

PB# 92-19

Carpet Mill Outlet

35-1-54.1

Approved

7/9/92

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12576

April 20 19 92

Received of The Carpet Mill Outlet \$ 150.00

One Hundred Fifty and 00/100 DOLLARS

For Planning Board Application Fee #92-19

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 6458		\$150.00

By Pauline J. Townsend
Town Clerk
Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12577

April 20 19 92

Received of Pauline J. Townsend \$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For Planning Board Review 92-19 The Carpet Mill Outlet

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 6457		

By [Signature]
Cap. Clerk
Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12734

July 7 19 92

Received of Jerrin Borden \$ 282.00

Two Hundred eighty-two DOLLARS

For Planning Board 92-19
\$132.00 Inspection Fee - Approval Fee 100 \$ 150.00

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 226		\$282.00

By Pauline J. Townsend
Town Clerk
Title

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564

FUND	CODE	AMOUNT
CP # 6458		\$ 750.00

By Pauline H. Townsend

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR **GENERAL RECEIPT** 12577
 555 Union Avenue
 New Windsor, NY 12550

April 20 19 92

Received of Pauline H. Townsend \$ 750.00

Seven Hundred Fifty and 00/100 DOLLARS

For Planning Board Review 12-19 The Carpet Mill Outlet

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 6457		

By [Signature]

Cap. Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR **GENERAL RECEIPT** 12734
 555 Union Avenue
 New Windsor, NY 12550

July 7 19 92

Received of Jerru Border \$ 282.00

Two Hundred eighty-two DOLLARS

For Planning Board 12-19
1532.00 Inspection Fee - Approval Fee 100 \$ 150.00

DISTRIBUTION:

FUND	CODE	AMOUNT
CP # 226		282.00

By Pauline H. Townsend

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

Planning Board
 Town Hall
 555 Union Ave.
 New Windsor, N.Y. 12550

NO. 92-19
January 7, 1993

RECEIVED FROM Seymour Border

Three Thousand Three Hundred 00/100 DOLLARS
Site Plan Bond for (92-19) Carpet Mill Outlet

Account Total \$ 3,300.00
 Amount Paid \$ 3,300.00
 Balance Due \$ -0- Myra Mason, Secy to the P.B.

[Signature]

"THE EFFICIENCY LINE" AN AMPAD PRODUCT



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) 296-2765

30 June 1993

MEMORANDUM

TO: Michael Babcock, Building Inspector

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

SUBJECT: CARPET MILL OUTLET SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 92-19
SITE COMPLETION REVIEW 29 JUNE 1993

This memorandum shall confirm that on the subject date we performed a follow-up visit to the Carpet Mill Outlet site to review the status of the site plan completion. The visit was held pursuant to the previous visit on 6 January 1993. The following items have not yet been completed:

1. Construction of refuse enclosure;
2. Installation of handicapped parking sign;
3. Striping, delineation of handicapped parking space and newly constructed parking spaces.

Although the finish pavement has been completed and this item had the greatest dollar value of previously uncompleted items, I recommend that a performance guarantee remain in place.

Respectfully submitted,



Mark J. Edsall, P.E.
Principal

MJEss

cc:  Planning Board Chairman

a:carpet.ss



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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

35-1-34.1

rec. 7-21-93

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

19 July 1993

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

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

SUBJECT: CARPET MILL OUTLET SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 92-19
MHE JOB NO. 87-56.2/T92-19
FIELD REVIEW 19 JULY 1993

Please be advised that on the morning of 19 July 1993 I performed a field review of the subject site to review the completion status of the two remaining items of work, namely completion of the handicapped parking space delineation and construction of the dumpster enclosure. Please be advised that both of these items have been completed. The blue striping for the handicapped parking space was not installed in accordance with the ANSI details; however, I believe same is functional at this point. The Applicant/Owner should be advised that proper striping should be installed during the next striping effort.

If you concur with the above, I believe the performance guarantee for the site work could be released by the Town Comptroller.

Respectfully submitted,

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

MJEss

cc: Lawrence Reis, Town Comptroller

a:carpet2.ss

OK Michael Babcock

Check from Seymour Borden on 7/19/93
\$3,300.00

7/27/93 - Larry to release money

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/07/92

PAGE: 1

LISTING OF PLANNING BOARD FEES
Escrow

FOR PROJECT NUMBER: 92-19
NAME: CARPET MILL OUTLET
APPLICANT: BORDEN, SEYMOUR

DATE	DESCRIPTION	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
04/16/92	SITE PLAN MINIMUM	PAID		750.00	
04/22/92	P.B. ATTY. FEES	CHG	35.00		
06/24/92	P.B. ATTY FEES	CHG	35.00		
04/22/92	P.B. MINUTES	CHG	9.00		
07/02/92	P.B. ENGINEER FEE	CHG	250.00		
/ /		PAID		0.00	
08/10/92	RETURN TO APPLICANT	CHG	385.00		
06/24/92	P.B. MINUTES	CHG	36.00		
TOTAL:			750.00	750.00	0.00

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Please issue a check
in the amount of \$385.00 to:

Carpet Mill Outlet
294 Windsor Hwy.
New Windsor, N.Y 12553

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/14/92

PAGE: 1

LISTING OF PLANNING BOARD FEES
Escrow

FOR PROJECT NUMBER: 92-19
NAME: CARPET MILL OUTLET
APPLICANT: BORDEN, SEYMOUR

---DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
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04/22/92	P.B. MINUTES	CHG	9.00		
07/02/92	P.B. ENGINEER FEE	CHG	250.00		
/ /		PAID		0.00	
08/10/92	RETURN TO APPLICANT	CHG	421.00		
		TOTAL:	750.00	750.00	0.00



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
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- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
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Milford, Pennsylvania 18337
(717) 296-2765

8 July 1992

MEMORANDUM

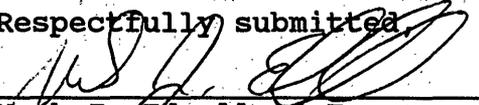
TO: Myra Mason, Planning Board Secretary
FROM: Mark J. Edsall, P.E., Planning Board Engineer
SUBJECT: CARPET MILL OUTLET SITE PLAN
NEW WINDSOR PLANNING BOARD 92-19

Please be advised that I have reviewed the site plan improvements cost estimate submitted by the Applicant. This estimate includes an amount of \$3,000.00 for paving and striping, \$100.00 for the handicapped sign and \$200.00 for the dumpster enclosure.

Please note that I take no exception to this estimate and would recommend that the Board accept same. In accordance with Chapter 19 of the Town Code, the Applicant should pay the Town an inspection fee for this work in an amount of \$132.00.

At this time, it is my understanding that the site plan has been revised in an acceptable fashion and am aware of no reason why the plans could not receive the stamp of approval.

Respectfully submitted,


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

MJEmk

A:7-8-E.mk

CARPET MILL OUTLET SITE PLAN (92-19) ROUTE 32

Mr. John Esposito came before the Board representing this proposal.

MR. ESPOSITO: I don't know really just what to tell you, we were at the Monday we got a verbal commitment from the Zoning Board of Appeals approving the variance that we have asked for for the height variance. This is where we stand now.

MR. PETRO: Height variance was for the where it says a 5 foot 3 yard, you were to close for the height, that is what the variance was for?

MR. VAN LEEUWEN: He needed side yard and rear yard.

MR. BABCOCK: No, the purpose of the variance was because the building is 2 foot higher than the existing building. To maintain the same height, if he was going to maintain the same height, he would not have had to go for the variances, not getting any closer than the existing building but because he's going 2 foot higher, it requires a variance.

MR. EDSALL: He's got quite a number of existing nonconformities, there's only one item that was being made worse as it may be and that was the height.

MR. PETRO: What is the overall height of the building?

MR. ESPOSITO: 15 feet 7 inches.

MR. PETRO: Of the proposed and the other one is 13 foot 7.

MR. SCHIEFER: Did you attend the Zoning Board of Appeals meeting on this?

MR. ESPOSITO: Yes, I did.

MR. SCHIEFER: Did they have a public hearing.

MR. ESPOSITO: Yes, they did.

MR. VAN LEEUWEN: If we would do anything we have to make it subject to anyway, what did you do with the

truck that you had out there?

MR. ESPOSITO: It's been parked in a bay where it belongs like you stated to me.

MR. VAN LEEUWEN: You mean it's not in the back?

MR. ESPOSITO: It isn't in the back, it's parked in the garage bay in the bay where our loading dock is. It's not being used, it's not being put up front any longer.

MR. SCHIEFER: We'll still have to declare lead agency on this. I make a motion that the Town of New Windsor Planning Board take lead agency on the site plan Carpet Mill Outlet site plan.

MR. VAN LEEUWEN: I'll second it.

MR. PETRO: Motion has been made and seconded to take lead agency on the Carpet Mill Outlet site plan. Any further discussion? If not, roll call.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Schiefer	Aye
Mr. Dubaldi	Aye
Mr. Lander	Aye
Mr. Petro	Aye

MR. SCHIEFER: In view of the fact that the Zoning Board of Appeals has already had a public hearing, I personally don't think we need another one. How do the other Board members feel?

MR. VAN LEEUWEN: I don't think so. I make a motion we waive the public hearing.

MR. SCHIEFER: I'll second it.

MR. PETRO: Motion has been made and seconded the Carpet Mill Outlet site plan that we waive public hearing in lieu of the public hearing that we just held on the Zoning Board level. Is there any further comments? If not, roll call.

ROLL CALL:

June 24, 1992

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Mr. VanLeeuwen Aye
Mr. Schiefer Aye
Mr. Dubaldi Aye
Mr. Petro Aye
Mr. Lander Aye

MR. VAN LEEUWEN: There's a couple of things here, I know you have blacktop in the front, okay, on the side here you have existing shale.

MR. ESPOSITO: That's correct.

MR. VAN LEEUWEN: Are you going to blacktop that?

MR. ESPOSITO: It is our intention to blacktop it.

MR. VAN LEEUWEN: It should show on the map otherwise basically I have no problems with it. We looked at it before, we didn't disagree, it's a crowded little spot but still.

MR. DUBALDI: I make a motion we declare a negative declaration.

MR. VAN LEEUWEN: I'll second that.

MR. PETRO: Motion has been made and seconded to declare a negative declaration on the Carpet Mill Outlet site plan and seconded. Any other comments?

ROLL CALL:

Mr. VanLeeuwen Aye
Mr. Schiefer Aye
Mr. Lander Aye
Mr. Dubaldi Aye
Mr. Petro Aye

MR. VAN LEEUWEN: What is everybody else's thought of the side of the building and the rear of the building because he shows three parking places in the back now he doesn't have to blacktop all the way behind but where he's got the parking places.

MR. DUBALDI: The handicapped spot is going to be

blacktopped, right? .

MR. ESPOSITO: Yes, it is.

MR. SCHIEFER: The front is blacktopped.

MR. PETRO: What are the three extra spaces in the back for?

MR. ESPOSITO: That is to achieve the proper amount of spaces required.

MR. PETRO: For retail use or use by employees?

MR. ESPOSITO: They'll be used by employees so the retail can be used up front.

MR. LANDER: He still needs 12 parking places.

MR. PETRO: So a retail person can park there.

MR. VAN LEEUWEN: You're still going to do the same business, the rugs and so forth, right?

MR. ESPOSITO: It will be run similarly, yes the same operation.

MR. VAN LEEUWEN: That you have there now?

MR. ESPOSITO: Yes, it is not going to change any building just needs to be fixed.

MR. PETRO: Where is the blacktop going up to now? I see existing shale.

MR. ESPOSITO: Basically, in the front.

MR. PETRO: There's nothing on the north side at all?

MR. VAN LEEUWEN: No.

MR. ESPOSITO: Is it a requirement to have blacktop?

MR. VAN LEEUWEN: On commercial properties otherwise I wouldn't bring it up.

MR. LANDER: Is there going to be any overhead doors in the back?

June 24, 1992

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MR. ESPOSITO: No.

MR. LANDER: On the side?

MR. ESPOSITO: No. The only doors will be the existing doors now.

MR. VAN LEEUWEN: He's got three parking places back here and he's got a dumpster to get to. Your dumpster is going to have to be enclosed.

MR. PETRO: He's got it screened on the visible side. Is there anything on the other side, Ron, that would make it necessary to screen all the way around? It's screened on the side towards Route 32. I don't know, I think it's woods back there, what is behind the building?

MR. ESPOSITO: Woods.

MR. LANDER: There's nothing back there, it's 29 acres of vacant land an old farm house, barn. It's falling down now. I don't think it was then.

MR. PETRO: What is in the building code when we talk about the screening, is it screening on the one side sufficient or all the way around?

MR. EDSALL: It's discretionary.

MR. LANDER: We had it in mind to keep the papers and bags from flying around, that's the main thrust of having that thing enclosed, a chain link fence with the slats or formally we would have them if it was in the front where people could view it, we'd have it made out of the same material of the building, natural not wood but concrete block something substantial so they don't knock it all down in five days.

MR. VAN LEEUWEN: What do we want to do about the dumpster? You think that's sufficient or close the whole thing in?

MR. PETRO: I think he made the point it's because of the papers and everything else that could blow around. It should be enclosed.

MR. LANDER: We make everybody else do it.

MR. PETRO: Paving also brings up a problem we have been making everyone pave. There is --

MR. SCHIEFER: How about the amount of paving, would anyone on the Board have any objection if we paved up to and including all parking spaces?

MR. VAN LEEUWEN: That's exactly what I said before. I don't care if he goes beyond the three parking places.

MR. SCHIEFER: Beyond that I don't think you have to pave.

MR. VAN LEEUWEN: No, just the three parking places and to that.

MR. SCHIEFER: I see no use to put it in the back.

MR. VAN LEEUWEN: I'll make a motion to approve subject to the following.

MR. DUBALDI: What about Orange County Planning?

MR. PETRO: There is nothing back as of today. We'd have to make subject to.

MR. VAN LEEUWEN: Subject to Orange County Planning Board approval.

MR. BABCOCK: Maybe I can add that on this application this did go to Orange County Planning through the Zoning Board and it was local determination by them, although we do have to wait for it for us, I don't think it should hold up the project.

MR. PETRO: Let me make a couple comments and you can make the motion. One is we talked about the paving up to the, you have the dumpster, do you have the Orange County Planning has to be addressed too.

MR. VAN LEEUWEN: Can I make my subject to's? I'll make a motion to --

MR. PETRO: Just that the Zoning Board --

MR. VAN LEEUWEN: I'm going to grab that one too,

there's four of them. I make a motion to approve subject to that the rest of the property is to be blacktopped up to and including the three parking places; subject to the Orange County Planning Board giving approval, that we receive approval before the map is stamped from the Zoning Board of Appeals and that he encloses the dumpster site and that that old truck does not come back up front.

MR. SCHIEFER: I'll second it.

MR. PETRO: Motion has been made and seconded that we give approval to Carpet Mill Outlet site plan with the following subject to's.

MR. EDSALL: Just one discussion item just to get it in the record, you're not making any improvements within the DOT right-of-way, anything within the DOT right-of-way is as is.

MR. ESPOSITO: We will not be changing one thing.

MR. EDSALL: Just for the record, they are not making any modifications or changing the access to the State highway. Therefore, this application is not being referred to the DOT nor are we waiting for any response.

MR. PETRO: It's now in the minutes.

MR. EDSALL: Thank you.

MR. PETRO: We do have the motion before the Board and seconded subject to the paving going back and including up to at least three parking spots behind the building, the dumpster be enclosed fully, that the Zoning Board variances be put on the map and in our files and also we were back from Orange County Planning that it's local determination at the Planning Board level. Are there any further comments?

MR. ESPOSITO: I have a question, does the Orange County, does that hold us up any?

MR. PETRO: They cannot go further than 30 days, it's already been sent.

MR. VAN LEEUWEN: Might be a week or ten days, you're

June 24, 1992

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making a promise that truck is not going to show up again, right?

MR. BABCOCK: To get the paper work and all that shouldn't hold you up at all.

MR. PETRO: Is there any further discussion?

MR. VAN LEEUWEN: You're going to make a promise that the truck will not come out again?

MR. ESPOSITO: The truck will be put in the bay or in the back. Is in the bay okay?

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Schiefer	Aye
Mr. Dubaldi	Aye
Mr. Lander	Aye
Mr. Petro	Aye

ZONING BOARD OF APPEALS
Summer Session
July 27, 1992

B.I.

AGENDA: (REVISED)

7:30 P.M. - ROLL CALL

Motion to accept minutes of the 7/13/92 meeting if available.

PRELIMINARY MEETING:

SET UP FOR
P/H

1. NEWCOMB, JOANN - Request to allow existing pool, deck and 6 ft. high fence in front yard contrary to Secs. 48-14(A), 48-14(B)1, 48-14(C)(2) and 48-21(G)1 at property located on Hickory Avenue in an R-4 zone. (63-8-3).

SET UP FOR
P/H

2. CARROLS CORPORATION - Request for 24 s.f. sign area variance for Burger King sign located on Windsor Highway in a C zone. Present: Sharon Rud. (65-2-12).

SET UP FOR
P/H

3. SCHUMACHER, LOUISE - Request for 47 ft. rear yard variance to construct addition to residential dwelling located at 1425 Route 207 in an R-1 zone.

FORMAL DECISIONS:

- (1) ~~NEWCOMB~~
- (2) BORDEN
- (3) REED

APPROVED

PAT - 563-4630 (O)
562-7107

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of
SEYMOUR BORDEN/CARPET MILL OUTLET

DECISION GRANTING
AREA VARIANCE

#91-16
-----X

WHEREAS, SEYMOUR BORDEN, 84 Sycamore Drive, Middletown, New York 10940, has made application before the Zoning Board of Appeals for a 15.07 ft. building height variance in order to construct an addition to the Carpet Mill Outlet, located at 294 Windsor Highway, New Windsor, N.Y., which property is located in a C zone; and

WHEREAS, a public hearing was held on the 8th day of June, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York. The public hearing was adjourned to and continued on June 22, 1992 to allow 30 days for the Orange County Department of Planning and Development to comment and to permit a second publication and mailing due to a possibly misleading statement concerning the extent of the height variance in the first legal notice; and

WHEREAS, applicant, SEYMOUR BORDEN, appeared in behalf of himself together with John Esposito, Manager of the Carpet Mill Outlet, who spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the ZBA received correspondence from one neighboring property owner, Agnes Cavalari, who was in favor of granting the variance, and

WHEREAS, the application was unopposed; and

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

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

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to building height in order to construct an addition to the existing structure which presently houses a carpet warehouse and retail store in a C zone.

3. The evidence presented by applicant substantiated the

fact that a variance for more than the allowable building height would be required in order to allow construction of the addition which otherwise would conform to the bulk regulations in the C zone.

4. The evidence presented on behalf of the applicant indicated that he would suffer significant economic injury from the strict application of the bulk regulations concerning building height because the carpet material that is supplied comes in 15 ft. width and in order to display the material for selling purposes, an addition must be constructed which is higher than the existing warehouse height. If applicant were to construct an addition which would fall within the height regulations of the building code he would have an addition which would not be feasible considering the nature of the business.

5. The evidence presented by the applicant further indicated that 15 ft. wide carpet rolls have become the industry standard. Thus, the applicant seeks to utilize the typical warehouse height required by the current standards in the carpet industry.

6. Although the variance request for a 15.07 ft. building height variance, which seems substantial, this Board was advised by the applicant that he really only seeks to raise the roof height by two feet.

7. This Board has considered the fact that the present building was constructed in 1965 prior to the adoption of the Zoning Local Law of the Town of New Winsor. Consequently the present property is deficient by current zoning local law bulk requirements in lot area, lot width, front yard and side yard/total side yards. Each of these are deficient but are pre-existing and non-conforming.

8. Since the maximum building height is calculated based upon the distance to the nearest lot line which is only 5.3 feet, the increase in the building height of two feet creates the need for a seemingly disproportionate 15.07 ft. building height variance.

9. This Board has considered the alternatives available to the applicant other than the variance procedure and finds that they would be uneconomic. The applicant cannot lower the floor because that would require that there be a ramp or stairs between the warehouse areas with two different heights. As a practical matter, the warehouse floor needs to be all on one level and the existing floor level of the present building determines that level.

10. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

11. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

12. There is no other feasible method available to applicant which can produce the benefit sought results other than the variance procedure.

13. The requested variance is not substantial in relation to the bulk regulations for building height, given the fact that the 5.3 ft. distance to the property line creates the need for a 15.07 ft. variance when the actual increase in building height is only two feet.

14. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

15. The difficulty the applicant faces in conforming to the bulk regulations is not self-created.

16. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

17. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

18. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 15.07 ft. building height variance to allow construction of an addition to the existing building in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

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

Dated: July 27, 1992.

(ZBA DISK#8-053085.FD)

Chairman

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/14/92

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 92-19

NAME: CARPET MILL OUTLET

APPLICANT: BORDEN, SEYMOUR

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	04/20/92	MUNICIPAL HIGHWAY	/ /	
ORIG	04/20/92	MUNICIPAL WATER	04/22/92	APPROVED
ORIG	04/20/92	MUNICIPAL SEWER	/ /	
ORIG	04/20/92	MUNICIPAL SANITARY	/ /	
ORIG	04/20/92	MUNICIPAL FIRE	04/21/92	APPROVED
ORIG	04/20/92	PLANNING BOARD ENGINEER	/ /	
ORIG	06/11/92	O.C. PLANNING DEPT.	06/23/92	LOCAL DETERMIN

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/14/92

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

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

FOR PROJECT NUMBER: 92-19

NAME: CARPET MILL OUTLET

APPLICANT: BORDEN, SEYMOUR

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
07/09/92	PLANS STAMPED	APPROVED
06/24/92	P.B. APPEARANCE	LA/ND WAIVE PH
06/24/92	P.B. APPEARANCE CON'T . SUB. TO: PAVING, OCPD, VARIANCES ON PLAN, ENCLOSE DUMPSTER	APPROVE SUB. TO MARK
06/22/92	Z.B.A. APPEARANCE	APPROVED
06/08/92	Z.B.A. APPEARANCE	TABLED TILL 6/22/92
05/11/92	Z.B.A. APPEARANCE	REVISE DISAPPROVAL
04/22/92	P.B. APPEARANCE	REFERRED TO Z.B.A.
04/14/92	WORK SESSION APPEARANCE	SUBMIT PLANS
03/17/92	WORK SESSION APPEARANCE	REVISE & RETURN

APPLICATION FEE (DUE AT TIME OF SUBMITTAL)

\$ 150.00 Pd

PLAN REVIEW FEE: (APPROVAL)

150.00

PLAN REVIEW FEE (MULTI-FAMILY):
PLUS \$25.00/UNIT

A. \$150.00
B. _____

TOTAL OF A & B: _____

SITE IMPROVEMENT COST ESTIMATE: \$ 3,300.00

A. 4% OF FIRST \$50,000.00
B. 2% OF REMAINDER

A. 132.00
B.

TOTAL OF A & B: \$ 132.00

\$ 282.00

PROPOSAL

John L. Clark
General Contractor
New Windsor, NY 12553
(914) 562-1274

No. _____
Date 7/2/92
Sheet No. _____

Proposal Submitted To:

Work To Be Performed At:

Name Carpet Mill Outlet
Street Rt 32
City New Windsor,
State New York
Phone (914) 562-0234

Same
Street _____
City _____ State _____
Date of Plans _____
Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

- ① Excavate ground to water run off
- ② Cover 2 inch thick compressed black top
(200 X 25) + (35 X 20) = 5700 sq ft
- ③ Stripes will be to plans

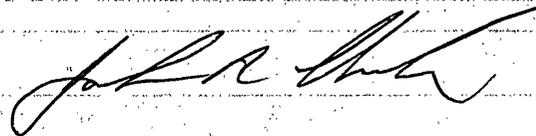
All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work, and completed in a substantial workmanlike manner for the sum of _____ Dollars (\$ _____).

with payments to be made as follows:
Total payment \$ 3000.00

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by _____

Respectfully submitted

Per



Note—This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date _____

Signature _____

June 8, 1992
BORDEN, SEYMOUR

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MR. FENWICK: Referred by the Planning Board. Request for 15.07 ft. building height variance to construct addition to store located on Windsor Highway in a C zone.

Mr. John Esposito came before the board representing this proposal.

MR. LUCIA: You're allowing him to proceed with this application?

MR. BORDEN: Yes.

MR. FENWICK: Anyone with reference to the Borden property? Basically you're going to present the same case that you did at the preliminary meeting.

MR. ESPOSITO: Basically the reason we need 2 foot height variance as it states is carpets coming in wider, it's hard any other way to display the carpet other than having the height of 16 feet. The industry is such that the best way to display this is having that height. We've done it for years, we've tried other ways, it just doesn't, nothing really works, nothing really good and now if you go into many carpet stores, you'll see that the way we're doing it is common throughout the carpet industry and that's basically our situation here.

MR. LUCIA: You mentioned 2 foot height variance, I think what you mean you need an additional 2 feet but I think legally it creates a need for a 15.07 foot height variance?

MR. ESPOSITO: Yes.

MR. LUCIA: I think that 2 foot apparently got repeated in the legal notice unfortunately so I'm not sure exactly how people reading that notice would have viewed it but I think they may well have viewed an application for 2 foot height variance differently than an application for an application for a 15 foot height

June 8, 1992

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variance. As it happens, all the board will not be able to vote on your application tonight because there was a County referral needed under Section 239 M, the County has not yet replied and by law this board is bound to give them 30 days to reply before we can vote so we're going to have to adjourn until the next meeting. Just to make sure the record is clear since we have to adjourn I'm going to suggest that we republish with the correct height because I really would feel badly if somebody said gee, if I knew it was 15 feet, I would have said something. Two foot I would have let it go. It should not delay you any because we have to put it over in any case.

MR. ESPOSITO: The 15 would that not leave them, wouldn't that sound a little odd to them? Wouldn't that make them think that we're going up 15 feet higher than we are now?

MR. LUCIA: It may, the function of any public notice basically is to advise the public if they have an objection they can come and hear the application and at that point you can explain that it really is effectively a 2 foot increase. It's not 15 feet off the ground. The 15 feet is generated by wording in the zoning ordinance but I think your protecting yourself by publishing the public notice for adjourned hearing and it's not going to delay you because this board can't vote on it tonight.

MR. FENWICK: How many people did you send to?

MR. ESPOSITO: Twenty seven, one neighbor approached me and she had grasps of exactly what we want. One neighbor said she new what we meant, she knew we were going up 2 feet. I don't know if that means that the message is clear or if you want to change to 15, 7 or 12.

MR. LUCIA: I would feel more comfortable with it because if it were real close I wouldn't be concerned but since it's a substantial difference between 2 feet and 15 feet it might well give rise to a claim somebody was misled.

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MR. ESPOSITO: County has a legal right of 30 days.

MR. LUCIA: County under General Municipal Law has 30 days in which to respond they were notified on May 18 so this board could not vote before June 18, the earliest unless the County responded prior to that.

MR. ESPOSITO: We're going to have to send out letters again?

MR. LUCIA: No, no new letters. Yes, okay, I suggest you do it and just say notice of adjourned hearing to our next meeting date which is June 22.

MR. FENWICK: Should we continue on with the public hearing and then find out what happens?

MR. TORLEY: Would it not be sufficient to re-publish the notice in the paper saying that it was 17 rather than having him send out the letters?

MR. LUCIA: It's regular mail.

MR. BABCOCK: It's for your own best interest nobody can ever contest that it is done wrong.

MR. ESPOSITO: Our problem is the Resnicks situation is closing.

MR. BORDEN: Resnicks is closing, we have no place to put the carpet.

MR. BABCOCK: This is not going to delay you one bit.

MR. LUCIA: We could not vote tonight even if this were not a problem.

MR. TORLEY: We understand if you have a 16 foot roll it has to be 16 feet high.

MR. ESPOSITO: Fifteen is what it is but you need for fire and so forth, so that's where that stands.

June 8, 1992

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MR. FENWICK: We're going to pursue the public hearing right now so stay here and what we're going to do this has become part of the record where we question you to republish to your mailing, a new mailing and republish in the paper as far as additional fees or anything else there isn't any.

MR. LUCIA: I just have a couple questions. Thank you for submitting the deed and title policy. Mr. Borden provided that. Mr. Borden, thank you for the deed and title policy. The notice refers to certain covenants and restriction which effect the property but they're not completely spelled out. Is there anything to your knowledge in those covenants, restrictions of record in the title to this property which would prohibit you from doing what this application now seeks?

MR. BORDEN: No.

MR. LUCIA: One other question I had just kind of curiosity in schedule B item 9 turned out a declaration of condominium supposedly recorded in Liber 2004, page 657. Was there a condo declaration filed on this property?

MR. BORDEN: No, not to my knowledge.

MR. LUCIA: Mr. Esposito, on the height variance, the last time you were here we talked about how that 15.7 feet was computed. You may recall we referred you to the definition of the code and the site plan referred to a height above finished floor. Are those one in the same?

MR. ESPOSITO: They are, I checked that out.

MR. LUCIA: Fine. I have no further questions.

MR. FENWICK: Any questions from the members of the board? At this time, I'll open it up to the public. Any comments on Mr. Borden's property? Now I'll close it to the public, back up to the members of the board.

MR. NUGENT: I make a motion we adjourn for notice

June 8, 1992
from the County.

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MR. TANNER: I'll second it

ROLL CALL

MR. NUGENT	AYE
MR. TANNER	AYE
MR. TORLEY	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

MR. LUCIA: Adjourned to June 22.

MR. BORDEN: Newspaper and mail?

MR. FENWICK: Please get that out as soon as possible.

MR. LUCIA: There's a ten day notice requirement.

May 11, 1992
BORDEN, SEYMOUR

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MR. FENWICK: Referred by the Planning Board. Request for 15.07 ft. building height for addition to existing building located on Windsor Highway in C zone.

John Esposito came before the Board representing this Proposal.

MR. ESPOSITO: Mr. Borden is on vacation so I took over and we both think it's foolish for him to come in now. I'm a little more familiar with it.

MR. FENWICK: Is he the owner?

MR. ESPOSITO: Yes, he is.

MR. LUCIA: It's fine if you are most familiar with it. We'll need a written authorization from Mr. Borden.

MR. BORDEN: I'm here now.

MR. LUCIA: Since you were on the record, you're authorizing Mr. Esposito to present your application and if the board should set him up, you're authorizing he board to bring him back for the public hearing representing your proposal at the public hearing.

MR. ESPOSITO: To my knowledge, the only problem we have is a height variance. Do you want to see the papers?

MR. FENWICK: Yes, please.

MR. BABCOCK: They're going directly out the back with an addition because of the contour of the land, they're raising the roof height 2 feet on the addition. They're too close to the property line for the, it's pre-existing so they can't go higher. If they continue the height of the building, they'd be okay but since they're going 2 foot higher, they're requiring a variance.

MR. LUCIA: Building is pre-existing?

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MR. BABCOCK; Yes.

MR. LUCIA: I notice the surveyor refers to all this as existing, I assume he meant pre-existing.

MR. BABCOCK: Right.

MR. LUCIA: Do you know when the building was constructed.

MR. ESPOSITO: We believe 1967.

MR. BORDEN: '65 I think.

MR. FENWICK: Due to the character of the contour of the land, that's the reason why this has to go 2 foot higher?

MR. ESPOSITO: No, actually that's one reason. It's also beneficial for carpet to have a higher ceiling, the ceiling now works but you have to be careful whereas the lighting is lower and 16 foot makes it just much better. Other than that I think like this gentleman said, I think everything is existing, pre-existing.

MR. LUCIA: Also note on the applicant's map it shows that 16.6 feet he refers to it as above the finished floor as long as that measurement is standard, I have no problem with it. He just specifies something that isn't usually specified. I have no problem with it. I just pointed out because I noticed it on the survey.

MR. FENWICK: So part of this you're going to be cutting into the hill down there?

MR. ESPOSITO: This is true, this is correct in one small section I believe an 8 foot vertical cut out.

MR. TANNER: The existing ceiling, the existing section is 14 feet high?

MR. ESPOSITO: The existing ceiling is 14 feet high.

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MR. TANNER: And you're going to 16 feet in the --

MR. BABCOCK: I think the reason for the above finished floor is because of the contours here. I don't know where you would take the, I guess he'd have to come up with an average elevation. What we're saying is that it's 2 feet higher than the existing. If he maintained the existing height, we wouldn't have a problem as far as I understand since he's 2 feet that's what we're here for now. It goes back since he's only 5 foot 3 off the property line, he goes back to that.

MR. LUCIA: The only reason I raise it is you might just have the architect or planner whoever did those maps doublecheck the computation because the board only reacts to the data that you submit so since he's qualified that building height figure just determine that really is the proper figure for which you should seek a height variance.

MR. ESPOSITO: Talking about 16'8", is that what we're discussing?

MR. LUCIA: What I am trying to determine is that the proper measure under the zoning ordinance for what it is you need for a height variance. In other words, we need to be talking apples and apples and if that is something other than the height measurement contemplated by the zoning ordinance, your professional should change it so that you're covering yourself and we're granting you a variance on accurate figures.

MR. BORDEN: I believe it's supposed to be 16 foot inside measurement and the 7 inches is the thickness of the ceiling with the insulation.

MR. ESPOSITO: Yeah, you're asking whether or not it's from the ground or from the actual concrete?

MR. LUCIA: Whether it's measurement contemplated by the zoning ordinance in measuring height.

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MR. BABCOCK: It is.

MR. ESPOSITO: So what how would I word this to him?

MR. BABCOCK: It's got to be the vertical distance measured from the average elevation from the finished grade along the side of the structure fronting the nearest street to the highest point. It's the average elevation of the building, if it's 3 foot out of the ground and ten foot over there, you take an average. It's from the floor.

MR. TORLEY: Definition is 40-37.

MR. LUCIA: We just need to get numbers right.

MR. BABCOCK: If anything it's going to be less because you're in the ground.

MR. TORLEY: He's being cautious by giving the finished floor.

MR. LUCIA: Maybe it will obviate the need for a variance if he cuts it down enough or might reduce your need for a variance.

MR. TANNER: If you back in the ground it might.

MR. BABCOCK: It's still 2 foot higher than the building that's there, see that's what we went by you know even if he was completely underground, he's still 2 foot higher than he's allowed to have.

MR. FENWICK: Side yard is too close anyway.

MR. BABCOCK: Now you go back and calculate the side yard of today's code, you allow four inches to the foot.

MR. FENWICK: Okay.

MR. BABCOCK: We discussed with the applicant about lowering the floor because that's a possibility but then he's got a ramp or set of stairs that he's got to

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climb to go from warehouse to warehouse.

MR. FENWICK: That's something that should be brought out at the public hearing as the reason for doing this.

MR. ESPOSITO: Yeah, I think I was at 2 preliminary hearings, workshops and I discussed that.

MR. BABCOCK; You need to explain it to this board.

MR. FENWICK: Are we all set here? Anymore questions? Do you want to read him the act one more time?

MR. LUCIA: You're applying for an area variance, that requires a showing of practical difficulty on your part so this board can grant you the area variance you're seeking, you need to establish that by showing something called significant economic injury from the application of the ordinance to your lot, that's comparing the cost of the parcel with the value as is presently zoned. If you cannot economically expand your warehouse without the variance that's relevant to it, show why it is you need the additional warehouse and why if that warehouse area conformed to the zoning ordinance it just wouldn't be economically useful, it's too short and can't get in carpet. That's the business you're in, an economic problem there. Also as part of that show us why it is you can't get by with a lesser variance, if you are bound by the minimum rules that's something that's an industry standard that you have and if you would when you come back bring us some photographs of the site, copy of your deed and title policy. Also we'll need 2 checks to the Town of New Windsor, one for \$50 for an application fee and second one for \$250 for deposit against town consultant fees and various disbursements the town has with the application.

MR. BORDEN: Is this in addition to 2 checks we already gave you?

MR. FENWICK: Yes.

MR. ESPOSITO: In addition to them?

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MR. FENWICK: Yes.

MR. LUCIA: We need County referral since you're on 32 that's not for you just for the record so we remember to send out the notices.

MR. ESPOSITO: Now when you say present do you mean in writing or verbally when I come up here on the second?

MR. LUCIA: Verbally is fine. We really do not have to have writing, you'll cover it in your application. There's a written version of it there, but the board needs to hear it from you verbally at the public hearing once again so you'll write it in the application and present it verbally at the public hearing.

MR. ESPOSITO: Okay so it should match?

MR. FENWICK: Yes.

MR. ESPOSITO: You'll ask me the question and I'll answer it?

MR. LUCIA: Sure.

MR. ESPOSITO: Okay.

MR. BORDEN: When does this all take place?

MR. LUCIA: Depends how soon you come back with the application. Once that comes in then we can set a date for the public hearing. Even if everything goes like clockwork you're not going to wind up with a variance before two months would be the earliest.

MR. BORDEN: That's an economic hardship.

MR. ESPOSITO: Two months before we end up with a variance?

MR. LUCIA: Right.

May 11, 1992

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MR. TANNER: Then they'll still have to come back to the Planning Board.

MR. BABCOCK: What my opinion is is that they can request to be on if they get an approval at the public hearing, even though the formal decision isn't written they can request to be on the agenda. They should try to coordinate the agendas so that when you leave here you're going right to the Planning Board the next step. I don't think we're going to have a meeting on Memorial Day, I won't be here. June 8 is the next meeting you know if you have your paperwork done and submitted to Patty by, ten days before then.

MRS. BARNHART: A lot longer than that, it's got to be in the newspaper ten days.

MR. BABCOCK: Start tomorrow. Once you get that you can request to be on the next agenda for the Planning Board.

MR. ESPOSITO: Do we go back to the Planning Board for the public hearing?

MR. LUCIA: Separate public hearings. This board has to conduct a public hearing on the variance application, the Planning Board may or may not conduct a public hearing depending on what it is you're applying for there. You need to exhaust this avenue with the Zoning Board before you can go back to the Planning Board.

MR. ESPOSITO: And?

MR. LUCIA: And then you submit your application if it's in time I guess it's conceivable you could be on the next Zoning Board public hearing which would be June 8 depending on how quickly you get your application back to this board and if there's a slot available on June 8 agenda but even after that if the board grants you a variance June 8 then we still have a formal decision depending on when minutes are available that might be the next meeting or second meeting after June 8.

May 11, 1992

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MR. TORLEY: We couldn't take final action June 8 because we have the 30 days.

MR. LUCIA: Unless they reply.

MRS. BARNHART: I call them all the time and try to push them a little, sometimes it works.

MR. BABCOCK: I'd like to see if we can find if Dan can find out if this exact plan is being sent there by the Planning Board.

MRS. BARNHART: Doesn't matter.

MR. BABCOCK: It's the same plan.

MRS. BARNHART: They ask us for an application, they want to know what he wants from the Zoning Board as to variances. It's a different referral sheet altogether, same plan but we still have to send it out to them.

MR. BABCOCK: I think that that's ridiculous myself but.

MR. LUCIA: Hopefully the same planner will review it.

MR. ESPOSITO: Who's notified of the public hearing?

MR. LUCIA: You'll have to get a list from the town assessor which will give you a list of the adjacent nearby property owners.

MR. ESPOSITO: I'll get a list.

MR. LUCIA: You'll have to obtain the list.

MRS. BARNHART: Read everything that's in here, this is a procedure. You're getting ahead of yourself. READ this whole thing so you can know what steps you have to take.

MR. BORDEN: I heard you say something about 500 feet, is that on the other side of the street as well?

May 11, 1992

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MR. LUCIA: Yes, 500 feet radius from all your property lines.

MR. BORDEN: We have some homeowner's who object to anything that happens.

MR. LUCIA: They'll be here.

MR. ESPOSITO: If someone is not happy with this, can it shut it down?

MR. LUCIA: It depends on how relevant their arguments are. Just as you must speak to significant economic injury, they must speak to the same issue so if the neighbors show up and basically they just don't like anything commercial within 500 feet of their residence that's not an argument the Zoning Board has to give any zoning weight to. It's a neighbor's argument but it's not something that speaks to the relevant zoning law so if they come up with an argument that says he hasn't considered there's an economic way of doing this, buy half size carpet rolls, if that's a conceivable way of doing it without a variance that's relevant. But they have to speak to the same issue, they come up with something relevant the board would consider it but if it's basically just we don't like it, that's not an issue.

MR. FENWICK: They have to address only what's before this board, that's all we consider although we'll listen to their arguments but all we're talking about is because you want to make your building 2 foot higher because seems like everything else is legal if you want to take the building at that height and stick it back as far as you want to and forget about the height and you lined up, you're allowed to do that, you're just looking for Planning Board approval and you'd not be before this board. So the only thing those people would have an argument for is why you can't have the 2 foot higher, that's all we're going to look at, that's all we can look at. There maybe several reasons they may not like the drainage, they may not like what you're going to do with the side yards. It's nothing

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we can address or take into consideration to what they address.

MR. ESPOSITO: Thank you very much.

MR. TANNER: I'll make a motion we set them up for a public hearing.

MR. TORLEY: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. TANNER	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

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

Respectfully Submitted By:


Frances Roth
Stenographer



MARY MCPHILLIPS
County Executive

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

PETER GARRISON Commissioner
VINCENT HAMMOND Deputy Commissioner

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

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

Referred by Town of New Windsor D P & D Reference No. NWT 18 92 M

Applicant Seymour Borden County I.D. No. 35 / 1 / 54.1

Proposed Action: Site Plan Review - Warehouse Expansion

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

Comments: There are no significant Inter-community or Countywide concerns to bring to your attention.

Related Reviews and Permits _____

County Action: Local Determination Disapproved _____ Approved _____

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

6/23/92

Date

Peter Garrison
D.P. Commissioner

ZONING BOARD OF APPEALS
Regular Session
June 22, 1992

AGENDA:

7:30 P.M. - ROLL CALL

MOTION TO ACCEPT MINUTES OF 5/11/92 and 6/8/92 MEETINGS AS
WRITTEN IF AVAILABLE. *APPROVED*

TABLED ITEM:

~~DISAPPROVED~~ 1. ANDOOM DEVELOPMENT CO., INC. - Public hearing adjourned from
6/8/92 for site inspection. (80-6-12).

PRELIMINARY MEETING:

*SET UP FOR
P/H*

2. SORBELLO, VINCENT - Request for 19,170 s.f. lot area variance
to construct single-family residence on Riley Road in R-3 zone.
(Previous variance granted on 9/8/86 but applicant did not apply
for building permit and variance lapsed.) (35-1-2).

*SET UP FOR
P/H*

3. PILLITERI, JOSEPH - Request for 12 ft. rear yard variance to
construct deck at 104 Glendale Drive in an R-4 zone. (25-4-3).

PUBLIC HEARING:

APPROVED

4. BORDEN, SEYMOUR/CARPET MILL OUTLET - 2nd public hearing due
to flaw in legal notice. Request for 15.07 ft. building height
variance to construct addition to store located on Windsor
Highway in a C zone. (35-1-54.1).

APPROVED

5. REED, THOMAS & CLAIRE - Request for 7 ft. rear yard variance
to construct roof over wooden deck at 506 Balmoral Circle in R-4
zone. (25-5-33).

FORMAL DECISIONS: (1) STENT

[Signature] *APPROVED*

PAT - 563-4630 (O)
562-7107 (H)

ZONING BOARD OF APPEALS
JUNE 8, 1992

AGENDA:

7:30 P.M. - ROLL CALL

MOTION TO ACCEPT MINUTES OF 05/11/92 MEETING IF AVAILABLE.

PRELIMINARY MEETING:

SET UP
FOR P/H

1. REED, THOMAS & CLAIRE - Request for 7 ft. rear yard variance to place a roof over and screen in an existing deck at 506 Balmoral Circle in an R-4 zone. (25-5-33).

PUBLIC HEARING:

APPROVED

2. FITZGERALD, WM. - Request for 1 ft. 6 in. rear yard variance for existing deck with roof at 1 Herbert Hoover Drive in an R-4 zone. (7-2-9.3).

TABLE
TO 6-22-92

3. BORDEN, SEYMOUR (CARPET MILL OUTLET) - Referred by P.B. Request for 15.07 ft. building height variance to construct addition to store located on Windsor Highway in a C zone. (35-1-54.1).

TABLE
TO 6-22-92

4. ANDOOM DEVELOPMENT CO., INC. - Request for 24.6 ft. street frontage in order to conform to bulk regs. for buildable lot at 352 Butternut Drive in a CL zone. Present: Gerrit Lydecker. (80-6-12).

APPROVED

5. BONET, CATHERINE - Request for 3.3 ft. side yard and 5 ft. rear yard variances to construct deck at 15 Cherry Avenue in R-4 zone. (13-14-22.1).

FORMAL DECISIONS: ~~(1) STENT~~
~~(2) DEDOMINICIS~~

Pat - 563-4630 (●)
562-7107 (h)

ZONING BOARD OF APPEALS
Regular Session
May 11, 1992

AGENDA: REVISED

7:30 p.m. - ROLL CALL

Motion to accept minutes of 4/13/92 AND 4/27/92 meetings as written. APPROVED

PROVED DECISION: DEDOMINICIS, ANTONIO - Pending review by OCPD.

PRELIMINARY MEETING:

TABLE 1. MUGNANO, PASQUALE - Request for use variance for barber shop in R-4 zone located at corner of Cimorelli Drive/Union Avenue. (7-1-20). CHECK AF ONE OR TWO FAMILY

REAR 2. BONET, CATHERINE - Request for 5 ft. rear yard variance to construct deck at premises located at 15 Cherry Avenue in R-4 zone. (13-14-22.1). SIDE YARD OF ~~3.3~~ 3.3
YARD-SET UP FOR P/H REVISED 5-11-92

T UP 3. FITZGERALD, WILLIAM - Request for 1 ft. 6 in. rear yard variance to obtain a c/c for existing wood deck and metal roof awning (P/H) at 1 Herbert Hoover Drive in an R-4 zone. (7-2-9.3)

T UP 4. SHUPE, JOHN - Request for 6 ft. rear yard variance for existing deck at 245 James Street in an R-4 zone. (24-2-11).
R P/H

5. DE COUTO, TERRY - Referred by P.B. - Request for (1) 19,168.1 s.f. lot area, (2) 86 ft. lot width (3) 33.1 front yard, (4) 16.25 ft. side yard (5) 1.95 ft. total side yard, and (6) 10.42 ft. height variances in order to convert a garage over to retail use (flower shop), retaining the single-family use at Old Temple Hill Road and Rt. 300 in a C zone. (68-3-3). NEED TO REVISE - NEED TWO SIDE YARDS - TOTAL SIDE YARD
NEED DISAPPROVAL FOR HOUSE NEED HEIGHT FOR HOUSE

6. BORDEN, SEYMOUR - (CARPET MILL OUTLET) - Referred by P.B. - Request for 15.07 ft. building height for addition to existing building located on Windsor Highway in C zone. (35-1-54.1).

FORMAL DECISIONS: (1) STENT
(2) DEDOMINICIS

PAT - 563-4630 (O)
562-7107 (h)

NEW DISAPPROVAL FOR HOUSE

USE FOR HOUSE
SIDE YARD FOR HOUSE
TOTAL SIDE YARD FOR HOUSE
HEIGHT FOR HOUSE

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

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

Local File No. 92-19

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date _____

City, Town or Village Board Planning Board Zoning Board

2. Owner: Name Seymour Borden

Address 294 Windsor, Hwy. - New Windsor

3. Applicant*: Name _____

Address _____

* If Applicant is owner, leave blank

4. Location of Site: Rt. 32 (West Side)
(street or highway, plus nearest intersection)

Tax Map Identification: Section 35 Block 1 Lot 54.1

Present Zoning District C Size of Parcel .51

5. Type of Review:

Special Permit: _____

Variance: Use _____

Area _____

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use Warehouse Expansion

12/11/92
Date

Myra Mason, Secy to the P.B.
Signature and Title

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: 92-19

DATE: 6 MAY 1992

APPLICANT: Borden, Seymour (Carpet Mill Outlet)

#1 ^{2BA} 5-11-92
SET UP FOR P/H

294 Windsor Hwy.

#2 2BA 6-8-92
P/H

New Windsor, N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED April 16, 1992

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT N.Y.S. Route 32 (Windsor Hwy.)

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 54.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED ADDITION

WILL HAVE GREATER HEIGHT THAN EXISTING BUILDING,
THEREFORE, BLDG. HT. VARIANCE REQUIRED.


PLANNING BOARD CHAIRMAN

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>	
ZONE <u>C</u>	USE <u>A-1</u>			
MIN. LOT AREA	<u>40,000 SF</u>	<u>22,550</u>	<u>*</u>	* EXISTING NON-CONFORM.
MIN. LOT WIDTH	<u>200 FT</u>	<u>110.52</u>	<u>*</u>	
REQ'D FRONT YD	<u>60 FT</u>	<u>47.8</u>	<u>*</u>	
REQ'D SIDE YD.	<u>30 FT</u>	<u>4.8</u>	<u>*</u>	
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>29.5</u>	<u>*</u>	** EXISTING BUILDING IS APPROXIMATELY 14'-8" IN HEIGHT.
REQ'D REAR YD.	<u>30 FT</u>	<u>34</u>	<u>—</u>	
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>—</u>	
MAX. BLDG. HT.	<u>4" FT = 1.6 FT</u>	<u>16.67</u>	<u>15.07 **</u>	
FLOOR AREA RATIO	<u>.5</u>	<u>.426</u>	<u>—</u>	
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>	
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %	<u>—</u> %	
O/S PARKING SPACES	<u>13</u>	<u>13</u>	<u>0</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

Mr. Esposito came before the Board representing this proposal.

MR. PETRO: You're here for conceptual approval and you want to go to the Zoning Board?

MR. ESPOSITO: Basically, yes.

MR. PETRO: We have water approved and fire is approved. Proceed.

MR. ESPOSITO: Basically what we have is we're trying to extend the warehouse part of it of the building using 50 by 80 as our new addition. I believe everything we meet code in almost everything except for existing height we're looking for a two foot height difference in the, in your part up to 16.

MR. PETRO: Mark, once this comes back to us, with the additional warehouse there what about parking, is it going to be enough parking?

MR. EDSALL: Yes, we at point I believe the parking has been resolved. We worked with the applicant at the workshop and this is probably the third version of the parking so it's been worked on and I anticipate I don't see any problem. Any problems that develop from here on I believe that we can solve those. I think the major problem of providing necessary space and fitting them on the site appear to have been solved. But the only encroachment which currently exists and the applicant is proposing to continue to exist would be the three spaces encroaching on to the right-of-way of Route 32 and it's existing so as long as the State takes no objection to the continued encroachment, I don't see a problem.

MR. PETRO: Motion from somebody.

MR. SCHIEFER: Let me ask a question, is that 5.3 feet side yard acceptable? It's existing so that's not the issue but isn't that--

MR. BABCOCK: You have setback from the New Windsor Packing property, see the distance?

MR. EDSALL: That setback being so small causes the

April 22, 1992

19

need for the height variance as well because that eliminated any access on that side that was one of the reasons why the parking on the north side was revised so that Bob Rogers felt comfortable with having a full lane access to the north side. Originally the right or the north side was obstructed by parking so that's one of the improvements that we worked out in the work session.

MR. VAN LEEUWEN: There's one thing that I have to complain about you know the Town is in the process of cleaning up the signs in this Town and you have a yellow truck that always sits out there. Anything we can do about it?

MR. ESPOSITO: We'll move it. We'll make sure it's not there.

MR. VAN LEEUWEN: If you are willing to do that and give us a letter to that effect.

MR. ESPOSITO: It can be put behind back.

MR. VAN LEEUWEN: Couple Town Board members have mentioned it to me. I make a motion we approve it.

MR. SCHIEFER: I'll second it.

ROLL CALL

MR. VAN LEEUWEN	NO
MR. LANDER	NO
MR. SCHIEFER	NO
MR. LANDER	NO
MR. PETRO	NO



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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

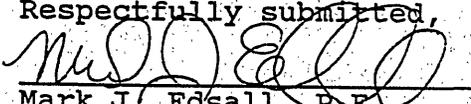
- Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CARPET MILL OUTLET SITE PLAN
PROJECT LOCATION: NYS ROUTE 32
PROJECT NUMBER: 92-19
DATE: 22 APRIL 1992
DESCRIPTION: THE APPLICATION INVOLVES AN ADDITION TO THE
EXISTING BUILDING/USE ON THE PROPERTY. THE PLAN
WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The use is a Use By Right for the "C" Zoning District. Due to the addition as proposed, at least an area variance for building height will be required.
2. The Board may wish to review the site plan layout with the Applicant, prior to making the referral to the Zoning Board of Appeals.
3. Upon return from the ZBA with the necessary variance(s), the engineering review of the site plan will be continued.

Respectfully submitted,


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

MJEmk

A:CARPET.mk

4022-92

92-19

APR 16 1982

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

Ronald F. Dragg - for the building or subdivision of

The Carpet mill outlets - _____ has been

reviewed by me and is approved

disapproved _____

~~If disapproved, please list reason~~

Notify water dept. for location of water
lines -

HIGHWAY SUPERINTENDENT

Steve D. D.

WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: TOWN FIRE INSPECTOR
DATE: 21 APRIL 1992
SUBJECT: THE CARPET MILL OUTLET

PLANNING BOARD REFERENCE NUMBER: PB-92-019

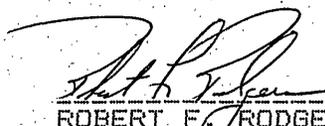
DATED: 16 APRIL 1992

FIRE PREVENTION REFERENCE NUMBER: FPS-92-025

A REVIEW OF THE ABOVE REFERENCED SUBJECT SITE PLAN WAS
CONDUCTED ON 21 APRIL 1992.

THIS SITE PLAN IS ACCEPTABLE.

PLAN DATED: 12 APRIL 1992; REVISION 2


ROBERT F. RODGERS; CCA

CC: H.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
Millford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 92-19

WORK SESSION DATE: 14 April 1992 APPLICANT RESUB.
REQUIRED: Revised plan.

REAPPEARANCE AT W/S REQUESTED: Not now

PROJECT NAME: Carpet Mill Outlet

PROJECT STATUS: NEW _____ OLD _____

REPRESENTATIVE PRESENT: John Esposito

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

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

~~FEED~~
 Plg spaces 10x20 revise layout
 add 8' space - ramp.
 Move dumpster
 fr. bulk table. & asterisks.
 add exist A-1



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

123

TOWN/VILLAGE OF New Windsor P/B # 92-19
 WORK SESSION DATE: 3-17-92 APPLICANT RESUB. REQUIRED: Full
 REAPPEARANCE AT W/S REQUESTED: Yes
 PROJECT NAME: Carpet Mill Outlet
 PROJECT STATUS: NEW OLD _____
 REPRESENTATIVE PRESENT: John Esposito
 MUNIC REPS PRESENT: BLDG INSP.
 FIRE INSP.
 ENGINEER
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- = currently carpet mill outlet
- next to y.c. - SHOW PROP OWNERS
- = need parking calc or plan
- = what is retail & what is storage (Yes retail)
- = need Area = 9600 sf * WILL NEED SPRINKLERS*
- add height wps (probably need variance)
- = approval box
- = Grading @ rear - ret wall? need elev info

4MJ91 pbwform

JOHN

APR 16 1992

X

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

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

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

1. Name of Project THE CARPET MILL OUTLET
2. Name of Applicant SEYMOUR BORDEN Phone 914-562-0234
Address 294 WINDSOR HIGHWAY NEW WINDSOR NY 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record SEYMOUR BORDEN Phone 914-342-3091
Address 89 SYCAMORE DRIVE MIDDLETOWN NY 10940
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan RON DRAGO - ARCHITECT Phone 457-3732
Address 201 WARD ST. SUITE J MONTGOMERY, NY 12549
(Street No. & Name) (Post Office) (State) (Zip)
5. X Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting JOHN ESPOSITO Phone 914-778-1525
(Name)
7. Location: On the WEST side of N.Y.S RT 32 (Windsor Highway)
1000 feet SOUTH
of Willow Ave.
(Street) (Direction)
8. Acreage of Parcel .51 9. Zoning District C
10. Tax Map Designation: Section 35 Block 1 Lot 54-1
11. This application is for WAREHOUSE EXPANSION

JOHN →

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 NONE 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 that five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable) NOT APPLICABLE

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

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

(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application for Special Use Approval as described herein.

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

Sworn before me this

16th day of April 1992

[Signature]
(Owner's Signature)

[Signature]
(Applicant's Signature)

Joseph M. Cocchiara
Notary Public

OW H&U
(Title)

JOSEPH M. COCCHIARA
Notary Public, State of New York
No. 03-4644544
Qualified in Orange County
Commission Expires 12/94

Seymour
X

92-19

APR 6 1992

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Seymour Borden, deposes and says that he
resides at 84 SYCAMORE DRIVE MIDDLETOWN NY 10940
(Owner's Address)
in the County of ORANGE
and State of NEW YORK
and that he is the owner in fee of CARPET MILL OUTLET

which is the premises described in the foregoing application and
that he has authorized JOHN ESPOSITO
to make the foregoing application as described therein.

Date: 4/16/92

* [Signature]
(Owner's Signature)

[Signature]
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

2-19
APR 16 1992
E
SEQR

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR RONALD DRAGO	2. PROJECT NAME THE CARPET MILL OUTLET
3. PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 294 WINDSOR HIGHWAY, RT 32, NEW WINDSOR, N.Y. 1000 FT. ± SOUTH OF WILLOW AVE. INTERSECTION	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: 50'x80'x17' HIGH CONCRETE BLOCK WAREHOUSE ADDITION TO EXISTING BUILDING.	
7. AMOUNT OF LAND AFFECTED: Initially .5 acres Ultimately .5 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly HEIGHT VARIANCE IS REQUIRED	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals PLANNING BOARD APPROVAL	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval CURRENTLY HAS CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No NEW CERTIFICATE OF OCCUPANCY	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Ronald F. Drago	Date: 4/16/92
Signature: RONALD F. DRAGO - ARCHITECT	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- 1. Site Plan Title
- 2. Applicant's Name(s)
- 3. Applicant's Address(es)
- 4. Site Plan Preparer's Name
- 5. Site Plan Preparer's Address
- 6. Drawing Date
- 7. Revision Dates
- 8. AREA MAP INSET
- 9. Site Designation
- 10. Properties Within 500 Feet of Site
- 11. Property Owners (Item #10)
- 12. PLOT PLAN
- 13. Scale (1" = 50' or lesser)
- 14. Metes and Bounds
- 15. Zoning Designation
- 16. North Arrow
- 17. Abutting Property Owners
- 18. Existing Building Locations
- 19. Existing Paved Areas
- 20. Existing Vegetation
- 21. Existing Access & Egress

PROPOSED IMPROVEMENTS

- 22. NA Landscaping
- 23. NA Exterior Lighting
- 24. NA Screening
- 25. Access & Egress *EXISTING*
- 26. Parking Areas
- 27. Loading Areas
- 28. NA Paving Details (Items 25-27)

- 29. NA Curbing Locations
- 30. NA Curbing Through Section
- 31. NA Catch Basin Locations
- 32. NA Catch Basin Through Section
- 33. NA Storm Drainage *EXISTING*
- 34. Refuse Storage
- 35. NA Other Outdoor Storage
- 36. NA Water Supply
- 37. Sanitary Disposal Sys. *EXISTING*
- 38. NA Fire Hydrants
- 39. Building Locations
- 40. Building Setbacks
- 41. Front Building Elevations
- 42. Divisions of Occupancy
- 43. Sign Details *EXISTING*
- 44. BULK TABLE INSET
- 45. Property Area (Nearest 100 sq. ft.)
- 46. Building Coverage (sq. ft.)
- 47. Building Coverage (% of Total Area)
- 48. Pavement Coverage (Sq. Ft.)
- 49. Pavement Coverage (% of Total Area)
- 50. Open Space (Sq. Ft.)
- 51. Open Space (% of Total Area)
- 52. No. of Parking Spaces Proposed.
- 53. No. of Parking Required.

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

PREPARER'S ACKNOWLEDGEMENT:

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

By: *Ronald J. Drayco*
Licensed Professional

Date: 4/16/92

920 19

APR 16 1982

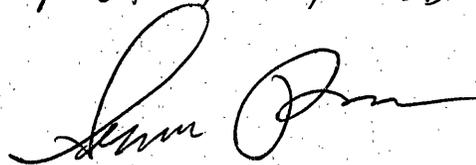
RECEIVED

X

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

NOT IN FLOOD AREA

A handwritten signature in cursive script, appearing to read "Sam Jones", written in dark ink.

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

Structure Type

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

____ 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 whomsoever 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 _____

_____ 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 _____

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 _____

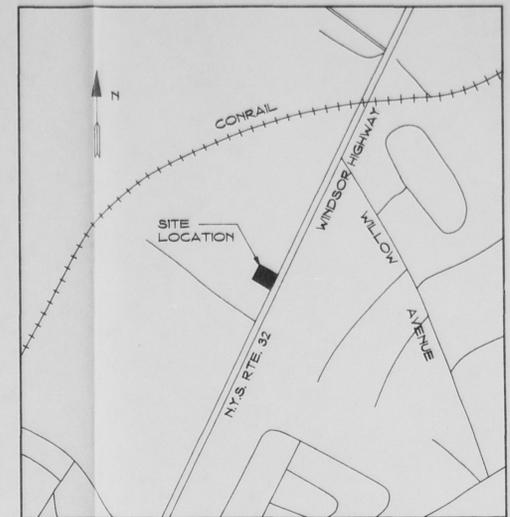
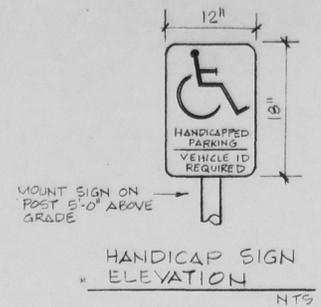
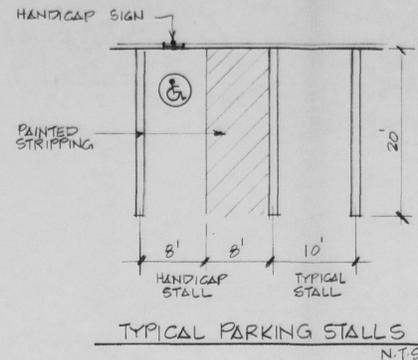
This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. _____, or has a duly granted variance.

Signed _____
(Local Administrator)

Date _____

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

DATE	REVISION
4-2-92	SURVEY REVISIONS
4-14-92	WORK SESSION REVISIONS
6-25-92	FINAL SITE REVIEW



LOCATION MAP N.T.S.

ZONING DISTRICT 'C'
(EXISTING A-1)

DESCRIPTION	REQUIRED	SHOWN
LOT AREA	40,000 SQ. FT.	22,550 SQ. FT. *
LOT WIDTH	200'	110.52' *
FRONT YARD	60'	47.8' *
SIDE YARD	30'	4.8' *
BOTH SIDES	70'	29.5' *
REAR	30'	34' *
MAX. BLDG. HT.	4' / FT. TO P.L.F. 1-6'	16'-3" A.F.F. **
FLOOR AREA RATIO	50 %	42.6 %
DEVELOPMENT COVERAGE	N/A	-
REQUIRED STREET FRONTAGE	N/A	-

* = PRE-EXISTING CONDITIONS
** = ZONING VARIANCE GRANTED 6-22-92
A.F.F. = ABOVE FINISHED FLOOR

PARKING CALCULATIONS

	MIN. REQUIRED	SPACES SHOWN
RETAIL PARKING	3.2	4
WAREHOUSE PARKING	9.4	9
TOTAL PARKING	12.6	13

APPLICANT & OWNER

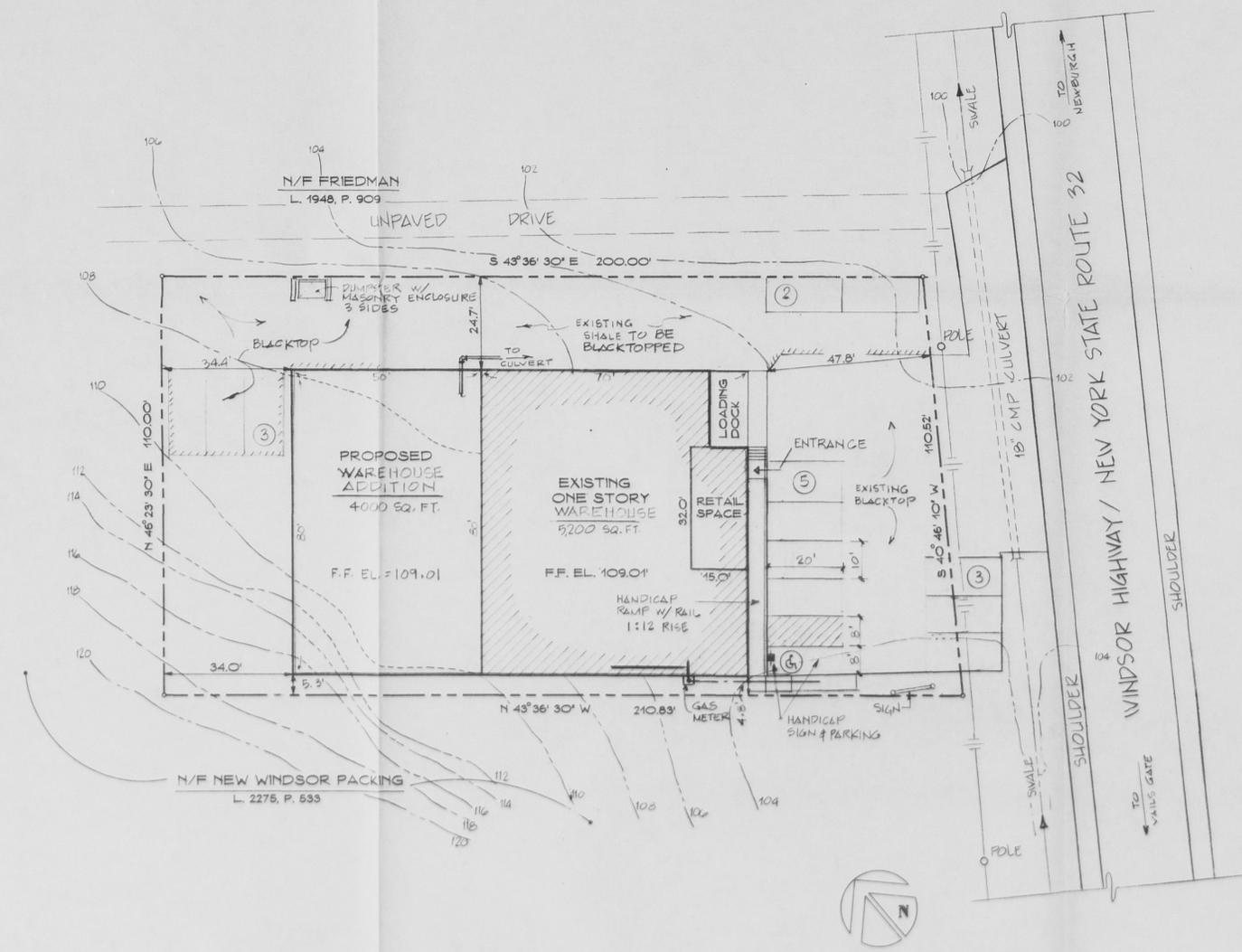
SEYMOUR BORDEN
84 SYCAMORE DRIVE
MIDDLETOWN, NEW YORK

DEED REFERENCE

LIBER 2392, PAGE 234

TAX MAP DATA

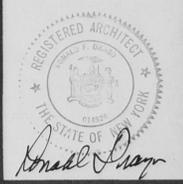
SECTION : 35
BLOCK : 1
LOT : 54.1



SITE PLAN

SCALE: 1" = 20'

ALL SITE INFORMATION TAKEN FROM SITE PLAN PREPARED BY PATRICK T. KENNEDY, LICENSED LAND SURVEYOR, DATED JUNE 12, 1989 AND REVISED MARCH 30, 1992.



RONALD F. DRAGO
ARCHITECT / PLANNER
201 WARD STREET
MONTGOMERY, NY 12549

NEW ADDITION TO
THE CARPET MILL OUTLET
ROUTE 32
NEW WINDSOR, N.Y.
JOB NO. 92-440
DATE: MAR. 10, 92
SCALE: NOTED
DRAWN BY: J.S.

SHEET NO. **5-1**
OF 1

APPROVAL

SITE PLAN APPROVAL GRANTED
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON **JUL - 9 1992**
BY *Ronald Lander*
RONALD LANDER
SECRETARY