

PB# 91-01

SUN OIL REFINING

SBL 65-2-11

Withdrawn 12/2/91

General Receipt

11804

TOWN OF NEW WINDSOR555 Union Avenue
New Windsor, N. Y. 12550

January 2, 1991

Received of

Ralph L. Holt

\$ 25.00

Twenty - five and 00/100 DOLLARS

For

Planning Board Application Fee #91-1

DISTRIBUTION

FUND	CODE	AMOUNT
CP# 4517		25.00

By

Pauline G. Townsend

Town Clerk

Title

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

General Receipt

11805

TOWN OF NEW WINDSOR555 Union Avenue
New Windsor, N. Y. 12550

January 2, 1991

Received of

Pauline G. Townsend

\$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For

Planning Board Escrow #91-1 - Ralph L. Holt

DISTRIBUTION

FUND	CODE	AMOUNT
CP# 4516		750.00

By

Whi
Capital

Title

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

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Town Clerk

Title

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

General Receipt

11805

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

January 3, 1991

Received of *Pauline H. Townsend* \$ *750.00*

Seven hundred fifty and 00/100 DOLLARS

For *Planning Board Escrow #pt-1 - Ralph L. Holt*

DISTRIBUTION

FUND	CODE	AMOUNT
<i>CP# 4516</i>		<i>\$750.00</i>

By *[Signature]*
Capt
 Title

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

Before 9:00 a.m.

Ralph Holt 564-1195

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

(ZBA DISK#7--091991.FD)

-----X

In the Matter of the Application
of

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

SUN REFINING & MARKETING COMPANY

#91-13.

-----X

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

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

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

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

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

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

1. The Notice of public hearing was published in The Sentinel as required by law.
2. The evidence shows that the applicant is seeking permission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

BE IT FURTHER,

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

AND, BE IT FURTHER

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


Chairman

Dated: September 23, 1991.

SUN OIL COMPANY:

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

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

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

BY MR. HOLT: Must be, yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BY MR. HOLT: Whatever we needed.

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

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

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

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

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

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

BY MR. HOLT: That's right.

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

BY MR. HOLT: Yes.

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

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

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

BY MR. HOLT: Right.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BY MR. LUCIA: He's actually reducing.

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

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

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

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

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

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

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

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

BY MR. TORLEY: They have three different pumps.

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

BY MR. HOLT: Right.

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

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

BY MR. LUCIA: Eight sets of nozzles then?

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

BY MR. TANNER: You mean stations, islands.

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

sells gasoline?

BY MR. HOLT: Self service gasoline.

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

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

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

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

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

BY MR. TANNER: No.

BY MR. LUCIA: Not applicable in this zone.

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

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

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

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

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

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

what it is right now.

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

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

BY MR. FINNEGAN: That's both sides?

BY MR. HOLT: Both sides.

BY MR. TORLEY: Why would it be --

BY MR. LUCIA: 40 is allowed.

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

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

BY MR. FENWICK: Parking space.

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

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

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

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

BY MR. HOLT: Right.

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

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

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

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

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

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

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

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

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

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

BY MR. TORLEY: Yes.

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

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

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

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

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

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

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

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

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

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

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

BY MR. TANNER: Bigger buildings.

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

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

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

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

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

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

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

BY MR. HOLT: What's the difference

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BY MR. FENWICK: Sure, absolutely.

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

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

BY MR. TORLEY: I'll so move.

BY MR. TANNER: I'll second it.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

Tanner: Aye.

Fenwick: Aye.

BY MR. HOLT: I certainly will appreciate an early

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

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

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

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

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

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

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

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

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

BY MR. HOLT: When is the next meeting?

BY MS. BARNHART: July 8th.

BY MR. HOLT: My only question is --

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

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

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

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

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

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

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

ZONING BOARD OF APPEALS
Summer Session
July 22, 1991

AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept minutes of June 10th and June 24th and July 8, 1991 minutes if available.

PRELIMINARY:

DEVELOPMENT COVERAGE 30 PERCENT

TABLE

(1) STENT, JEFFREY - Request for (1) 12 ft. front yard and (2) 9 ft. 6 in. rear yard for existing pool and deck located at 15 Melrose Avenue in R-4 zone. Also, pool does not meet minimum 10 ft. setback in accordance with Sec. 48-21(1)(G); deck and shed do not meet minimum 10 ft. setback for corner lot w/ regard to ~~obstruction of view Sec. 48-14(D)(1)~~; and pool, deck and shed project closer to road than house - Sec. 48-14(E)(4).

A

SETUP FOR PUBLIC HEARINGS

(2) EXETER BUILDING CORP. - Request for 18 s.f. sign variance to erect free-standing sign at Washington Green Condominium site located on Windsor Highway in a C zone. Present: Joseph Sweeney and David Fried. ALSO SET BACK FROM RD REQ 15' PRO. I SET BACK FROM PROP. LINE REQ 15' PRO. I

PUBLIC HEARING:

APPROVED

(3) FRISCH, THOMAS - Request for 11 ft. rear yard variance to construct deck on premises located on Short Road in an R-4 zone.

LOT AREA APPROVED CANOPY APPROVED

(4) MOBIL OIL CORP. - Request for (1) 1,830 s.f. lot area, (2) 21 ft. front yard (car wash), (3) 36 ft. frnt yard on Rt. 94 (canopy), (4) 4 ft. front yard on Rt. 32 (canopy), (5) 3 ft. side yard, (6) 13.0 ft. rear yard (car wash), and (7) 6.5 ft. building height variances for purposes of rebuilding of service station with addition of car wash/convenience store at Five Corners in a C zone. Present: Scott Kartiganer, P. E.

LOT AREA APPROVED LOT WIDTH APPROVED

(5) SUN OIL REFINING - Request for (1) 25,000 s.f. lot area, (2) 63.06 ft. lot width, (3) 58.5 ft. front yard, (4) 26.25 ft. side yard, (5) 12 ft. building height, (6) 13 ft. sign setback and (7) 38 ft. sign variance to reconstruct service station at 432 Windsor Highway in C zone. Present: Ralph Holt representing Sunoco.

APPROVED

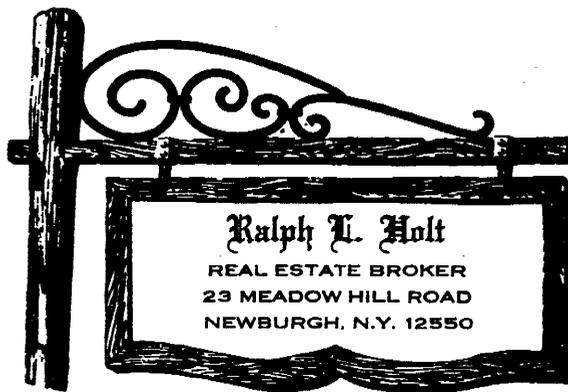
(6) BILA PARTNERS - Request for 241 s.f. sign area variance for Caldor's located on Windsor Highway in a C zone. Present: Brian O'Connor of Frohling Sign Company.

FORMAL DECISIONS:*

- (1) TRADE AUTO
- (2) VOGELSONG

APPROVED

*Subject to availability.



91-1

12/2/91

Town of New Windsor -

Re. Sun Service Station

Rt 32 & Old Forge Hill Rd

New Windsor, N.Y.

Att: Building Dept.

Please be advised that

Sun Company wishes to
withdraw their application - to
remodel above service station.
and wish to have balance
returned that remains on the
escrow account.

Quest Z. Hest
(Agent)

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)
 TRAC: 91- 1

CLIENT: NEWSIN - TOWN OF NEW WINDSOR

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE		
91-1	30051	01/22/91	TIME	MJE	MC SUN OIL	65.00	0.80	52.00					
91-1	29510	01/23/91	TIME	MJE	MM DENIED TO ZBA	65.00	0.10	6.50					
91-1	30232	01/23/91	TIME	MCK	CL SUN REFIN/REV COMMS	25.00	0.50	12.50					
91-1	30240	01/23/91	TIME	MCK	CL SUN REFINING	25.00	0.50	12.50					
91-1	30941	02/01/91	TIME	MJE	MC SUN OIL	65.00	0.30	19.50					
91-1	31090	02/04/91	TIME	MJE	MC SUNOOD	65.00	1.00	65.00					

								168.00					
91-1	31529	02/12/91			BILL INV 91-173						-168.00		

											-168.00		
91-1	35596	04/11/91	TIME	MJE	MC SUN OIL S/P	65.00	0.20	13.00					
91-1	37183	04/30/91	TIME	MJE	MC SUN OIL W/S	65.00	0.40	26.00					
91-1	37186	05/01/91	TIME	MJE	MC SUN OIL	65.00	0.20	13.00					
91-1	37190	05/04/91	TIME	MJE	MC	65.00	0.20	13.00					
91-1	35069	05/06/91	TIME	MCK	CL SUN OIL/REV COMMENTS	25.00	1.00	25.00					
91-1	37382	05/08/91	TIME	MJE	MM RE-REF TO ZBA	65.00	0.10	6.50					

								264.50					
91-1	40972	06/26/91			BILL INV 91-373						-96.50		

											-96.50		

											-264.50		
								=====					
TASK TOTAL								264.50	0.00	-264.50	0.00		

GRAND TOTAL								264.50	0.00	-264.50	0.00		

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/12/91

PAGE: 1

LISTING OF PLANNING BOARD FEES
Escrow

FOR PROJECT NUMBER: 91-1

NAME: SUN REFINING & MARKETING CO.

APPLICANT: SUN REFINING & MARKETING CO.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
01/02/91	SITE PLAN MINIMUM	PAID		750.00	
12/12/91	P.B. ENGINEER FEE	CHG	264.50		
		TOTAL:	264.50	750.00	-485.50

Please issue a check in
the amount of \$485.50 to:

Ralph Holt
23 Meadow Hill Rd.
Newburgh, N.Y. 12550

Gave to Donna to give to Larry 12/17/91 @

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/08/91

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 91-1

NAME: SUN REFINING & MARKETING CO.
APPLICANT: SUN REFINING & MARKETING CO.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	01/04/91	MUNICIPAL HIGHWAY	04/03/91	SUPERSEDED BY REV1
ORIG	01/04/91	MUNICIPAL WATER	01/08/91	APPROVED
ORIG	01/04/91	MUNICIPAL SEWER	04/03/91	SUPERSEDED BY REV1
ORIG	01/04/91	MUNICIPAL SANITARY . MAP DOES NOT INDICATE WASTE DISPOSAL -	01/04/91	DISAPPROVED SEE REVIEW SHEET
ORIG	01/04/91	MUNICIPAL FIRE	01/07/91	APPROVED
ORIG	01/04/91	PLANNING BOARD ENGINEER	04/03/91	SUPERSEDED BY REV1
REV1	04/03/91	MUNICIPAL HIGHWAY	05/03/91	SUPERSEDED BY REV2
REV1	04/03/91	MUNICIPAL WATER	04/04/91	APPROVED
REV1	04/03/91	MUNICIPAL SEWER	05/03/91	SUPERSEDED BY REV2
REV1	04/03/91	MUNICIPAL SANITARY . DISCHARGE FROM SUMP PUMPS CANNOT BE DIRECTED IN SAN. SEWERS	04/04/91	APPROVED
REV1	04/03/91	MUNICIPAL FIRE . SEE REVIEW SHEET IN FILE FOR DETAILS . 4/10/91 MEMO FROM F.I.:WHEN PLAN REVISED IT WILL BE APPROVED . 4/10/91CONTINUED:SEE FIRE INSPECTOR REVIEW SHEET FOR DETAILS	04/04/91	SEE REVIEW SHEET
REV1	04/03/91	PLANNING BOARD ENGINEER	05/03/91	SUPERSEDED BY REV2
REV2	05/03/91	MUNICIPAL HIGHWAY	/ /	
REV2	05/03/91	MUNICIPAL WATER	/ /	
REV2	05/03/91	MUNICIPAL SEWER	/ /	
REV2	05/03/91	MUNICIPAL SANITARY	05/06/91	APPROVED
REV2	05/03/91	MUNICIPAL FIRE	/ /	
REV2	05/03/91	PLANNING BOARD ENGINEER	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/08/91

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 91-1

NAME: SUN REFINING & MARKETING CO.

APPLICANT: SUN REFINING & MARKETING CO.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
04/30/91	WORK SESSION	RETURN TO P.B.MEET
01/23/91	P.B. APPEARANCE	Z.B.A. REFFERAL
12/04/90	WORK SESSION	READY FOR SUBMITTAL
10/16/90	WORK SESSION	TO RETURN TO W.S.
10/02/90	WORK SESSION	TO RETURN TO W.S.

SUN OIL SITE PLAN (91-1) ROUTE 32

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. SCHIEFER: Is that the same?

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

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

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

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

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

MR. VAN LEEUWEN: Yes.

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

MR. HOLT: Thank you very much.

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

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

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

MR. LANDER: I make a motion to approve.

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

MR. EDSALL: In the minutes.

MR. LANDER: So moved.

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

MR. VAN LEEUWEN: I'll second it.

5-8-91

ROLL CALL:

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

SUN OIL COMPANY - PRELIMINARY MEETING

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

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

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

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

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

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

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

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

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

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

MR. HOLT: It was in January some time.

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

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

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

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

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

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

MRS. BARNHART: No.

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

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

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

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

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

MR. HOLT: Several times.

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

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

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

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

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

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

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

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

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

MR. HOLT: Yes.

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

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

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

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

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

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

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

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

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

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

MR. HOLT: It's a new sign.

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

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

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

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

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

MR. HOLT: After I came to you.

MR. LUCIA: Before you come here.

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

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

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

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

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

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

MR. HOLT: Nonconforming use.

MR. LUCIA: Not once you demolish it.

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

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

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

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

MR. FENWICK: This plan?

MR. HOLT: I understand that is preliminary meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a little bit confused.

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

MR. KONKOL: Where did you get that from?

MRS. BARNHART: The Planning Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. HOLT: Thank you.

MR. FENWICK: Motion to table this?

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

MR. TANNER: I'll second it.

ROLL CALL:

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

ZONING BOARD OF APPEALS
April 22, 1991

AGENDA: *Revised*

7:30 p.m. - Roll Call

Motion to adopt minutes of 4/8/91 meeting if available.

PRELIMINARY MEETING:

TABLE

*GO BACK TO
PLANNING BOARD
NEED LOT AREA
NEED LOT WIDTH*

1. SUN OIL COMPANY - Request for 58.5 ft. front yard, 26.25 ft. side yard, 12 ft. building height and setback for sign to construct a retail store and filling station on NYS Route 32/Old Forge Hill Rd. in a C zone. Present: Mr. Ralph Holt.

*SET UP FOR
PUBLIC
HEARINGS*

2. WIND IN THE WILLOWS - FOURTH PRELIMINARY - Referred by Planning Board per their minutes of the 3/13/91 meeting enclosed herewith.

*SET UP FOR
PUBLIC HEARINGS*

3. GORDON, ROBIN - Request for 27 ft. 4 in. rear yard variance to replace old deck with new structure at 351 Nina Street in an R-4 zone.

PUBLIC HEARING:

APPROVED

4. COHEN, MICHAEL - Continuance of public hearing adjourned from 4/8/91 meeting pending review of Orange County Planning Dept.

*

*

*

*FORMAL DECISIONS: (1) LUGO, PEDRO APPROVED
(2) ~~AUGUST ASSOCS. NOT DONE~~
(3) ~~RAMOS, DAVID NOT DONE~~

PAT - 565-8550 (O)
562-7107 (H)

*Please note that formal decisions are prepared based upon the transcript of the public hearings and may not be readily available for adoption at this meeting.

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

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 91-1

APPLICANT: SUN COMPANY ATT: T. TOSKO

TEN PENN CENTER

1801 MARKET STREET

PHILADELPHIA PA 19103-1699

DATE: 8 APRIL 1991

#1 - 4-22-91 TABLE

NEED LOT AREA

NEED LOT WIDTH

NEED SIGN AREA.

GO BACK TO PLANNING BOARD

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 24 DEC 1990

FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT NYS RT 94 AND OLD FORGE HILL RD.

ZONE C

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

RETAIL AND FILLING STATION SITE PLAN

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

FRONT YARD, SIDE YARD AND BLDG. HEIGHT VARIANCES

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


PLANNING BOARD CHAIRMAN

MARK EDSALL FOR CARL SCHEIFER

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-1 & B-5</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>15,000 SF</u> **
MIN. LOT WIDTH	<u>200 FT</u>	<u>136.94 FT</u> **
REQ'D FRONT YD	<u>60 FT</u>	<u>61.5 FT & 1.5 FT</u> 0 FT & 58.5 FT
REQ'D SIDE YD.	<u>30 FT</u>	<u>37.5 FT</u> 26.25 FT
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N-A</u> —
REQ'D REAR YD.	<u>30 FT</u>	<u>N-A</u> —
REQ'D FRONTAGE	<u>N-A</u>	<u>320 FT</u> —
MAX. BLDG. HT.	<u>4" / FT = 6"</u>	<u>12.5 FT</u> 12 FT
FLOOR AREA RATIO	<u>0.5</u>	<u>0.14</u> ~
MIN. LIVABLE AREA	<u>N-A</u>	<u>—</u> —
DEV. COVERAGE	<u>N-A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>4</u>	<u>5</u> —

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

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

** Pre-existing Non-Conforming Condition

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY # 1 4-22-91

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 91-1

DATE: 8 APRIL 1991

APPLICANT: SUN COMPANY ATT: T. TUSKO

TEJ PENN CENTER

1801 MARKET STREET

PHILADELPHIA PA 19103-1699

REVISED
30 April 1991

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 24 DEC 1990

FOR (~~SUBDIVISION~~ - SITE PLAN)

LOCATED AT NYS RT 94 AND OLD FORGE HILL RD.

ZONE C

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

RETAIL AND FILLING STATION SITE PLAN

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

FRONT YARD, SIDE YARD AND BLDG. HEIGHT VARIANCES

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


PLANNING BOARD CHAIRMAN

MARK F. SCHICKEL

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-1 & B-5</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>15,000 SF</u> ** <u>25,000</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>136.74 FT</u> ** <u>63.06</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>61.5 FT & 1.5 FT</u> 0 FT & <u>58.5 FT</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>37.5 FT</u> <u>26.25 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>N-A</u> —
REQ'D REAR YD.	<u>30 FT</u>	<u>N-A</u> —
REQ'D FRONTAGE	<u>N-A</u>	<u>320 FT</u> —
MAX. BLDG. HT.	<u>4" / FT = 6"</u>	<u>12.5 FT</u> <u>12 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.14</u> ~
MIN. LIVABLE AREA	<u>N-A</u>	—
<u>SIGN SETBACK</u>	<u>15 FT.</u>	<u>28 FT.</u> <u>13 FT</u>
DEV. COVERAGE	<u>N.P.</u> %	<u>N.P.</u> %
<u>SIGN SIZE</u>	<u>40 SF</u> 48	<u>78 SF</u> %
O/S PARKING SPACES	<u>4</u>	<u>5</u> <u>38 SF</u> 46 sq

DISA

DISA

(MA)

7-22-9
46 sq

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

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

gmk
4/30/91

SUN OIL SITE PLAN (91-1) ROUTE 32

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

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

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

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

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

MR. LANDER: I make a motion to approve.

MR. VAN LEEUWEN: I will second that.

ROLL CALL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1-23-91

figures, I can go to the Appeal Board?

MR. EDSALL: Yes.

MR. HOLT: Thank you very much.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Sun Oil
91-1

January 14, 1991

RE: SECTION 65 BLOCK 2 LOT 11

DEAR SIRs:

PLEASE BE ADVISED THAT THE TOWN OF NEW WINDSOR HAS BEEN A PARTICIPANT IN THE NATIONAL FLOOD INSURANCE PROGRAM SINCE THE 6TH DAY OF MARCH 1975.

BE FURTHER ADVISED THAT THE PROPERTY IN SAID TOWN AND KNOWN AS SECTION 65, BLOCK 2, LOT 11, ON TOWN OF NEW WINDSOR TAX MAP, DOES NOT APPEAR TO LIE WITHIN THE SPECIAL FLOOD HAZARD AREA AS DESCRIBED ON THE FLOOD INSURANCE RATE MAP, PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION FOR THE TOWN OF NEW WINDSOR EFFECTIVE DECEMBER 15, 1978. THE PROPERTY FALLS WITHIN ZONE C.

HOWEVER, IT SHOULD BE REALIZED THAT THE FINAL DETERMINATION FOR FLOOD PLAIN LOCATION IS THE RESPONSIBILITY OF THE LENDING INSTITUTION, AS PER VOL. 43, NO. 34 FEDERAL REGISTER, FEBRUARY 17, 1978, PAGE 7145, B (F).

VERY TRULY YOURS,

RICHARD D. MC GOEY, P.E.
TOWN ENGINEER

RDM:md

cc: M.P.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.
D.O.T., O.C.H., O.C.P., D.P.W., WATER, ~~SEWER~~, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____
subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved _____
disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

J. R. Right

SANITARY SUPERINTENDENT

5-7-91

DATE

✓
CC: M.E.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Robert F. Rodgers, Fire Inspector
DATE: 7 May 1991
SUBJECT: Sun Refining and Marketing Co.
362 Windsor Highway

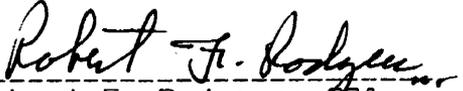
PLANNING BOARD REFERENCE NUMBER: PB-91-1
DATED: 3 May 1991

FIRE PREVENTION REFERENCE NUMBER: FPS-91-033

A review of the above referenced subject site plan was conducted on 7 May 1991.

This site plan is acceptable.

PLANS DATED: 13 February 1991; Revision 4.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

✓
CC: M.E.

16-91

91-1

MAY - 3 1991

Rev. 2

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY IN.
D.O.T., O.C.H., O.C.P., D.P.W., ~~WATER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

subdivision _____ as submitted by

Sheldon J. Reich for the building or subdivision of

Sun Retailing & Marketing has been

reviewed by me and is approved

~~disapproved~~ _____

~~If disapproved, please list reason~~

There is town water service on property

HIGHWAY SUPERINTENDENT

Stan D. Du

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

✓
cc: M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY ENGINEER~~
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval

Subdivision _____ as submitted by

Sheldon Reich for the building or subdivision of
Swim Learning and Marketing Company has been
reviewed by me and is approved

disapproved _____

If disapproved, please list reason _____

Property tied into Town's sewer lines if food is going to be dispensed
it shall require a grease trap

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynn M. D. Masterson

SANITARY SUPERINTENDENT

May 6, 1991

DATE

✓
CC: H.E.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Robert F. Rodgers, Fire Inspector
DATE: 10 April 1991
SUBJECT: Sun Refining and Marketing
362 Windsor Highway

PLANNING BOARD REFERENCE NUMBER: PB-91-1
DATED: 4 April 1991

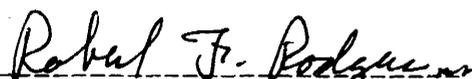
FIRE PREVENTION REFERENCE NUMBER: FPS-91-026

A meeting was held between Mr. Ralph Holt and this writer on 9 April 1991, concerning the above referenced subject.

Item 1: The handicapped ramp will be turned so that it will be easier for the handicapped to get access to the ramp.

Item 2: The drainage is strictly for the canopy drains and a separator will not be needed.

This plan, when revised will be acceptable.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr

✓
cc: M.E.
Ralph Holt

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Robert F. Rodgers, Fire Inspector
DATE: 4 April 1991
SUBJECT: Sun Refining and Marketing Co.
362 Windsor Highway

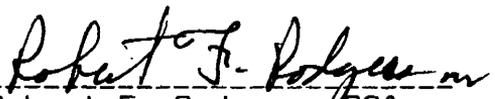
PLANNING BOARD REFERENCE NUMBER: PB-91-1
DATED: 4 April 1991

FIRE PREVENTION REFERENCE NUMBER: FPS-91-026

A review of the above mentioned site plan was conducted on 4 April 1991, with the following being noted.

- 1.) The location of the handicapped ramp should be relocated, for easy accessibility. Should a vehicle be parked in the handicapped parking space, I am not sure if there will be sufficient room for a person in a wheelchair to pass.
- 2.) It appears that the new PVC - 4" drain line is for the canopy. However, if it is also used as a drain line for the dispenser islands, or if it is possible that gasoline or oil can enter the clean outs for the drain line, a separator needs to be installed, prior to the discharge point.

PLANS DATED: 13 February 1991; Revision 4.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

cc: M.E.
Ralph Holt

4-4-91

91-1

APR 4 - 1991

Rev. 1

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY INSP.,
D.O.T., O.C.H., O.C.P., D.P.W., ~~SEWER~~ SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

Sheldon C. Reich for the building or subdivision of
Sun Refining & Marketing Co has been
reviewed by me and is approved

disapproved _____

~~If disapproved, please list reason~~ _____

Water service is located off of old Forge Hill Rd.
Notify water dept. if it needs to be located.

HIGHWAY SUPERINTENDENT

Stan D. D.

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

✓
cc: M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANITARY INSP.~~
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

Sheldon Reich for the building or subdivision of

Sun Refining and Marketing Company has been

reviewed by me and is approved

disapproved _____

If disapproved, please list reason _____

Discharge from Pump Pumps cannot be directed in
Sanitary Sewers

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynn W. Masten

SANITARY SUPERINTENDENT

April 4, 1991

DATE

cc: M.E.

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, ~~SANIT~~
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval
Subdivision _____ as submitted by
Eric Holt for the building or subdivision of
SUN Refining & Marketing Company has been
reviewed by me and is approved _____
disapproved

If disapproved, please list reason _____
Submitted map does not indicate waste disposal
Existing building is connected to sewer line

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lyman H. Masten Jr

SANITARY SUPERINTENDENT

January 4, 1991

DATE

✓
cc: M.E.

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 7 January 1991

SUBJECT: Sun Refining & Marketing Company
362 Windsor Highway

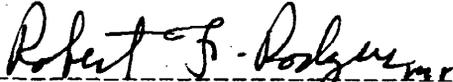
PLANNING BOARD REFERENCE NUMBER: PB-91-1
DATED: 2 January 1991

FIRE PREVENTION REFERENCE NUMBER: FPS-91-001

A review of the above referenced subject site plan was conducted on 4 January 1991.

This site plan is acceptable.

PLANS DATED: 1 August 1990; Revision 2.


Robert F. Rodgers; CCA
Fire Inspector

RR:mr
Att.

✓
CC: M.E.

1-8-91

91- 1

JAN - 2 1991

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR, SANITARY I.
D.O.T., O.C.H., O.C.P., D.P.W., WATER, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

manager _____ for the building or subdivision of

San Oil - Plot Plan - 362 winding Hi-way has been

reviewed by me and is approved

~~disapproved~~ _____

~~If disapproved, please list reason~~

Not by water dept. if water service should
be located.

HIGHWAY SUPERINTENDENT

Steve D. D. U.

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

✓
CC: M.E.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, 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) 298-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 91-1

WORK SESSION DATE: 30 April 1991 APPLICANT RESUB. REQUIRED: No

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Sun Oil

PROJECT STATUS: NEW _____ OLD X

REPRESENTATIVE PRESENT: Mc Holt

MUNIC REPS PRESENT: BLDG INSP. X
 FIRE INSP. John
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Added sign SF, reback to ZBA referral.

Signed plan -

sent his back to ZBA.

5/3/91

After further discussion with Mark, Patty, & Dan Luscia, they agree to return to the P.B. first (m)



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

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE *old*

TOWN OF New Windsor P/B #

WORK SESSION DATE: 12-4-90

APPLICANT RESUB.
REQUIRED: Yes *see below*

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Sun Oil

PROJECT STATUS: NEW OLD

REPRESENTATIVE PRESENT: Helt

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Get somebody from Sunoco
to sign app
and proxy

To provide letter - not in flood plain



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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NEW WINDSOR, NEW YORK 12550

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New Jersey and Pennsylvania

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN OF New Windsor P/B # 91 - 1
WORK SESSION DATE: 7 NOV 90
REAPPEARANCE AT W/S REQUESTED: No
PROJECT NAME: Sun Oil
PROJECT STATUS: NEW _____ OLD _____

APPLICANT RESUB.
REQUIRED: Need corrected plan

REPRESENTATIVE PRESENT: _____

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- will recommend limited access - curb.
- C zone -
- mfg to send to DOT for coord
no rear yd.
- FIX BULK TABLE
- Joe Hadersbeck - Engr for Sun Oil

\$ 750 crowd

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

Licensed in New York,
New Jersey and Pennsylvania

Post-It™ brand fax transmittal memo 7671 # of pages >

To: <u>MYRA</u>	From: <u>MARK</u>
Co.:	Co.:
Dept.:	Phone #:
Fax #:	Fax #:

NEW WINDSOR, NY
TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B # _____

WORK SESSION DATE: 10/2/90 APPLICANT RESUB. REQUIRED: Yes

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Sun Oil (Old Forge & Rt 32)

PROJECT STATUS: NEW OLD _____

REPRESENTATIVE PRESENT: Ralph Holt (Real Estate)

TOWN REPS PRESENT:

- BLDG INSP.
- FIRE INSP. John
- ENGINEER _____
- PLANNER _____
- P/B CHMN. _____
- OTHER (Specify) Myra Mason

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

< curbing - limit access

encroachment

bulk table - Retail (A-1) Spec Permit (B-5)

- Contact DOT re medians. -

WILL NEED ZBA Referral

ck radius - for car movement.



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

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN OF New Windsor P/B # _____

WORK SESSION DATE: 16 Oct 90 APPLICANT RESUB. REQUIRED: Yes

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Sun Oil

PROJECT STATUS: NEW OLD _____

REPRESENTATIVE PRESENT: Ralph Holt

TOWN REPS PRESENT: BLDG INSP. MB
 FIRE INSP. Rich
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

(No new plans)

Will Return

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

(This is a two-sided form)

APPLICATION FOR [SITE PLAN] SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project SUN REFINING & MILT. CO
2. Name of Applicant S A M E Phone _____
Address 362 WINDSOR HWY (RT32) NEW WINDSOR, NY. 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record SUN COMPANY Phone _____
Address 1801 WALNUT ST. PENN TOWER PHIL. PA.
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan ERIC HOLT Phone 914-268-6660
Address 365 RT9W CONGERS, N.Y. 10920
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting RAEHL L. HOLT Phone 914-524-1195
(Name)
7. Location: On the N/W side of RT32 & (Street)
OLD FORGE HALL RD feet 3/8 MILE EAST OF 5 CORNERS - GATE VAINS
(Direction)
- of _____ (Street)
8. Acreage of Parcel Apx 1/3 A 9. Zoning District A-1-B-1
9A. School District _____
10. Tax Map Designation: Section 65 Block 2 Lot 11
11. This application is for DEMOLITION & ERECTION OF
NEW FOOD MARKET

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name _____

13. List all contiguous holdings in the same ownership
Section N. N. E. Block _____ Lot(s) _____

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

FRED S. LEWIS being duly sworn, deposes and says that he resides at 400 EAGLES NEST RD - BRIDGEPORT in the County of _____ and State of CONN 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 RALPH L. HOLT 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

SUN REFINING & MKTING Co
(owner's Signature)

24th day of December 1990

[Signature]
(Applicant's Signature)

[Signature]
Notary Public
Comm. Expires 6-30-91

Construction Manager
(Title)

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 checked="" type="checkbox"/> Catch Basin Locations |
| 4. <input checked="" type="checkbox"/> Site Plan Preparer's Name | 32. <input checked="" 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 type="checkbox"/> Revision Dates | 35. <input 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 checked="" type="checkbox"/> Front Building Elevations |
| 14. <input checked="" type="checkbox"/> Metes and Bounds | 42. <input checked="" type="checkbox"/> Divisions of Occupancy |
| 15. <input checked="" type="checkbox"/> Zoning Designation | 43. <input checked="" 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 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 checked="" type="checkbox"/> Pavement Coverage (Sq. Ft.) |
| 21. <input type="checkbox"/> Existing Access & Egress | 49. <input checked="" type="checkbox"/> Pavement Coverage (% of Total Area) |
| | 50. <input checked="" type="checkbox"/> Open Space (Sq. Ft.) |
| | 51. <input checked="" type="checkbox"/> Open Space (% of Total Area) |
| | 52. <input checked="" type="checkbox"/> No. of Parking Spaces Proposed. |
| | 53. <input checked="" type="checkbox"/> No. of Parking Required. |

PROPOSED IMPROVEMENTS

22. Landscaping
 23. Exterior Lighting
 24. Screening
 25. Access & Egress
 26. Parking Areas
 27. Loading Areas
 28. 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.

DRAWINGS PREPARED BY

By: Eric Holt, PE NY 51956
Licensed Professional

SON CO., REVIEWED BY

Date: 11/27/90

Eric Holt, PE.

SUN**Sun Refining and
Marketing Company**
Ten Penn Center
1801 Market Street
Philadelphia PA 19103-1699

Ralph Holt is authorized to represent Sun Refining And Marketing Company, act on its behalf and execute in its name all applications for use and building permits, zoning, special exceptions, variances, licenses and any and all other authorizations required by the Federal or state government or any political sub-division or proprietary agency thereof, to establish or continue the use of said corporation's real estate and the operation of its business.



Thomas N. Tosko
Manager, Real Estate, Branded Marketing

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

_____, deposes and says that he
resides at _____
(Owner's Address)

in the County of _____

and State of _____

and that he is the owner in fee of _____

_____ which is the premises described in the foregoing application and
that he has authorized Ralph L. Holt
to make the foregoing application as described therein.

Date: _____

(Owner's Signature)

(Witness' Signature)

FOR OFFICIAL USE ONLY

Permit No. _____

Fee Received _____ Date _____

_____ of _____

_____ County, New York

Permit Application for Development
in
Flood Hazard Areas

- A. General instructions page 4 (Applicant to read and sign)
B. For assistance in completing or submittal of this application contact:

_____, Floodplain Administrator,
(Name)

(Address)

_____, NY () _____ - _____

1. Name and Address of Applicant

(First Name) (MI) (Last Name)

Street Address: _____

Post Office: _____ State: _____ Zip Code: _____

Telephone: () _____ - _____

2. Name and Address of Owner (If Different)

(First Name)

(MI)

(Last Name)

Street Address: _____

Post Office: _____

State: _____

Zip Code: _____

Telephone: () _____ - _____

3. Engineer, Architect, Land Surveyor (If Applicable)

(First Name)

(MI)

(Last Name)

Street Address: _____

Post Office: _____

State: _____

Zip Code: _____

Telephone: () _____ - _____

PROJECT LOCATION

Street Address: _____

Tax Map No. _____

Name of, distance and direction from nearest intersection or other landmark

Name of Waterway: _____

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

____ New Construction
____ Addition
____ Alteration
____ Relocation
____ Demolition
____ Replacement

Structure Type

____ Residential (1-4 family)
____ Residential (More than 4 family)
____ Commercial
____ Industrial
____ Mobile Home (single lot)
____ Mobile Home (Park)
____ Bridge or Culvert

Estimated value of improvements if addition or alteration: _____

Other Development Activities

____ Fill ____ Excavation ____ Mining ____ Drilling ____ Grading
____ Watercourse alteration ____ Water System ____ Sewer System
____ Subdivision (New) ____ Subdivision (Expansion)
____ Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

Date

Signature of Applicant

+

_____ of _____
Flood Hazard Development Permit

Administrative Action
Completed by Floodplain Administrator

Proposed project located in _____ "A" zone with elevation
_____ "A" zone without elevation
_____ Floodway
_____ Coastal High Hazard Area (V-Zone)

Base flood elevation at site is _____

Source documents: _____

PLAN REVIEW

Elevation to which lowest floor is to be elevated _____ ft. (NGVD)
Elevation to which structure is to be floodproofed _____ ft. (NGVD)
Elevation to which compacted fill is to be elevated _____ ft. (NGVD)

ACTION

_____ Permit is approved, proposed development in compliance with applicable floodplain management standards.

_____ Additional information required for review. Specify: (i.e., encroachment analysis)

___ Permit is conditionally granted, conditions attached.

___ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature _____ Date _____
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is _____ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date _____ Signature _____

X

_____ of _____
_____ County, New York

**Development in Flood Hazard Areas
Instructions**

1. Type or print in ink
2. Submit _____ copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.

4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature _____ Date _____

X

CERTIFICATE OF COMPLIANCE
for
FLOODPLAIN DEVELOPMENT

_____ of _____
County, N.Y.
(Applicant shall fill in all pertinent information in Section A
including 1 or 2

SECTION A

Premises location _____

Applicant
Name & Address _____

Telephone No. _____

Permit No. _____
Variance No. _____
Date _____

CHECK ONE

New Building _____
Existing Building _____
Other (List) _____

1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.

Signed _____

Date _____

2. I certify that I have completed the above project in accordance with conditions of variance number _____, dated _____ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

Signed _____

Date _____

SECTION B (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date _____ by _____

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. _____, or has a duly granted variance.

Signed _____
(Local Administrator)

Date _____

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc; (List).

MEMBRANE TO BE
ED TO TOP OF NEW
PY (BY OTHERS)

OTHERWISE NOTED,
YARD TO RECEIVE NEW
BITUMINOUS PAVING
SPECIFICATIONS

CONC. BASE, LIGHT POLE
& FIXTURE (TBR)

NEW CONC. BASE, LIGHT POLE &
400W. S.M.H. FIXTURE(S) WITH LAMP(S)
(TYPICAL 4 PLACES)

TEMPORARY CONSTRUCTION EASEMENT

36' 04' 40"E 120.94'

BITUMINOUS APPROACH (TR)

52'-6"

ALL ROAD IMPROVEMENTS
ARE TO BE DONE BY
NEW YORK D.O.T.

GENERAL CONTRACTOR SHALL CONTACT
'UTILITY CALL CENTER' 72 HOURS
PRIOR TO EXCAVATION AT 1-516-661-6000

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

ZONING INFORMATION	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUEST
LOT AREA	40,000 SQ.FT.	~15,000 SQ. FT.**	~15,000 SQ. FT.*	25,000
LOT WIDTH	200 FT.	136.94 FT.**	136.94 FT.*	63.06
FRONTYARD SETBACK	60 FT.	31.5 FT.**/6.5 FT.**	61.5 FT./1.5 FT.*	0 FT. / 58.5 FT
SIDEYARD SETBACK	30 FT.	10.5 FT.**	3.75 FT.*	26.25 FT
REARYARD SETBACK	30 FT.	N/A	N/A	-
STREET FRONTAGE	N/A	320 FT.	301.2 FT.	-
MAXIMUM BUILDING HEIGHT	4 FT.	13 FT.(2.2 FT ALLOWED)**	12.5 FT.(3.3 FT ALLOWED)*	12 FT
FLOOR AREA RATIO	.5	.14	.11	-
MINIMUM LIVABLE AREA	N/A	N/A	N/A	-
DEVELOPMENT COVERAGE	N/A	N/A	N/A	-
PARKING SPACES	4	3	5	-
Sign (SET BACK)	15'	12'	2'	13 FT
NOTES: " Sq Ft.	40 S.F.	88 S.F.	78 S.F.	38 S.F.

1. PARKING: 1 SPACE/150 SQ. FT. OF SALES AREA = 550 SQ. FT./150=3.6 (4 SPACES)

2. TABLE NOTATION;

- * - REQUIRES VARIANCE, PROPOSED IMPROVEMENTS REQUIRE SPECIAL PERMIT BY PLANNING BOARD
- ** - EXISTING NON-CONFORMANCE

3. VARIANCES REQUIRED;

- FRONT YARD SETBACK
- SIDE YARD SETBACK
- SIGN SETBACK
- TOTAL SQUARE FOOTAGE OF SIGNAGE

*Plan is referred
to ZBA by Planning Bd.
at 1/23/91 meeting
App. full
for call Schiffer*



DESCRIPTION	NO.	REV.
MISCELLANEOUS DETAILS & ELEVATIONS	RM-1	REV. 2
DEVELOPMENT PLAN	RD-1	REV. 1
EMERGENCY STOP/START & DISPENSER SHUT-DOWN SCHEMATIC	2-320	REV. 9
EXTERIOR ELECTRICAL - SUNOCO FOOD MARKET WITH MGB'S	2-339	REV. 3
FIELD WIRING DIAGRAM FOR DISPENSING EQUIPMENT	2-350	REV. 1
SINGLE WALL FIBERGLASS TANK & PIPING DETAILS & SPECIFICATIONS	3-409	REV. 9
SINGLE WALL F/G TANK AND PIPING DETAILS AND MATERIAL SCHEDULE	3-410	REV. 8
SINGLE WALL FIBERGLASS TANKS & DETAILS	3-411	REV. 8
STAGE II VAPOR RECOVERY PIPING & DETAILS - (HEALY CENTRAL SYSTEM)	3-422	REV. 3
EXTERIOR CONCRETE DETAILS	4-501	REV. 5
24' X 53' MODULAR BUILDING FOUNDATION FLOOR PLAN	S-3	REV. 0
24' X 53' MODULAR BUILDING INTERIOR EQUIPMENT & SCHEDULE	2WEO	REV. 1
24' X 53' MODULAR BUILDING INTERIOR ELEVATIONS	S-5	REV. 0
24' X 53' MODULAR BUILDING PLUMBING PLAN	P-1	REV. 0
24' X 53' MOD. BLDG. PLUMBING SCHED., NOTES & DETAILS	P-2	REV. 0
24' X 53' MODULAR BUILDING SINGLE PHASE ELECTRICAL PLAN	E-1	REV. 1
24' X 53' MOD. BLDG. SINGLE PHASE P'BOARDS & SRVC. ENT. WIRING DIA.	E-2	REV. 1
24' X 53' MODULAR BUILDING FOUNDATION PLAN	F-1b	REV. 0

REV. NO.	DATE	REVISIONS	DRAWN BY	CHK'D. BY	APP.
4	2/13 1991	REVISED ZONING INFORMATION TABLE & PARKING. ADDED ADJUTING PROPERTY OWNERS. UPDATED REFERENCE DRAWING LIST	DC	RCS	Bvt.
3	11-5 1990	ADDED LOCATING DIMENSIONS. ADDED ZONING & TAX MAP INFORMATION. ADDED LOCUS MAP	DC	NVK	
2	8-1 1990	MOVED CANOPY AWAY FROM EASEMENT. REVISED LIGHTING AND NOTES	SCG	DHR	
1	7/27 1990	REVISED PLOT PLAN TO SHOW NEW 39' X 52' SKEWED CANOPY PER DEF. MARK UP 7/19/90	EME	JCL	

REV. NO.	DATE	REVISIONS	DRAWN BY	CHK'D. BY	APP.
----------	------	-----------	----------	-----------	------

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

LOCATION: 362 WINDSOR HIGHWAY
NEWBURGH, N.Y.

PROJECT NO.

PLOT PLAN
PROPOSED IMPROVEMENTS

SCALE 1" = 10'-0"

APPROVED	FACILITY NO.	DRAWING NO.	REV. N.
CHECKED SCG	6-7744	RP-1	4
DRAWN VVM			
DATE 3-23-90			