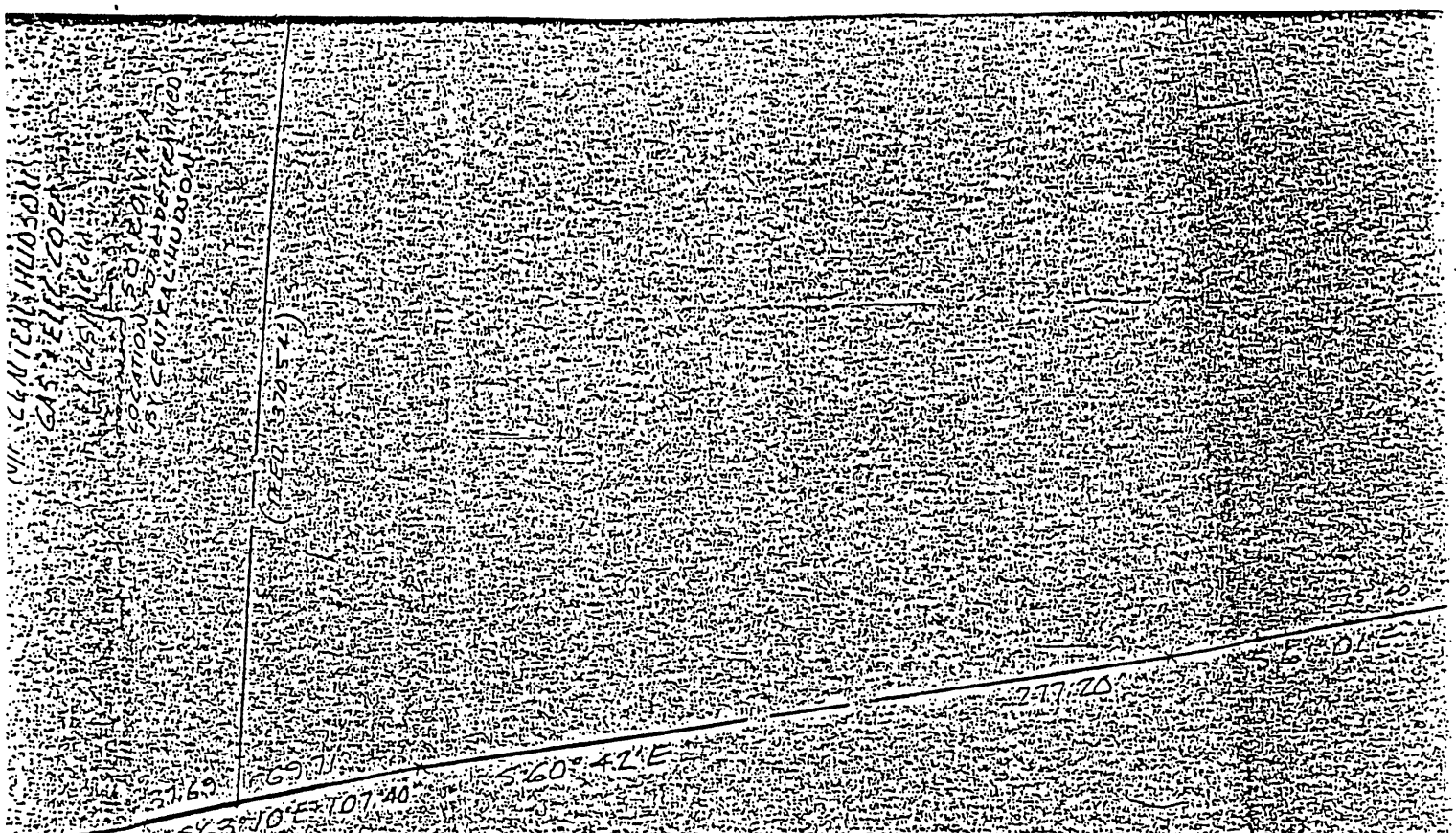
File # 5233

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
CHICAGO TITLE INSURANCE COMPANY

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

REAL ESTATE TRANSFER TAX
DEC 31 '86
6108

FRANCIS CUMMINS COUNTY CLERK
Recd for Record at 11:00 o'clock A.M.
Land Examiner



NOTES

1. Being a proposed subdivision of lands shown on the Town of New Windsor Tax Maps as being in Section 9, Block 1, Lot 15.

2. Property Owner and Developer:

   Calvet Tool Rental, Inc.
   124 Windsor Highway, Route 32
   New Windsor, New York 12550

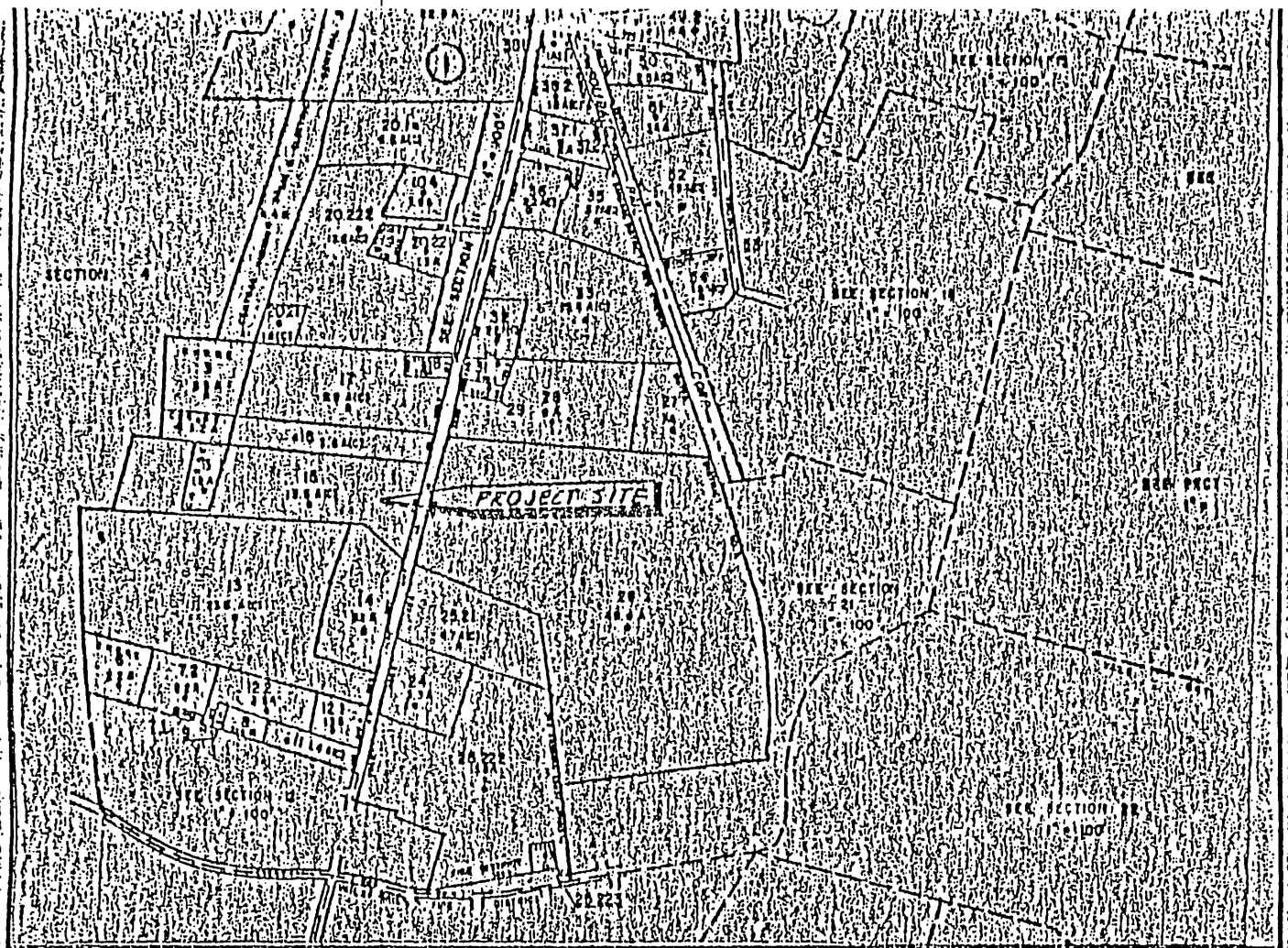
3. Total Parcel Area: 11.8 Acres
   Lots: 3

4. Property Zone: P-I

5. Topographic data shown hereon is from field survey completed 5 May 1983.

6. Boundary data shown hereon is from a map entitled "Survey of Lands of Putnam Valley Restaurant, Inc. to be conveyed to Calvet Tool Rental, Inc." last revised 16 August 1975 prepared by Theodore Jargstorff, L.S.

   Revised due to field survey by this office on 5 June 1983.



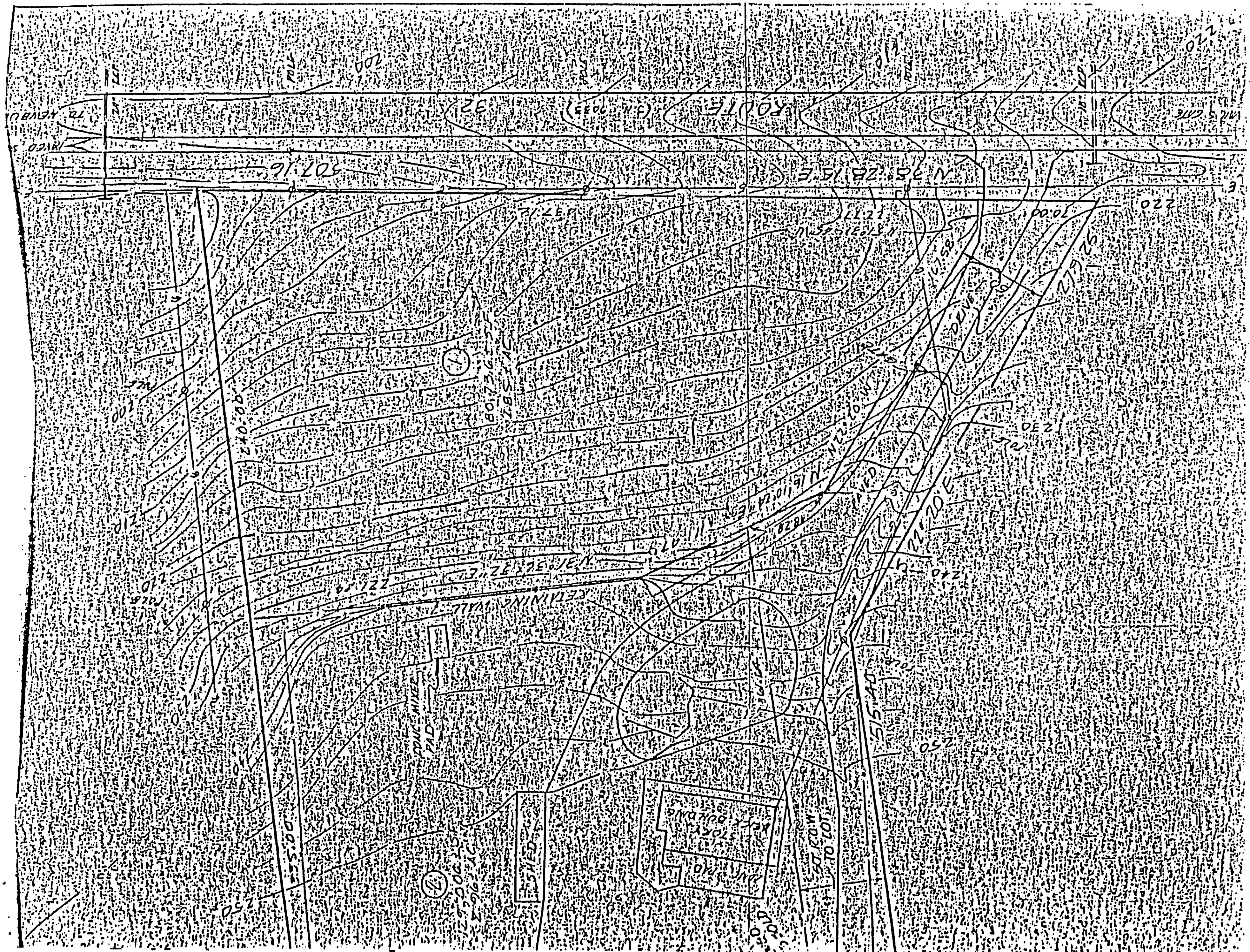
LOCATION MAP

N 59°12' W

312.99

152.91

N 35° 27' 02" E
FRAME WORK SHOP
CONC. PAD
SHED
TO BE FORMED
CONC. PAD
2 STORY BRICK BUILDING
RETAINING WALL
N 51° 36' 52" E
N 16° 10' 24" E
N 51° 31' 45" W
N 38° 28' 15" E
ROUTE
(S.R. 3053)
507.16
32
250
240
230
POLE


ROUTE 32
CONC. MIXER PAD
SHED
TO LOT

PREVIOUS

DOCUMENTS

IN POOR

ORIGINAL

CONDITION

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. 36

Request of DENHOFF DEVELOPMENT CORP.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of commercial mini-mall w/ more than the allowable building and clock tower height;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. I

for property situated as follows:

Front portion of 124 Windsor Highway, New Windsor, New York known and designated as tax map Section 9 - Block 1 - Lot 15.1.

SAID HEARING will take place on the 10th day of December, 19 90, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

RICHARD FENWICK
Chairman

90-36. Denhoff Dev. Corp. - Greg Shaw #.

2 [illegible] 13,000 sf
[illegible] 16 [illegible] C zone -
[illegible] C zone [illegible]
[illegible] C zone -

Sect.
Page - 48-37

① 22 ft.
② 38 ft. } height

Aesthetics [illegible]
as a practical difficulty.

Economic U.

[illegible]

[illegible] 38.34 ft.
[illegible]

[illegible] ① 48-37 - (4895)
[illegible]

[illegible] one
[illegible]

[illegible]

2 lots — 13,000 sf
16 N of C zone —
C zone
C zone —

Sect.
Page — 48-37

① 22 ft.
② 38 ft. } height

Asthetics
as a practical difficulty.

Economic U.

Lot 38.34 ft.

① 48-37 — (4895)

C one
Lot

Sewer notes — SD 24 —

Rec'd ZBA 9/24/90 Prelim.

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

Oct. 22, 1990

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION #90-36

PLANNING BOARD FILE NUMBER: 88-63 DATE: 21 SEPT 90

APPLICANT: DENHOFF DVMT CORP
245 FIFTH AVE
NEW YORK N.Y. 10016

Greg Shaw -

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (~~SUBDIVISION~~ - SITE PLAN) DENHOFF DVMT. CORP.

LOCATED AT NYS RT 32

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 15.1

COMMERCIAL MINI-MALL

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

HEIGHT VARIANCE REQUIRED

PLANNING BOARD CHAIRMAN
CHAIRMAN CARL SCHEIFER

****

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE C USE A-1		

APPLICANT: DENHOFF DVMT CORP
245 FIFTH AVE
NEW YORK N.Y. 10016

Greg Shaw -

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (~~SUBDIVISION~~ - SITE PLAN) DENHOFF DVMT. CORP.

LOCATED AT NYS RT 32

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 15.1

COMMERCIAL MINI-MALL

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

HEIGHT VARIANCE REQUIRED

PLANNING BOARD CHAIRMAN
CHAIRMAN CARL SCHEIFER

****

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE C USE	A-1		
MIN. LOT AREA	40 000 SF	80 736	—
MIN. LOT WIDTH	200 FT	437	—
REQ'D FRONT YD	60 FT	78	—
REQ'D SIDE YD.	30 FT	58	—
REQ'D TOTAL SIDE YD.	70 FT	120	—
REQ'D REAR YD.	30 FT	35	—
REQ'D FRONTAGE	N.A	—	—
MAX. BLDG. HT. 4" PER FT.	11.66 FT	~~35 FT BUILDING~~ 50 FT. CLOCK TOWER	~~23.34~~ 38.34 Clarke.
FLOOR AREA RATIO	0.5	0.16	—
MIN. LIVABLE AREA	N-A	—	—
DEV. COVERAGE	N-A %	— %	— %
O/S PARKING SPACES	65	65	—

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

CC: [redacted] APPLICANT, P.B. ENGINEER, P.B. FILE

DENHOFF SITE PLAN (88-63) WINDSOR HIGHWAY

Mr. Gregory Shaw of Shaw Engineering came before the Board representing this proposal.

MR. SHAW: For the record, my name is Gregory Shaw from Shaw Engineering and I am representing Denhoff Development. This proposal has been before this Board on a couple of occasions. The latest was in the early part of 1989. What we proposed to install is a retail mini mall or shopping complex on a 2 acre plus parcel of land in front of Calvet Tool Rental on the west side of Windsor Highway. In fact, I believe this project came before this Board on a couple of occasions and there was a few encumbrances with it. One was that sewers were not available for this project and that the sewer system is presently being designed by the town's consulting engineer to install a sewer line on Windsor Highway which we'd tap into. We recognize that we can't get a building permit unit sewer line is available and also we may not, if this Board choses not to, is even get final site plan approval until the sewer line is available. We'd like to go through the process and obtain site plan approval subject to municipal sewer being available. Another encumbrance at that time, it was zoned Planned Industrial and the former owner had a variance from the New Windsor Zoning Board of Appeals that was brought up at the meeting by Mr. Babcock that had expired. We had had a preliminary discussion with the Zoning Board of Appeals and they concurred the variance to allow commercial shopping on that parcel had expired. Since that point in time and it's been about 12 months now, that parcel has been changed to Designed Shopping, a C-zone so this use is now permitted on this parcel so that encumbrance has been removed.

The purpose of coming before this Board tonight is to get a denial and referral to the Zoning Board of Appeals for a building height. As you can see, our closest lot line is in this particular area and while we are providing a 35 foot setback which is required by zoning, we are only allowed a building height of approximately 12 feet. In this corner, the ridge line is going to be 34 feet thus we are going to require a variance. Also superimposed in red is a clock tower that is approximately 104 feet from the nearest lot line with an allowable height of 35 feet. The clock tower will be 50 feet so again, we are going to need a variance from the Zoning Board of Appeals. Again, my purpose before you tonight is to ask for a denial and a recommendation to the Zoning Board of Appeals so we can get the variance for the building height and then return back to this Board if we are successful to finalize our site plan approval.

MR. SCHIEFER: I have no problem with the first request. What kind of a recommendation do you want from us?

MR. SHAW: Favorable.

MR. VAN LEEUWEN: I make a motion that we approve this.

MR. PAGANO: I will second it.

MR. MC CARVILLE: Just one thing that he be aware of, how is your parking, what is your requirement here? I don't see it.

MR. SHAW: It's in the zoning schedule at the bottom.

MR. MC CARVILLE: Sixty-five (65) and you've got 65?

MR. SHAW: Correct.

MR. MC CARVILLE: That is awful tight. Why I am saying that is I'm looking at the access, the only way of getting in and out of here is over another person's lot which is going to require a maintenance agreement and an easement and so forth, correct?

MR. SHAW: We do have a legal right-of-way over their property as of right now. This parcel was originally owned by Calvet and when it was conveyed out, right of access over this macadam road was granted to this parcel.

MR. MC CARVILLE: Now that is all well and fine there but I question the safety of where this access is onto this driveway. You are right onto the driveway, it's a nightmare and will be a nightmare. At the very least, what I'd like to see is one way coming in at the northern point.

MR. SHAW: Have we approached the State, I am trying to think back to last year.

MR. MC CARVILLE: That is a very dangerous situation.

MR. SHAW: It is my understanding and again, it's been a while that the State's position was there is an existing curb cut for Calvet Tool Rental and with this retail building proposed, retail building has access to it. They do not want two curb cuts side by side. They want the least number of penetrations possible on this State highway.

MR. VAN LEEUWEN: Why don't you ask the State if you can get a one way in. What is going to happen, people are going to turn in here and people are going to come down that hill and they are going to be on one side of the other, doesn't make much difference and you may see an accident down at the bottom.

MR. SHAW: That was a flat parcel of land, I may be able to do something but the road grade is 368 and the road grade in the corner where you have access to the parking, that is an 11 foot

vertical incline from Route 32 to the parking area. It just can't be done. All right, in this incline tapers from 11 foot vertical differential to zero here if we were to come in the middle, you have 5 foot vertical difference.

MR. MC CARVILLE: I can see a car making a left hand turn, one car waiting to come out and another car pulling out of the lot into the path of a car which leaves them stranded in the highway.

MR. SHAW: The drive is probably 20 feet, 22 feet.

MR. VAN LEEUWEN: Go back to the drawingboard, sit down with the State and see if you can come up with something because he is right, that is a dangerous situation.

MR. SCHIEFER: They don't want two curb cuts but they may listen to that kind of logic.

MR. VAN LEEUWEN: Now, what the State is going to make you do, this 50 foot right-of-way, okay, they are going to make you, only let you have 30 feet, believe me when I tell you, I am right down below and I have the same problem, pavement width with curbing, they are going to make you put curbing so you have 30 feet coming out here. Anybody coming from this side, it is going to be a little dangerous situation in the corner and I suggest you talk with Don Green to see if you can alleviate it.

MR. EDSALL: I know it would be difficult but you are putting a retaining wall in some areas anyway, any benefit in sliding the line of access to the right-of-way, I guess northerly pretty much you'd have to fight with the grade and possibly get it a little bit further away from 32 which would give a little bit of room for the pulling off of 32. It might be easier than trying to get another access down at the other grade difference.

MR. SHAW: Slide the building down?

MR. EDSALL: No, the driveway, slightly upwards to try to get it so you can get at least cars off of 32.

MR. VAN LEEUWEN: It's going to be tough, the grades in there.

MR. SCHIEFER: That is pretty steep.

MR. DUBALDI: Didn't we run into the same problem in front of the Diplomat.

MR. EDSALL: Same problem as the Diplomat with the restaurant traffic and the mall traffic.

MR. SCHIEFER: I think Greg is aware that if there is anyway to solve it, at least address it.

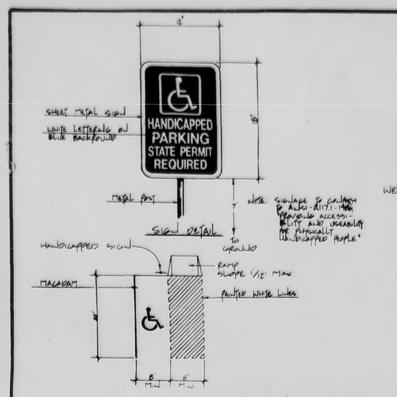
MR. VAN LEEUWEN: I make a motion we approve the Denhoff Site Plan 88-63.

MR. MC CARVILLE: I will second it.

MR. SCHIEFER: The are looking to go to the Zoning Board of Appeals.

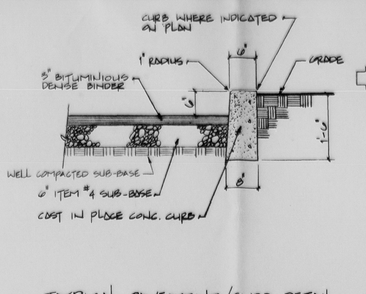
ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Lander	No
Mr. Dubaldi	No
Mr. Schiefer	No



HANDICAPPED SIGN & SPACE DETAIL

NOT TO SCALE



TYPICAL PAVEMENT/CURB DETAIL

SCALE 3/4" = 1'-0"

Table of Use/Bulk Regulations
Design Shopping (C)
Town of New Windsor

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Uses Permitted by Right	Uses by Special Permit of the Planning Board or Zoning Board	Minimum Lot Area (Square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Development Coverage (percent)	Permitted Accessory Uses	Permitted Accessory Signs	Minimum Off-Street Parking (number of spaces)	Minimum Off-Street Loading Berths (number of berths)
1. Retail stores and shops* 2. Personal service shops, including but not limited to barber shops, beauty parlors and tailor shops* 3. Business, professional, or governmental offices or agencies* 4. Service establishments furnishing services other than of a personal nature such as photo studios, video filming studios, and motor vehicle storage, repair or service* 5. Theaters (except drive-in theaters)* 6. Clubs, such as fraternal, social, political, etc.* 7. Restaurants and fast food places* 8. Newsstands* 9. Medical and dental clinics* 10. Bicycle pool spaces in shops*	1. Day nurseries or kindergarten* 2. Veterinarians (no outdoor pens and enclosures only)* 3. Laundromats not exceeding 30 machines capacity* 4. Trades for business, office and commercial purposes not exceeding 5 months' duration* 5. Local office, business, or trade, not limited to mailbox, notary public, stenographer, attorney and insurance* 6. Gasoline filling stations and service repair garages*	40,000	200	60	30/90	30	N/A	2 inches per foot of distance from nearest lot line	0.5	N/A	N/A	1. Accessory parking 2. Accessory loading 3. Accessory signs 4. Customary home occupations 5. Garden houses, tool houses, playhouses, and garages, subject to § 48-15 6. Swimming pools, subject to § 48-21(c) 7. Private garages accessory to the principal use of the lot 8. Keeping of domestic animals as follows: Not more than a total of 3 cats or dogs over 1 year old, not more than 3 hamster over 6 months old, not more than 3 rabbits over 6 months old, not more than 3 of any other species of domestic animals, excluding livestock, all pigs and cattle. No domestic animal, except dogs and cats, shall be maintained within 75 feet of any lot line. 9. Home professional office or studio of artist, actor, stenographer, dancer, author, composer, teacher, interior decorator, opticians, optometrist, geologist, landscape architect, engineer, physician, dentist, lawyer, and accountant, but not subject to § 48-21(f) 10. Accessory storage within a wholly enclosed permanent structure of materials, goods, equipment, or product for sale, processing or manufacture on the premises	1. Accessory signs pertaining to permitted residential, conditional exceptions or professional uses, with a total area of not to exceed 2 square feet 2. For any conditional or nonconventional use, one sign, unlighted, illuminated sign not to exceed 12 square feet by 2 feet in size, 6 feet from the street line and not more than 3 feet above the ground. Illuminated signs, if permitted, shall be so arranged as to reflect light away from any adjacent residence. Illuminated signs shall be turned off not later than 10 p.m. 3. For any nonconforming use, 1 sign not to exceed 12 square feet by 2 feet in size, 6 feet from the street line and not more than 3 feet above the ground. Illuminated signs, if permitted, shall be so arranged as to reflect light away from any adjacent residence. Illuminated signs shall be turned off not later than 10 p.m. 4. For any nonconforming use or conditional use, 1 temporary unilluminated "for sale" or "for rent" sign not to exceed 6 square feet in area and be located at least 15 feet from the street line. Such temporary sign shall come within 30 days after sale or rental is consummated. Signs shall be used for advertising purposes pertaining to the premises of the building which has been vacant for a period of not less than 6 months and be displayed for a period of not more than 30 consecutive days	1. Outdoor recreation area: 1 for each 5 persons for which designed, but not less than 1 per acre 2. Boat docks, marinas, and boat sales: 1 space for vessel or vehicle owned or used in the business 3. Golf courses: 4 for each tee 4. Golf courses and clubs: 10 for each tee 5. Bowling alleys: 5 for every 10 persons of maximum lift capacity 6. Railroad, public utility, radio and television transmission stations: 1 for each 2 employees of every 1 for each on-site employee 7. Home occupation: 2 per dwelling unit full time equivalent employee in addition to the Planning Board based on anticipated usage. These shall be provided in a manner so as not to unreasonably alter the appearance of the premises for use by up to 15 vehicles at any one time 8. Home professional office or studio of artist, etc.: 2 per dwelling with full time equivalent employee in addition to the Planning Board based on anticipated usage. These shall be provided in a manner so as not to unreasonably alter the appearance of the premises for use by up to 15 vehicles at any one time 9. Home professional office or studio of artist, etc.: 2 per dwelling with full time equivalent employee in addition to the Planning Board based on anticipated usage. These shall be provided in a manner so as not to unreasonably alter the appearance of the premises for use by up to 15 vehicles at any one time 10. Churches or other places of worship: 1 space for each 3 persons seating capacity 11. Schools: 1 for each 4 seats in auditorium or 4 seats in assembly rooms, whichever is greater 12. Retail stores and shops: 1 per 150 square feet of floor area in sales area	For any use permitted by right or sale by special permit: 1 for every building or establishment containing 10,000 square feet plus 1 for each additional 10,000 square feet of floor area or major fraction thereof	

PLANTING SCHEDULE

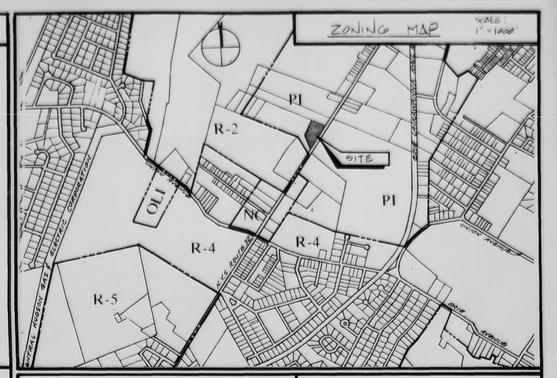
KEY	QUANTITY	COMMON NAME	SIZE
1	12	DENSE JAPANESE YEW	2'-2½' HT
2	7	MOUNTAIN LAUREL	2'-2½' HT
3	12	WHITE PINE	5'-7' HT
4	4	SUGAR MAPLE	3"-3½" CAL
5	7	HYBRID RHODODENDRON	2'-2½' HT

NOTES:

1. ALL PLANTS BALL & BURLAP OR POTTED TO MEET CURRENT STANDARDS OF AMERICAN ASSOCIATION OF NURSERYMEN.
2. ALL EMBANKMENTS HAVING A SLOPE OF ONE VERTICAL TO THREE HORIZONTAL OR GREATER SHALL BE STABILIZED WITH GROWN DEPTH & RYE GRASS.
3. THE AREAS AROUND TREES AND SHRUBS SHALL BE COVERED WITH A MULCH OF 3" SHREDDED BARK.

ZONING MAP

SCALE 1" = 1000'



ZONING SCHEDULE

ZONE: C-DESIGN SHOPPING
USE: COMMERCIAL MINI-MALL

ITEM	REQUIRED	PROVIDED
MIN LOT AREA	40,000 SF	80,736 SF
MIN LOT WIDTH	200 FT	437 FT
MIN FRONT YARD	60 FT	78 FT
MIN SIDE YARD BOTH SIDES	30/70 FT	58/120 FT
MIN REAR YARD	30 FT	35 FT
FLOOR AREA RATIO	0.50	0.16
MAX. BLDG HEIGHT	4 X/FT. FROM LOT LINE 35' + 4' = 11.66 FT 12'/FT	50 FT TO PEAK OF CLOCK TOWER * 34 FT TO PEAK OF BUILDING *
BUILDING COVERAGE		12,083 SF/ 15.7%
PAVEMENT COVERAGE		38,049 SF/ 47.1%
OPEN SPACE		30,000 SF/ 37.2%
PARKING SCHEDULE		
TOTAL SQUARE FEET = 12,960 SF SALES AREA = 75% OF TOTAL = 9,720 SF 1 PARKING SPACE/150 SF SALES AREA	65 SPACES	65 SPACES
ALLOWABLE SIGNAGE	80 SF	80 SF

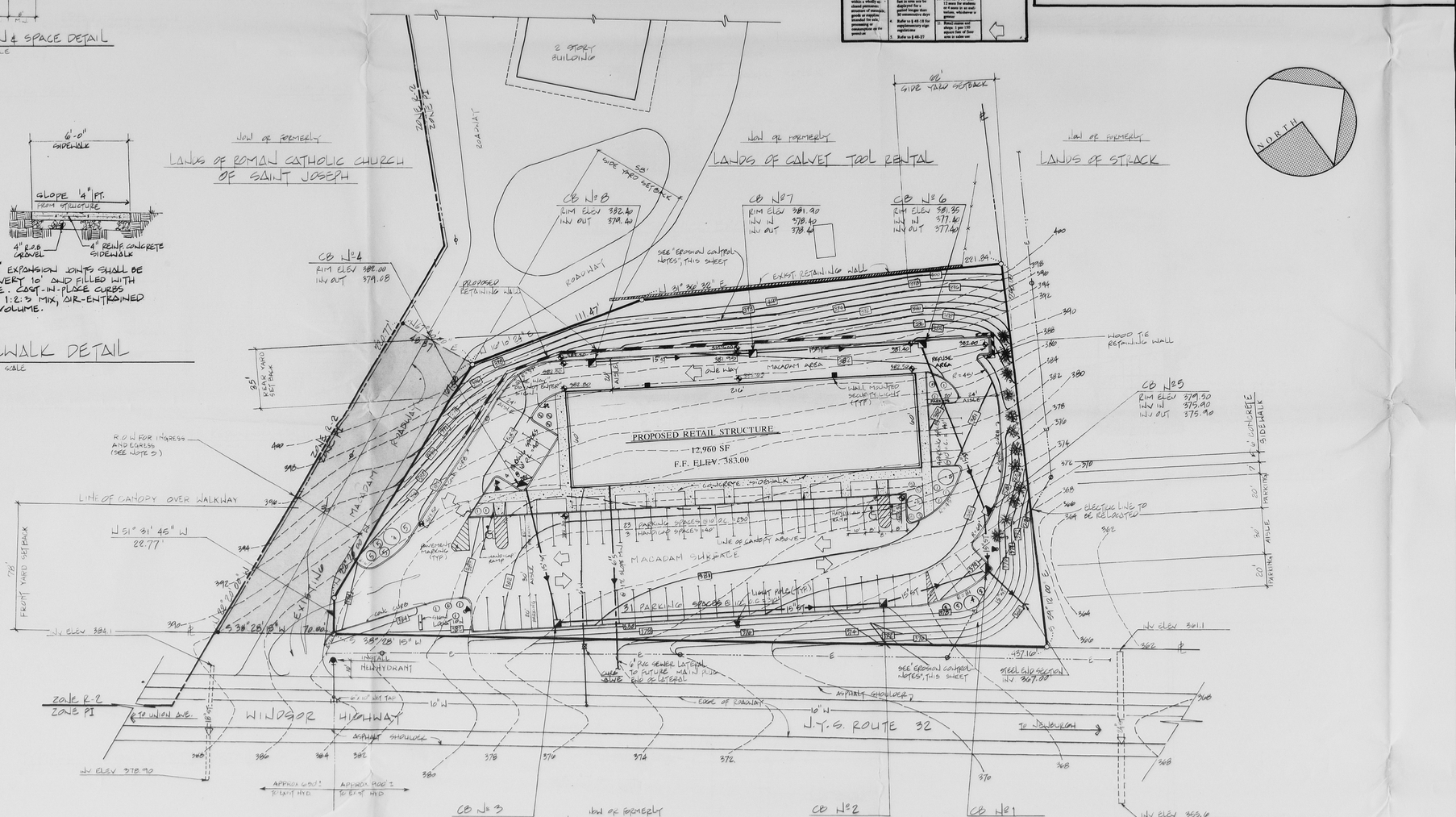
* VARIANCE REQUIRED

LEGEND

EXISTING	NEW
342 — 2' CONTOUR	342 — FINISH CONTOUR
380 — 10' CONTOUR	RETAINING WALL
BOUNDARY LINE	CATCH BASIN
ADJOINING PROPERTY LINE	15" S — STORM SEWER
ZONE B/C — ZONE D — ZONE DIVISION LINE	WOOD FENCE
24" ST — STORM CULVERT	HYDRANT
E — POWER POLES W/ OVERHEAD ELECTRIC	LIGHT POLE
10" W — WATER MAIN	WALL MOUNTED SECURITY LIGHT
RETAINING WALL	6"S — SANITARY SERVICE
CHAIN LINK FENCE	2" W — WATER SERVICE
	382.90 — FINISH SPOT ELEVATION

NOTES

1. RECORD OWNER & APPLICANT: MIKE DENHOFF A.K.A. DENHOFF DEVELOPMENT CORP. 245 FIFTH AVE NEW YORK, N.Y. 10016
2. TAX MAP DESIGNATION: SECTION 9 BLOCK 1 LOT 15.1
3. TOTAL PARCEL AREA: 1.8534 ACRES
4. SURVEY BOUNDARY AND TOPOGRAPHIC INFORMATION WAS OBTAINED FROM A MAP ENTITLED "SURVEY OF LANDS OF DENHOFF DEVELOPMENT CORP." PREPARED BY FRANCIS E. WHITAKER, L.S. AND DATED AUGUST 26, 1988.
5. THE RIGHT OF WAY DELINEATED ON THIS PLAN IS TO BENEFIT THE LANDS OF DENHOFF DEVELOPMENT CORPORATION FOR THE PURPOSES OF INGRESS AND EGRESS, AND IS RECORDED IN THE DEED DESCRIPTION FOR THE LANDS OF DENHOFF DEVELOPMENT CORP.
6. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED APPROXIMATE. PRIOR TO EXCAVATION, THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.
7. N.Y. STATE INDUSTRIAL CODE REQUIRES (2) TWO WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING OR BLASTING UNDERGROUND UTILITIES. CALL CENTER TEL. Nº 1-800-245-2868
8. UTILITY MATERIAL SPECIFICATIONS:
   - 2" WATER SERVICE - TYPE K COPPER
   - 6" SANITARY SERVICE - PVC PIPE, SDR-35
   - 15" STORM SEWER - BITUMINOUS COATED CORRUGATED METAL PIPE, 16 GA



NOTE: 3/4" EXPANSION JOINTS SHALL BE PLACED EVERY 10' AND FILLED WITH CELLULOSE. CAST-IN-PLACE CURBS SHALL BE 1:2:3 MIX, AIR-ENTRAINED 6% BY VOLUME.

SIDEWALK DETAIL

NOT TO SCALE

EROSION CONTROL NOTES

1. The cut face of excavations or fills shall be graded no steeper than the safe angle of repose for the materials encountered, and flat enough for stabilization and maintenance.
2. Topsoil which is removed during construction shall be saved for later use in grading or landscaping. Topsoil stockpiles shall be surrounded by hay bales to prevent erosion.
3. Fill areas shall be drained and free of all decomposable material.
4. Straw bale barriers and silt fences shall be used, where necessary, to limit any erosion. Any areas stripped of vegetation during construction shall be left bare for the shortest time possible.
5. Short-term vegetation (ryegrass, oats) shall be planted in those areas which are graded/cleared, but not immediately subject to construction. Topsoil shall be added to bare areas to provide adequate growing conditions for temporary or permanent vegetation.
6. In areas where temporary vegetation is not appropriate, the soil should be stabilized with mulch, which will conserve moisture, prevent surface compaction, reduce weeds, and reduce runoff and erosion. Materials which can be used for mulching include straw, hay, salt hay, wood fiber, synthetic soil stabilizers and sod.
7. Protective coverings on disturbed areas shall be anchored, and surface flows across all newly seeded and mulched areas shall be diverted with berms and swales.

TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL

Shaw Engineering
Consulting Engineers
744 Broadway Newburgh N.Y. 12550

NOTES:

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2) COPIES FROM THE ORIGINAL OF THIS DOCUMENT WITHOUT A FACSIMILE OF THE SIGNATURE AND AN ORIGINAL OF THE STAMP OR EMBOSSED SEAL OF THE PROFESSIONAL ENGINEER SHALL NOT BE CONSIDERED VALID TRUE COPIES.

ISSUE	REVISION	DATE
2	AS PER PLANNING BOARD COMMENTS	8-10-90
1	AS PER PLANNING BOARD COMMENTS	4-19-89

Drawn By: GY
Checked By: STF
Scale: 1" = 30'-0"
Date: 11-8-88

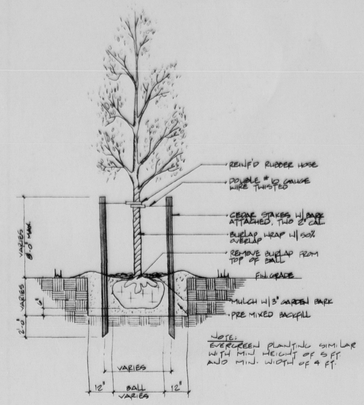
Drawing: SITE PLAN
Project: SHOPPING MALL FOR DENHOFF DEVELOPMENT CORP.
ROUTE 32 NEW WINDSOR, N.Y.

1 OF 3

Project Nº 8806

88-63

AUG 18 1989



TREE PLANTING DETAIL
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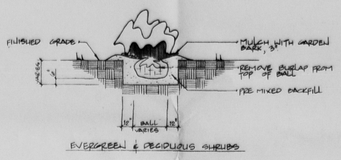

EVERGREEN & DECIDUOUS SHRUBS

SHRUB PLANTING DETAIL
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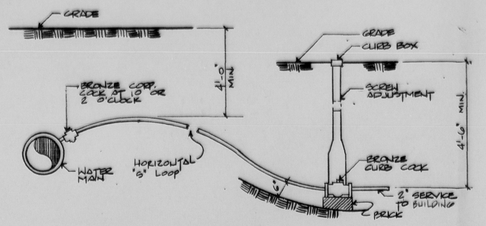
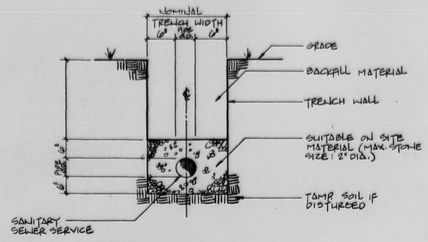


WATER SERVICE DETAIL



SANITARY SEWER SERVICE EXCAVATION
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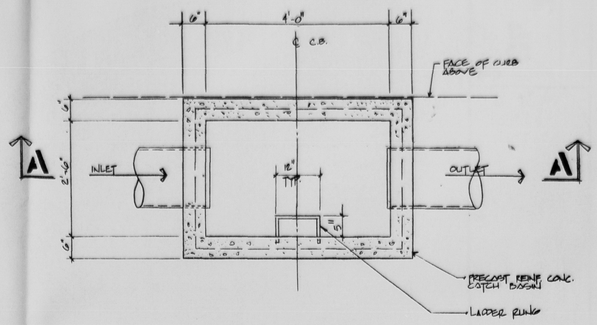
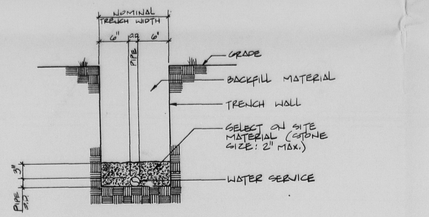


PLAN



WATER SERVICE EXCAVATION
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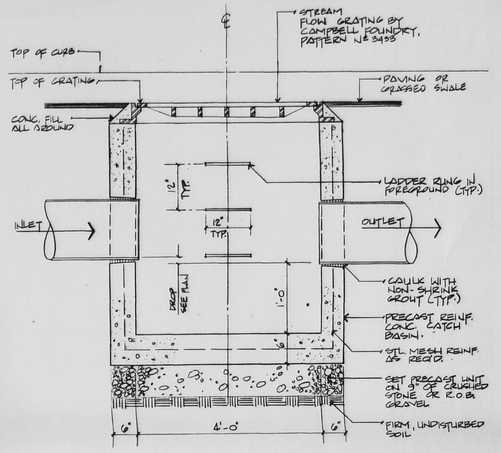
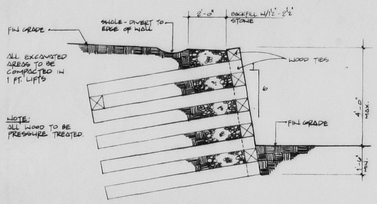


SECTION AA

TYPICAL CATCH BASIN
NOT TO SCALE



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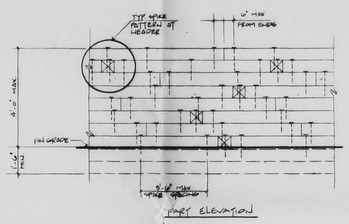
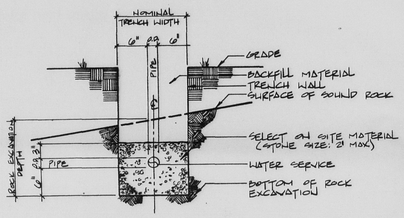


PART ELEVATION

WOOD TIE RETAINING WALL
NOT TO SCALE



WATER SERVICE/ROCK EXCAVATION
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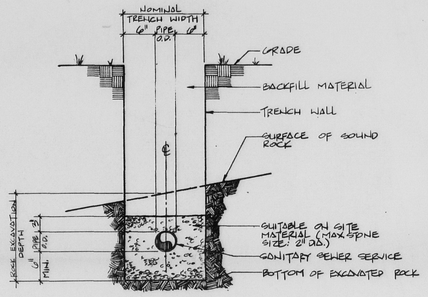

SANITARY SEWER SERVICE/ROCK EXCAVATION
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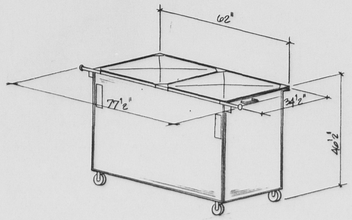
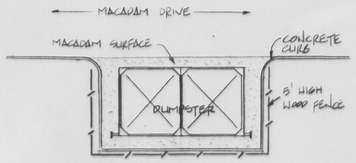
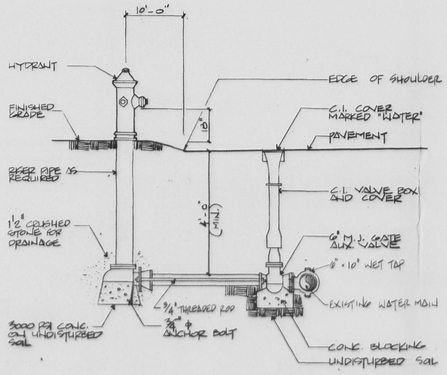


TYPICAL 1½ CU.YDS. DUMPSTER DETAIL
NOT TO SCALE



PLAN AT DUMPSTER (TYP.)
NOT TO SCALE



HYDRANT INSTALLATION
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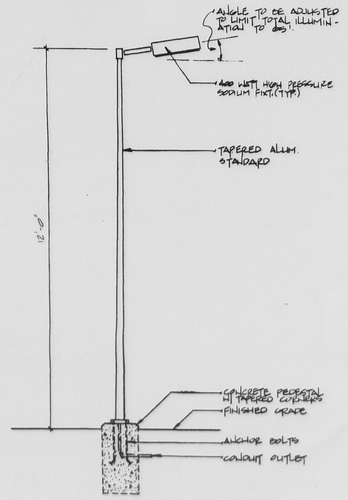

LIGHTING FIXTURE DETAIL
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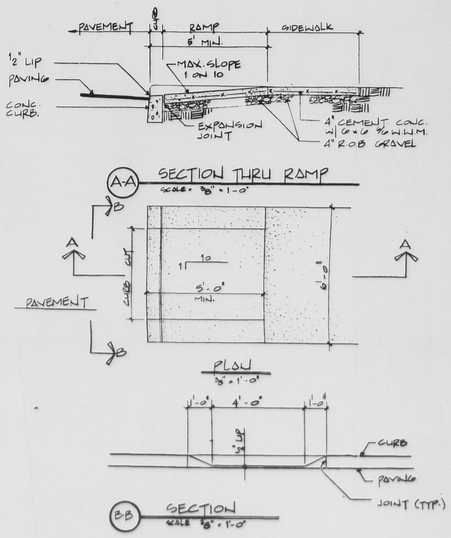


SIDEWALK/RAMP DETAILS
SCALE AS NOTED

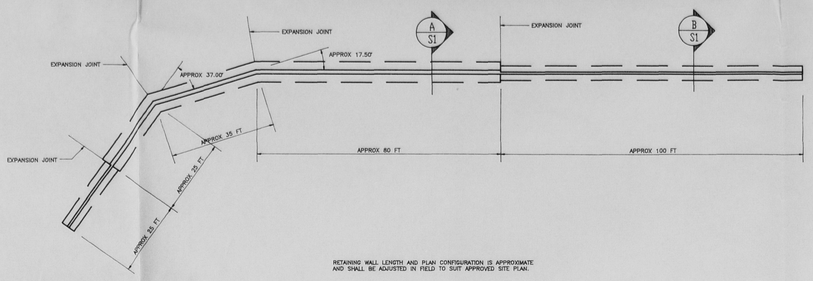
Shaw Engineering
Consulting Engineers
744 Broadway Newburgh N.Y. 12550

ISSUE	REVISION	DATE
2	NO REVISION	8-12-92
1	NO REVISION	4-19-89

Drawn By: [illegible]
Checked By: CTF
Scale: AS NOTED
Date: 11-9-88

Drawing: DETAILS
Project: SHOPPING MALL FOR DENHOFF DEVELOPMENT CORP.
ROUTE 32 NEW WINDSOR N.Y.

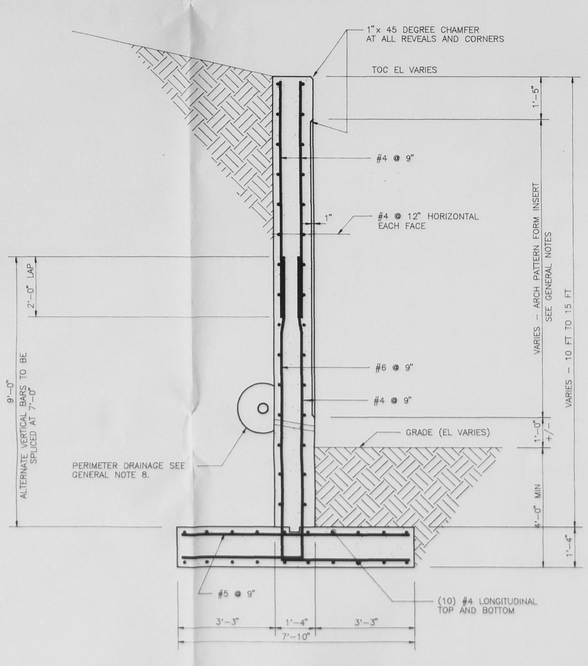
Project No. 8848



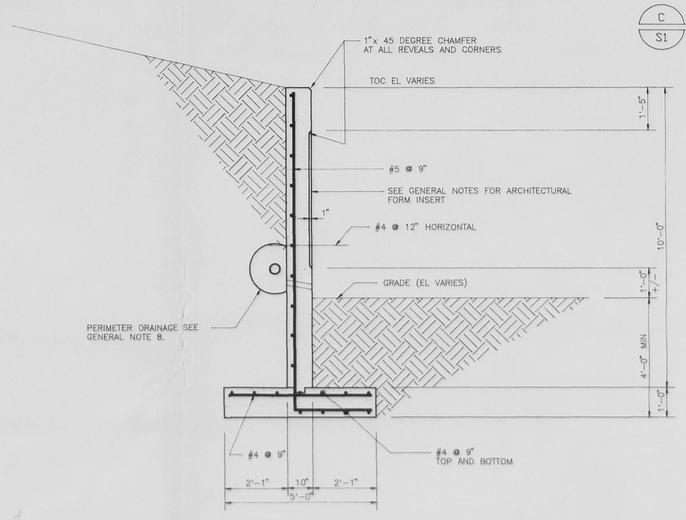
RETAINING WALL LENGTH AND PLAN CONFIGURATION IS APPROXIMATE AND SHALL BE ADJUSTED IN FIELD TO SUIT APPROVED SITE PLAN.

PLAN OF RETAINING WALL

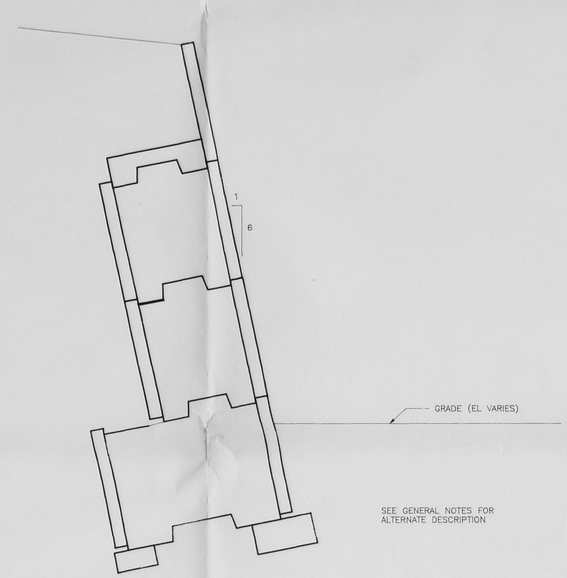
SCALE : 1" = 20'-0"



A / S1 RETAINING WALL SECTION
1/2"=1'-0"



B / S1 RETAINING WALL SECTION
1/2"=1'-0"



C / S1 ALTERNATE PRECAST MODULAR GRAVITY WALL
1/2"=1'-0"

GENERAL NOTES

1. COORDINATE THIS DRAWING WITH SITE PLAN DRAWINGS AS PRODUCED BY SHAW ENGINEERING, PROJECT NO. 8806.
2. ARCHITECTURAL FORM LINERS SHALL BE USED TO CREATE A DECORATIVE FACE. FORM LINER PATTERN SHALL BE COORDINATED WITH OWNER OR OWNER'S ARCHITECT.
3. CONCRETE SHALL HAVE THE FOLLOWING MINIMUM 28-DAY STRENGTHS:
   A. LEAN CONCRETE.....f'c = 2000 PSI
   B. ALL OTHER CAST IN PLACE CONCRETE.....f'c = 4000 PSI
4. REINFORCING STEEL BARS SHALL CONFORM TO ASTM A615, GRADE 60, EXCEPT FOR TIES AND STIRRUPS WHICH SHALL CONFORM TO ASTM A615, GRADE 40.
5. WELDING OF REINFORCING STEEL SHALL NOT BE PERMITTED.
6. ALL REINFORCING STEEL SHALL BE CONTINUOUS AROUND CORNERS.
7. THE FOLLOWING MINIMUM CONCRETE PROTECTION OF REINFORCING STEEL SHALL BE MAINTAINED:
   A. CONCRETE EXPOSED TO EARTH FILL OR WEATHER..... 2"
   B. FOOTINGS..... 3"
8. PERIMETER DRAINAGE SHALL BE PROVIDED TO REDUCE THE BUILD-UP OF HYDROSTATIC PRESSURE ON THE WALL. THIS DRAINAGE SHALL CONSIST OF 4" PERFORATED PIPE SURROUNDED BY GRAVEL AND COVERED WITH A GEOFABRIC TO PREVENT CLOGGING DUE TO FINE MATERIAL. TWO (2") INCH DIAMETER WEEP HOLES SHALL BE PROVIDED AT EIGHT (8 FT.) FEET ON CENTER OVER THE FULL LENGTH OF THE WALL.
9. EXPANSION JOINTS SHALL BE PROVIDED AT LOCATIONS SHOWN ON PLAN VIEW, THIS SHEET
10. AS AN ALTERNATE TO CONVENTIONAL CAST IN PLACE CONCRETE A GRAVITY WALL SYSTEM CAPABLE OF RESISTING THE SAME FORCES AS APPLIED TO THE CAST IN PLACE WALL IS ACCEPTABLE. THE ALTERNATE DETAIL SHOWN REPRESENTS A PRECAST SYSTEM MANUFACTURED BY SOUBLIAL CORPORATION, PLAINVILLE, CONNECTICUT. OTHER PRECAST SYSTEMS MAY BE SUBMITTED FOR OWNER'S APPROVAL.

DRAWN	W.C. Squires		
DESIGNED	W.C. Squires		
CHECKED	W.C. Squires		
APPROVED			
APPROVED			
CLIENT APPROVAL			

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DENHOFF DEVELOPMENT CORPORATION
RETAINING WALL - PLAN AND DETAAILS
ROUTE 32 SHOPPING MALL
NEW WINDSOR ORANGE COUNTY NEW YORK

WCS JOB NO.	90-040
SCALE:	1/2" = 1'-0" UON
ISSUE DATE:	7/18/90
DRAWING NUMBER	S-1
REVISION	0