

**PB# 87-77**

**Steven Prekas**

**69-1-9,10,11**

STEVEN PREKAS - SITE PLAN  
87-77

*Approved*

*5/22/91*



**General Receipt** 9489

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

Dec. 31 1987

Received of Steve Prekas \$ 25.<sup>00</sup>

Twenty-five and 00 / 100 DOLLARS

For Planning Board Application Fee - 87-77

DISTRIBUTION

FUND	CODE	AMOUNT
Exp # 2188		25.00

By Pauline M. Townsend  
ES

Town Clerk  
Title

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

Demos Prekas  
562-4720

**General Receipt** 12006

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

May 10 1991

Received of Steve Prekas \$ 570.00

Five Hundred Seventy and 00/100 DOLLARS

For P.B. # 87-77 \$ 470.00 Engineers Fee 100.00 Steve Prekas  
appl.

DISTRIBUTION

FUND	CODE	AMOUNT
Exp # 2960		570.00

By Pauline M. Townsend  
ES

Town Clerk  
Title

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

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12557

NO. 87-77  
1-22 1993

670-88

RECEIVED FROM Steve Prekas  
Five Hundred Five and 00/100

QUANTITY	CODE	AMOUNT
CP# 2188		25.00

By Pauline N. Townsend  
Town Clerk  
 Title

Demos Prekas  
562-4720

### General Receipt

12006

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

Received of Steve Prekas May 10 1991  
 \$ 570.00

Five Hundred Seventy and 00/100 DOLLARS

For P.B. #87-77 \$470.00 Engineers Fee Site Plan  
109.00

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>CP# 2960</u>		<u>570.00</u>

By Pauline N. Townsend  
Town Clerk  
 Title

Planning Board  
 Town Hall  
 555 Union Ave.  
 New Windsor, N.Y. 12557

NO. 87-77  
1-22 1993

670-88  
Building Inspector  
P.B. Engineer  
J. N.  
W.  
Se  
Hu  
D.1  
O.C  
O.C  
D.t

RECEIVED FROM Steve Prekas  
Five Thousand Five Hundred One 30/100 DOLLARS  
Site Plan Bond For Demos Cafe

Account Total \$ 5501.30  
 Amount Paid \$ 5501.30

County File No. NWT 1 88 M&N

**COUNTY PLANNING REFERRAL**  
 (Mandatory County Planning Review under Article 12-B,  
 Section 239, Paragraphs 1, m & n, of the  
 General Municipal Law)

Application of Steven Prekas  
 for a Site Plan - NYS 94 and 300  
 County Action: Local Determination

**LOCAL MUNICIPAL ACTION**  
 The Above-cited application was:  
 Denied ..... Approved .....

Approved subject to County recommendations

.....  
 (Date of Local Action) (Signature of Local Official)

This card must be returned to the Orange County Department of Planning  
 within 7 days of local action.

son Secy  
P.B. [Signature]

470.00

TOWN OF NEW WINDSOR  
TRUST AND AGENCY FUND  
555 UNION AVE.  
NEW WINDSOR, NY 12553

1816

PAY  
TO THE  
ORDER OF

*Steve Pechas*

9.17 1993

28-1  
713 520

\$ 5501.30

The sum of \$5,501.30

DOLLARS



NORSTAR BANK  
Newburgh 52001  
Newburgh, NY 12550

FOR NCTWA SITE NW BWD

*George P. Green*  
*[Signature]*

⑈001816⑈ ⑆021300019⑆ 520 9000433⑈



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- Branch Office**  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

13 September 1993

**MEMORANDUM**

**TO: Michael Babcock, Town Building Inspector**

**FROM: Mark J. Edsall, P.E., Planning Board Engineer**

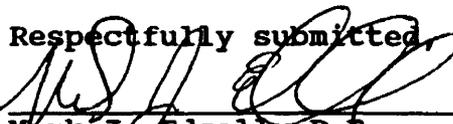
**SUBJECT: PREKAS (DEMO'S CAFE) SITE PLAN  
NEW WINDSOR PLANNING BOARD NO. 87-77**

This memorandum shall confirm our field inspection of the subject site on the afternoon of 8 September 1993. The purpose of the visit was to perform a follow-up inspection regarding the completion of the key site improvements for the site plan as approved by the Town Planning Board.

Based on our visit, it appears that the owner has completed the finish paving and striping. As such, it is my opinion that all key site improvements are satisfactorily completed at this time.

By copy of this memorandum to the Town Comptroller, I am providing my recommendation that the site plan completion Performance Guarantee be released in full for this application.

Respectfully submitted,

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

MJEmk

cc: Larry Reis, Town Comptroller

A:9-13-E.mk



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Milford, Pennsylvania 18337  
(717) 296-2765

26 January 1993

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

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

SUBJECT: DEMO'S CAFE SITE PLAN  
NEW WINDSOR PLANNING BOARD PROJECT NO. 87-77.  
MH&E JOB NO. 87-56.2

This memorandum shall confirm that on the afternoon of 22 January 1993 we met at the subject site to review the status of completion for the major site plan and components for the project, as per the site plan approved by the Planning Board.

Based on our review, all major site plan improvement elements have been completed, with the exception of the following:

1. Finish pavement must be installed, once weather conditions permit. The Applicant is to submit a copy of the outstanding amount due to Argenio Brothers Contractors, reflecting the value of this work.
2. The project sign has not yet been installed; however, this sign is not a directional or other traffic control sign and, therefore, is not subject to bonding.
3. The Applicant is to install some temporary pavement at the bottom of the re-installed handicapped ramp, to compensate for the lack of finish pavement until spring. This item will be done prior to issuance of the Certificate of Occupancy.

7/29/93: spoke to Rick -

Told him he needs to finish the blacktop  
and site work - then call for an inspection.  
If everything is approved, the bond money will be  
returned to him.

26 January 1993

MEMORANDUM

-2-

Once the site plan performance bond is submitted in the amount referenced under item no. 1, I take no exception to the issuance of a Certificate of Occupancy for the building.

Respectfully submitted,

Mark J. Edsall

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

MJEmk

cc: James Petro, Planning Board Chairman

A:1-26-E.mk

PREKAS SITE PLAN (87-77) ROUTE 94

Mr. Patrick Kennedy came before the Board representing this proposal.

MR. KENNEDY: Up to this point, the problems we have had in trying to resolve the parking problem and the owner has finally made a decision to totally abandon the downstairs, just go strictly with the one floor just as a restaurant. They have developed since the last meeting final floor plan of what the restaurant would look like and how the setting will be laid out. I believe now we conform with all the parking requirements, everything else that had been previously asked by the Board. The picture on top shows a basic rendering of this thing that has just been developed over the last few weeks, that should be pretty much what that building is going to look like.

I believe we have answered all of Mark's and Mike's questions up to this point.

MR. VAN LEEUWEN: The only thing that I don't see on this plan is landscaping.

MR. KENNEDY: There is a second sheet which is landscaping and the third which is detail.

MR. LANDER: What kind of construction is that, block?

MR. KENNEDY: I'm not sure, tell you the truth.

MR. LANDER: Is it going to be wood or block?

MR. PREKAS: As you can see half of the building is going to be greenhouse, we are going to have a greenhouse effect in the front, pretty much half of it is going to be greenhouse. I presume the other half might be block.

MR. KENNEDY: The whole front facing 94 will be a greenhouse, the main entrance will be off the side of this parking lot.

MR. VAN LEEUWEN: What is it going to be decorated block?

MR. PREKAS: We are thinking of either block or sto, s-t-o, it is a very, it is the new--I don't know if you have seen it--

MR. LANDER: Miller has it on his building.

MR. VAN LEEUWEN: Stucco type?

MR. SOUKUP: Comes in a prefab panel.

MR. PREKAS: Yes.

MR. VAN LEEUWEN: You took away alot of our concerns because the double thing wasn't going to work as far as we were concerned. I will make a motion to approve it.

MR. MC CARVILLE: We have to take the SEQRA position first.

MR. VAN LEEUWEN: I will make a motion we take lead agency.

MR. EDSALL: You have already taken lead agency, you just need, you just have to make a determination.

MR. PAGANO: We have to make a negative declaration.

MR. EDSALL: If you think it is appropriate.

MR. VAN LEEUWEN: I so move that we declare this a negative declaration.

MR. MC CARVILLE: I will second it. Just one question. You do have gas there?

MR. PREKAS: We are going to hook-up Central Hudson. We are going to take the propane tank in the corner, we are going to take it out when we start construction we are going to hook-up gas from Pizza Hut, we are going to have to come across. We have to hook-up.

MR. KENNEDY: I believe they originally talked about gas when Duncan Donuts was built but Central Hudson stopped short of it but it will be extended.

MR. MC CARVILLE: Okay.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Pagano	Aye

MR. VAN LEEUWEN: I'd like to make a motion for approval.

MR. LANDER: Do we have anything from New York State Department of Transportation on this?

MR. VAN LEEUWEN: We did that the last time we did the curb cuts.

MR. LANDER: Fire Department has seen it?

MR. VAN LEEUWEN: According to Mark, he doesn't have it.

3-28-90

MR. EDSALL: I am not trying to hold up approval, I am suggesting that if you give approval, make it conditional that he comply with the three items.

MR. VAN LEEUWEN: That the map cannot be stamped until the applicant gets the necessary permits from the State of New York.

MR. EDSALL: Just bring it to his attention that he has to obtain a DOT permit to do the work.

MR. MC CARVILLE: I will second that motion.

MR. VAN LEEUWEN: Also the applicant has to combine all the three tax lots into one single parcel.

MR. PAGANO: 21st of March we have an approval from the fire inspector, Mr. Rogers. I don't see the highway department in here.

MR. VAN LEEUWEN: Doesn't need it, it is on a State highway.

MR. EDSALL: It is a State road, highway wouldn't look at it.

MR. SOUKUP: You have got the condition on the DOT there as the third condition there about necessary easements for storm drainage too and sanitary line?

MR. VAN LEEUWEN: You are right, I am just reading it now. I will add that to my motion.

ROLL CALL:

Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Van Leeuwen	Aye
Mr. Mc Carville	Aye
Mr. Pagano	Aye



McGOEY, HAUSER and EDSALL  
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Milford, Pennsylvania 18337  
(717) 296-2765

13 November 1990

MEMORANDUM

TO: Myra Mason, Planning Board Secretary

FROM: Mark J. Edsall, Planning Board Engineer

SUBJECT: PREKAS SITE PLAN (87-77)  
STATUS OF CONDITIONS OF APPROVAL

Pursuant to your recent request, I made a review of my files for the subject project and have determined that I have received no information indicating that any of the three (3) Conditions of Approval, as granted at the 28 March 1990 meeting, have been met or submitted.

At this time, it is my understanding that the three (3) Conditions of Approval will remain in full force, and it is the responsibility of the Applicant or his representative to submit the appropriate documentation to indicate compliance. Until such time that that information is submitted, it is my understanding that the plan cannot be stamped approved.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Mark J. Edsall', written over a horizontal line.

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

MJEmk

A:11-13-E.mk



McGOEY, HAUSER and EDSALL  
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PORT JERVIS (914) 856-5600

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

Licensed in New York,  
New Jersey and Pennsylvania

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor

P/B # 87-77

WORK SESSION DATE: 20 Mar 1990

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: No

Yes new plans

PROJECT NAME: Prekas site plan

PROJECT STATUS: NEW  OLD

REPRESENTATIVE PRESENT: Pat K, Joe Tane

TOWN REPS PRESENT: BLDG INSP.

FIRE INSP.

ENGINEER

PLANNER

P/B CHMN.

OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

1 story w/ basement (new plan)

reloc to

show 2nd basement access,

show lighting,

sewer easement re Waldraums.

storm drain.

TV dish



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**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B # 87-77

WORK SESSION DATE: 16 Jan 1990 APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: Not Now Plans for  
PROJECT NAME: Pickas 3/P Rt 94 Presub

PROJECT STATUS: NEW \_\_\_\_\_ OLD X

REPRESENTATIVE PRESENT: Pat K, your Pickas

TOWN REPS PRESENT: BLDG INSP. X  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- add 4' in front of bldg 25' wide 5' 5/8
- Pat to call Pat Lambert, Jim Noyt, Luciana
- Problem w/ off prop stks - lease arrangement  
prefer/ recommend 4c change -

Presub for 1/24/90  
mtz

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553

(914) 562-2333

MEMORANDUM

TO: Karl L. Scheifer,  
Planning Board Chairman

FROM: Andrew S. Krieger,  
Planning Board Attorney

SUBJECT: PREKAS Subdivision

DATE: January 18, 1991

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Question: Does the filed deed comply with the Planning Board requirements?

Answer: Yes.

Discussion: In the last action taken on this matter, the Planning Board approved the site plan of Steven Prekas provided that the deed contained a combined description of all parcels and easement for drainage of the subject parcel.

A deed has been filed, the contents of which I have reviewed. I believe this deed complies with the Planning Board requirements and I see no reason why this site plan cannot now be signed by the Board Secretary.

Respectfully submitted



ANDREW S. KRIEGER

ASK:mmt

(588) 25157



Permit Fee \$ 550.00

Permit No. 08-90-5157

Ins. Fee \$ 0.00

Est. Compl. Date 09/30/91

Total Received \$ 550.00

HIGHWAY WORK PERMIT

Check or M.O. No. 2895

Deposit Rec. for \$ 1500.00

Liability Insurance

Policy No. PERM 17 on file

Expiring

Check or M.O. No. 124

Disability Benefit Coverage

INSPECTION REPORT

Dated 08/08/90

Policy No. N/A

HOURS WORKED BY DATE

Permittee: DUNKIN DONUTS & STEVE PREKAS

Charge to Bond No. (\$ 0.00)

674 BROADWAY

or Undertaking on File

NEWBURGH, NY 12550

Workmen's Compensation

Policy No. N/A

Billing Address: (Complete if different from above)

Return of Deposit Made Payable to: (Complete if different from Permittee)

Under the provisions of the Highway Law or Vehicle & Traffic Law, permission is hereby granted to the permittee to:

CONSTRUCT NEW DRIVEWAY ENTRANCE TO A PROPOSED RESTAURANT. IT WILL BE THE RESPONSIBILITY OF THE PERMITTEE TO COORDINATE HIS WORK ACTIVITIES WITH THE STATE'S CONTRACTOR FOR CONTRACT D253224. PLEASE CONSULT WITH THE STATE'S ENGINEER-IN-CHARGE (EIC), W. GREENING AT 914-565-7551. ALL DISTURBED AREAS WITHIN STATE R.O.W. ARE TO BE TOPSOILED, SEEDED, AND MULCHED.

THE PERMITTEE IS RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF TRAFFIC. IN ADDITION, ANYBODY WORKING IN THE RIGHT OF WAY IS REQUIRED TO WEAR A HARD HAT AND A REFLECTIVE SAFETY VEST.

County — DRANGE

Municipality — NEW WINDSOR

Route # —

as set forth and represented in the attached application at the particular location or area, or over the routes as stated therein, if required; and pursuant to the conditions and regulations whether, general or special, and methods of performing work, if any; all of which are set forth in the application and form of this permit.

Dated at Poughkeepsie, N.Y.

Commissioner of Transportation

Date Signed 03/08/91

MICHAEL J. MCGONAGH

9A

with full of costs  
M. J. Mignogna  
IMPORTANT

This permit, with application and drawing (or copies thereof) attached shall be placed in the hands of the contractor before any work begins.

BUOH  
TOTO

NOTICE: Before work is started and upon its completion, the permittee absolutely must notify the Resident Engineer,

WILLIAM BAIN  
(914)562-4020

112 DICKSON STREET  
NEWBURGH, NEW YORK 12550

UPON COMPLETION OF WORK AUTHORIZED, THE FOLLOWING WILL BE COMPLETED AND SIGNED BY THE PERMITTEE AND DELIVERED TO THE RESIDENT ENGINEER.

Work authorized by this Permit was completed on (Date) \_\_\_\_\_

Refund of deposit or return of bond or reduction of amount charged against bond or deposit on file for this permit whichever is appropriate, is requested:

Date \_\_\_\_\_

PERMITTEE

AUTHORIZED AGENT (IF ANY)

Upon acceptance of work performed as satisfactorily completed, the Resident Engineer will sign the following and forward to the Regional Office.

Work authorized by this Permit has been satisfactorily completed and is accepted. (Reverse side of this form must be completed).

Date \_\_\_\_\_

RESIDENT ENGINEER

The Regional Office will forward this form to the Main Office with the appropriate box checked.

To : HIGHWAY PERMIT SECTION:

- Refund of Deposit on this Permit is authorized.
- Return of Bond furnished for this Permit is authorized.
- Amount charged against Blanket Bond for this permit may be cancelled.
- Retain Bond for future permits.

Date \_\_\_\_\_

REGIONAL TRAFFIC ENGINEER

The issuing authority reserves the right to suspend or revoke this permit, at its discretion without a hearing or the necessity of showing cause, either before or during the operations authorized.

The Permittee will cause an approved copy of the application to be and remain attached hereto until all work under the permit is satisfactorily completed, in accordance with the terms of the attached application. All damaged or disturbed areas resulting from work performed pursuant to this permit will be repaired to the satisfaction of the Department of Transportation.

Upon completion of the work within the state highway right-of-way, authorized by the work permit, the person, firm, corporation, municipality, or state department agency, and his or its successors in interest, shall be for maintenance and repair of such work as set forth within the terms and conditions of the work permit.

**PREVIOUS  
DOCUMENTS  
IN POOR  
ORIGINAL  
CONDITION**

PERM 42i (5/88)  
 REVERSE

**INSPECTION REPORT**

For each Highway Work Permit issued, inspections will be performed. The following report must be completed for each site visit, indicating the date, inspector and hours spent on inspection. If the total inspection time exceeds 4 hours, then a FIN 12 (PERMIT INSPECTION COST RECORD FOR DEPARTMENT SERVICES) IS REQUIRED.

**INSPECTION REPORT**

HOURS WORKED BY DATE											HOURS	
Name	Date										Regular	Overtime
	R											
	O											
Name	Date										Regular	Overtime
	R											
	O											
Name	Date										Regular	Overtime
	R											
	O											
R = Regular Time, O = Overtime												

**INSTRUCTIONS:**

1. NAME: Name of inspector.
2. DATE: Day inspected.

3. **R:** The number of Regular hours spent on inspection for that day.
4. **O:** The number of Overtime hours spent on inspection for that day.
5. **HOURS:** Add across for R and O.
6. **TOTAL HOURS:** Add the columns for R and O.

**COMMENTS / OBSERVATIONS**

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**I HEREBY CERTIFY THAT THE INFORMATION CONTAINED ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

**NAME** \_\_\_\_\_

**TITLE** \_\_\_\_\_

STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
HIGHWAY WORK PERMIT APPLICATION FOR NON-UTILITY WORK

Application is hereby made for a highway work permit

Name Dunkin Donuts / Steve Pickett  
Address 674 Broadway  
City Newburgh State N.Y. Zip 12550

RETURN PERMIT TO: (If different from above)  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Application No. 90-95157

Project Identification No. \_\_\_\_\_

Highway Work Permit No. \_\_\_\_\_

Effective Date \_\_\_\_\_

Applicant Telephone # \_\_\_\_\_

Contact person in case of emergency \_\_\_\_\_  
(include telephone number) \_\_\_\_\_

RETURN OF DEPOSIT/BOND TO: (COMPLETE ONLY IF DIFFERENT FROM PERMITTED)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

- Requested duration from 3/1 19 91 thru 9/30 19 91, to apply to the operations(s) checked below:
- Protective Liability Insurance covered by Policy No. \_\_\_\_\_; expires on \_\_\_\_\_ 19 \_\_\_\_\_
- Workers' Compensation Insurance Policy No. N.A. expiring \_\_\_\_\_
- Disability Benefits Coverage Policy No. N.A.

CHECK TYPE OF OPERATION	Permit Fee	Show Ins. Fee in Amt. or PERM 17 or Undertaking on file	Total Amount of Fee and / or Insurance	Guarantee Deposit Amount and / or Bond	Check or Bond Number
<input type="checkbox"/> 5. Single job - Permit issued for each job					
<input type="checkbox"/> a. Driveway or roadway					
<input type="checkbox"/> Residential	\$ 15				
<input checked="" type="checkbox"/> Commercial - Minor	550		550.00	1,500	
<input type="checkbox"/> Commercial - Major - (Less than 100,000 square feet Gross Building Area)	1400				
<input type="checkbox"/> Commercial - Major - (100,000 square feet Gross Building Area and Greater)	Actual cost with a minimum of \$2000 paid upon submission of permit app.		2895		
<input type="checkbox"/> Subdivision Street	900				
<input type="checkbox"/> Temporary access road or street	200				
<input type="checkbox"/> b. Improvement					
<input type="checkbox"/> Residential	15				
<input type="checkbox"/> Commercial	200				
Check additional description below:					
<input type="checkbox"/> Install sidewalk, curb paving, stabilized shoulder, drainage, etc.					
<input type="checkbox"/> Grade, seed, improve land contour, clear land of brush, etc.					
<input type="checkbox"/> Resurface existing roadway or driveway					
<input type="checkbox"/> c. Tree Work					
<input type="checkbox"/> Residential	15				
<input type="checkbox"/> Commercial (not required for pruning if utility has annual maintenance permit)	25				
Check additional description below:					
<input type="checkbox"/> Removal or planting					
<input type="checkbox"/> Pruning, applying chemicals to stumps, etc.					
<input type="checkbox"/> d. Miscellaneous Construction					
<input type="checkbox"/> Beautifying ROW - (for Civic Groups only)	NC				
<input type="checkbox"/> Temporary signs, banners, Christmas decorations	25				
<input type="checkbox"/> Traffic control signals	500				
<input type="checkbox"/> Warning and entrance signs	25				
<input type="checkbox"/> Miscellaneous - Requiring substantial review	400				
<input type="checkbox"/> Miscellaneous	25				
<input type="checkbox"/> 6. Compulsory permit required when work performed at the request of D.O.T.					
<input type="checkbox"/> a. Building demolition or moving requested by D.O.T.					
<input type="checkbox"/> Demolition	NC				
<input type="checkbox"/> Moving	NC				
<input type="checkbox"/> b. Improvement to meet Department standards	NC				
<input type="checkbox"/> 7. Miscellaneous	25				

WORK MAY BE DESCRIBED BRIEFLY AS FOLLOWS: Construct new driveway entrances to a proposed restaurant

Additional work description is attached; Plans 1 of 3 page and/or \_\_\_\_\_ Map is attached showing work to be performed at:

LOCATION (on Northerly side along \_\_\_\_\_ across \_\_\_\_\_ ) State Route 94 S.R. 154  
between Reference Marker 77.1' West of Rtc. 300 and Reference Marker 12.86 In the Town of New Windsor

County of Orange known as Tax Map Sect. 69, Block 1, lots 8, 9, 10

SEQR REQUIREMENTS: (Check appropriate box)

Exempt  Ministerial  Type II  EIS or DEIS Lead Agency Town of New Windsor

If project is identified to be ministerial, exempt, or TYPE II, no further action is required.

If project is determined to be other than ministerial, exempt, or TYPE II, refer to M.A.P. 7.12-2, Appendix A SEQR REQUIREMENTS FOR HIGHWAY WORK PERMITS.

Acceptance of the requested permit subjects the permittee to the restrictions, regulations and obligations stated on this application and on the permit.

Applicant Signature \_\_\_\_\_ Date Jan 15 19 91

For Joint application and work, note name and address of Second Applicant below:

Second Applicant Signature [Signature] Date \_\_\_\_\_ 19 \_\_\_\_\_

Approval recommended 2/21 19 91. By Resident Engineer [Signature] Residency No. 874

Approved March 7 19 91. By Regional Traffic Engineer [Signature] Region No. 3

PERMIT IS ISSUED CONTINGENT UPON LOCAL REQUIREMENTS BEING SATISFIED.

Okay to issue - DEW

## RESPONSIBILITIES OF PERMITTEE

### 1. PROTECTIVE LIABILITY INSURANCE COVERAGE

Permittee must have protective liability insurance coverage in accordance with Department requirements. See Certificate of Insurance for Highway Permits Insurance Requirements (Form PERM 17, NYSDOT)

Expiration of, or lack of, liability insurance automatically terminates the permit. Insurance coverage may be provided by furnishing the Department with one of the following:

- a. A Certificate of Insurance for Highway Permits Insurance (Form PERM 17, NYSDOT).
- b. A certified check or a check drawn on a New York State Bank for coverage under the Departmental Blanket Policy.
- c. Undertakings are limited to Public Service Corporations and government units. They must be executed through an insurance/bonding company and are subject to approval by NYSDOT Office of Legal Affairs.

### 2. COMPENSATION INSURANCE AND DISABILITY COVERAGE

The applicant is required to have compensation insurance and disability coverage as noted in the provisions of the Worker's Compensation Law and Acts amendatory thereof for the entire period of the permit, or the permit is invalid.

### 3. NOTIFICATIONS

Notify Commissioner, through Regional Office, one week prior to commencing work, except emergency work by public service utilities which should be reported the next work day.

Work must start within 30 days from date of permit.

Notify area gas distributors 72 hours prior to any blasting.

Notify utility companies with facilities in work areas (permission must be obtained before doing work affecting utilities' facilities) before starting work in accordance with Industrial Code 53.

Notify Department of Transportation at conclusion of work and return original copy of permit to Resident Engineer.

Annual Maintenance Permit Notifications:

Notify by telephone the Regional or Resident Engineer's office, one week in advance, each time regular maintenance work is to be performed. In emergencies, notification by telephone should be made the next work day.

### 4. SITE CARE AND RESTORATION

An Undertaking, a bond or certified check in an amount designated by the Department of Transportation may be required by the Regional Office, before a permit is issued, to guarantee restoration of the site to its original condition. If the Department is obliged to restore the site to its original condition, the costs to the Department will be deducted from the amount of the permittee's guarantee deposit at the conclusion of the work.

The permittee is responsible for traffic protection and maintenance including adequate use of signs and barriers during work and evening hours. Anyone working within the R.O.W. will wear an orange vest and hard hat.

No unnecessary obstruction is to be left on the pavement or the right-of-way or in such a position as to block warning signs or between work hours.

No work shall be done to obstruct drainage or divert creeks, water courses or sluices onto the right-of-way.

All falsework must be removed and all excavations must be filled in and restored to the satisfaction of the Regional Maintenance Engineer.

### 5. COSTS INCURRED BY ISSUANCE OF THIS PERMIT

All costs beyond the limits of the protective liability insurance, surety deposits, etc., are the responsibility of the permittee.

The State shall be held free of any costs incurred by the issuance of this permit, direct or indirect.

### 6. SUBMITTING WORK PLANS

The applicant will submit work plans and/or a map as required by the Department. This shall include such details as measurements of driveways with relation to nearest property corner, positions of guys supporting poles and a schedule of the number of poles and feet of excavation necessary for completion of the work on the State right-of-way. A description of the proposed method of construction will be included.

Plan work with future adjustments in mind, as any relocation, replacement or removal of the installation authorized by this permit and made necessary by future highway maintenance, reconstruction or new construction, will be the responsibility of the permittee.

Driveway plans should be prepared in accordance with the POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

The permittee must coordinate his work with any state construction being conducted.

### 7. TRAFFIC MAINTENANCE

A plan detailing how the permittee intends to maintain and protect traffic shall be submitted with work plans. Traffic shall be maintained on the highway in a safe manner during working and non-working hours until construction is completed. The permittee is responsible for traffic protection and maintenance, including adequate use of signs, barriers, and flag persons during working and non-working hours until construction is completed.

All sketches will be stamped with "MAINTENANCE OF TRAFFIC SHALL BE IN CONFORMANCE WITH THE NEW YORK STATE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES."

### 8. COST OF INSPECTION AND SUPERVISION

Prior to issuance of the Highway Work Permit, the permittee will be required to sign an INSPECTION PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS (FORM PERM 50) agreeing to the payment of inspection charges and/or PAYMENT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (FORM PERM 51) for Department employees. Inspection charges will be based on number of work days. Design Review charges will be based on number of work hours.

### 9. SCOPE

#### a. Areas Covered

Permits issued are for highways, bridges and culverts over which the New York State Department of Transportation has jurisdiction. (Local governments issue permits for their own jurisdiction.)

#### b. Legal

The privilege granted by the permit does not authorize any infringement of federal, state or local laws or regulations, is limited to the extent of the authority of this Department in the premises and is transferable and assignable only with the written consent of the Commissioner of Transportation.

#### c. Commissioner's Reservation

The Commissioner of Transportation reserves the right to modify fees and to revoke or annul the permit at any time, at his discretion without a hearing or the necessity of showing cause.

#### d. Locations

Work locations must be approved by the Department.

#### e. Maintenance

Property owners having access to a state highway shall be fully responsible for the maintenance of their driveway in accordance with POLICY AND STANDARDS FOR ENTRANCES TO STATE HIGHWAYS.

### 10. COMPLETION OF PROJECT

Upon completion of the work within the state highway right-of-way authorized by the work permit, the person and his or its successors in interest, shall be responsible for the maintenance and repair of such work or portion of such work as set forth within the Terms and Conditions of the Highway Work Permit.

REVERSE

b. Boring, Jacking, and Tunneling Methods

- a) All the requirements of B.1. a. 1.) DESIGN a) through f) shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

CONSTRUCTION

- a) All the requirements of B. 1. a. 1.) CONSTRUCTION shall apply.

C. SUBBASE, PAVEMENT AND SHOULDER REQUIREMENTS (including manholes)

1. Subbase

- a. The subbase course shall be a minimum of 12 inches thick unless otherwise approved. The material shall meet the requirements of current Department of Transportation subbase course item as specified by the Regional Soils Engineer.

- b. Under the permit, construction which adversely affects the subsurface drainage of the pavement structure shall be corrected by the addition of surface or subsurface drains, as required.

2. Pavement and Shoulders

a. Permanent

The replaced pavement shall be similar to the existing pavement in composition and texture. The selection of the material type and composition shall be subject to the approval of the Regional Director or his representative. The limit of pavement replacement shall be such that the replaced pavement is supported by thoroughly compacted subbase material and the pavement is restored to the proper grade, cross-slope and smoothness.

When bituminous concrete mixtures are required for the pavement replacement, the layers shall consist of one or a combination of mixture types contained in Table 401-1, Composition of Bituminous Plant Mixtures in Section 401 of the New York State Department of Transportation's Specification, including addenda. The mixture shall be placed at the proper temperature, without segregation, and compacted thoroughly.

When portland cement concrete mixtures are required for pavement replacement, the mixtures shall consist of either Class C or Class F as contained in Table 501-3, Concrete Mixtures in Section 501 of the New York State Department of Transportation's Specifications, including addenda. Class F is a high early strength mixture and should be used when early opening to traffic is desired.

The concrete mixtures shall be placed without segregation, then consolidated, finished to the proper elevation, and textured. Curing the concrete pavement shall be in accordance with one of the methods permitted in Section 502 pertaining to curing.

Pavement shoulders, curbs, gutters and other incidental features shall be replaced in kind unless otherwise approved by the Regional Director or his representative.

b. Temporary

Pavement that is replaced temporarily may be paved with either a hot bituminous concrete mixture mentioned above or a cold bituminous patching mixture. When a cold patching mixture is used it shall consist of aggregate and bituminous material proportioned and mixed in a bituminous mixing plant or rotating paddle shaft pugmill. Regardless which patching mixture is used it shall be laid on a prepared foundation and thoroughly compacted. Since cold bituminous patching mixtures are subject to distortion by traffic, the temporary patch shall be maintained to provide a smooth surface until the pavement is permanently replaced.

3. Manholes

Manhole frames and covers shall have sufficient structural adequacy to support the roadway traffic. The type of manhole frame and cover shall be approved by the Regional Director or his representative. The manhole frame shall be set flush with the surface of the roadway unless otherwise permitted by the Regional Director or his representative.

D. MAINTENANCE AND PROTECTION OF TRAFFIC

1. Traffic is to be maintained at all times during the progress of this work and adequate signs, barricades and lights shall be provided in accordance with the provisions of Sub-chapter H of the N.Y.S. Department of Transportation's Manual of Uniform Traffic Control Devices. A maintenance and protection of traffic plan may be required. No lanes shall be closed without prior approval.
2. The applicant shall erect and maintain suitable barricades around all trenches while work is in progress for the protection of the public, and they shall be suitably lighted by yellow lights at night. The work shall be carried on in such manner that not more than 100 feet of trench in earth remains open at end of day's work.
3. No pavement cuts are to be left unfilled over night, except in emergencies, and in such cases, adequate precautions must be exercised to protect traffic. Prior approval must be obtained to use steel plating.
4. No construction materials or equipment shall be left on the shoulders or pavement after working hours, nor shall any construction equipment or material be placed in any manner or location that will obstruct highway or railroad warning signs.
5. All open trench in the highway right-of-way shall be barricaded. There shall be conspicuously displayed bright red flags no less than 24" x 24" attached to such barricades and illuminated at night with flashing yellow lights. If in the judgment of the representative of the Commissioner of Transportation, flagmen are necessary, they shall be employed by the permittee and on duty at all times during the progress of the work so as to direct traffic and maintain yellow flashing lights, etc.
6. Soft shoulder signs of adequate size, not less than 24" square, shall be erected and maintained on all backfill trenches within the shoulder area until the backfill is thoroughly settled. These signs shall be located at the beginning of each section of work at intersections and at a distance not greater than 1000 feet apart.
7. During winter conditions highway shoulders shall be maintained free of obstructions which would interfere with snow removal and ice control.
8. The permittee shall keep the traveled way free of foreign objects such as rocks, timber and other items that may fall from transporting vehicles. Spillage of material carried by or dropped from the under-carriage of any carrying vehicle resulting from the permittee's hauling operations along or across any public traveled way shall be removed immediately and such traveled way, both within and outside of the work limits, shall be kept free of such spillage by the permittee.

**E. C. PRELIMINARY WORK**

1. All work is to be performed in a manner approved by the Resident Engineer of the State Department of Transportation.
2. All disturbed areas shall be returned to their original condition in a manner satisfactory to the Commissioner of Transportation or his representative.
3. The permittee shall be required to restore shoulders and ditches and clean up the highway as his work progresses. All driveways shall be restored with material in kind and to their original conditions.
4. All surplus earth and rubbish shall be cleaned up and removed from the highway right-of-way upon completion of the work, and the highway left in a neat and orderly condition.
5. As built plans showing final grade of new installation and existing underground facilities encountered shall be provided to N.Y.S.D.O.T. if variation from approved design plans occurred during construction.

**F. NECESSITATED FUTURE WORK**

1. The applicant agrees, that any present or future injury to or disturbance of the highway, its slopes or gutters, caused by placing mains and service pipe shall be repaired by the applicant at his own expense and in accordance with the requirements of the State Department of Transportation.
2. If necessity arises in the future because of the work on the State Highway system and/or its structures, requiring the removal, relocation or replacement of the installation authorized by the permit, said work shall be done as directed by the Commissioner or his representative, and all cost and expense so incurred shall be the obligation of the said permittee or his successor in interest.

**II. TELEPHONE - TELEGRAPH INSTALLATIONS**

**A. SETTING OF POLES**

1. All poles shall be set outside the ditch lines so that the proper drainage of the highway will not be interfered with. In case it is impracticable to set poles so as not to interfere with the flow of water in the ditches, the shoulder, ditch and space around the poles shall be paved by the applicant to protect against wash.
2. There shall be no obstruction to private driveways, connecting highways or roads, paths or sidewalks.
3. In case it is found necessary to trim trees within the boundaries of the highway, the least possible amount shall be done, and in all cases the consent of the abutting property owner must be secured before the poles are set and trees trimmed.
4. Poles shall be of sufficient length to provide a clearance of not less than eighteen feet between the wire and the crown of the highway, under the worst conditions of temperature and loading. They shall be set in line and properly plumbed. They shall be well guyed. No guying to trees, unless by special permission of owner. Special precautions shall be taken on curves and where lines cross from one side of highway to the other. Poles shall be straight, sound, and the fittings shall be of sufficient strength to carry wires under the worst condition of loading (ice, wind, etc).
5. Where telegraph and telephone wires cross high tension power lines, electric light or trolley wires, special precaution shall be taken to maintain proper clearance under the worst condition of temperature and loading.

**B. RESETTING POLES**

1. If necessity arises in future, because of work on the highway, to relocate, replace or re-set poles, cables or conduits, said work shall be done at the expense of the applicant.

**III. SPECIAL CONDITIONS**

- A. In addition to the aforementioned conditions, if it is found necessary by this Department to add to or otherwise modify the same, it is to be understood such changes shall form a part of the permit and be complied with immediately upon notice.

**IV. ADDITIONAL SPECIAL CONDITIONS AND SKETCHES - See Attached Sheet.**

**METHOD OF PERFORMING WORK  
WITHIN THE STATE HIGHWAY RIGHT OF WAY**

**I. GENERAL CONDITIONS**

These conditions and regulations apply to Highway Work Permits authorizing work within the State highway right-of-way for water mains, gas mains, sewer lines and miscellaneous structures. General conditions apply to telephone and telegraph installations as well as specific conditions on the setting and resetting of poles. These conditions, and any special conditions which are added to this form, are enforceable by the Department of Transportation.

**A. TIME**

1. Work under the permit shall be commenced within thirty (30) days from the date of permit issuance unless a later starting date is approved by the Regional Traffic Engineer.

**B. REQUIREMENTS**

All the current requirements of the following shall apply: Occupational Safety and Health Administration, Federal Department of Labor, Safety and Health Standards (29 CFR 1926/1910); Part 131, Title 17, New York Code of Rules and Regulations, Accommodation of Utilities Within State Right-of-Way; New York State Department of Labor, Industrial Code Rule 23, Protection of Persons Employed in Construction and Demolition Work; Industrial Code Rule 53, Construction, Excavation and Demolition Operations At Or Near Underground Facilities.

Temporary soil erosion and water pollution controls shall be used as required. The final decision on the method of underground installation will be made by the Regional Director or his representative.

**1. Work Within Pavement and Shoulder Areas**

- a. Installations that cross the pavement and shoulder area. Wherever practical, all underground installations shall be placed beneath the pavement and shoulder areas without disturbance to these paved surfaces.

**1) Boring, Jacking, and Tunneling Methods**

**DESIGN**

- a) The location of all excavations (jacking pits, etc.) shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The location of all other existing utilities shall be shown.
- d) The construction equipment and procedures to be used shall be described in the permit application.
- e) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- f) The underground installation shall be described in detail, i.e. size, length, depth, material, provisions for grouting, etc.
- g) Pipes shall generally be enclosed in sleeves or larger pipes. Small diameter services (2 inch I.D. or smaller) may be placed without sleeving at the discretion of N.Y.S.D.O.T.
- h) The limits of an open excavation shall not be closer than 10 feet to the edge of the pavement unless approved by the Department. Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

**CONSTRUCTION**

- a) Grouting operations may be required if surface settlement, loss of soil or voids around the pipe develop. When grout is required, it shall consist of 1 part cement to 2 parts sand, by volume, and sufficient water to produce a consistency suitable for placing the grout.
- b) Backfill of open excavations shall be as required under 2.) f) Open Excavation Method.

**2) Open Excavation Method**

**DESIGN**

- a) The location of all pavement crossing by the open excavation method shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The location of all other existing utilities shall be shown.
- d) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- e) When requested, the construction equipment and procedures to be used shall be described in the permit application.
- f) Pipe installations shall be done according to the requirements of the appropriate New York State Department of Transportation's Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current New York State Department of Transportation's Standard Specifications including addenda. Exceptions will only be allowed if prior approval is granted by the Regional Soils Engineer.
- g) Pavement shall be saw cut at termination points of pavement replacement.

- c. 01 7
- a) Pavement and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. Pavement surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
  - b) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.
  - c) Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
  - d) Temporary pavements and shoulders shall be placed as soon as a crossover installation is completed.
- b. Installations that are longitudinal to the pavement.

1) Open Excavation Method

DESIGN

- a) The location of all open excavations shall be shown in plan and profile.
- b) The soil profile and groundwater conditions shall be determined by adequate subsurface exploration.
- c) The design of all excavations, including ground and surface water control where necessary, shall be made available for review by the Department.
- d) The location of all other existing utilities shall be shown.
- e) Pipe installations shall be done according to the requirements of the appropriate New York State Department of Transportation's Standard Sheets. The required granular material shall meet the material requirements for Select Granular Fill in the current New York State Department of Transportation's Standard Specifications, including addenda. Exceptions will only be allowed if prior approval is granted by the Regional Soils Engineer.

CONSTRUCTION

- a) Pavement and shoulder removal shall be done in a manner that provides for proper restoration of the replacement section. Straight, vertical cuts of the pavement will be required. Pavement surfaces that become undermined shall be cut back and removed. Alternative repair methods may be used if prior approval is granted.
- b) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.
- c) Generally, cuts shall be filled at the end of each working day. With prior approval, steel cover plates may be used. Recessing of these plates may be required.
- d) Permanent or temporary pavement shall be placed immediately as sections of the total installation are completed to subbase elevation. Gravel surfaces in shoulder areas may be used if prior approval is granted.

2) Boring, Jacking, and Tunneling Methods

DESIGN

- a) All the requirements of B.1. a. 1.) DESIGN a) through g) shall apply.

CONSTRUCTION

- a) All the requirements of B.1 a. 1.) CONSTRUCTION a) and b) shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.
- c) The requirements of B.1. b. 1.) CONSTRUCTION d) shall apply.

2. Work Outside the Pavement and Shoulder Areas

a. Open Excavation Method

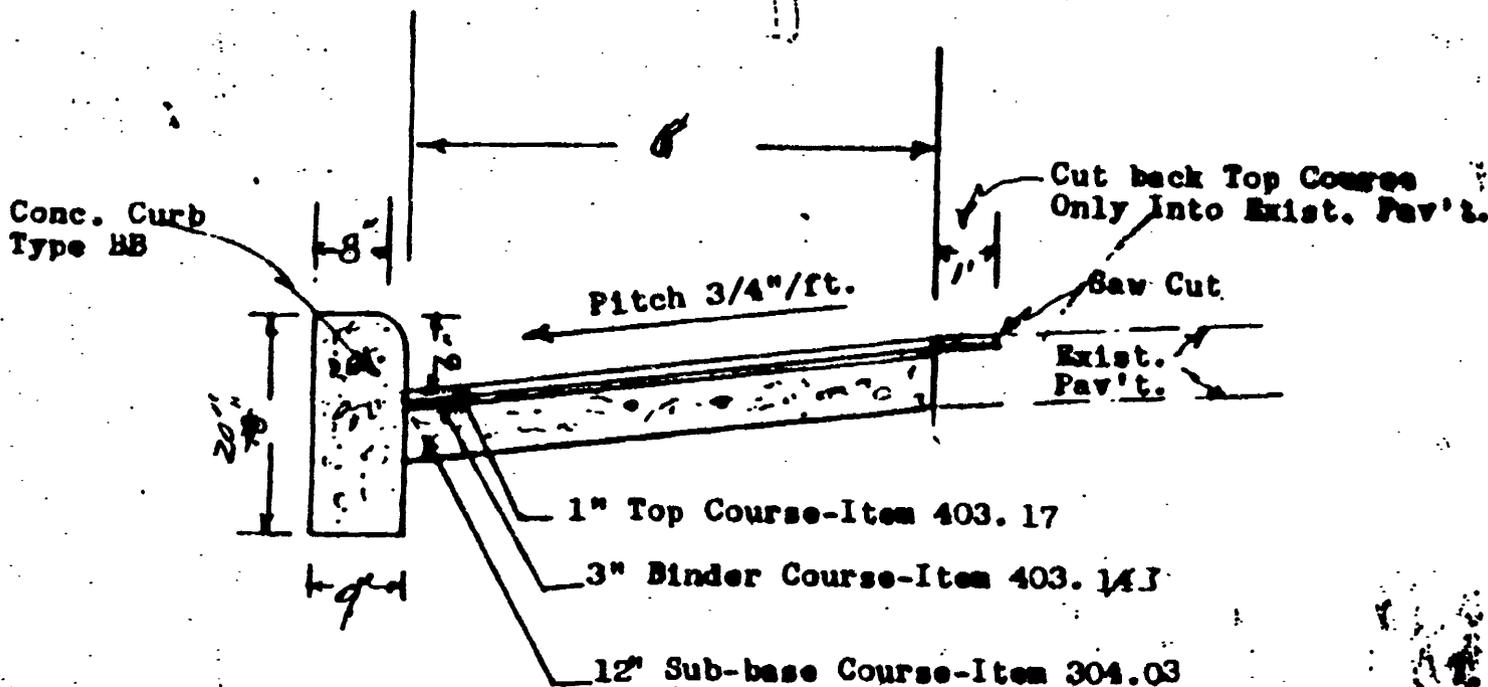
DESIGN

- a) All the requirements of B.1. b. 1.) DESIGN shall apply.
- b) Open excavations shall be protected with the required controls for safety and for the maintenance and protection of traffic in accordance with the New York State Department of Transportation, Manual of Uniform Traffic Control Devices.

CONSTRUCTION

- a) The backfill material shall be placed and compacted according to the requirements for backfilling structures, culverts, pipes, conduits and direct burial cable described in Section 200, Earthwork, New York State Department of Transportation's Specifications, including addenda.

DETAIL-PAVED SHOULDER & CURB



**Notes:**

Paved Shoulder Detail also applies to Driveway Section within State Right-of-Way.

*empty lot  
Vault Gate job*

IOC.PB  
DEMOS

**INTER OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Town Fire Inspector  
**DATE:** 26 March 1990  
**SUBJECT:** Demos' Cafe Site Plan

**PLANNING BOARD REFERENCE NUMBER:** PB-87-77  
**DATED:** 22 March 1990

**FIRE PREVENTION REFERENCE NUMBER:** FPS-90-023

A review of the above referenced subject site plan was conducted on 26 March 1990.

This site plan is found acceptable.

**PLANS DATED:** 21 March 1990.

*Robert F. Rodgers* *RR.*  
Robert F. Rodgers, CCA  
Fire Inspector

RR:mr  
Att.

✓  
CC: H.E.

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)  
 TASK: 87- 77

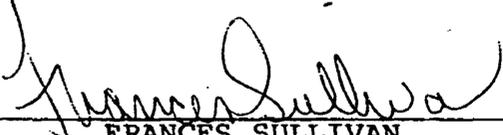
CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
										EXP.	BILLED	BALANCE
87-77	6648	03/09/88	TIME	MJE	MC	PREKAS L/L & SITE	40.00	0.50	20.00			
87-77	10477	06/21/88	TIME	MJE	MC	PREKAS	40.00	0.30	12.00			
87-77	10583	06/22/88	TIME	NJE	CL	PREKAS	17.00	0.50	8.50			
									-----			
									40.50			
87-77	12424	08/17/88				BILL Partial Billing						-40.50
												-----
												-40.50
87-77	19171	01/07/89	TIME	MJE	MC	PREKAS	60.00	0.50	30.00			
87-77	19540	01/09/89	TIME	MJE	MC	PREKAR	60.00	0.50	30.00			
87-77	19546	01/11/89	TIME	NJE	MC	PREKAR	60.00	0.10	6.00			
87-77	19657	01/11/89	TIME	NJE	CL	PREKAS	19.00	0.50	9.50			
87-77	19552	01/13/89	TIME	MJE	MC	PREKAR	60.00	0.50	30.00			
87-77	20281	02/03/89	TIME	MJE	MC	PREKAS	60.00	0.50	30.00			
									-----			
									176.00			
87-77	22032	02/28/89				BILL inv 89 172						-135.50
												-----
												-176.00
87-77	26364	05/02/89	TIME	MJE	MC	PREKAS S/P	60.00	0.30	18.00			
87-77	26915	05/16/89	TIME	MJE	MC	PREKAS	60.00	0.30	18.00			
87-77	28267	06/06/89	TIME	MJE	MC	PREKAS S/P	60.00	0.30	18.00			
87-77	30788	07/11/89	TIME	MJE	MC	PREKAS	60.00	0.50	30.00			
87-77	30885	07/11/89	TIME	NJE	CL	PREKAS S/P	19.00	0.50	9.50			
87-77	30792	07/12/89	TIME	MJE	MC	PREKAS	60.00	0.10	6.00			
87-77	32960	08/14/89	TIME	MJE	MC	PREKAS (REV W/DDT)	60.00	0.50	30.00			
									-----	-----	-----	-----
						TASK TOTAL			305.50	0.00	-176.00	129.50
									-----	-----	-----	-----
						GRAND TOTAL			305.50	0.00	-176.00	129.50

Mr. Ronas: On the Prekas, just two items here hanging over from the last session, the Prekas site plan application for the building next to Dunkin Donuts where you have the basement use as a nite club and ground floor use as a restaurant, I spoke with Tad Seaman regarding the town getting involved in an agreement, a restrictive covenant as to the hours of use of each particular floor and based on that conversation, Jerry Fiedelholtz, Prekas attorney, prepared an agreement and sent to me some of the documentation which I forwarded to Tad Seaman who discussed the arrangements with the Town Board. The result of that is that the Town Board has no interest in entering into an agreement with Prekas regarding the restriction on the use of the, of that property. So, we do not and I advised Mr. Fiedelholtz that the Town Board would not authorize the signing of such an agreement and I don't see how we can condition this site plan.

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

Respectfully Submitted:

  
FRANCES SULLIVAN  
Stenographer

PREKAS - SITE PLAN (67-71) ROUTE 94

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: This has been through several Planning Board meetings. The last time we were here, we were sent to the Zoning Board of Appeals for an area variance and a height variance on the building. Their case which is going to be proposed is a second floor which would contain an apartment and office space for the owners. The Zoning Board of Appeals denied the height variance and we have eliminated the second floor. The area variance was granted. We have modified the actual structure, the fact that we no longer have a--

Mr. VanLeeuwen: What about the basement? What is happening with the basement?

Mr. Kennedy: Still proposing an after hours nite club after the restaurant itself closes. Now, we have since the Zoning Board of Appeals, we have gone through three or four workshop meetings with Mark and the fire inspector and so on and we have added some details on the handicapped parking and I believe we have met everything that Mark has asked for and we conformed to all their previous requests of the Planning Board.

Mr. Schiefer: Have you seen Mark's comments?

Mr. Kennedy: No, I have not.

Mr. Edsall: There have been quite a number of minor items or some larger items, minor, I guess in nature to a lot of the problems that many plans have resolved through cooperation at the work sessions. The building inspector, fire inspector at this point seem satisfied with the corrections. These notes here and the comments sheet are very minor in nature. That is why we had no objection to getting him back on the agenda so that the Board could put additional input in and these are mostly some minor notations in dimensions that we had discussed at the work session, just had not made it onto this plan.

Mr. VanLeeuwen: Basically, I have no problem with the plan but I don't like the basement idea because I don't think there's enough parking for both floors by looking at this plan. I like what he is going to do, tearing down the houses, cleaning up the area. I have no problem with that. But I don't think I am going to sit here and approve a restaurant on one floor and a nite club on the second floor or the first floor which is the basement and use it for after hours and just the same, what if they are both open at the same time, where are we going to park the cars? We have a parking problem with Dunkin Donuts now.

Mr. Schiefer: You are not going to use this for a nite club until the restaurant closes? There is no possibility of using the same floor?

Mr. Prekas: No, no sir. First floor closes then the other floor.

Mr. VanLeeuwen: How are you going to control it?

Mr. Schiefer: I am not offering a solution.

Mr. VanLeeuwen: There is no way you can control it.

Mr. Schiefer: Yes, there is, eliminate the basement.

Mr. VanLeeuwen: That is the only way I will approve it.

Mr. Schiefer: There is a way of putting both businesses in there.

Mr. VanLeeuwen: I like the idea of tearing the houses down but Dunkin Donuts there is a parking problem as it is and I can just see that being a lounge, whatever you want to call it, downstairs and having a restaurant upstairs. First thing you know, both restaurants are going to be open and then we have no parking places. They will be all over 94 and we can't have it there.

Mr. Lander: We do have something from the fire department?

Mr. Schiefer: I assume Mr. Edsall said that both the fire department and the--we do have those approvals.

Mr. Edsall: Fire inspector reviewed it back in its original form in June of '88 and approved it and he has been in attendance at all the subsequent work sessions. I am sure at the building permit stage, there will be code reviews but site plan wise, he had no further comments.

Mr. Lander: Pat, is there three separate parcels?

Mr. Kennedy: That is correct, two existing houses on two of the parcels right now.

Mr. Lander: Going to make this all into one parcel?

Mr. Kennedy: That is correct.

Mr. VanLeeuwen: I make a motion that we take lead agency in this matter under the SEQR process.

Mr. Pagano: I'll second that motion.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Jones	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. Pagano: I make a motion that they waive the time limitation.

Mr. Kennedy: Yes.

Mr. Schiefer: I don't know if we need a motion. Is it okay? We have a time limitation, after these items are presented to us in which we have to make a decision very often if we haven't resolved all of the problems and if we did have a vote, it could possibly be negative. We would like an extension on that time period.

Mr. Prekas: May I say something?

Mr. Schiefer: Sure.

Mr. Prekas: I think this is my first time, you know, coming to the meetings and, you know, listening to everybody and it is an experience for me. My father has got, as you all know, he has got the Newburgh Dunkin Donuts and the Vails Gate Dunkin Donuts and he has got businesses and he is trying very hard, very hard to make something, you know, of next door. We are trying right now. Now, we have been to what, three or four meetings. He has been going through hell trying because we have a loan out now, a very good loan and it has been taking such a long time, trying to get an okay from this Town Board. I don't know what else we can do. My father expects some kind of an answer and he has got an ulcer problem, his ulcer has been acting up like crazy. If I give him any more bad news, it is just, you know, I don't know. I feel very bad because I think we tried our best to try and get whatever we can here to, you know, to make this place right.

Mr. Schiefer: What I'm hearing is you'd rather have a yes or no decision tonight and no extension.

Mr. Prekas: No. I want to explain to you what we have gone through so far. I have heard from everybody else, I have been to the Town Board that it is not easy and I know, I see why it is not easy. It is not easy but I got to say that because I don't know I hope this works out because if it don't, it is going to be a very--I don't know, it is a lot of hard work that we are going to throw away and as you can see, we are not just building anything, we are going to build a beautiful building. We are going to spend a lot of money. If you have seen the five corners.

Mr. Schiefer: It is not our favorite spot.

Mr. Prekas: If you go see it right now, then you will see what I am talking about. I know you disagree on the basement because it is a so and so club idea but like I said before, the restaurant closes upstairs then that will be open downstairs. We went through the inspectors, all these meetings that we had here, private meetings, if it is safe, we even put an elevator in there for the basement. We are going through all that, you know, to make you accept this project. I don't know what else.

Mr. Jones: After hours club and there is going to be music and everything down there.

Mr. Prekas: Right.

Mr. Jones: Music when they come out too?

Mr. Prekas: I don't understand.

Mr. Jones: When they leave the premises, that music is going to blasting out of that building?

Mr. Prekas: No, it is not. It is going to be a sound proof building.

Mr. Jones: Noise will come out when you open the door.

Mr. Prekas: No because it is in the basement. It is going to be a sound proof basement.

Mr. Jones: We don't need any complaints on a place like that.

Mr. Ronas: How many people would fit down there safely? What is the capacity?

Mr. VanLeeuwen: Same as upstairs.

Mr. Ronas: How many people is it designed to serve? Did the fire department in there report indicate how many people are going to be in there so we can make some relationship between the parking and the capacity of the building?

Mr. Kennedy: This is the floor plan layout of the lower floor.

Mr. Pagano: Is there anything from the fire department there, notes or anything?

Mr. Kennedy: Bobby Rogers has reviewed the floor plans and at all the workshop meetings.

Mr. Prekas: That is just to show how it is going to be. That doesn't mean how many things we are going to have, it just is to show you.

Mr. VanLeeuwen: I don't see where one thing is going to work out, how are we going to control his opening hours and closing upstairs and control the downstairs hours.

Mr. Jones: Maybe they are going to be doing business night and day.

Mr. VanLeeuwen: Which I have no problem with as long as one is closed and the other is open. How are we going to know that the cars aren't going to be parked all over 94?

Mr. Jones: We are not and nobody is going to tell us either.

Mr. VanLeeuwen: I don't see how it can work.

Mr. Soukup: What hours are you going to run the restaurant?

Mr. Prekas: Ten in the morning to ten at night.

Mr. Soukup: And you are not going to open the downstairs until after ten at night?

Mr. Prekas: Right, after 10 o'clock, as you can see we have separate doors for the main entrance and then we have a side door for the downstairs where the elevator is and the downstairs is. That way when it closes, we close the main doors and we have another door towards the restaurant on the side there that will be closed over so nobody will go in.

Mr. Soukup: I can tell you that you get up into New Paltz that most of the clubs don't start until 10 or 12 o'clock.

Mr. Prekas: Yes, that is the case.

Mr. Soukup: Both of the clubs that are restaurants and clubs have an overlap and I think that is what we are looking at. Rosebuds being one, they come for dinner and stay to dance. If you try to close one and go to the other, you probably wouldn't get the people to stay long enough to go there or they wouldn't transfer easily. The same people for dinner would not go to the club at night, probably you'd be dealing with two different sets of people.

Mr. Prekas: I guess.

Mr. Soukup: There is nothing like this in this part of town.

Mr. Prekas: I have seen it in many places I have been to a lot of places, that is what they do, they have a restaurant, close it up at a certain time and the next room or whatever it is will start up and the restaurant will be closed.

Mr. Soukup: The nearest ones I know of are in New Paltz. Any other ones that you are familiar with?

Mr. Prekas: Some in Jersey which I went to but the one is in New Paltz.

Mr. Schiefer: Let me answer one question.

Mr. VanLeeuwen: We are getting away from the original subject.

Mr. Schiefer: We have the business fire prevention approved, sewer approved and water approved. We want to get back to the 90 day extension before we agree this all the way out. Pat, can you get us an answer on do we or don't we, I completely understand why he doesn't but is that a no? I will let you determine that now. What is going on here with that extension?

Mr. Kennedy: Yes, I do. They are not ready to make a positive decision.

Mr. Prekas: I just wanted to explain to you what is going on right now. That is the reason why.

Mr. Schiefer: We understand that. Do we or don't we have the extension on the time? I am assuming--

Mr. Kennedy: I'd tend to think we have to.

Mr. Prekas: Yes.

Mr. Ronas: Maybe unless you'd be interested in withdrawing the nite club basement activity than that puts the whole plan in a different light and maybe they could consider it some other night.

Mr. Prekas: If we just go with the main restaurant on the top, we will not make it. The type of money that we are going to put into this property, we are not going to make it. That is why we need something different. That is why we are doing it because it is different. If we just make a plain restaurant, there is restaurants all over the place.

Mr. Soukup: We have a problem with the fact that you might be able to operate it that way and you might be able to provide enough parking for one floor at the time but say in the future it is sold or some other user moves in and doesn't want to live to that same commitment, tries to operate both floors at the same time because physically both floors are there, they are going to be built, they are going to be there at some future date, some other party decides, yourself decides I am going to run both at the same time and he only has 50 parking spaces he doesn't have adequate parking to do that, then we run into an enforcement problem. That is a problem we are looking at down the road as well as how are you going to enforce it and enforce it and be guaranteed what you are saying will be done.

Mr. Prekas: I can guarantee I don't know what way you want me to guarantee it but if I say that I want to open it from 10 to 10 and have the basement open, you can come, I don't care what it is but I will do it. I guarantee it, I will write it or whatever needs to be done to get this thing going. I don't know what else I need to say. I can say I close at 10 o'clock but you are not going to believe me. I understand that--

Mr. Soukup: I believe that you have every intention of doing it that way and I think it might work that way but if it doesn't and if there is a problem later on for whatever reason beyond your control and some third party that is not in this room comes in to play, we have to enforce your rules on that person. It may be difficult because there is no expansion area, there is no additional parking area, there is nothing that we can make him do and the building is physically there. We can't make him tear it down.

Mr. VanLeeuwen: The way things are right now with the two floors as far as I'm concerned, I will lay it to you on the line, this Board really cannot approve that because we realize you are willing to guarantee but let's say six months down the road you rent it out, let's say something happens to you or your are forced to rent it out,

we have no control over the other person and then all of a sudden there is an accident, there is cars parked and there is an accident, now, who gets sued? It is the Town of New Windsor and this Planning Board because we allowed you to do it.

Mr. Prekas: What do you mean parking, what street, 94?

Mr. VanLeeuwen: 94.

Mr. Schiefer: If both business opens simultaneously, we believe you are not going to let it happen but the next owner may well.

Mr. Prekas: I am thinking positively and successfully that this will work and I don't intend to have any other owner there. This has been, we have been trying to get this thing for a long time and we are not thinking of another owner. I know you are thinking of ahead of time.

Mr. VanLeeuwen: We are thinking 10, 12 years down the road.

Mr. Prekas: If we think like that, I mean, I just don't know how we can do things. There is just impossible to do things like that. It is very difficult.

Mr. VanLeeuwen: That is the things we are faced with.

Mr. Soukup: Do you have a set of building plans?

Mr. Prekas: No, just an extra set of plans.

Mr. Soukup: Has anybody worked up a floor plan of the building?

Mr. Kennedy: Right there. That is the lower level and upper level is underneath.

Mr. Lander: Couldn't we have a special permit issued even if Mr. Prekas sells it, a month from the time he gets approval or couldn't we issue a special permit that if the place is sold, he has to come back, the new owner, to renew that special permit or the Board has the right then to approve or disapprove it?

Mr. Roncs: This is not a special permit use. That is one problem. This requires site plan approval at this point.

Mr. Soukup: And this is a special permitted use by right.

Mr. Roncs: Well, yes, this is an eating and drinking place, if you call it this and eating and drinking place. I don't know what else you can call it and it is a permitted use requiring site plan approval.

Mr. Schiefer: Can you think of any other way to guarantee it?

Mr. Roncs: Not off the top of my head.

Mr. Lander: What I am hearing unless there was an agreement to make that affect then you can't approve this plan.

Mr. Soukup: Without some form of guarantee or approval that is enforceable by an officer of the Town of New Windsor and that is not the Planning Board. I would hesitate that how we could.

Mr. Lander: What I am saying is that there might be an agreement that Joe can come up with that could.

Mr. VanLeeuwen: I don't see how it could be done even if he does, how can you hold him to it? The town would have to enforce that agreement.

Mr. Schiefer: We can't.

Mr. Lander: Under special permit, you pull the permit.

Mr. Roncs: This isn't one of the kinds of uses that requires a special permit.

Mr. Edsall: Just to let the Board know about one section of the code and I think you are going to see whether or not you can, he can use it or not, Section 4816, one of the many subsections, I believe it is A7 combines spaces for parking, when we, when a lot contains two or more uses, the parking requirements for each use where it can be conclusively demonstrated that one or more such uses will be generated a demand for parking spaces during periods when the other use or uses are not operational, the Planning Board may reduce the total parking spaces for that use to the least requirement.

Mr. Schiefer: When it may be if we can be certain.

Mr. Edsall: Conclusively demonstrates, the bottom line is you are not restricted from using the lesser of the two parking requirements and making sure that total amount is provided but it has got to be conclusively demonstrated just so you know that there is a vehicle for you not to look at the total parking, however conclusively demonstrates as Vince has pointed out is difficult.

Mr. VanLeeuwen: I think that is up to the applicant if he can really prove to us that it is not going to work the way it is then I think we should look at it.

Mr. Roncs: Well, there might be a restriction that can be placed into the deed with respect to the use of the property because when it comes to site planning, all we can do is have a bond posted for a period of two years, performance bond or maintenance bond for three years with respect to installing certain improvements on the property. The kinds of conditions and what not that are built into the special permit uses are not in the--we just don't have the authority to do that with respect to site plan approval and this doesn't require a special permit use.

Mr. Soukup: I would not be comfortable with a conditional site plan approval because I don't think the conditions, I know they are not enforceable by this Board and there is some question in my mind as to who would enforce it if it became a problem. I'd say there'd have to be some agreement entered into between the applicant and in some other matter to enforce the multiple use at different times so that the parking could be counted separately for each part of the building and what that is I have got to throw to the attorneys and whether it comes back in a form we can read it, then we will require it but until that is worked out, legally, we are going to talk about the same thing over and over and not get anywhere. If you can come up with an agreement, we will further consider it.

Mr. Schiefer: What I'm hearing, I am going to poll the Board, is there anyone here that would you gentlemen react favorably of having the possibility of not guaranteeing one business shut down and the other is open the way it is right now? Would you approve it if the answer to that is no? What I am going to do is ask the applicant to sit down with Pat or anyone else that is available, I have no objection to putting in the deed if it is valid and will stand up and it can be enforced from what I am hearing from this side of the Board, it is a negative opinion. What do you gentlemen feel?

Mr. Lander: I think if we can come up with an agreement, we should look at it.

Mr. Schiefer: I think with an agreement, it is going to be approved. I don't think we should look at.

Mr. Soukup: From a technical point of view, the parking layout, building arrangement, access is pretty well worked out. I think technically the plan is adequate talking about the comments that the engineer has addressed that need to be identified which are relatively minor.

Mr. Jones: I don't go for that after hours club, I am sorry, it is going to be a new thing in the town. We have nothing to go by.

Mr. Schiefer: What I'm hearing is five negative opinions. The way it is now, if we have a vote, it is going to be no and we are going to get into a hassle. If you can get either your attorney to sit down with Mr. Ronas, any kind of an agreement that looks legal and enforceable, an agreement that looks legal and enforceable rather than us trying to iron out the legal aspects of it, now, I don't want to vote on it because you know what is going to happen.

Mr. Prekas: How long would this take? I can get my, the guy tomorrow, how long do we have to come back again here?

Mr. Schiefer: You have to come back again. We will put you on as soon as you have this. I am going to ask another question before I turn this over. Are there any other comments that should be addressed, other than the agreement that the two businesses are not operating simultaneously?

Mr. Soukup: Require public hearing or waive it?

Mr. Lander: It is a commercial zone.

Mr. Schiefer: It is a permitted use.

Mr. Soukup: If you are going to waive the public hearing fine. If you are going to require a hearing, let's set something up and let him come back with the agreement or scrub it.

Mr. Schiefer: Do you think we should have a public hearing?

Mr. Pagano: I don't think so.

Mr. Kennedy: We had a public hearing at the Zoning Board of Appeals. I don't think anybody showed up.

Mr. Schiefer: What I'm hearing, we will not have a public hearing, we will resolve the issue yourself and right now the only issue is simultaneous operation of the two businesses.

Mr. Roncs: Why don't we just have a motion waiving the public hearing rather than that.

Mr. Soukup: So moved.

Mr. Pagano: Based on what, I don't mind waiving the public hearing on what basis? There is too many questions left open. Has it been rezoned, the property, what is it zoned presently?

Mr. Edsall: C.

Mr. Kennedy: The only zoning variance we were looking for was an area variance because even with the three together--

Mr. Pagano: Based on what zoning?

Mr. Kennedy: C zone.

Mr. Roncs: It was always a C zone. All you have is an area variance.

Mr. Kennedy: Looking for an area variance and a second story.

Mr. Schiefer: That is taken care of.

Mr. Pagano: I will waive the public hearing.

Mr. Soukup: I make a motion that we waive the public hearing based on the site plan presented tonight.

Mr. Lander: I will second that.

ROLL CALL:

Mr. Pagano	Aye
Mr. Soukup	Aye
Mr. Jones	Aye
Mr. Lander	Aye
Mr. Schiefer	Aye

Mr. Soukup: If you worked out the agreement, you get back on the agenda and you will get a decision.



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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN OF NEW WINDSOR

P/B # 87-77

WORK SESSION DATE: 16 MAY 1989

APPLICANT RESUB.

REAPPEARANCE AT W/S REQUESTED: Yes

REQUIRED: New Plan set

PROJECT NAME: Prekas

COMPLETE APPLICATION ON FILE  NEW  OLD

REPRESENTATIVE PRESENT: Pat Kennedy

TOWN REPS PRESENT: BLDG INSP.   
FIRE INSP.   
P/B ENGR.   
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- set up field mtg w/ Don Green - re drainage & drive loc
- water sewer needed; sign detail; app'l box
- landscape looks good; detail sheet
- show variance

(also see 5-2-89 w/s sheet)



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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # 87-77  
 WORK SESSION DATE: 5-2-89 APPLICANT RESUB.  
 REAPPEARANCE AT W/S REQUESTED: Yes. REQUIRED:  
 PROJECT NAME: Prekas Restaurant  
 COMPLETE APPLICATION ON FILE  NEW  OLD   
 REPRESENTATIVE PRESENT: Joel Trace, Arch.; Pat Kennedy; +2 reps  
 TOWN REPS PRESENT: BLDG INSP.   
 FIRE INSP.   
 P/B ENGR.   
 OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Height variance denied
- site drainage; water sewer connections; sign detail
- app'l box on plan; landscape plan
- ck w/ state re drive (Pat K to do)
- details (seperate sheet by Kennedy) <sup>add chair</sup> <sub>link.</sub>; 87; Flag  
pb
- indicate date of lot Area variance
- complete bill table
- 2 sheet set - number so.
- No longer includes 4/1 change
- <sup>parking</sup> <sub>units shown</sub> for informational only
- sign - 40 sq ft total (20 each side) 15' off street line 15' h't max

MJE89

ZONING BOARD OF APPEALS

(ZBA DISK#4-042489.ZBA)

Agenda:

7:30 p.m. - ROLL CALL

Motion to accept minutes of 4/10/89 meeting as written.

PRELIMINARY MEETING:

NONE

PUBLIC HEARINGS:

DISSAPPROVED 1. ROUTE 32 ASSOCS. - Request for use variance for consideration of restaurant and retail sales in R-5 zone. Matter referred by Planning Board. Present: Kathleen Dewkett, P. E. of Kartiganer Associates.

APPROVED 2. HICKS, ALLEN - Request for 32 ft. lot width and 410 s.f. lot area for construction of single family residence on corner Windsor Terrace and Valley View Drive in R-4 zone. Previous variance granted under ZBA file #86-12.

LOT AREA APPROVED  
BLD HEIGHT WAS DISSAPPROVED 3. PREKAS, STEVE - Request for 12,913 s.f. lot area for purposes of constructing a restaurant near intersection of Route 94 and Five Corners located in a C zone. Present: Patrick Kennedy, L.S. representing applicant. Matter referred by Planning Board.

APPROVED 4. F & L CONSTRUCTION - Request for 1.8 ft. front yard variance on existing one-family structure located on Beattie Road in an R-1 zone. Present: Bruce McDonald, Esq. representing applicant.

APPROVED 5. MID HUDSON ASSOCS. - Request for 1.8 ft. front yard and 12.5 ft. rear yard variances in order to obtain a Certificate of Occupancy for 203 Butterhill Drive in R-4 zone. Present: Bruce McDonald, Esq. representing applicant.

Adjournment

Pat 565-8550 (o)  
562-7107 (h)

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B  
File No. 87-77

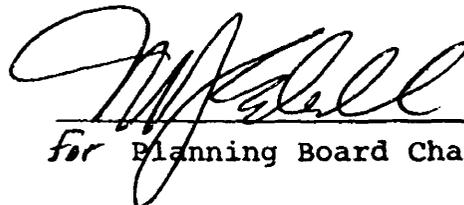
Date 3 FEB 1989

To: STEVEN PREKAS  
3 WARDEN CIRCLE  
NEWBURGH N.Y. 12550

PLEASE TAKE NOTICE that your application dated 28 DEC 1987  
for (~~Subdivision~~ - Site Plan)  
located at ROUTE 94 NEAR FIVE CORNERS

is returned herewith and disapproved for the following reasons.

VARIANCE REQUIRED FOR LESS THAN MINIMUM  
REQ'D LOT AREA.

  
for Planning Board Chairman

\*C" USE #26

Requirements

Min. Lot Area 40,000 SF  
Min. Lot Width 200 FT  
Req'd Front Yd. 60 FT  
Req'd. Side Yd. 30-70 FT  
Req'd. Rear Yd. 30 FT  
Req'd. Street  
Frontage\* —  
Max. Bldg. Hgt. 6" PER FT TO 4/2 = 15  
Min. Floor Area\* N/A  
Dev. Coverage\* N/A %  
Floor Area Ratio \*\* 0.5

Proposed or Available

27,087  
208+  
60  
30-114  
30  
—  
NOT INDICATED  
N/A  
N/A %  
0.1

Variance Request

12913 or 32%  
—  
—  
—  
—  
—  
NOT REQUESTED \*  
N/A  
— %  
—

\* Residential Districts only

\*\* Non-residential Districts only

\* MAY BE REQUIRED  
IF BLDG EXCEEDS  
15 FT HEIGHT

CC: MARK EDSALL P.E. P/B ENGR  
MIKE BARCOCK BLDG INSP  
ZONING BD. OF APPEALS  
P-B FILE 87-77

**PREKAS - SITE PLAN (87-77)**

Mr. Frank Donnery came before the Board representing this proposal along with Mr. Prekas.

Mr. Donnery: This is for a site plan in Vails Gate between Dunkin Donuts that exists now and Waldbaums. Consists of a bar and restaurant on the first floor, office and apartment on the second floor and a nite club in the basement. That is to be run only when the restaurant is closed. Mr. Prekas is buying the adjoining lot that has to be removed to provide additional parking from what was the original submission. The original submission included a lot line change behind Dunkin Donuts, that's been changed. It is no longer requested.

Mr. Jones: That lot line is no longer requested.

Mr. Donnery: The lot line change is no longer requested on the triangular piece behind Dunkin Donuts.

Mr. McCarville: When Dunkin Donuts receives the supplies, the tractor trailers back in from the Waldbaums property up to the divider on the retaining wall and unload the supplies, particularly bakery supplies. Show us how does a tractor trailer make a delivery to Dunkin Donuts when you take the facility away.

Mr. Jones: They use Waldbaums property.

Mr. Prekas: They used to come in through that entrance right through here and back up right here to the door.

Mr. McCarville: How are they going to back up to the door. These are not--they are not going to come in here and back up here very easily with the parking arrangements with the way they are. That is just a point. The other point and a conversation that I had with Don Green, does this have DOT approval.

Mr. Schiefer: No, it is still required. There is no DOT approval.

Mr. VanLeeuwen: I think we should read the engineer's report.

Mr. Schiefer: It points out that that is not their application of the New York State Department of Transportation is required, fire prevention bureau should review the plan for acceptability. The engineer says site drainage must be addressed. Have you seen this. These are some concerns that our engineer has with this project.

Mr. VanLeeuwen: I will give them two copies, Mr. Chairman.

Mr. Schiefer: Question of the chain link fence is the appropriate separation between this site and Waldbaums. Additional site detail should be provided with this plan. Item #2, it appears the plan complies with the minimum bulk requirements with the exception of the need for a variance for a lot area, a referral to the Zoning

Board of Appeals is necessary.

Mr. VanLeeuwen: I think what we should do at this time, let them go back and correct the deficiencies that the engineer did and we turn this down.

Mr. Schiefer: Since you are going to have to go to the Zoning Board of Appeals, we will reject this, we will give you the opportunity to go to the Zoning Board of Appeals for the variance. In the meantime, are there any comments so the gentlemen can take action so the next time they appear, they will be a little better prepared.

Mr. Donnery: You are still referring to the Dunkin Donuts property, this original application. I had requested a lot line change, this is part of this property here. This is the parcel in question. The fence has been added behind the property between Waldbaums and the property in question.

Mr. Schiefer: What kind of fence, chain link.

Mr. Donnery: Yes.

Mr. VanLeeuwen: I'd also like to see before they come back, DOT approval because there seems to be some question the way Mr. Green wants it and without Mr. Green's okay, there is no sense in looking at it.

Mr. Schiefer: You have to get DOT approval. You might as well go for it now.

Mr. Donnery: The DOT, as I understand it, has seen this.

Mr. Schiefer: We have no record of their either rejecting or accepting it. If you come back before that, we are just going to turn it over again so make sure that you have that before you come back.

Mr. Pagano: Does the 30 foot rule apply here.

Mr. Schiefer: That is up to the fire department. Let them call that one. I think it does but I'm not going to make a call.

Mr. Pagano: I'd like to see it in the minutes. We want their comment on this. I think we should have comments that we want to hear about this. I'd like to hear from the fire department officially as to their feelings on this 20 foot space on one side and the distance all around the building. Does this or does this not require a 30 foot clearance all around.

Mr. Jones: There have been requirements all along.

Mr. Schiefer: We'd like to get fire department word on this, I agree.

Mr. Babcock: There should be a memo from the fire inspector in the file.

Mr. Lander: The only other thing I see is the aisle width 20 feet, it is even mentioned in here 20 foot is not enough. They cut it down to 24, it used to be 25, especially with your 20 foot parking spaces here so we are going to have to do something with that. It is hard back on a 90 degree.

Mr. Schiefer: On the 21st of June, 1988, Bobby Rogers reviewed and approved the site plan, town fire inspector.

Mr. Pagano: I'd like to know as to why he is telling us that it is acceptable.

Mr. Babcock: I want to correct the record. The plan that was done by the fire inspector on June 21st, 1988 was not the plan that we are looking at.

Mr. Edsall: The reason why I recommended the fire inspector see the plan again, this is not the same plan he reviewed in June. He should have the opportunity as well as the DOT to look at the plan you are going to consider for approval.

Mr. Schiefer: The basic difference is the piece of land.

Mr. Edsall: He may object to blocking off certain areas with the fencing or access to rear of the other building. If he finds it acceptable, fine, but we should give him the opportunity to look at it.

Mr. VanLeeuwen: Dan was sitting here telling me that that is the reason why I requested DOT approval before we go any further and I would suggest they get to the approval before they go back to the fire department. Dan said he had an opportunity to talk to Don Green, okay, he wants this closed and these two parking lots access from one to the other which makes sense.

Mr. McCarville: This was an informal conversation. He had the old plans out which showed the lot lines being changed and I remember he had some comment on this exit here.

Mr. VanLeeuwen: Then, come back to us for final approval, whenever.

Mr. Schiefer: Come back to us also have to go to the Zoning Board of Appeals.

Mr. VanLeeuwen: I will make the motion that we approve this subdivision.

Mr. Pagano: Do they have to get this or just go get the Zoning Board approval lot line approval or zoning approval before we vote on them.

Mr. Schiefer: We are voting to send him to the Zoning Board of Appeals.

Mr. Pagano: We are not turning down the application.

Mr. Schiefer: No, we will turn them down but this is the procedure to go to the Zoning Board of Appeals.

Mr. VanLeeuwen: I will make my motion again to send the Prekas Site Plan 87-77 to the Zoning Board of Appeals.

Mr. McCarville: I will second that motion.

ROLL CALL:

Mr. McCarville:	No
Mr. VanLeeuwen	No
Mr. Lander	No
Mr. Pagano	No
Mr. Jones	No
Mr. Schiefer	No

Mr. Prekas: Is there anything else that you need before we--

Mr. Jones: We don't have any plans to try and squeeze through the donut building parking lot, do you.

Mr. Donnery: No.



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

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

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

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

Licensed in New York,  
New Jersey and Pennsylvania

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

PROJECT NAME: Prekas Lot Line Change and Site Plan  
PROJECT LOCATION: Route 94 (At Five Corners)  
PROJECT NUMBER: 87-77  
DATE: 11 January 1989

1. The project involves the development of Lots #8, #9 and #10 of Block 1, Section 69 of the tax maps. The project previously included a lot line change; however, the new plan does not include this proposed action. In addition, it appears that the Applicant has acquired the parcel to the west of the site (Lot #8), thereby increasing the lot area and minimizing the required variance (as noted below).

2. It appears that the plan complies with the minimum bulk requirements with the exception of the need for a variance for lot area. A referral to the Zoning Board of Appeals will be necessary.

3. With regard to the proposed site plan development for the property, as shown on the latest submitted plan, the general concept of the plan appears acceptable. I have the following comments regarding my initial review:

- a. Site drainage must be addressed.
- b. The Fire Prevention Bureau should review this plan for acceptability.
- c. Application to the New York State Department of Transportation is required.
- d. I question if chain-link fence is the appropriate separation between this site and the Waldbaums Site.
- e. Additional site development details should be provided with this plan.

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

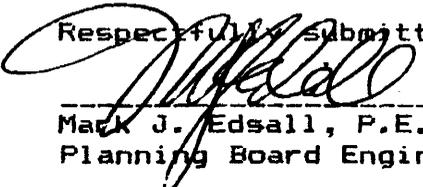
PROJECT NAME: Prekas Lot Line Change and Site Plan  
PROJECT LOCATION: Route 94 (At Five Corners)  
PROJECT NUMBER: 87-77  
DATE: 11 January 1989

-2-

- f. A landscaping schedule should be provided indicating type of plantings and quantities.
- g. Formal combination of Lots #8, #9 and #10 should be submitted to the satisfaction of the Planning Board Attorney.
- h. It is my opinion that the aisle width shown on the plans (20' and 21') is not acceptable for 90 degree parking. Minimum 24' is recommended.
- i. It should be made clear that this plan is being reviewed only for the development of Lots #8, #9 and #10. No review of the Dunkin' Donuts site (Lot #11) is made as part of this application.

4. At such time that the Planning Board has made a review of this proposed site plan and has forwarded the application to the Zoning Board of Appeals, further engineering reviews can be made, in the future, as deemed necessary by the Planning Board.

Respectfully submitted,

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

MJEnje

prekas

*Prekas*

87-77

BUILDING INSPECTOR, P.B. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.  
WATER, SEWER, HIGHWAY REVIEW FORM: D. P. W.

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by

*Patrick Te Kennedy* for the building or subdivision of

*Jane Prekas* \_\_\_\_\_ has been

reviewed by me and is approved \_\_\_\_\_

disapproved \_\_\_\_\_

~~If disapproved, please list reason.~~

*water is available at this area -*

*Call water dept for location of service line*

*feeding existing residence -*

HIGHWAY SUPERINTENDENT

*Jane D. D.*

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

Prekas

87-07

BUILDING INSPECTOR, P.B. ENGINEER, FIRE INSPECTOR, D.O.T. O.C.H. O.C.P.  
WATER, SEWER, HIGHWAY REVIEW FORM: D. P. W.

The maps and plans for the Site Approval   
Subdivision \_\_\_\_\_ as submitted by

Patrick Kennedy for the building or subdivision of

Steven Prekas has been

reviewed by me and is approved   
disapproved \_\_\_\_\_

If disapproved, please list reason.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

\_\_\_\_\_  
WATER SUPERINTENDENT

John D. [Signature]  
SANITARY SUPERINTENDENT

June 14, 1988  
DATE

*Prekas*

*87-97*

BUILDING INSPECTOR, P.D. ENGINEER, FIRE INSPECTOR, D.O.P. O.C.H. O.C.P.  
WATER, SEWER, HIGHWAY REVIEWS FORM: D. P. W.

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision *Prekas* as submitted by \_\_\_\_\_  
\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_  
\_\_\_\_\_ has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved \_\_\_\_\_.

REC'D. R4  
JUN 14 1988

If disapproved, please list reason.

*may have to cut  
100' 2' parking  
space*

*should go over  
with Planning  
Consultant.*

*Don Green*

HIGHWAY SUPERINTENDENT

*M. S. D. P. I.*

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

*7/1/88*  
DATE





BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,  
D.O.T., O.C.H., O.C.P., D.P.W., [REDACTED] SEWER, HIGHWAY, REVIEW  
FORM:

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

Joel Trace architect for the building or subdivision of

Demos Cafe has been

reviewed by me and is approved

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

water is available in this area - notify  
water dept. to explain existing service lines  
that fed previous structures.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT

Stan D. [Signature]  
WATER SUPERINTENDENT

\_\_\_\_\_  
SANITARY SUPERINTENDENT

\_\_\_\_\_  
DATE

**TOWN OF NEW WINDSOR PLANNING BOARD  
TRACKING SHEET**

PROJECT NAME: Site Plan For Steven Prekas

PROJECT NO. : 87-77

TYPE OF PROJECT:    Subdivision \_\_\_\_\_    Site Plan X  
                           Lot Line Change \_\_\_\_\_    Other (Describe) \_\_\_\_\_

<u>TOWN DEPARTMENT REVIEWS:</u>	Date App'd	Date Not App'd	Not Required
Planning Board Engineer	_____	_____	_____
Highway	_____	_____	_____
Bu#.Fire Prev.	<u>6-21-88</u>	_____	_____
Sewer	<u>6-14-88</u>	_____	_____
Water	<u>6-14-88</u>	_____	_____
Flood	_____	_____	_____

OUTSIDE DEPT./AGENCY REVIEWS:

DOT	_____	_____	_____
DEC	_____	_____	_____
O/C PLANNING	_____	_____	_____
O/C HEALTH <u>6-17-88</u>	<u>see letter</u>	_____	_____
NYSDOH	_____	_____	_____
OTHER (SPECIFY)	_____	_____	_____

SEOR:    Lead Agency Action \_\_\_\_\_  
 Determination \_\_\_\_\_  
 EAF Short \_\_\_\_\_ Long \_\_\_\_\_ Submitted \_\_\_\_\_ Accepted \_\_\_\_\_  
 Proxy: Filed \_\_\_\_\_ Representative \_\_\_\_\_

PUBLIC HEARING:    Held (DATE) \_\_\_\_\_    Waived\* \_\_\_\_\_  
 Other \_\_\_\_\_  
 (\* Minor Subdivision and Site Plans only.)

TIME SEQUENCING:  
 (SUBDIVISIONS)

Sketch Plan Date _____	+ 30 days = Action Date _____
Preliminary P/H Date _____	45 days = Action Date _____
Preliminary App'l Date _____	6 months = Final Resub. Date _____
Final Plan Date _____	15 days = Final App'l Date _____

TIME SEQUENCING:  
 (SITE PLANS)

Presubmission Conf. Date _____	+ 5 months = Submittal Date _____
First Meeting Date _____	+ 90 days = Final App'l Date _____



COUNTY OF ORANGE

LOUIS HEIMBACH, County Executive

Department of Health

124 MAIN STREET

COSHEN, NEW YORK 10924 TEL: 914-294-7961

Walter O. Latzko  
President, Board of Health

June 17, 1988

RE: Prekas  
Town of New Windsor

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

Gentlemen:

We have no problem with this site plan.

There is a requirement that the plans for the proposed restaurant be submitted for our review and approval prior to construction.

Very truly yours,

M. J. Schleifer, P.E.  
Assistant Commissioner

MJS:dlb

cc: File

PLANNING BOARD

6-20-88

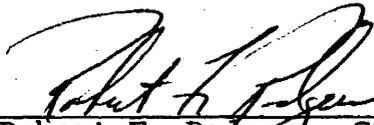
INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board  
FROM: Town Fire Inspector  
DATE: 21 June 1988  
SUBJECT: Steven Prekas Site Plan

Planning Board Reference Number 87-77  
Fire Prevention Reference Number 88-47

A review of the Steven Prekas Site Plan as prepared by Patrick T. Kennedy, LS dated 28 December 1987 was conducted on 20 June 1988.

This site plan is found acceptable.

  
\_\_\_\_\_  
Robert F. Rodgers; CCA  
Fire Inspector

Planning Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12550

(This is a two-sided form)

Date Received \_\_\_\_\_  
Meeting Date \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Action Date \_\_\_\_\_  
Fees Paid \_\_\_\_\_

APPLICATION FOR SITE PLAN OR  
SUBDIVISION PLAN APPROVAL

1. Name of Project Site Plan for Steven Prekas
2. Name of Applicant Steven Prekas Phone 562-4720  
Address 3 Warden Circle Newburgh N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Same Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Patric T. Kennedy, L.S. Phone 562-6444  
Address 335 Temple Hill Rd, New Windsor, N.Y. 12550  
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the \_\_\_\_\_ side of \_\_\_\_\_  
\_\_\_\_\_ feet \_\_\_\_\_  
(Street)  
(Direction)  
of N.W. Corner N.Y.S. Rte 94 & N.Y.S. Rte 300 (Temple Hill Rd)  
(Street)
7. Acreage of Parcel \_\_\_\_\_ 8. Zoning District C
9. Tax Map Designation: Section 69 Block 1 Lot 9, 10 & 11
10. This application is for Site Plan & lot line Change
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? No.

If so, list Case No. and Name \_\_\_\_\_

12. List all contiguous holdings in the same ownership  
Section 69 Block 1 Lot(s) 9, 10, 11

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT  
(Completion required ONLY if applicable)

COUNTY OF ORANGE  
SS.:  
STATE OF NEW YORK

\_\_\_\_\_ being duly sworn, deposes and says  
that he resides at \_\_\_\_\_  
in the County of \_\_\_\_\_ and State of \_\_\_\_\_  
and that he is (the owner in fee) of \_\_\_\_\_

\_\_\_\_\_ (Official Title)  
of the Corporation which is the Owner in fee of the premises  
described in the foregoing application and that he has authorized  
\_\_\_\_\_ to make the foregoing  
application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

Sheron Pukal  
(Owner's Signature)

28<sup>th</sup> day of December 1987

Sheron Pukal  
(Applicant's Signature)

Constance Kontaxis  
Notary Public

Owner & Applicant  
(Title)

CONSTANCE KONTAXIS  
Notary Public, State of New York  
No. 4615352  
Qualified in Orange County  
Term Expires Oct. 31, 1989

PREKAS SITE PLAN (7-77) - KENNEDY

3-9-88

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: We are looking for a site plan and lot line change. Presently this piece of property here, the lot line goes across

the back of this building. The property actually goes like this. Now we are looking to eliminate this lot line, straighten this one out. One reason for doing that is because of the ground water conditions that they need on this site. They couldn't put a basement and they'd like to put a little storage area back here which will be another submittal. This is where they used to have a substation. The house sits right here.

Mr. Van Leeuwen: He is buying the house, too?

Mr. Kennedy: He owns the property.

Mr. Pagano: We tried to get Dunkin' Donuts to get them to share the parking lot with the place behind so we can cut some of the traffic down from Five Corners.

Mr. Kennedy: We tried to address that by trying to get to alleviate the problems here by making a drive-thru here so people going through this way will get further from the corner.

Mr. Pagano: Could that be done?

Mr. Kennedy: Yes, this will be the drive-thru here. This drops down in here.

Mr. Pagano: It is a garbage pit.

Mr. Kennedy: Right, he will be filling this in and add on a little storage area because he couldn't put a basement because of ground water problems.

Mr. Van Leeuwen: How about some more parking while we are at it?

Mr. Kennedy: It is all going to be one ownership anyhow.

Mr. Scheible: I remember somebody, just about across the street from that entrance that you are showing now, when the DOT said no.

Mr. Kennedy: Do you have a response from the Department of Transportation? I spoke to them on the phone and they said no problem.

Mr. Pagano: Would you consider one driveway to the two places instead of the two driveways?

Mr. Kennedy: Eliminating this one here?

Mr. Van Leeuwen: That wouldn't be a good idea because the people going south or east actually could go around and go out the other

driveway to avoid the other light.

Mr. Kennedy: I did mention to them a possibility of talking to VG Associates because this is an existing driveway.

Mr. Scheible: You mean pothole city back there.

Mr. Kennedy: Yes, they do not have deeded rights, but there is a driveway and I assume people have been using that.

Mr. Van Leeuwen: Is this parking lot all this through here going to be at the same level as this parking lot is?

Mr. Kennedy: No, there is a difference here where this existing driveway comes here. It is the same level. If they could and I talked to them. They talked to their attorney and they were going to discuss this. I don't know if that is going to fly or not. They are investigating that possibility. That would eliminate the problem.

Mr. Scheible: It is proposed bar and restaurant?

Mr. Kennedy: Correct.

Mr. Scheible: What I heard, they want to have something like a disco.

Mr. Kennedy: No. This is their tentative floor plan. They have a bar area, television area, bar here with some stools and there is some tables up here, nothing elaborate about it.

Mr. Van Leeuwen: A pizza place?

Mr. Kennedy: I have no idea what they are going to serve.

Mr. Van Leeuwen: I have no problem with the lot line change.

Mr. Scheible: The problem is going to be the same exact problem with the Department of Transportation approval.

Mr. Kennedy: Nothing in the files from the Department of Transportation?

Mr. Scheible: No.

Mr. Van Leeuwen: There is three drives coming in together there. The State has to give access on the piece of property.

Mr. Kennedy: Don Green called me and told me he had no problem,

but he had sent it up to Poughkeepsie.

Mr. Pagano: That corner has been an eyesore ever since it has been put up. From that day that building opened, that place has been a garbage pit, to be very truthful. I am annoyed because they didn't fulfill any of the promises made.

Mr. Kennedy: The parts in the front, they don't keep that bad. The majority is coming out of here and it is these guys that don't clean it up. This whole corner is messed up.

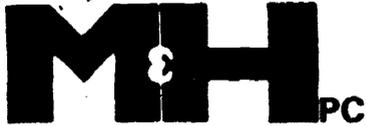
Mr. Van Leeuwen: I'd like to see what you are going to do here. How you are going to fill this in?

Mr. Kennedy: The architect hasn't finished his design.

Mr. Scheible: The man owns a piece of property and he should maintain it. I don't care where the garbage comes from. He hasn't shown us any good standing here.

Mr. Babcock: If you are not going to be able to hook up to natural gas and have a propane tank, you are going to have to file a new tank ordinance.

Mr. Kennedy: Thank you.



McGOEY and HAUSER  
CONSULTING ENGINEERS P.C.

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

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

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

Licensed in New York,  
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Prekas Lot Line Change and Site Plan  
PROJECT LOCATION: Route 94 (at 5 Corners)  
NEW WINDSOR #: 87-77  
9 MARCH 1988

1). The Applicant has submitted a plan for two (2) separate Planning Board actions. First, a lot line change is proposed between Lots 9 and 11 of Block 1, Section 69 of the Tax Maps of New Windsor. Lot 11 contains the Dunkin Donuts facility. The second action involves a Site Plan submittal for the resultant property for Lots 9 and 10 of Block 1, Section 69. Both actions should be considered individually.

2). With regard to the proposed lot line change, I find the proposed change an improvement to the current situation. However, it should be noted that for the proposed use on the Prekas property, minimum lot area of 40,000 square foot is required. With or without the lot line change, a variance would be required. The lot line change would require a greater variance.

3). With regard to the proposed Site Plan Development for the Prekas property (revised Lot 9 and Lot 10), the general concept of the plan appears acceptable. Further consideration will be required with regard to the following:

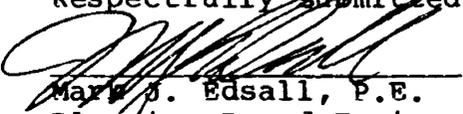
- a. Site drainage.
- b. Access and acceptability to Fire Prevention Bureau.
- c. Application to New York State DOT for proposed access.
- d. Variances required, including lot area and lot width.
- e. Additional curb island on site's easterly property line.
- f. Separation between this site and adjacent Waldbaums' site (along northerly property line).
- g. Details of proposed site.
- h. Possible additional landscaping (low level in front) along property bounds.
- i. Formal combination of Lots 9 and 10 of this site.

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: Prekas Lot Line Change and Site Plan  
PROJECT LOCATION: Route 94 (at 5 Corners)  
NEW WINDSOR #: 87-77  
PAGE TWO

4). Further engineering comments will be prepared and presented pursuant to the Planning Board's determination regarding the lot line change and any preliminary discussions with regard to the proposed site development.

Respectfully submitted,

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

MJE/dl  
prekas

87-77



Louis Heimback  
County Executive

**Department of Planning  
& Development**

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

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

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

Referred by T. NEW WINDSOR PLANNING Bd. D P & D Reference No. NLOT 1-88MAN  
90 PATRICK ST. KENNEDY, L.S. County I.D. No. 09, 1, 19-11

Applicant STEVEN PREKAS  
Proposed Action: SITE PLAN: BARR RESTAURANT AND LOT LINE ADJUSTMENT  
State, County, Inter-Municipal Basis for 239 Review FRONTAGE/ACCESS NYS 94 AND 300

County Effects: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Related Reviews and Permits N.Y.S. DEPARTMENT OF TRANSPORTATION

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

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

JAN 7, 1988  
Date

Peter Garrison  
Commissioner

Postcard Returned  
Date \_\_\_\_\_

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

- |                                                                            |                                                                             |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Site Plan Title                     | 29. <input checked="" type="checkbox"/> Curbing Locations                   |
| 2. <input checked="" type="checkbox"/> Applicant's Name(s)                 | 30. <input checked="" type="checkbox"/> Curbing Through Section             |
| 3. <input checked="" type="checkbox"/> Applicant's Address(es)             | 31. <input type="checkbox"/> Catch Basin Locations                          |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name           | 32. <input type="checkbox"/> Catch Basin Through Section                    |
| 5. <input checked="" type="checkbox"/> Site Plan Preparer's Address        | 33. <input checked="" type="checkbox"/> Storm Drainage                      |
| 6. <input checked="" type="checkbox"/> Drawing Date                        | 34. <input checked="" type="checkbox"/> Refuse Storage                      |
| 7. <input checked="" type="checkbox"/> Revision Dates                      | 35. <input checked="" type="checkbox"/> Other Outdoor Storage               |
| 8. <input checked="" type="checkbox"/> AREA MAP INSET                      | 36. <input checked="" type="checkbox"/> Water Supply                        |
| 9. <input checked="" type="checkbox"/> Site Designation                    | 37. <input checked="" type="checkbox"/> Sanitary Disposal Sys.              |
| 10. <input checked="" type="checkbox"/> Properties Within 500 Feet of Site | 38. <input checked="" type="checkbox"/> Fire Hydrants                       |
| 11. <input checked="" type="checkbox"/> Property Owners (Item #10)         | 39. <input checked="" type="checkbox"/> Building Locations                  |
| 12. <input checked="" type="checkbox"/> PLOT PLAN                          | 40. <input checked="" type="checkbox"/> Building Setbacks                   |
| 13. <input checked="" type="checkbox"/> Scale (1" = 50' or lesser)         | 41. <input type="checkbox"/> Front Building Elevations                      |
| 14. <input checked="" type="checkbox"/> Metes and Bounds                   | 42. <input type="checkbox"/> Divisions of Occupancy                         |
| 15. <input checked="" type="checkbox"/> Zoning Designation                 | 43. <input type="checkbox"/> Sign Details                                   |
| 16. <input checked="" type="checkbox"/> North Arrow                        | 44. <input checked="" type="checkbox"/> BULK TABLE INSET                    |
| 17. <input checked="" type="checkbox"/> Abutting Property Owners           | 45. <input checked="" type="checkbox"/> Property Area (Nearest 100 sq. ft.) |
| 18. <input checked="" type="checkbox"/> Existing Building Locations        | 46. <input checked="" type="checkbox"/> Building Coverage (sq. ft.)         |
| 19. <input checked="" type="checkbox"/> Existing Paved Areas               | 47. <input checked="" type="checkbox"/> Building Coverage (% of Total Area) |
| 20. <input checked="" type="checkbox"/> Existing Vegetation                | 48. <input type="checkbox"/> Pavement Coverage (Sq. Ft.)                    |
| 21. <input checked="" type="checkbox"/> Existing Access & Egress           | 49. <input type="checkbox"/> Pavement Coverage (% of Total Area)            |
| <u>PROPOSED IMPROVEMENTS</u>                                               |                                                                             |
| 22. <input type="checkbox"/> Landscaping                                   | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.)                |
| 23. <input type="checkbox"/> Exterior Lighting                             | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area)        |
| 24. <input type="checkbox"/> Screening                                     | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed.     |
| 25. <input checked="" type="checkbox"/> Access & Egress                    | 53. <input checked="" type="checkbox"/> No. of Parking Required.            |
| 26. <input checked="" type="checkbox"/> Parking Areas                      |                                                                             |
| 27. <input checked="" type="checkbox"/> Loading Areas                      |                                                                             |
| 28. <input checked="" type="checkbox"/> Paving Details (Items 25-27)       |                                                                             |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGEMENT:**

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: [Signature]  
Licensed Professional

Date: 12/30/07

# SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: Site Plan & Lotline Change for Steven Petkas

Location: N.W. Corner N.Y.S. Rte 94 & N.Y.S. Rte 300

ID Number: Tax Map Section 69, Block 1, Lots 9, 10 & 11

**INSTRUCTIONS:**

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

## ENVIRONMENTAL ASSESSMENT

YES NO

- |                                                                                                                                                                                                                                      |                          |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|
| 1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?                                                                                                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will there be a major change to any unique or unusual land form found on the site?                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/>            |
| 3. Will project alter or have a large effect on an existing body of water?                                                                                                                                                           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will project have an adverse impact on groundwater quality?                                                                                                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Will project significantly effect drainage flow on adjacent sites?                                                                                                                                                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Will project affect any threatened or endangered plant or animal species?                                                                                                                                                         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Will project result in a major adverse effect on air quality?                                                                                                                                                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?                                            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. Will project have a major adverse effect on existing or future recreational opportunities?                                                                                                                                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Will project result in major traffic problems or cause a major effect to existing transportation systems?                                                                                                                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. Is project non-farm related and located within a certified agricultural district?                                                                                                                                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?                                                                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Will project have any adverse impact on public health or safety?                                                                                                                                                                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is there public controversy concerning any potential impact of the project?                                                                                                                                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**FOR AGENCY USE ONLY**

Preparer's Signature: *[Signature]* Date: 12/25/87

Preparer's Title: Land Surveyor

Agency: \_\_\_\_\_

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Steven Prekas, deposes and says that he  
resides at 3 Warden Circle, Newburgh  
(Owner's Address)

in the County of Orange  
and State of New York

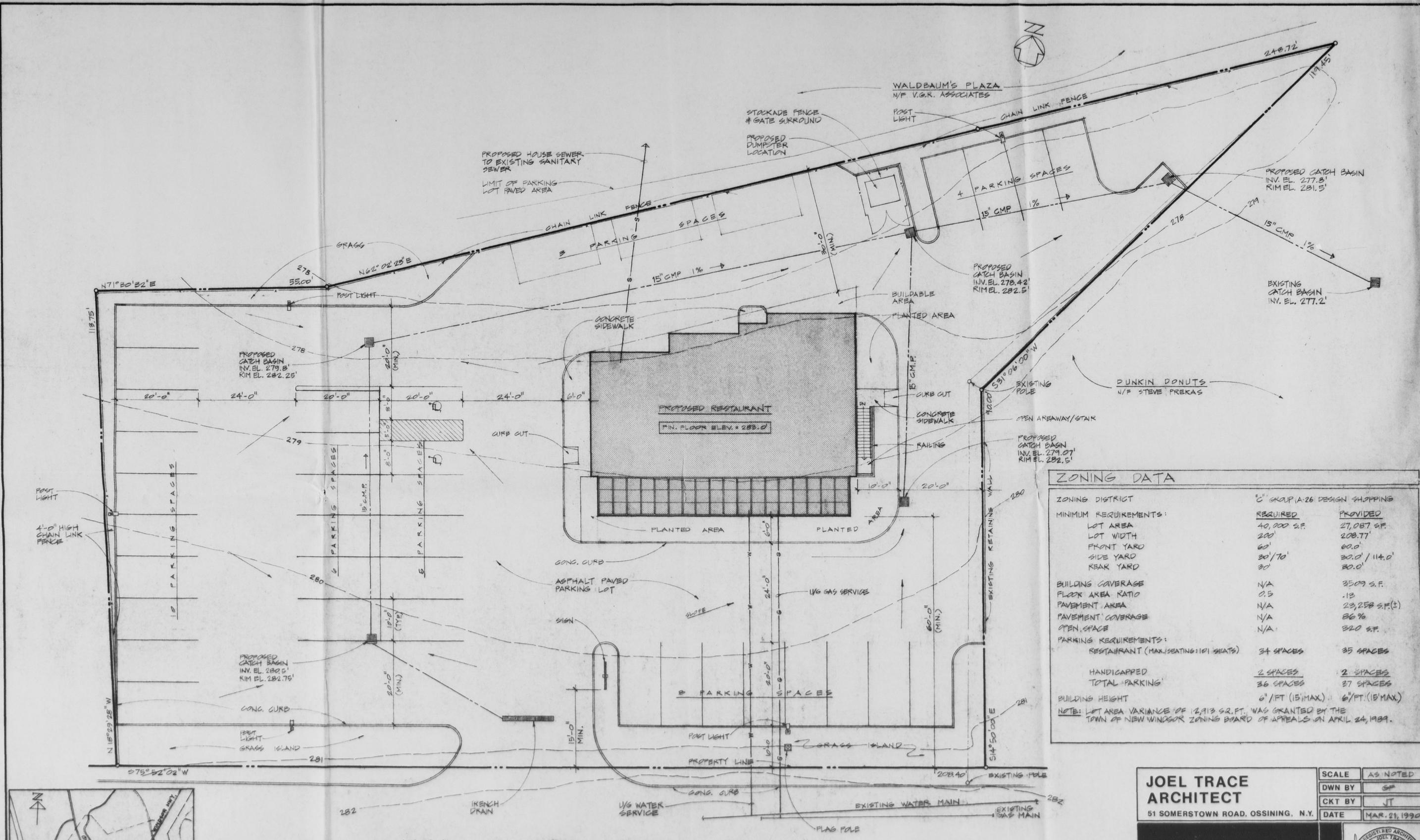
and that he is the owner in fee of Tax Map Section 69,  
Block 1, Lots 9, 10 & 11

which is the premises described in the foregoing application and  
that he has authorized Patrick T. Kennedy, L.S.  
to make the foregoing application as described therein.

Date: 12-28-87

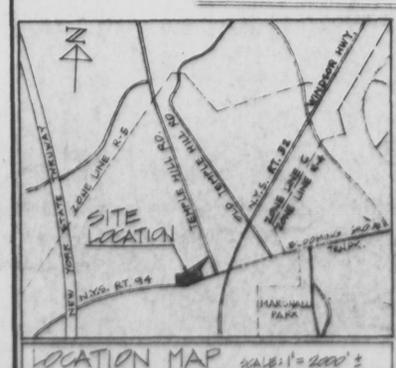
Steven Prekas  
(Owner's Signature)

Constance Fontana  
(Witness' Signature)



ZONING DATA		
ZONING DISTRICT	C" GROUP A-26 DESIGN SHOPPING	
MINIMUM REQUIREMENTS:	REQUIRED	PROVIDED
LOT AREA	40,000 S.F.	27,087 S.F.
LOT WIDTH	200'	208.77'
FRONT YARD	60'	60.0'
SIDE YARD	30'/70'	30.0' / 114.0'
REAR YARD	30'	30.0'
BUILDING COVERAGE	N/A	35.09 S.F.
FLOOR AREA RATIO	0.5	.13
PAVEMENT AREA	N/A	23,258 S.F.(±)
PAVEMENT COVERAGE	N/A	86%
OPEN SPACE	N/A	320 S.F.
PARKING REQUIREMENTS:		
RESTAURANT (MAX. SEATING: 101 SEATS)	34 SPACES	35 SPACES
HANDICAPPED	2 SPACES	2 SPACES
TOTAL PARKING	36 SPACES	37 SPACES
BUILDING HEIGHT	6' / FT (15' MAX.)	6' / FT. (15' MAX.)

NOTE: LOT AREA VARIANCE OF 12,913 SQ. FT. WAS GRANTED BY THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS ON APRIL 24, 1989.



TAX MAP DATA	
SECTION:	69
BLOCK:	1
LOTS:	9,9,10

**SITE PLAN**  
SCALE: 1" = 10'-0"

SITE INFORMATION TAKEN FROM A SURVEY PREPARED BY THE OFFICE OF PATRICK T. KENNEDY, L.S. DATED 5/27/89.

SITE PLAN APPROVAL GRANTED BY TOWN OF NEW WINDSOR PLANNING BOARD ON MAY 22 1991  
BY *Ronald Lander*  
RONALD LANDER  
SECRETARY

**JOEL TRACE ARCHITECT**  
51 SOMERSTOWN ROAD, OSSING, N.Y.  
SCALE AS NOTED  
DWN BY SP  
CKT BY JT  
DATE MAR. 21, 1990

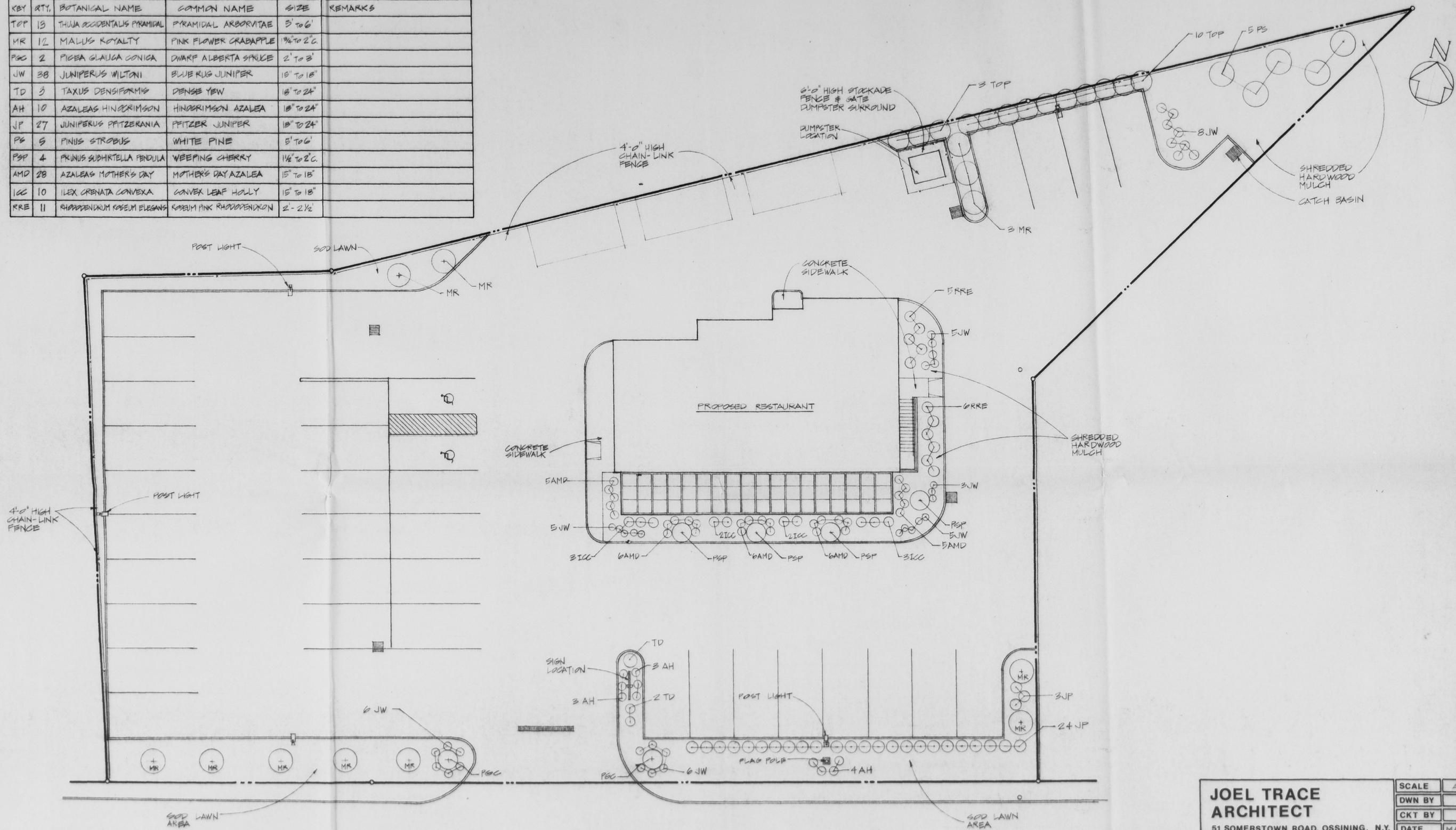
PROJECT: PROPOSED NEW RESTAURANT FOR: **DEMOS' CAFE**  
ROUTE 94  
VALS GATE, NY

TITLE: **SITE PLAN ZONING DATA**

DRAWING NO. **SP-1**

PLANTING SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
TOP 13	THUJA OCCIDENTALIS PYRAMICAL	PYRAMIDAL ARBORVITAE	5' to 6'	
MR 12	MALUS ROYALTY	PINK FLOWER CRABAPPLE	1 3/4" to 2"	
PCC 2	PICEA GLAUGA CONICA	DWARF ALBERTA SPRUCE	2' to 3'	
JW 38	JUNIPERUS WILTONI	BLUE RUG JUNIPER	15" to 18"	
TD 3	TAXUS DENSIFORMIS	DENSE YEW	15" to 24"	
AH 10	AZALEAS HINDCRIMSON	HINDCRIMSON AZALEA	15" to 24"	
JP 27	JUNIPERUS PFITZERIANA	PFITZER JUNIPER	15" to 24"	
PS 5	PINUS STROBUS	WHITE PINE	5' to 6'	
PSP 4	PRUNUS SUBHIRTELLA PENDULA	WEeping CHERRY	1 1/2" to 2"	
AMD 28	AZALEAS MOTHER'S DAY	MOTHER'S DAY AZALEA	15" to 18"	
ICC 10	ILEX CRENATA CONVEXA	CONVEX LEAF HOLLY	15" to 18"	
RRE 11	RHOODENDRUM ROSEUM ELEGANS	ROSEUM PINK RHOODENDRON	2' - 2 1/2'	

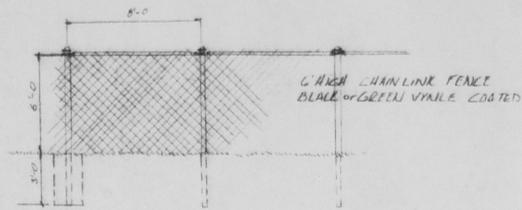


LANDSCAPE PLAN  
SCALE: 1" = 10'-0"

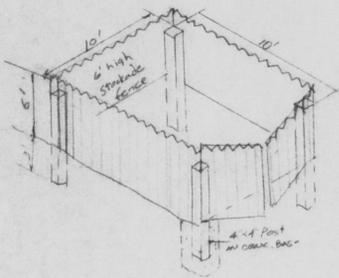
SITE PLAN APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
ON MAY 22 1991  
BY *Ronald Lander*  
RONALD LANDER  
SECRETARY

<b>JOEL TRACE ARCHITECT</b>		SCALE	AS NOTED
51 SOMERSTOWN ROAD, OSSINING, N.Y.		DWN BY	GF
		CKT BY	JT
		DATE	MAR. 21, 1990
PROJECT	PROPOSED NEW RESTAURANT FOR: <b>DEMOS' CAFE</b> ROUTE 14 VAILS GATE, N.Y.		
TITLE	LANDSCAPE PLAN PLANTING SCHEDULE		
		DRAWING NO.	<b>SP-2</b>

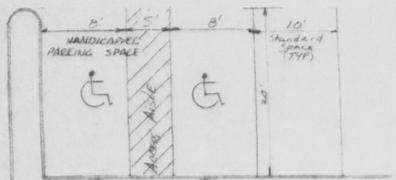




FENCE DETAIL  
SCALE: 1/2" = 1'



REFUSE ENCLOSURE DETAIL  
SCALE: NONE

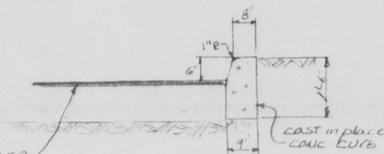


PARKING SPACE DETAIL  
SCALE: 1" = 10'



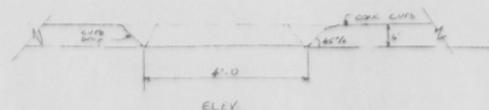
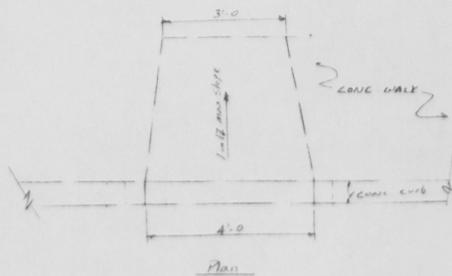
HANDICAPPED PARKING SPACE IDENTIFICATION SHOULD BE INSTALLED ABOVE CURB AND CLEARLY MARKED WITH THE INTERNATIONAL SYMBOL OF ACCESS AND APPROPRIATE WORDING.

HANDICAPPED SIGN DETAIL  
SCALE: NONE

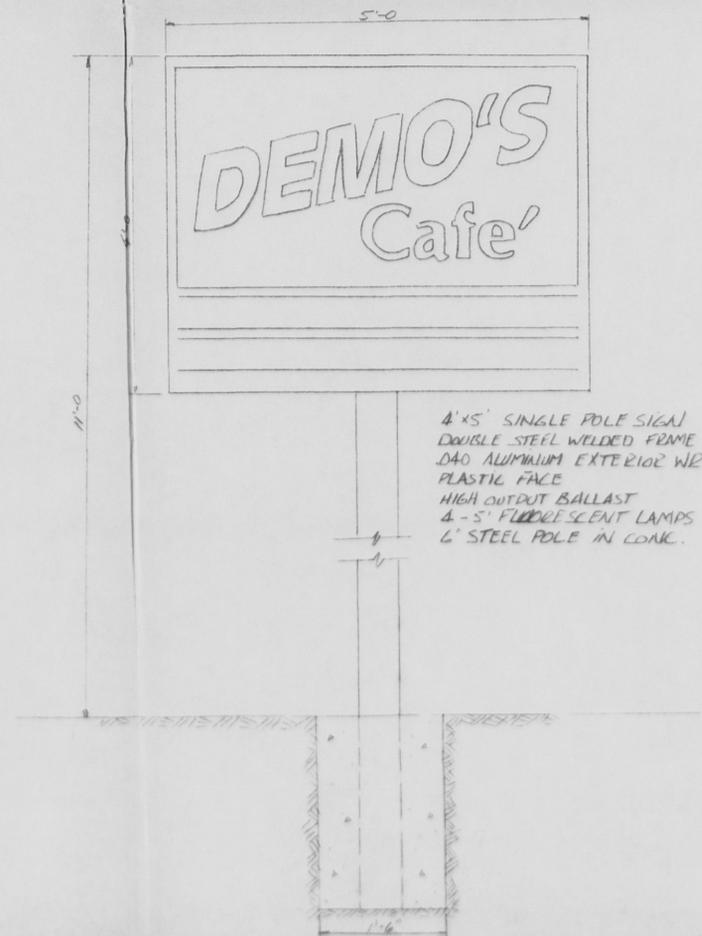


3" DENSE BINDER  
12" R.O.B. GRAVEL or  
6" R.O.B. GRAVEL  
6" CRUSHED SHALE

PARKING LOT & CURB DETAIL  
SCALE: NONE



HANDICAPPED ACCESS - CURB DROP DETAIL  
SCALE: 1" = 2'



4' x 5' SINGLE POLE SIGN  
DOUBLE STEEL WELDED FRAME  
D40 ALUMINUM EXTERIOR WRAP  
PLASTIC FACE  
HIGH OUTPUT BALLAST  
4 - 5' FLUORESCENT LAMPS  
6" STEEL POLE IN CONG.

SITE PLAN APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
ON **MAY 22, 1991**  
BY *Ronald Lander*  
RONALD LANDER  
SECRETARY



<b>Patrick T. Kennedy, L.S.</b> 219 ROSSAICK AVE. • NEW WINDSOR • NEW YORK 12550	
SCALE: AS SHOWN	APPROVED BY:
DATE: MAY 15, 1991	DRAWN BY:
DETAIL SHEET <b>DEMO'S CAFE</b>	
TOWN OF NEW WINDSOR	DRAWING NUMBER:
ORANGE COUNTY • NEW YORK	3 of 3