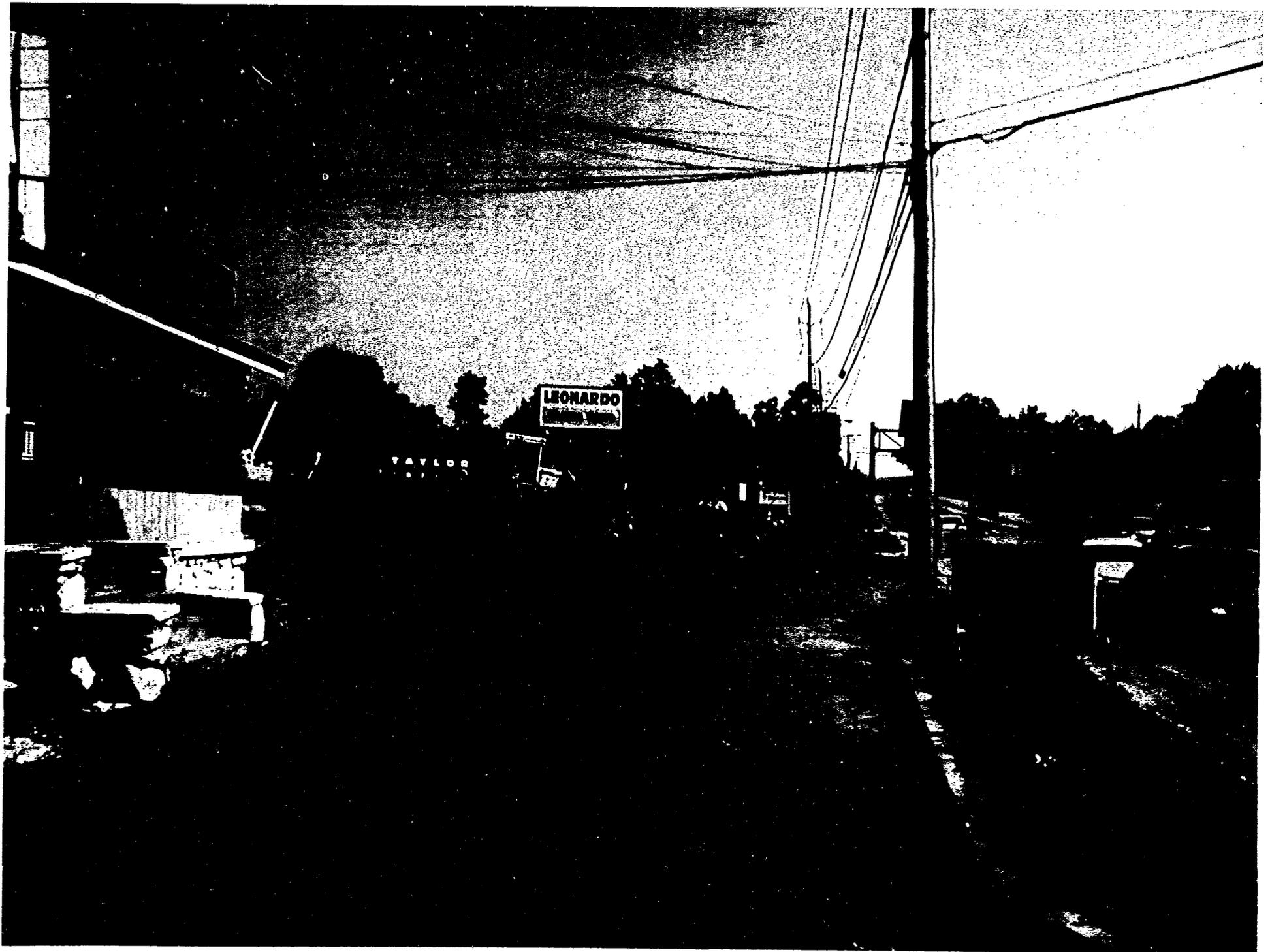


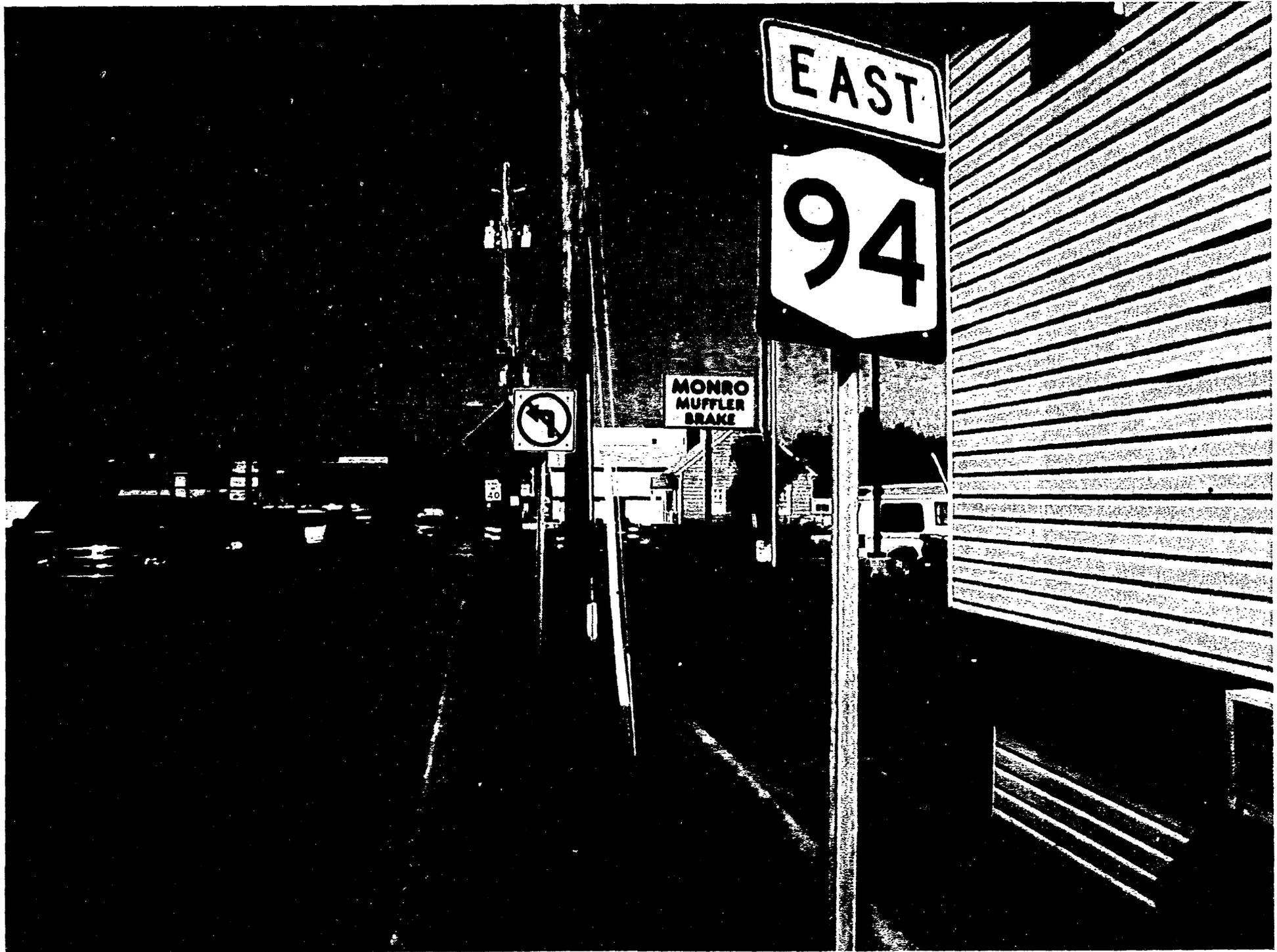
ZB# 03-47

Hannaford's

70-1-16.2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 10/27/03









**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: September 16, 2003

**APPLICANT: 4 Acres LLC
104 South Central Avenue
Valley Stream, NY 11580**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/2/03

FOR : 70-1-16.2

LOCATED AT: Rte. 32 (Hannaford)

ZONE: C Sec/Blk/ Lot: 70-1-16.2

DESCRIPTION OF EXISTING SITE: 70-1-16.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. 48-18, H-1b Façade sign at each main building entrance is permitted 2.5'x10' and 3.5'x10' if 300' from the street. Sign A will be 300' or more from the street. Sign B will be less than 300' from the street. Sign A 11.6' x 27.5' requires a variance of 8.1'x17.5'. Sign B 8'x47.6' requires a variance for the additional sign 8'x47.6'.**

COPY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

SEP 03 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: PA 2003-1114

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises 4 Acres, LLC (c/o William Stepany)

Address 104 South Central Ave - Suite 20, Valley Stream, NY 11580 Phone # 860-672-7070

Mailing Address Same Fax # _____

Name of Architect Collins + Scoville Architects, P.C.

Address 40 Beaver St, Albany NY 12207 Phone 518-463-8068

Name of Contractor sign contract not awarded

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Lessee

If applicant is a corporation, signature of duly authorized officer. Elting H. Smith
(Name and title of corporate officer) Elting H. Smith, Asst. Sec'y

1. On what street is property located? On the E side of NYS Route 32
(N, S, E or W)
and 600 feet from the intersection of NYS Rtes 32/94/300

2. Zone or use district in which premises are situated C Is property a flood zone? Y N X

3. Tax Map Description: Section 70 Block 1 Lot 16.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant b. Intended use and occupancy Supermarket

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other NEW WALL SIGN @ STOREFRONT

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
Sign Dimensions shown on accompanying plans

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Supermarket

10. Estimated cost _____ Fee \$50
ck # 2046869

PAID

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

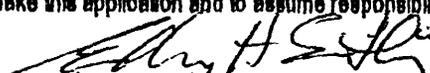
Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

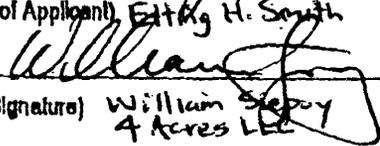
- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant) Edith H. Smith

Doris Douglas Boyle, Hannaford Bros. Co., M/S 6100
P.O. Box 1000, Portland ME 04104

(Address of Applicant)


(Owner's Signature) William Steby
4 Acres LLC

4 Acres, LLC
104 South Central Avenue - Suite 20 Valley Stream NY

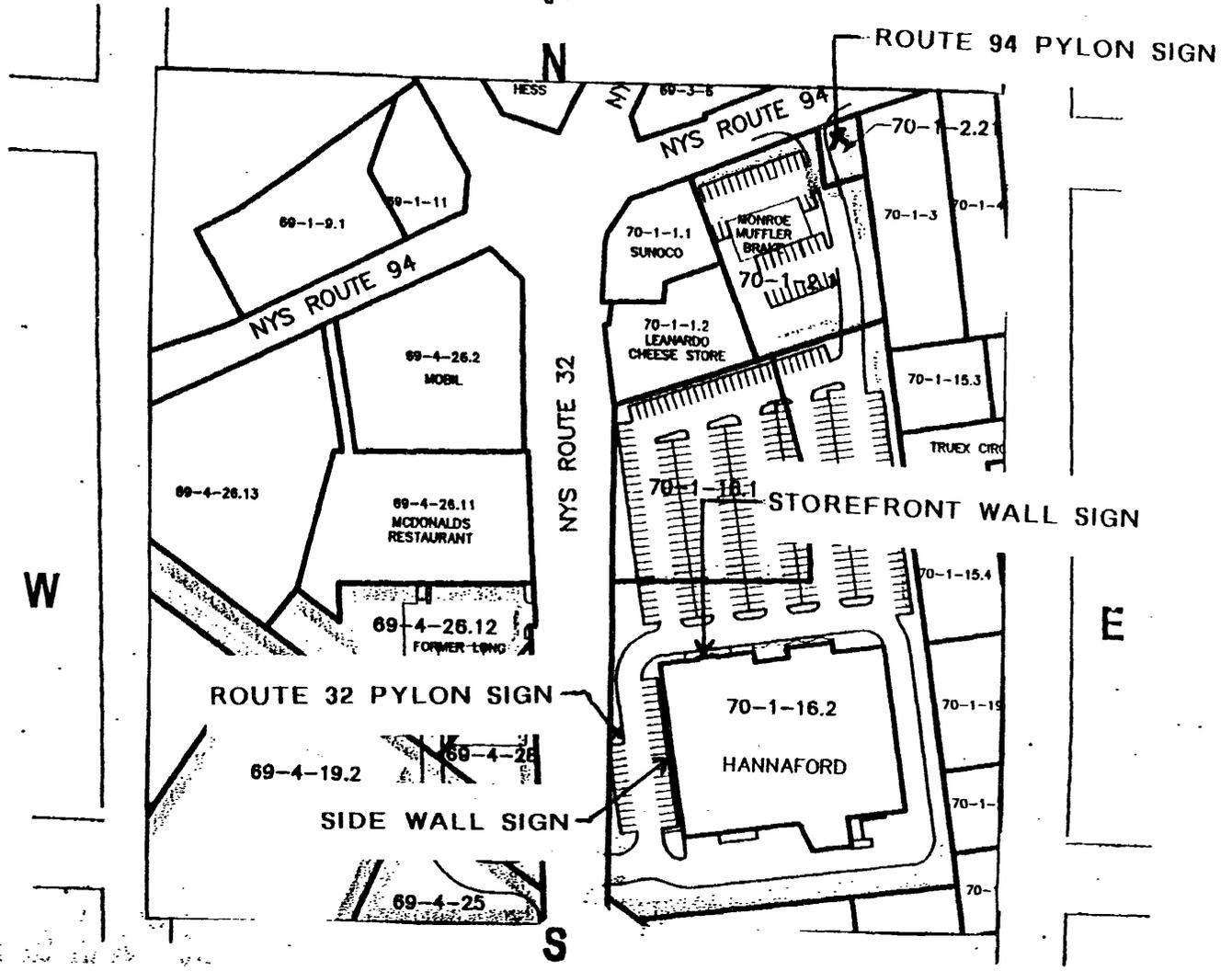
(Owner's Address)

11580-5661

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
 IMPORTANT
 YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION
 Do not make

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IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

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2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit fee.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

SEP 05 2003

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: PA 2003-116

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises 4 Acres, LLC (c/o William Stepien)

Address 104 South Central Ave - Suite 20, Valley Stream, NY 11580 Phone # 860-612-7070

Mailing Address Same Fax # _____

Name of Architect Collins + Scoville Architects, P.C.

Address 40 Beaver St., Albany NY 12207 Phone 518-463-8000

Name of Contractor sign contract not awarded

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Lessee

If applicant is a corporation, signature of duly authorized officer. [Signature]
(Name and title of corporate officer) Elting H. Smith, Asst. Sec'y

1. On what street is property located? On the E side of NYS Route 32
(N,S,E or W)
and 600 feet from the intersection of NYS Rtes 32/94/300

2. Zone or use district in which premises are situated C 'is property a flood zone? Y N X

3. Tax Map Description: Section 70 Block 1 Lot 16.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant b. Intended use and occupancy Supermarket

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other NEW WALL SIGN @ SIDE WALL (FACING RTE 32)

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
Sign Dimensions shown on accompanying plans

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use Supermarket

10. Estimated cost _____ Fee \$ 50
CP # 2046868

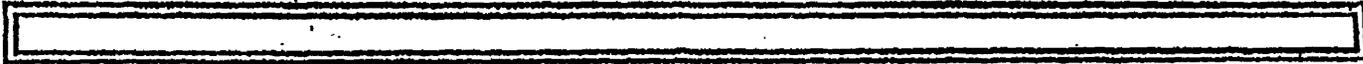
PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lial & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

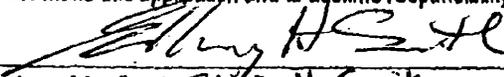
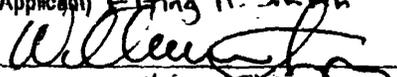
Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
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- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant) Elting H. Smith

(Owner) William

46 Douglas Boyce, Hannaford Bros. Co., M/S 6100
P.O. Box 1000, Portland ME 04104
4 Acres LLC (Address of Applicant)
104 South Central Ave - Suite 20, Valley Stream, NY

01

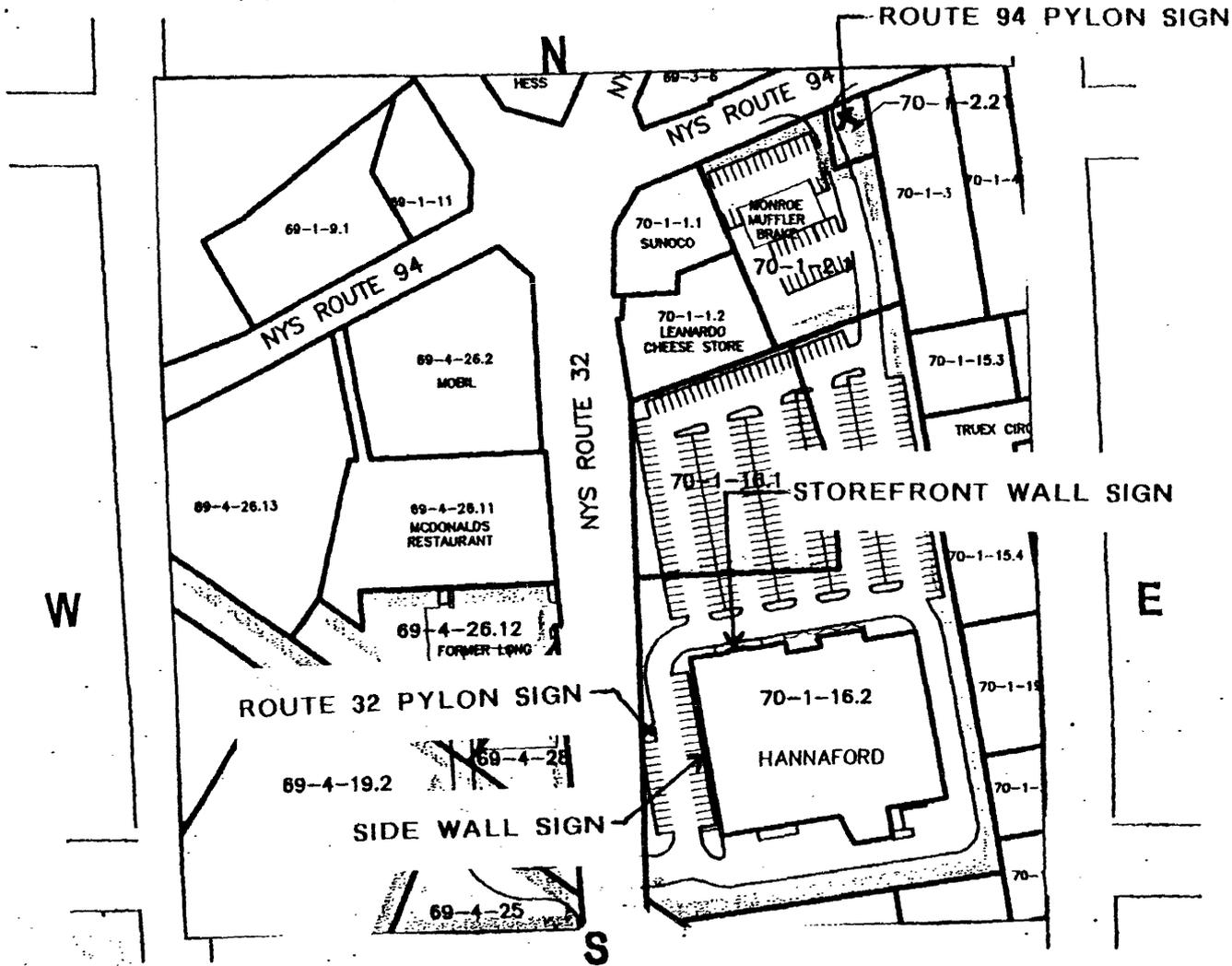
PLOT PLAN

(Owner's Address)

11580-5461

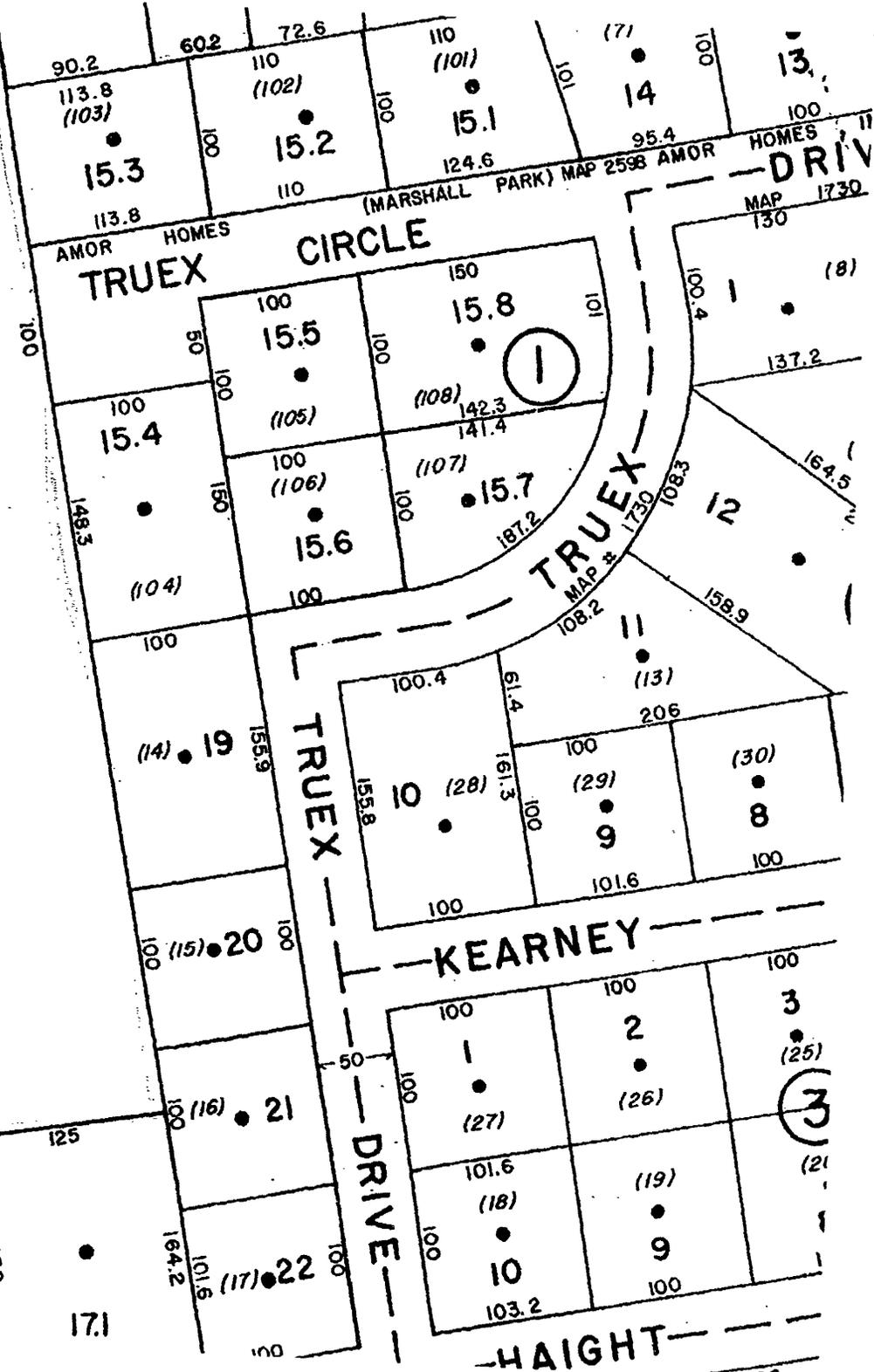
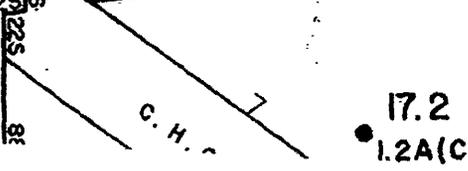
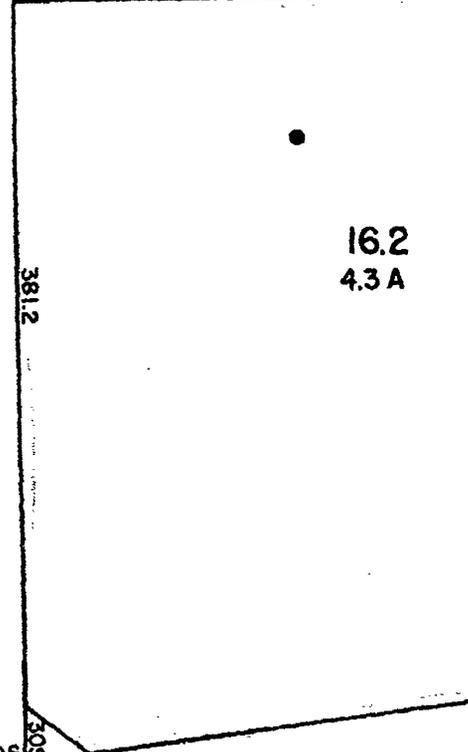
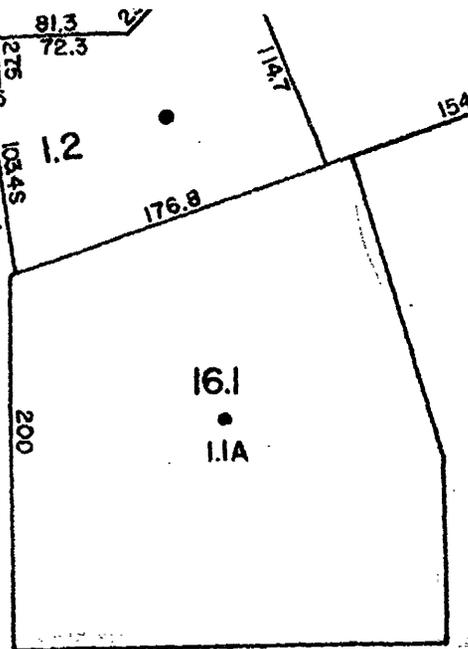
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



N. Y. — STATE — HWY. — NO

SUB 275
MAP 31-94
103.45
81.3
72.3



OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4615 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 9/2/03

Revised: 9/29/03

APPLICANT: 4 Acres, LLC (C/o William Slepoy)
104 South Central Avenue, Suite 20
Valley Stream, NY 11580

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/2/03

FOR : Hannaford Supermarket- New Freestanding Sign Rt. 32

LOCATED AT: 885 Blooming Grove Turnpike & Route 32

ZONE: C Sec/Blk/Lot: 70-1-16.2

DESCRIPTION OF EXISTING SITE: New Supermarket

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-18, H- 1a

- 1. Freestanding sign not to exceed 64sqft total faces.
- 2. Freestanding sign not to exceed 15ft in height.



BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: Freestanding sign

SIGN:

FREESTANDING: 64sqft

176sqft

112sqft

HEIGHT: 15ft

20ft

OR 3

WIDTH:

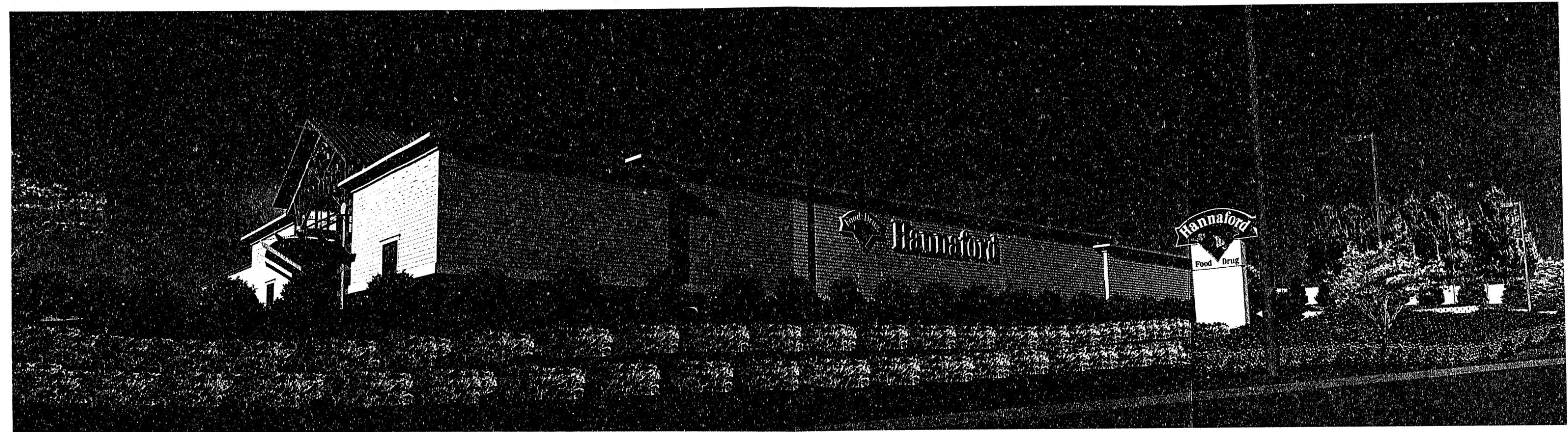
WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

APPROVED



Side Perspective view

Hannaford

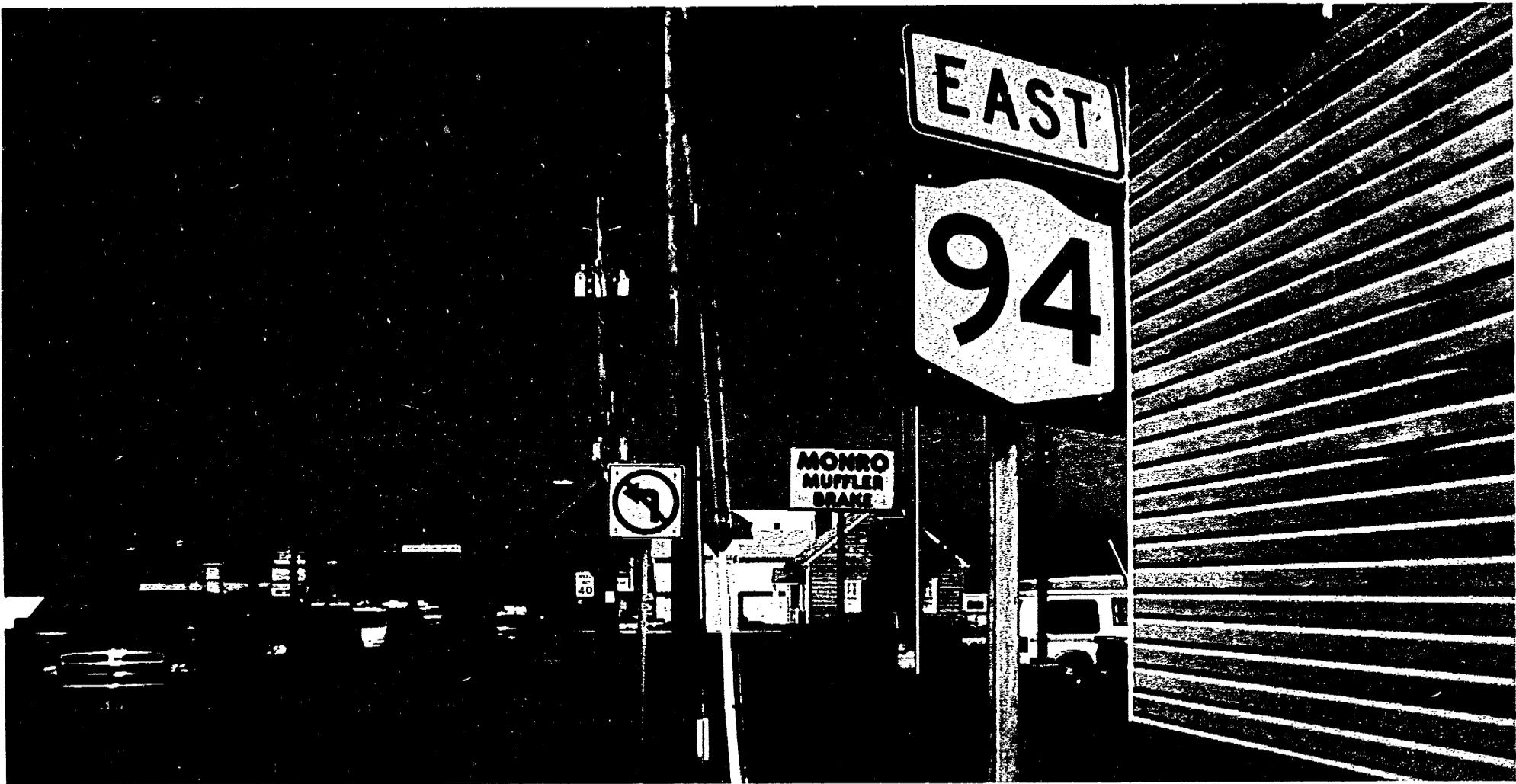
New Windsor, NY October 27, 2003
Illustration by:  Pepperchrome



Route 94 Westbound

Hannaford

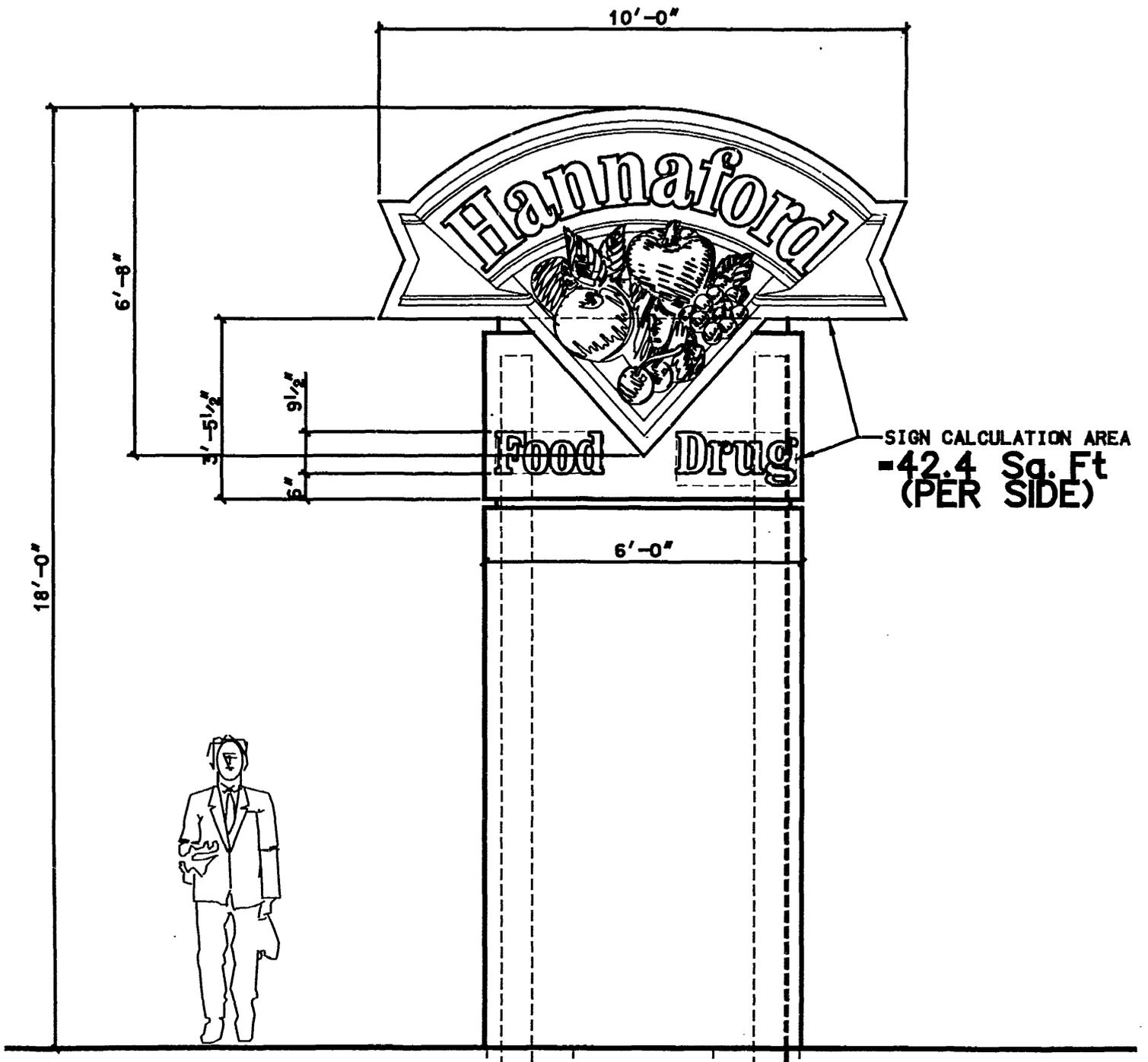
New Windsor, NY October 11, 1981

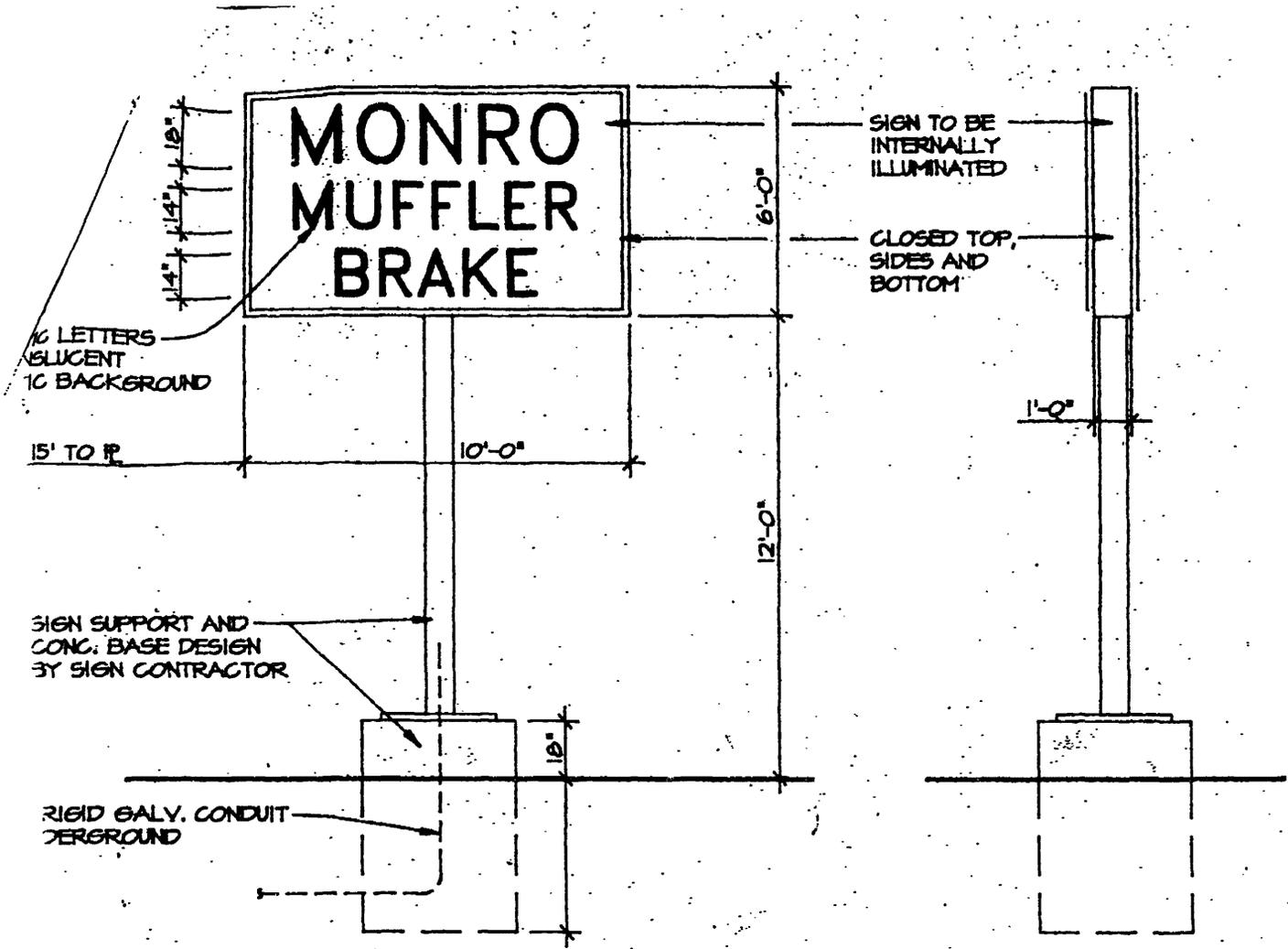


Route 94 Eastbound

Hannaford

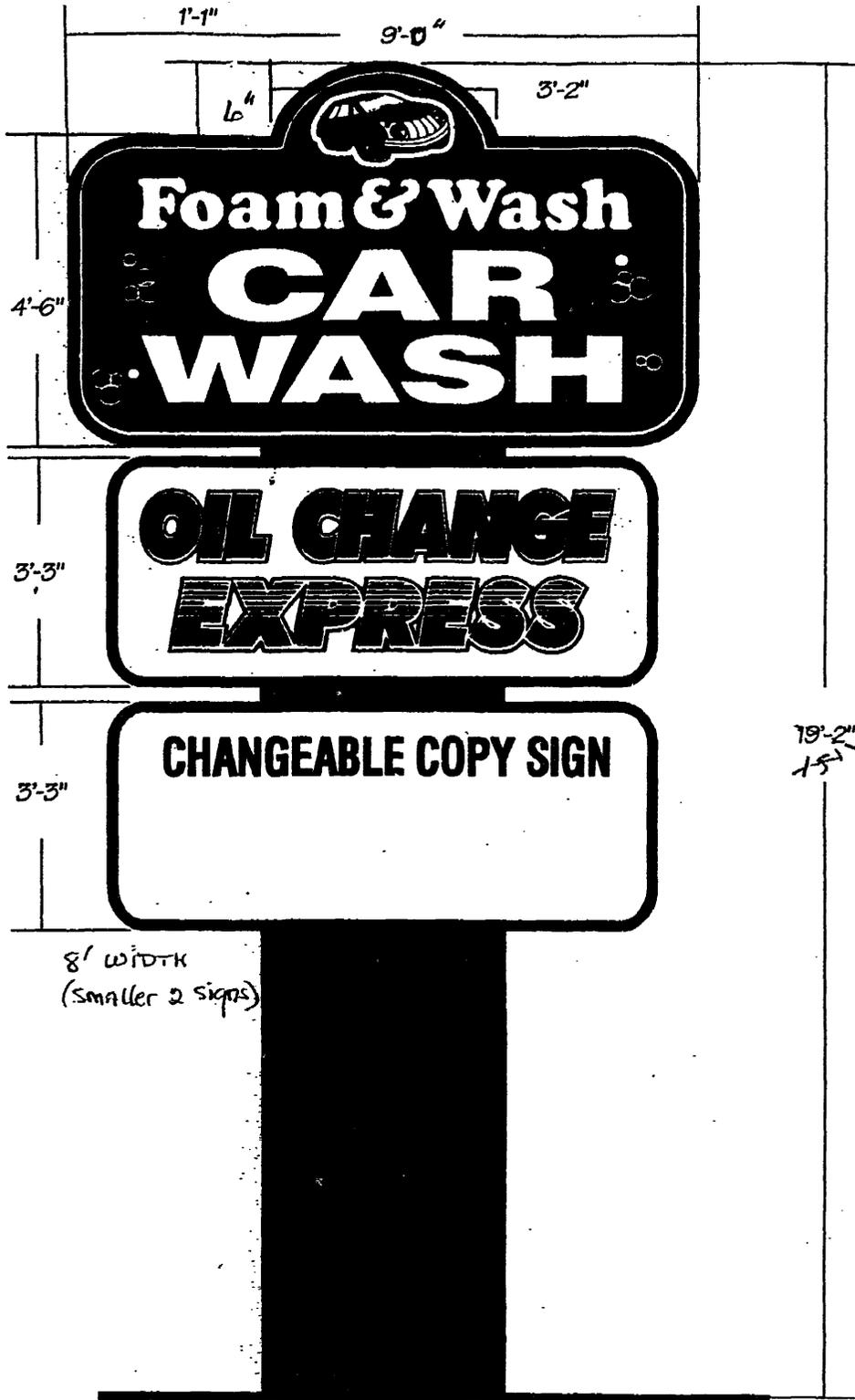
New Windsor, NY October 11, 1991





FREE STANDING SIGN
NOT TO SCALE

MONRO MUFFLER BRAKE
60 SF PER SIDE
18' HIGH



Foam & Wash
CAR
WASH

OIL CHANGE
EXPRESS

CHANGEABLE COPY SIGN

8' width
 (smaller 2 signs)

19'-2"
 15'

FOAM & WASH

19'2" HIGH

94 SF PER SIDE

NARRATIVE IN SUPPORT OF APPLICATION FOR SIGN VARIANCES HANNAFORD FOOD & DRUG

I. Background:

Hannaford Food & Drug received site plan approval from the Town of New Windsor Planning Board permitting it to construct a 55,200 SF supermarket on 5.443+/- acres near and around New York State Routes 32 and 94 in the Town of New Windsor, Orange County, New York. Most site work for the project is completed and the supermarket building is under construction.

On or about August 28, 2003, Hannaford made application to the Town of New Windsor Building Department for building/sign permits to enable Hannaford to locate four (4) identification signs on the supermarket property. The Building Department denied the permit applications on the ground that the proposed signs fail to meet the requirements of the Town of New Windsor Zoning Law.

II. Detailed Description of the Proposed Signs:

Hannaford is seeking permission to locate four (4) signs on its property. Two (2) signs are identical, freestanding (pylon) signs and two (2) signs are facade signs.

A plan entitled "Exterior Signage" prepared by Collins Scoville Architects P.C., dated April, 2003 and last revised August 28, 2003 has been submitted as part of this variance request. The plan contains renderings and details of each requested sign:

Route 32 Freestanding (Pylon) Sign: This is a two-sided cabinet sign. It is twenty feet in height. It has 56 square feet of signage area per side for a total square footage of 112 square feet. The portion of the sign that contains the Hannaford logo is internally illuminated.

Route 94 Freestanding (Pylon) Sign: This is identical to the Route 32 sign and the same description applies.

Storefront Facade Sign: This sign has two components which include the Hannaford logo and Hannaford name. The logo is set above the name. The "Hannaford" name is displayed in block letters which extend 27 feet 6 inches from end to end. The letters are 5 feet high. The logo is 9 feet 10 and 3/8 inches wide and 6 feet eight inches high. The sign is internally illuminated.

Right Building Side Facade Sign: This sign also has two components which include the Hannaford Logo and Hannaford name. In this instance, the logo is set to the left of the name. The "Hannaford" name is displayed in block letters which extend 33 feet from end to end. The letters are 6 feet high. The logo is 11 feet 10 inches wide and 8 feet eight high. The sign is internally illuminated.

III. Requested Variances:

Hannaford is requesting sign variances from New Windsor Zoning Law Section 48-18 H (1) (a) [2] and b [1]. The specific area variance requested for each sign is as follows:

	Requirements	Proposed or Available	Variance Request
Sign #1 - Freestanding	15 feet height 64 sq. ft. area	20 feet height 112 sq. ft. area	5 feet height 48 sq. ft. area
Sign #2 - Freestanding	15 feet height 64 sq. ft. area	20 feet height 112 sq. feet area	5 feet height 48 sq. feet area
Sign #3 - Front Facade	2.5 feet height 10 feet length	<u>Hannaford Letters:</u> 5.0 feet height 27 feet 6 inches length <u>Hannaford Logo:</u> 6 feet 8 inches height 9.0 feet 10 and 3/8 inches length	<u>Hannaford Letters:</u> 2.5 feet height 17 feet 6 inches length <u>Hannaford Logo:</u> 4 feet 2 inches height No variance required
Sign #4 - Side Facade	2.5 feet height 10 feet length	<u>Hannaford Letters:</u> 6.0 feet height 33.0 feet length <u>Hannaford Logo:</u> 8.0 feet height 11 feet 10 inches length	<u>Hannaford Letters:</u> 3.5 feet height 23.0 feet length <u>Hannaford Logo:</u> 5.5 feet height 1 foot 10 inches length

In addition to the dimensional variances, Hannaford also requires a variance permitting the additional (side) facade sign. The Zoning Law only permits two facade signs where there is more than one main building entrance (§48-18 1 (b) [3]). Here, there is only one main building entrance.

IV. Application of Variance Criteria to Requested Sign Variances:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be caused by the granting of the area variances.**

The variances sought by the applicant relate to commercial signs. The supermarket site is located at 5 Corners – one of the most highly commercial developed parts of the Town of New Windsor. The signs proposed are entirely consistent with other commercial signage in the neighborhood including the signs of the other large supermarkets. The nature and scale of these proposed signs are similar to the nature and scale of existing signs in this commercial neighborhood. Most commercial signs in the neighborhood are either non-conforming or have received similar variances. Although the rear of the supermarket site adjoins a residentially zoned neighborhood, the signs locations are not near any residences and are oriented close to other pre-existing commercial properties. Moreover, the Planning Board, in granting site plan approval, confirmed that the location of these

signs are appropriate and not in conflict with other uses in the neighborhood. For these reasons, the requested variances will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

The dimensional sign requirements in the current Zoning Law do not adequately account for “big box” commercial users such as a supermarket. The current regulations are more suited to smaller commercial uses. That is why uses similar to this use have had to apply for and receive sign area variances. In order for the applicant to construct signs that are appropriate in scale for the approved use, the applicant must seek these variances. There is no other method to accomplish the result.

3. Whether the requested area variance is substantial.

In terms of sheer quantity, the requested sign variances are substantial. However, in terms of qualitative impact, they are insubstantial. As already noted, the requested variances will permit the location of signs that are similar in style and scale to many other signs in the neighborhood. Their location on the site has been approved by the Planning Board.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The variances will not adversely impact the physical or environmental conditions in the neighborhood or zoning district. The impacts of the locations of the signs were considered by the Planning Board at the time of the grant of site plan approval. The two façade signs obviously have no “physical impact.” The two freestanding signs disturb very little area. As demonstrated on the approved site plan, the freestanding signs are placed in a manner that does not interfere with the internal circulation of traffic throughout the site. Nor are they located such that they could interfere with the visibility of vehicles traveling on the adjacent streets. Nor do they block visibility at any intersection.

All of the signs will be **internally** illuminated. There is no lighting directed off site or into the field of vision of vehicles traveling on adjacent streets.

All of the signs are far removed from the nearby residential area and will not be visible from those locations.

The side façade sign will result in an aesthetic improvement to the building since it will provide a design element on an otherwise blank wall which faces a major thoroughfare.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The need for these sign variances is not self-created. The need arises from the failure of the Town of New Windsor Zoning Law to provide sign regulations which are responsive to the types of uses otherwise permitted by that Law. This failure has resulted in numerous applications to the New Windsor ZBA for sign variances. In most instances, these variances have been granted.

Further, with particular respect to the side façade sign, there is no mechanism under the current law that permits location of an additional sign where the building has frontage on two major streets (i.e. on a corner lot).

V. The Standard for Decision Making:

Pursuant to New York State Town Law, the ZBA, in determining whether or not to grant these variances, must consider the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community. Application of this "weighing" standard to the facts and circumstances involved herein must result in the grant of the variances. This request involves no identified adverse impact or detriment to the health, safety or welfare of the neighborhood or community. If the variances are not granted, the applicant would be required to install conforming signs which would be entirely inadequate for its purposes and unsuitable for the approved use. Moreover, it would be contrary to past grants of similar variances issued by the ZBA.

-----X

In the Matter of the Application of
4 ACRES LLC (HANNAFORD'S)

**MEMORANDUM OF
DECISION GRANTING**

SIGN

CASE #03-47

-----X

WHEREAS, Douglas Boyce and Larry Wolinsky, Esquire on behalf of the owner(s) of Hannaford's Foods, Rt. 94 & Rt. 32, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for sign variances:

- One Freestanding Sign – Rt. 32 Side: 112 square feet and 3 feet height
- One Freestanding Sign – Rt. 94 Side: 112 square feet and 3 feet height
- One Additional Front Façade Sign – 6 ft. 9 inches X 17 ft. 6 inches
- One Façade Sign – Rt. 32 Side: 5.5 feet height and 37 feet 8 inches height

WHEREAS, a public hearing was held on October 27, 2003 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Douglas Boyce of Hannaford Brothers and Larry Wolinsky, Esquire appeared on behalf of this Application; and

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

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision 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 presented by the Applicant showed that:
 - (a) The property is a commercial property located in a neighborhood of commercial properties at a busy intersection of two State roads. The applicant intends to erect a supermarket on this parcel.

- (b) The applicant proposes two pylon signs and two façade signs. One pylon sign and one façade sign will face each of the busy State Highways.
- (c) Since the Public Hearing, the applicant has reduced the height of the proposed pylon signs. These signs, if permitted, will be at or below the level of other similar signs in the neighborhood.
- (d) Although the applicant refers to the freestanding signs as "pylon" signs, these signs will be mounted on a solid base, the square footage of which is calculated as part of the sign.
- (e) The signs will be similar in size and appearance to other signs in the neighborhood.
- (f) The signs are necessary so that the business can be identified by passing motorists, since the building itself will be located a considerable distance from either highway.
- (g) The variances requested for the freestanding sign would be very much smaller, except for the design of the signs which must include the base. The design signs will be more aesthetically pleasing than "pole" signs.
- (h) The signs will be internally illuminated but, the illumination will be non-flashing and it will not contain any neon.
- (i) The freestanding signs will not interfere with the safe operation of the motor vehicles on the adjacent highways by interfering with the vision of passing motorists.
- (j) The freestanding sign located on Rt. 32 is necessary because without that sign a motorist traveling north on Rt. 32 will not see the business before passing it.
- (k) The building is elevated from the surface of the adjacent roadways.
- (l) No part of the façade signs, if approved, will project higher than the roof of the building. The freestanding signs will be no higher than and, in some cases, lower than, existing freestanding signs for other businesses on the roadways.
- (m) The building will be located a considerable distance from the adjacent highways.
- (n) The façade signs are of a size to make them appropriate considering the size of the building. A smaller façade sign on the side of the building would be visually inappropriate.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for sign variances:

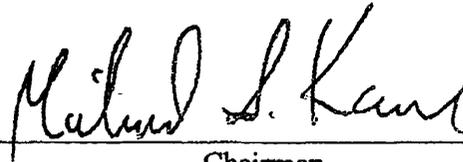
- One Freestanding Sign – Rt. 32 Side: 112 square feet and 3 feet height
- One Freestanding Sign – Rt. 32 Side: 112 square feet and 3 feet height
- One Additional Front Façade Sign – 6 ft. 9 inches X 17 ft. 6 inches
- One Façade Sign – Rt. 32 Side: 5.5 feet height and 37 feet 8 inches height

as sought by the Applicant 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/or Building Inspector and Applicant.

Dated: October 27, 2003

A handwritten signature in cursive script, appearing to read "Michael S. Kaur". The signature is written in black ink and is positioned above a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: NOVEMBER 14, 2003
SUBJECT: ESCROW REFUND (03-47)

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 322.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #03-47

NAME & ADDRESS:

**HANNAFORD BROTHERS
P.O. BOX 1000
PORTLAND, ME 04104**

THANK YOU,

MYRA

L.R. 11/14/03



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #03-47 TYPE: AREA

APPLICANT:
HANNAFORD BROS.

TELEPHONE: 207-883-2911

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>2051278</u>
INTERPRETATION	\$ 150.00	CHECK # _____
ESCROW: COMMERCIAL \$500.00		CHECK # <u>2051279</u>

* * * * * * * * * * * * *

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> FEE	
PRELIMINARY:	<u>13</u>	PAGES	<u>\$ 58.50</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	___	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>11</u>	PAGES	<u>\$ 49.50</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	___	PAGES	\$ _____	\$ _____
TOTAL:			<u>\$108.00</u>	<u>\$ 70.00</u>

* * * * * * * * * * * * *

ESCROW POSTED:	\$ 500.00
LESS: DISBURSEMENTS:	\$ <u>178.00</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>322.00</u>

L.R. 11-14-03



RESULTS OF Z.B.A. MEETING OF: October 2, 2003

PROJECT: Hannaforde ZBA # 03-47
P.B.# _____



USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
MINUTA _____
KANE _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) Rs S) Mc VOTE: A 5 N 0.

RIVERA A
MC DONALD A
REIS A
MINUTA A
KANE A

CARRIED: Y N _____.

2 Freestanding signs	A	6'9" x 17.6"
2 - Facade signs		Additional Facade 8' x 47.8"
		Freestanding #1 3' 1125.F.
Mile to correct denial		3' 1125.F.

4 ACRES LLC (HANNAFORD'S) (#03-47)

MR. KANE: Request for various sign variances (as listed) all at Route 32 and Route 94 in a C zone.

Larry Wolinsky, Esq. and Mr. Douglas Boyce appeared before the board for this proposal.

MR. WOLINSKY: My name is Larry Wolinsky, I'm the attorney for the applicant. With me this evening is Doug Boyce, who is the principle project engineer for this thing. As you know, everything is on its way to being constructed and up. I think the way I will handle this tonight is to allow Doug to give you a general orientation and explanation of the various signs that we're looking for, then I'll go over the details of the variances and then answer any questions that you guys have.

MR. KANE: Can you repeat your name for the stenographer?

MR. BOYCE: Douglas Boyce, civil engineer and site development project manager, Hannaford Brothers Company. And what Mr. Wolinsky is passing out to the board members are smaller size versions of what I'm holding in my hand at the side table. For orientation purposes, I'm going to, I'll presume that most folks know that the Hannaford's Supermarket is under construction at Five Corners site of the former Friendly's Restaurant and vacant property surrounding it. And for orientation purposes, I'll show you the scale which you have a copy of, first sheet that you have been handed, this is the Five Corners intersection, north is essentially to your right, this is a Hannaford's Supermarket building 56,000 square feet under construction, parking lot will be in the front of the building, start on the opposite side, this is Route 32, Cornwall is to the left, this is the old Long John Silver building McDonald's, Mobil Station,

Monro Muffler here and the Sunoco, other small buildings on the corner. Private residential properties to the rear and to the east side. We have two access points for the property, one of which is on Route 94, basically becomes shared access with Monro Muffler. You've probably seen the construction that's going on there recently, widening that driveway substantially curbing it, so on and so forth. And the access drive is already constructed into the property. The second access point is actually going to be signalized access, I'm not sure if the traffic signal equipment has made it in yet or not, but it should be shortly signalized access at this location with a driveway you have no doubt seen constructed on the opposite side of the road going to the Long John Silver property that was to provide an orderly flowing intersection there. So access, we have frontage on Route 32, frontage down here on Route 94 and access at both locations as well. What we're looking or proposing for signage is to have a store front sign at the building entry, feature a side wall sign facing Route 32 and two freestanding or pylon signs, one each on frontage of Route 32 and Route 94. More particularly, smaller drawings that you have in front of you this view is if you're standing down on Route 32 by the front corner of the building in here, from that vantage point, what you'd see if you're looking you'd actually be below the floor of the building at this point looking out to the site, here's the front of the building, this is the side wall facing Route 32, signage at the entry featured on the front signage, on the side wall and the freestanding or pylon sign out next to the right-of-way, actually setback from the street 30 or 40 feet, about 30 feet because the right-of-way is overly wide at that point and one additional freestanding sign, of course similar, actually the same sign as this would be installed down at the site frontage on Route 94 on the opposite side of the driveway from Monro Muffler Brake property. These signs are represented graphically to scale

relative to the scale of the drawing, the building, everything is the appropriate scale for reference purposes, just the building measures 260 feet in length or the width across the front about 260 feet and just a little over 200 feet deep, so the side wall that this sign is on is a little over 200 feet deep and I'll let Mr. Wolinsky, I'll let him course through the actual nature of the variances.

MR. WOLINSKY: Just would add one more thing before I go into the details of the variances that the actual locations of the sign were shown and approved by the planning board as part of the site plan approval process. The dimensions, obviously, were not but the locations were. So the planning board as part of the SEQRA process looked at it with respect to some traffic and visibility issues as well. Here is the list of variances that I have been able to come up with, I think it's fairly comprehensive, taking the freestanding signs first which are the two pylon signs, both signs are 20 feet high, therefore, both signs would require a five foot high sign height variance, your maximum is as I read the code is 15 feet. Both signs because they're double sided have 112 square feet of area, your ordinance only permits 64 square feet of area. So those are the variances we would require for these pylons.

MR. REIS: What was the difference?

MR. WOLINSKY: 48 square feet. The variance request is 48, an additional 48 square feet on the pylons. The facade as was just mentioned in a previous hearing are expressed in your code slightly differently, it's a 2.5 by 10 feet requirement and you're essentially confined to that box. For the front facade which you can see right here which is the, it's a little dark but you can see it on the other side, the front facade, it's a standard Hannaford logo and basically on all the stores and we kind of, we're not exactly sure how you measure

these things because you have essentially the word Hannaford and the logo on top of it but what we did is we took the worst case scenario, so we measured top to bottom and length to length so on that one, the height, the total height is five feet and you were permitted 2 1/2 feet so on that facade, we need 2 1/2 feet and on the length of that one, the 10 foot length and the length of this right here is 25, 27 feet six inches, so then we'd require a 17.6--you know what, I think I've confused things a bit. I see in my, do you have a copy of my handout? In my handout, I did it slightly differently, I did treat these two separately so you'll see they're broken down into each one so the Hannaford letters require 2 1/2 feet and 17 feet 6 inches in length and the Hannaford logo requires 4 feet 2 inches height and no variance for the length. The side facade going back to the side, the side facade again this is to scale, this is pretty much what it's going to look like, so the side facade, the Hannaford letters, these letters right here, 6 foot in height so we'd need a 3.5 foot height variance for those and 33 foot in length, so we would need a 23 foot length variance for those letters and a Hannaford logo is 8 feet high which would require a 5.5 foot height variance and 11 feet 10 inches in length which would require a 1 foot 10 inch length variance. I know these are a lot of variances we're requesting, however, I think if we considered them altogether, there's not many impacts adverse that are associated with them. The character of the signage is not a whole lot different than the kinds of signs that are found with some of the other big boxes in this corridor and I think the reason why we're forced into such a significant variance situation is that the existing code really is not set up for this kind of big box signage. It's more for the smaller commercial uses. And so that's what it is, that's why we're here and we're happy to answer any questions, take any suggestions.

MR. KANE: Start off with this, Michael, we're allowed

one facade sign for the building, correct, are we considering the logo and the facade sign as one sign on the sides and on the front, they're two separate issues, wouldn't there be therefore two front signs and two side signs? If not, then I've seen before where we've taken all that in one shot as far as length and all that we're treating it as separate issues here, so I think to do that, then we need to cover them as extra signs, unless I'm wrong.

MR. BABCOCK: Well, they either need, they would either need a variance for an extra sign or we do one sign out of it and make it square footage and they'd need a larger square footage.

MR. WOLINSKY: I expressed it that way to avoid confusion to try and avoid confusion for the board, so I took them individually, but I treated them for variance purposes I treated this as one facade sign and the front one is one facade sign and basically, we still were only entitled to one facade sign.

MR. KANE: So for the paperwork, the numbers that we need to put this through we have those correct dimensions to treat each as one sign.

MR. WOLINSKY: I can combine those.

MR. BABCOCK: What we're saying I think what we did on our denial, Mr. Chairman, we're saying that they're allowed the two facade signs based on they have two different entrances and they have entrance on 32 and entrance on 94, so we're saying that since one sign faces 94, one sign faces 32, at least this is how my guy did this, he's saying that they're allowed a 2 foot by 10 foot sign and they're allowed a 3 foot 3 1/2 by 10 foot sign if they're 300 feet from the street. Sign A they did a complete square footage of it and sign B they did complete square footage of it so they're saying both signs are permitted.

MR. KANE: Then maybe I'm reading this a little wrong too, it says here there's only one main building, are there two entrances?

MR. WOLINSKY: Well, I didn't have the benefit of this denial letter, I haven't seen it yet but--

MR. KANE: I just want to clear up all the numbers.

MR. WOLINSKY: It depends what you're treating as an entrance.

MR. KANE: Open a door and go in.

MR. BABCOCK: When we were talking the signs we're talking--

MR. KANE: Entrance to the parking lot, to the premises?

MR. BABCOCK: Entrance to the parking lot.

MR. WOLINSKY: I took it the other way.

MR. KANE: Same way I took it.

MR. BABCOCK: So maybe we're wrong in that though.

MR. WOLINSKY: I don't have the code here but I think it just said entrance.

MR. REIS: I read the code again we're just guessing but I think it reflects access to the building.

MR. BABCOCK: Access to the building.

MR. KANE: I believe it's access to the building and I think we went through this with the buildings over in the not Price Chopper but in that plaza with the real

estate or the insurance firm that's over there that wanted to put a sign on the side of the building.

MR. BABCOCK: Let's just go, if we go that route, the square footages of the signs are still correct because they're allowed to have the extra one because they're more than 300 feet off the road, off 94 we're saying, the only addition to this would be, is they need an extra variance of one facade sign.

MR. KANE: So if that's agreeable with you gentlemen, we'll put that in the request to add one facade sign, side facade sign.

MR. WOLINSKY: I have the additional facade sign in my request but that's fine, I mean, we're fine with that.

MR. REIS: Larry, to expedite this process so you don't have to come back here, you want to condense this all tonight.

MR. WOLINSKY: Thank you.

MR. KANE: So Michael, you'll change your paperwork?

MR. BABCOCK: Yeah, I'll go over that.

MR. KANE: Okay, let's take them one at a time and we might as well start with the pylon signs, okay, I think the biggest question that I have here is the placement of the Route 94 sign, is that going to be on your property?

MR. BOYCE: Yes, it is.

MR. WOLINSKY: Our lease, well, there's the five, the main property 5.443 acres, it's on that parcel, okay.

MR. KRIEGER: And that parcel is owned by Hannaford's?

MR. WOLINSKY: No, the entire site is leased, if you look at our application.

MR. KRIEGER: Okay but--

MR. WOLINSKY: The entire site is under long term lease with 4 Acres LLC, which is the Sleepoy family and the sign is on the 5.443 acres.

MR. KRIEGER: Also owned by the same entity?

MR. WOLINSKY: Yes and they merged.

MR. KRIEGER: I understand the two large parcels are now merged into one parcel, the one out on 94 is a separate parcel but under the same ownership.

MR. WOLINSKY: Correct, that's not the location of the sign, so everything where the signs are are on the main site.

MR. BOYCE: The former ambulance corps building that was transferred to 4 Acres LLC, they purchased that and that's actually the location of the Route 94 pylon sign.

MR. KANE: Then can you address the need for the additional five feet on the pylon sign especially the one on 94?

MR. BOYCE: Particularly the one on 94, it's a, the corridor is busy, it's real busy and it's really a line of sight question and how can we get something located there, that's apt to have a good line of sight and do its job which is to be visible to the motorist passing the area. We identified that as being the appropriate height for this sign. It also is partly related to the geometry of the sign and the sides of the sign face itself atop the cabinet, solid cabinet in this case, but the size of the top of the sign warrants placement

on a base that makes the height 20 feet in order to be proportionately correct and not look lopsided or top heavy I guess is probably a better word.

MR. KANE: Is this going to be similar in height to the sign that's with the Foam and Wash across the street?

MR. BOYCE: I couldn't say.

MR. KANE: Could we address that issue? I believe it is but I want to make sure.

MR. WOLINSKY: I think it's definitely similar in size if not a little bit shorter than the signs that mark the entrance to the Shop Rite Plaza, the two big pylons.

MR. KANE: Shop Rite's on 32 a little further away so I want to issue what's right in that particular zone right there, so the biggest sign that I can think of on 94 there would be the Foam and Wash sign and I do believe that's a little bit bigger than the Midas Muffler sign.

MR. WOLINSKY: We'll check that out.

MR. MINUTA: You mentioned the proportioning of the pylon sign, would I be correct in interpreting that you needed to increase the height of that because of the proportion of the upper sign which you're asking for a request to be larger anyway?

MR. BOYCE: Yes.

MR. MINUTA: So because the larger sign, because we're increasing the size of the sign on top, we need to increase the height?

MR. BOYCE: That's correct.

MR. MINUTA: And my next question is why couldn't that not conform to the requirement?

MR. BOYCE: Can you restate the question, please?

MR. WOLINSKY: The requirement in the code for square footage is 64 square feet.

MR. BOYCE: 64 square feet which is--

MR. WOLINSKY: So the question is why couldn't the sign, why can't the sign conform to the 64 square feet?

MR. BOYCE: 64 square feet is 32 square feet per side which for this sign design is diminutive is the best word I could choose, just does not provide the impact that we're looking for here in terms of sign, the illuminated face area of the sign.

MR. WOLINSKY: I think in addition to that I just don't see that limited size square foot sign with this kind of facility, this kind of big box facility anywhere.

MR. MINUTA: I would also say that there are many other facilities locally as far as shopping centers and so forth and I'm just wondering what the impact on this is going to be for this particular locale, as you know, the Five Corners is extremely busy intersection, there's a lot going on there visually and I'm just wondering about the issue of the size and safety of that size within the intersection.

MR. WOLINSKY: In terms of traffic, traffic flow?

MR. MINUTA: In terms of visual, number one, in terms of visual flow which is more a planning board issue but number two, in terms of how will this dominate the other businesses that are in that location.

MR. KANE: While I do agree that it wouldn't be out of

scale on 32, I think on 94 on that road on the side it might be a little bit out of scale. So that's something--

MR. WOLINSKY: We'll research that and come back to you at the hearing with what we find on that.

MR. MINUTA: What I would like to see is you obviously have the ability, wonderful drawings, I would like to see the option of the sign being the required size, okay, what that might look like as compared to what you're proposing. That way, we have apples to apples understanding of what that's going to be and what that impact is.

MR. BOYCE: Want us to try and do that for both sign locations?

MR. MINUTA: I don't see why not.

MR. KANE: You can take a look at that.

MR. BOYCE: The difficulty with the Route 94 location is that it's all, a lot of existing it's all existing, this is easier to model when it's all new but we'll make an effort to get something that makes that comparison.

MR. REIS: The drawing that you provided and again, I've got to say this, these are excellent representations or what you're trying to accomplish and we appreciate that, the pylon sign on 32 that's proportionately as to what you're trying to accomplish.

MR. BOYCE: Yes, it is.

MR. REIS: That's the same size that you want on 94?

MR. BOYCE: Yes. The only difference visually I think is that on 94, everything is flat, whereas, on 32, the

road has a slope, the building is going to be higher up in the air than the street.

MR. KANE: And it's back off the street, I don't know how, I don't have a problem so much with the building signs, just seeing the building going up I can visualize how they're going to look. I don't see that as a problem or too much with the pylon on 32, although if we can get it smaller, I'd love to do it, but the one on 94 I'd like to see that smaller.

MR. WOLINSKY: We'll go back and work on that one.

MR. KANE: I'd like you to address those.

MR. WOLINSKY: Will do.

MR. KANE: Any other questions, gentlemen? And we already covered that it's not flashing illumination, it's a steady.

MR. WOLINSKY: Internally illuminated sign.

MR. KANE: Will your signs--

MR. WOLINSKY: All sign internally illuminated.

MR. BOYCE: Correct.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up the 4 Acres LLC Hannaford's for the requested various sign variances on Route 32 and Route 94.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: We'll see you at the public hearing.
Motion to adjourn?

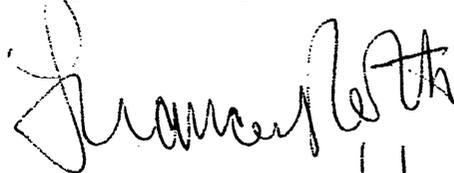
MR. RIVERA: So moved.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

9/24/03

4 ACRES LLC (HANNAFORD'S) (#03-47)

MR. KANE: Request for various sign variances (as listed) all at Route 32 and Route 94 in a C zone.

Larry Wolinsky, Esq. and Mr. Douglas Boyce appeared before the board for this proposal.

MR. MINUTA: Mike, can we just get a clarification on the change between the most recent submittal which has been revised and what was originally submitted?

MR. BABCOCK: What we did was one of my assistants had done the original denial and the night, the first night we were here and they give their presentation, there was some differences in our numbers and their numbers so I went back the next day and re-did it myself and I just got done talking to Larry in reference to this that on the Hannaford's sign, it's not on a post, it's a solid base, so we consider the entire base part of the sign and that's where the square footage difference comes, different from us to what they thought they had. So if you can see, we take the top where it says Hannaford's and we don't curve it, we make it square so when you take that entire square footage of that sign, it's actually much larger than what their sign really is and if they took and put the sign on a pole, we count that whole bottom.

MR. MCDONALD: You're including the base?

MR. BABCOCK: That's correct.

MR. WOLINSKY: Because it's solid.

MR. MINUTA: So, Mike, essentially it's gotten larger?

MR. BABCOCK: Yes.

MR. MINUTA: Than the first submission because of the base?

MR. BABCOCK: Because of the way we're counting it, that base is 6 foot wide and 12 foot high, so 6 x 12, 6 foot by 12 foot double sided is what we're counting,

square footage.

MR. WOLINSKY: The base, by the way, was shown on the first submission, just wasn't calculated.

MR. MINUTA: Correct, yes, we're clear on that, thank you.

MR. KRIEGER: Sign hasn't gotten bigger, the numbers have gotten bigger.

MR. BABCOCK: We just want it clear for the record.

MR. KANE: Go ahead.

MR. WOLINSKY: So we're here tonight for a public hearing for the variance for Hannaford's Supermarket. We're proposing four signs, there are two pylon signs and two facade signs, the pylon signs that are two, again, one is located on Route 94 and one is located on Route 32. We have in fact reduced the size of those signs since the last time we met although again because of the solid base, it won't show. Let me refer you to these visuals which are to scale and which are superimposed, this is the 94 perspective and this is the 32 perspective. The signs were originally proposed at 20 feet high, they have now been reduced to 18 feet, so they have been reduced to two feet. The Monro Muffler Brake sign is 18 feet which you can see in your package there and down on 94 here is the Foam and Wash sign which is in fact over 19 feet. Both in terms of actual sign square footage, the face square footage, Monro Muffler and Foam and Wash significantly exceed this because we have, as we have come down in height, we reduce the portion of the lettering square footage to where we had just for the lettering square footage before 112 square feet, that's now been reduced to 85 square feet, but added onto that as we have just found out from the building inspector is the solid, is the measurement of the solid base. So we think we're keeping within the same scale of other signs in the corridor. I think this effectively shows that we're really not out of character with that. Just to make them similar to the 32 sign, it has been decreased similarly. And as far as the facade signs are

concerned, again, the variance request, the actual numbers have not changed from what's in the building inspector's denial and there was not much discussion on that at the pre-hearing. So we have left those as is. And I will be happy to answer any questions submitted just for the record, submitted a narrative that went along with this that sets forth the legal justification for we believe the variances.

MR. REIS: Larry, you used the word pylon? I don't, I understand what you're indicating is a pylon and I don't claim to be an engineer or Webster's mechanic here, but why is that called a pylon when it's such a massive structure or why can't you put a pylon there aesthetically and structurally and cosmetically instead of a mass like that?

MR. WOLINSKY: Well, the code, the word the code uses is freestanding, the reason I have used the word pylon is because that's what the engineers communicated to me so I will defer to the engineer for any definition.

MR. BOYCE: Douglas Boyce for Hannaford's. We typically call that a pylon sign.

MR. REIS: That's a stretch.

MR. BOYCE: I don't know if anyone's researched the word pylon or bothered to see if any code actually contains the definition for that word, it's a freestanding sign under most codes.

MR. REIS: I'm just curious why you wouldn't have to get a variance, why wouldn't it have been possibly as good to put up your typical pylon or tube perhaps to support that?

MR. WOLINSKY: Just have an pole supporting this?

MR. REIS: Yeah, one or possibly two.

MR. BOYCE: Aesthetically, we believe that this sign which might be called a cabinet sign because it's got a cabinet concealing the structure, aesthetically, we believe this is a lot more attractive than the typical

post-mounted sign, that when you take a fairly large box sign, put it on a small post, it's--

MR. REIS: I happen to like the cabinet rather than the pylon, that's good, thank you.

MR. BABCOCK: Mr. Chairman so I can clarify, when we started talking, basically, their sign, Hannaford's Brothers sign that's on Route 94, the one we're talking about is just under 85 square feet, the sign itself we're saying it's 176 square feet because of the cabinet, so they're allowed 65, so if we only counted the Hannaford's sign, they would only need a 20 square feet variance.

MR. KANE: I think it's aesthetically pleasing personally, I don't think it's a problem, they did what we wanted them to do in bringing the size of the sign down on that road so it's in conformity with the other signs right there.

MR. MCDONALD: Doesn't seem to be blocking any view or any sight distances.

MR. WOLINSKY: No, it's well set back.

MR. KANE: Any illumination on that sign?

MR. BOYCE: Internal.

MR. KANE: Non-flashing?

MR. BOYCE: Correct.

MR. KRIEGER: It's a steady illumination?

MR. BOYCE: Yes.

MR. MINUTA: For the record, it's not blocking any views for vehicular access?

MR. BOYCE: Correct.

MR. KANE: Approximately, how far off the curb is the sign itself?

MR. BOYCE: Off the curb about 15 feet.

MR. MC DONALD: If I remember correctly from when we first discussed it, there won't be any left turns.

MR. BOYCE: That's correct.

MR. MINUTA: And there won't be any future signage down below on the pylon itself?

MR. BOYCE: That's correct, not contemplated.

MR. MINUTE: I'm delighted with the sign, I think aesthetically, it's pleasing and you've met the requirements and conformed to the other areas.

MR. RIVERA: I just have a question. On Route 32, you have the facade and you also have the pylon, the cabinet pylon, do you need two signs? Do you need, I mean, I think that's overly done.

MR. KRIEGER: You're looking at the view from across the street, but coming from Central Valley up 32, you're not going to see that sign on the side of the building.

MR. BOYCE: In response to your question, primary reason to have the pylon sign is if you're coming northbound on 32, big as the building is, you don't see it until you're right on top of it. But if you have the opportunity to see it as you're coming up over the rise, you have the opportunity to see this sign back southerly on 32.

MR. KANE: That sign itself, about approximately how far off the road is that sign?

MR. BOYCE: That sign because the right-of-way off Route 32 there stretches quite a ways back so it's not right up to the, there's a notation on it and it says it's a good 30 feet back, it's quite a ways back, we had to locate it within the outside of the right-of-way line, right-of-way line runs back up the slope.

MR. WOLINSKY: People who are going up this way and come to the traffic light will see that sign, know to turn into the main entrance before they see that facade sign.

MR. MINUTA: Just a sight issue, why would we not locate that nearer the entrance?

MR. BOYCE: There really isn't a good place to put it near the entrance where you're not in the right-of-way, in the DOT right-of-way.

MR. WOLINSKY: Plus--

MR. BOYCE: Just a function of how the property line of this parcel actually cuts through here didn't provide an optimum location and if you're in here, you may also be obscured where there's a lot of vegetation right immediately off-site there.

MR. MCDONALD: You've got a rise there, the property kind of is elevated on that side.

MR. BABCOCK: It's just about the only location on the lot, see it right here, it's right on the edge.

MR. MINUTA: That's completely acceptable.

MR. BABCOCK: If they move it forward, it would be in the little, see the parking area?

MR. MINUTA: Sure.

MR. WOLINSKY: And if you move it too far back, you're blocking the visibility at the intersection so--

MR. MCDONALD: What's the purpose of that other site?

MR. BOYCE: That road?

MR. MC DONALD: Yes.

MR. BOYCE: We're putting a, we're signaling a commercial driveway on a state road which is not always the most highly accepted thing to do from a traffic

standpoint, from DOT's perspective. In order to gain their acceptance for this, in order to do some access management and allow this property to be served by the traffic light, thus closing off the curb cut that exists here and also there's a second that Long John Silver's Fish and Chips has another curb cut at this location, if this property, when and if this property develops, this access may change to right in, right out.

MR. WOLINSKY: Because you don't want this guy, these people now will not want to make this left turn because they can go right up here.

MR. MCDONALD: Coming out of McDonald's, somebody trying to turn toward--it's impossible.

MR. BOYCE: It's quite an expense to create this but just to clean up and eliminate the left turn conflicts and as mitigation shows some benefit to the project.

MR. WOLINSKY: DOT liked the idea.

MR. REIS: Hannaford put that in?

MR. BOYCE: Yes, we won't have any obligations to it once it's there, but we paid to construct it.

MR. KANE: Both of the pylon signs or the freestanding signs are at 18 feet?

MR. BOYCE: Correct.

MR. KANE: So Mike and your notice of disapproval, variance requested is going to go from 5 feet to 3 feet?

MR. BABCOCK: That's correct.

MR. WOLINSKY: We have an updated plan, Mike, that has all the new dimensions on it that you can use.

MR. BABCOCK: I'll take care of it with Myra tomorrow on her denials.

MR. BOYCE: I apologize, we did not know the measurement basis that the code officer uses for these cabinet type signs.

MR. KRIEGER: Now, with respect to the facade signs, no part of the signs project higher than the roof, is that correct?

MR. BOYCE: That's correct.

MR. KANE: They're steady illumination also?

MR. BOYCE: That's correct.

MR. MINUTA: Did you have the opportunity to provide the perspective of them within the requirement and then what has been proposed?

MR. WOLINSKY: I don't believe we've done one.

MR. BOYCE: Referring to which?

MR. MINUTA: We requested at the last meeting that you provide signage as you propose it and signage that would meet the requirements.

MR. BOYCE: In view of what I've heard about the cabinet measurement, I'm not sure we'd be in a position or the answer is no, well, did we show one 15 feet high is the answer.

MR. WOLINSKY: This would basically shrink down 3 feet, it would fall below the Monroe Muffler sign and--

MR. BOYCE: After we looked at the file on the other signs in the area to which you wanted us to make reference and saw that the Monroe was 18 feet top, to the top of the cabinet and Foam and Wash is 19 feet, we felt that 18 feet was an appropriate location and we proportioned the sign smaller with respect to smaller in area.

MR. MINUTA: It's my opinion that you've done that fantastically, it's within the confines of all the other signs within the area. I don't feel there's an

issue there. The only one was the building signs.

MR. KANE: No, actually, that sign on the 94 building signs, I don't have, it's well done, and I don't have much of a problem because they're really off road, personally, I don't have that much. It was the one on 94.

MR. WOLINSKY: That's what your big concern was last meeting, 94.

MR. KANE: Okay, let me take care of a couple of things. Seeing as there's no one in the audience, I will open and close the public portion of this meeting and ask how many mailings we had?

MS. MASON: On the 30th of September, 70 addressed envelopes were mailed out with no responses.

MR. KANE: And I've got to say Shop Rite and Price Chopper aren't here. What happened?

MR. WOLINSKY: First time ever.

MR. BABCOCK: They're looking to get a building permit also.

MR. REIS: Accept a motion?

MR. KANE: No, not yet, I really do just want to clarify something, as far as the variances, they're requesting sign, they're looking for an 8 foot 1 inch by 17 foot 5 inch variance on the building.

MR. BABCOCK: Which one are you talking about now?

MR. KANE: The first set would be the facade signs, 8 foot 1 inch by 17 foot 5, am I reading that right?

MR. BABCOCK: No, it should be 6 foot 9 inch by 17 foot 6.

MR. WOLINSKY: Correct.

MR. KANE: Six foot 9 inch by 17 foot 6 and the other

facade sign we don't need an additional facade sign or do we?

MR. WOLINSKY: We do.

MR. KANE: So we need an additional facade sign at 8 foot by 47 foot 6.

MR. WOLINSKY: No.

MR. BABCOCK: Yes.

MR. REIS: What's the dimensions?

MR. KANE: Eight foot by 47.6, so there's the first facade sign needs a variance of 6 foot 9 inches by 17 feet 6 inches, an additional facade sign at 8 foot by 47 foot 6 inches.

MR. BABCOCK: 47 foot 8 inches.

MR. KANE: Freestanding, the first freestanding sign will have a three foot height variance and 112 square feet?

MR. BABCOCK: That's correct.

MR. KANE: Sign variance then and additional pylon sign or cabinet sign, whatever you want to call it, with a three foot, now, would you call that a three foot?

MR. BABCOCK: Height, yes.

MR. KANE: Even though it's, they need a whole new sign.

MR. BABCOCK: Yes.

MR. KANE: So three foot and the 112?

MR. BABCOCK: Right.

MR. KANE: You guys got that?

MR. RIVERA: Yes.

MR. KANE: Now I'll accept a motion.

MR. KRIEGER: One other thing, if I may put something in the record. Because of the size of the building, would it be correct to say that facade signs that were smaller than that would look inappropriate?

MR. BOYCE: Yes.

MR. WOLINSKY: Yes, that's correct, they would be out of scale with the mass of the building.

MR. KRIEGER: Inappropriate because of the scale?

MR. WOLINSKY: Yes.

MR. KRIEGER: That's it.

MR. KANE: Accept a motion, gentlemen.

MR. REIS: First of all, just to preface as my approval for your application, I'm sure we all feel very positive about the final results, so thank you very much for your effort.

MR. KANE: With that, I'll take your votes.

MR. REIS: As discussed between the Chair and the building inspector for the size of the sign variances, I make a motion that we accept and pass the variances requested for Hannaford's at the 32 and 94 location.

MR. MCDONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

MR. KANE: Gentlemen, I'll accept a motion to adjourn.

October 27, 2003

56

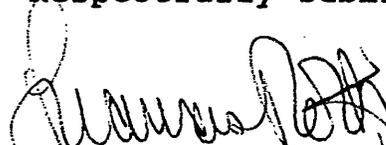
MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

Respectfully Submitted By:


Frances Roth 11/12/03

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 03-47

Request of 4 ACRES LLC (HANNAFORD'S)

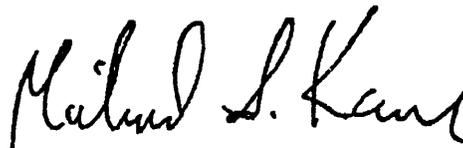
for a VARIANCE of the Zoning Local Law to Permit:

Request for various sign variances, all in a C Zone

for property located at: Rt. 32 and Rt. 94

known and designated as tax map Section 70 Block 1 Lot 16.2 & 2.21

PUBLIC HEARING will take place on OCTOBER 27TH, 2003 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

September 26, 2003

Larry Wolinski (Jacobowitz & Gubits)
Walden, NY

Re: 70-1-16.2 & 70-1-2.21 ZBA#03-47

Dear Mr. Wolinski:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

Please be advised that the subject parcel is also located in Town of Cornwall.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in black ink that reads "J. Todd Wiley" with a circled initial "JTW" to the right.

J. Todd Wiley, IAO
Sole Assessor

JTW/baw
Attachments

CC: Myra Mason, ZBA

65-2-20
Norstar Bank of Upstate N.Y.Facil. Mngm.
C/o CBRE#27522
Box 231476
Hartford, CT 06123

65-2-23
Joan Shedden
27 Water Way
Newburgh, NY 12550

65-2-24
RJM Realty Group, LLC
9 Hawthorne Place, #2 N
Boston, MA 02114

65-2-21; 65-2-22; 70-1-3
Mans Brothers Realty Inc.
P.O. Box 247
Vails Gate, NY 12584

69-1-6
V.G.R. Associates, LLC
C/o Irving S. Bobrow, Mgr.
40 East 69th Street
New York, NY 10021

69-1-9.1
Konstantinos & Theodore Panagiotopoulos
65 Eisenhower Drive
Middletown, NY 10940

69-1-11
Leon & June Trudeau
94 Canterbury Road
Ford Montgomery, NY 10928

69-2-6
R & S Food Inc.
249 North Craig Street
Pittsburgh, PA 15213

69-2-7
NYS Dept. of Transp.
Office of State Comptroller
Legal Services 6th Floor
A.E. Smith Building
Albany, NY 12236

69-2-8; 69-2-12.1
MCB Partnership
521 Green Ridge Street
Scranton, PA 18509

69-2-9
Primavera Properties Inc.
P.O. Box 177
Vails Gate, NY 12584

69-2-10
Angelo Rosmarino Enterprises, Inc.
P.O. Box 392
Vails Gate, NY 12584

69-2-11
Amerada Hess Corp.
c/o Dean E. Cole, Mgr. Property Tax Dept.
1 Hess Plaza
Woodbridge, NJ 07095

69-3-2.1
TGS Associates, Inc.
15 East Market Street
Red Hook, NY 12571

69-3-5
S & S Properties Inc.
123 Quaker Road
Highland Mills, NY 10930

69-3-6
DB Companies DBA DB Mart
Convenience Stores
P.O. Box 9471
Providence, RI 02940

69-4-16
Russell & Ruth Ann Brewer
P.O. Box 103
Vails Gate, NY 12584

69-4-20
Albert & William Pushman
P.O. Box 158
Vails Gate, NY 12584

69-4-21
Albert & Josephine Pushman
P.O. Box 158
Vails Gate, NY 12584

69-4-22
William & Marion Pushman
2609 NYS Rte 32
Vails Gate, NY 12584

69-4-23; 69-4-24
Vanessa & Dahlin Carroll
P.O. Box 508
Vails Gate, NY 12584

69-4-25; 69-4-26.13; 69-4-28
Herbert Slepoy & Fred Gardner
104 S. Central Ave
Valley Stream, NY 11580

69-4-26.11
Franchise Realty Interstate Corp.
C/o Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519

69-4-26.12
Fred Plus 3, LLC
104 South Central Ave, Room 20
Valley Stream, NY 11580

69-4-26.2
Mobil Oil Corporation
C/o Exxon Mobil Corporation
Property Tax Division
P.O. Box 4973, Houston, TX 77210-4973

70-1-1.1; 70-1-1.2
Samuel Leonardo
7 Dogwood Hills Road
Newburgh, NY 12550

70-1-2.1
House of Apache Properties, LTD
C/o Herbert Slepoy
104 S. Central Ave
Valley Stream, NY 11580

70-1-4
Gregory Greer
P.O. Box 212
Shields Rd
Cornwall, NY 12518

70-1-5
Mans Brothers Realty, Inc.
871 Blooming Grove Tpke
New Windsor, NY 12553

70-1-6
Goetze Properties, LLC
2084 Boston Post Road
Larchmont, NY 10538

70-1-7
V.G. Maximus, Inc.
C/o Joseph Pisani
203 Cambridge Court
New Windsor, NY 12553

70-1-13
Larry Reynolds
4 Truex Drive
New Windsor, NY 12553

70-1-14
Christopher & Deborah Smith
6 Truex Drive
New Windsor, NY 12553

70-1-15.1
Edward & Jo Ann Lekis
P.O. Box 204
Vails Gate, NY 12584

70-1-15.2
John & Detra Denton
10 Truex Circle
New Windsor, NY 12553

70-1-15.3
Bettina Youngberg & Richard D'Aloia
12 Truex Circle
New Windsor, NY 12553

70-1-15.4
Michael & Mary Fernandez
9 Truex Circle
New Windsor, NY 12553

70-1-15.5
Salvatore & Carolina Tosco
7 Truex Circle
New Windsor, NY 12553

70-1-15.6
Pete & Farida Caoli
18 Truex Drive
New Windsor, NY 12553

70-1-15.7
Kim Marie Roach Gambrell
16 Truex Drive
New Windsor, NY 12553

70-1-15.8
Donna Dooley
14 Truex Drive
New Windsor, NY 12553

70-1-16.1
4 Acres, LLC
104 S. Central Ave
Valley Stream, NY 11580

70-1-17.1
Carolyn & Robert Jaczko
P.O. Box 231, Haight Drive
Vails Gate, NY 12584

70-1-17.2
Josephine Di Miceli & Carolyn Siano
P.O. Box 283
Vails Gate, NY 12584

70-1-18
Josephine Di Miceli
P.O. Box 283
Vails Gate, NY 12584

70-1-19
Sean Chadwick
20 Truex Drive
New Windsor, NY 12553

70-1-20
Thomas & Dorothy Barton
22 Truex Drive
New Windsor, NY 12553

70-1-21
Deborah & Kevin Leto
24 Truex Drive
New Windsor, NY 12553

70-1-22
Norman & Mary Ellen Grinder
26 Truex Drive
New Windsor, NY 12553

70-1-23
Thomas Mc Gowan
17 Haight Drive
New Windsor, NY 12553

70-1-24
Joseph & Gertrude Gonzalez
15 Haight Drive
New Windsor, NY 12553

70-1-25
John & Barbara McDonald
13 Haight Drive
New Windsor, NY 12553

70-1-26
Frank & Mary Dieli
1118 Belair Drive
Santa Barbara, CA 93105

70-1-27
George & Paraskevi Lenko
9 Haight Drive
New Windsor, NY 12553

70-1-47.2
YKB Property, LLC
2450 Rt 32
New Windsor, NY 12553

70-1-48
Central Hudson Gas & Electric Corp.
284 South Ave
Poughkeepsie, NY 12603

70-1-49
Knox Village Inc.
2375 Hudson Terr.
Ford Lee, NJ 07024

70-2-1
Clarence & Zenobia Reed
3 Truex Drive
New Windsor, NY 12553

70-2-3; 70-2-9; 70-3-1; 70-3-8
Benjamin Harris Realty Inc.
P.O. Box 780
Cornwall, NY 12518

70-2-7
Roseann Coakley
6 Kearney Drive
New Windsor, NY 12553

70-2-8
Angelo Luongo & Marian Buckheit
8 Kearney Drive
New Windsor, NY 12553

70-2-10
Byron Russell
15 Truex Drive
New Windsor, NY 12553

70-2-11
Fred Saintmire
13 Truex Drive
New Windsor, NY 12553

70-2-12
Timothy Strobel
11 Truex Drive
New Windsor, NY 12553

70-3-2
Joseph & Dorothy DeFeo
P.O. Box 246
Vails Gate, NY 12584

70-3-3
David & Raquel Velazquez
5 Kearney Drive
New Windsor, NY 12553

70-3-4
Maria Estrada
83-40 Britton Ave Apt. 3 L
Elmhurst, NY 11373

70-3-7
Andrew & Janet Cos
4 Haight Drive
New Windsor, NY 12553

70-3-9
Charles Kall
8 Haight Drive
New Windsor, NY 12553

70-3-10
Robert & Maxine Moody
P.O. Box 224
Vails Gate, NY 12584

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 09-23-03 PROJECT NUMBER: ZBA# 03-47 P.B. # _____

APPLICANT NAME: HANNAFORD BROS. CO.

PERSON TO NOTIFY TO PICK UP LIST:

LARRY WOLINSKI (JACOBOWITZ & GUBITS)
WALDEN, NY

TELEPHONE: 778-2121

TAX MAP NUMBER:	SEC. <u>70</u>	BLOCK <u>1</u>	LOT <u>16.2</u>
	SEC. <u>70</u>	BLOCK <u>1</u>	LOT <u>2.21</u>
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: RT. 94 & RT. 32
VAILS GATE

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____



NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2051277

TOTAL CHARGES: _____

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#922-2003**

09/25/2003

**Hannaford Brothers Co. ZBA #03-47
P. O. Box 1000
Portland, Maine 04104**

**Received \$ 150.00 for Zoning Board Fees, on 09/25/2003. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 09-22-2003

FOR: 03-47 ESCROW

FROM: HANNAFORD BROS. CO.

P.O. BOX 1000

PORTLAND, ME 04104

CHECK NUMBER: 2051279

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

9/25/03

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

September 29, 2003

Jacobowitz & Gubits
P.O. Box 367
Walden, NY 12586

ATTN: LARRY WOLINSKY, ATTY.

SUBJECT: HANNAFORD'S REQUEST FOR VARIANCE #03-47

Dear Mr. Wolinsky:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Hannaford's Foods
Rt. 94 & Rt. 32
Vails Gate, NY

is scheduled for the October 27th, 2003 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

cc: Douglas Boyce – Martin's Foods of South Burlington, Inc.
145 Pleasant Hill Road
Scarborough, ME 04074



RESULTS OF Z.B.A. MEETING OF: September 22, 2003

PROJECT: Harrods

ZBA # 03-47
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) hs S) lv VOTE: A 4 N _____
RIVERA A _____
~~MCDONALD~~ A _____
REIS A _____ CARRIED: Y N _____
MINUTA A _____
KANE A _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

RIVERA _____
MC DONALD _____ CARRIED: Y _____ N _____.
REIS _____
MINUTA _____
KANE _____
ARE

How does the signs on 32 + 94 Compare to other signs in the area. Variance

<i>Freestanding</i>	<i>20'</i>	<i>5' height</i>
<i>Pylons</i>	<i>112 sq ft.</i>	<i>48.5g ft.</i>
<i>Facades:</i>	<i>2 1/2 x 10' (Front)</i>	<i>2 1/2' ht. 17 1/2' width</i>
<i>Facade:</i>	<i>6' (Side)</i>	<i>3 1/2' ht 23' length</i>
		<i>5 1/2" 1' 10" length</i>
<i>Add one side Facade sign to Variance</i>		

THIS DOCUMENT FEATURES A BLUE AND RED BLEND BACKGROUND WITH HIDDEN VOID



RETAIL
Hannaford Bros. Co.
P.O. Box 1000
Portland, ME 04104
Tel. (207) 883-2911

52-153
112

2051279



Fleet Maine, N.A.
South Portland, ME

PAY

FIVE HUNDRED AND NO/100 DOLLARS *****

DATE		
09	05	03

AMOUNT	
\$*****	500.00

NOT VALID AFTER 180 DAYS

To
The
Order
Of

TOWN OF NEW WINDSOR

555 UNION ST
NEW WINDSOR

NY 12553

Hannaford Bros. Co.

By

TREASURER

WARNING: Original document has LineMark™ lines in the paper that change from light to dark in reflected to transmitted light.

⑈ 2051279⑈ ⑆ 011201539⑆ 80 085 998⑈

THIS DOCUMENT FEATURES A BLUE AND RED BLEND BACKGROUND WITH HIDDEN VOID



RETAIL
Hannaford Bros. Co.
P.O. Box 1000
Portland, ME 04104
Tel. (207) 883-2911

52-153
112

2051277



Fleet Maine, N.A.
South Portland, ME

PAY

TWENTY FIVE AND NO/100 DOLLARS *****

DATE		
09	05	03

AMOUNT	
\$*****	25.00

NOT VALID AFTER 180 DAYS

To
The
Order
Of

TOWN OF NEW WINDSOR

555 UNION ST
NEW WINDSOR

NY 12553

Hannaford Bros. Co.

By

TREASURER

WARNING: Original document has LineMark™ lines in the paper that change from light to dark in reflected to transmitted light.

⑈ 2051277⑈ ⑆ 011201539⑆ 80 085 998⑈

THIS DOCUMENT FEATURES A BLUE AND RED BLEND BACKGROUND WITH HIDDEN VOID



RETAIL
Hannaford Bros. Co.
P.O. Box 1000
Portland, ME 04104
Tel. (207) 883-2911

52-153
112

2051278



Fleet Maine, N.A.
South Portland, ME

PAY

ONE HUNDRED FIFTY AND NO/100 DOLLARS *

DATE		
09	05	03

AMOUNT	
\$*****	150.00

NOT VALID AFTER 180 DAYS

To
The
Order
Of

TOWN OF NEW WINDSOR

555 UNION ST
NEW WINDSOR

NY 12553

Hannaford Bros. Co.

By

Honorable Donna L. Benson
County Clerk
Orange County
Government Center
Goshen, NY 10924
(845) 291-3062

DATE:09/15/2003
TIME:12:51:47 PM
RECEIPT:159783

CASH

DEED 12:51:47 PM
FILE:20030118069
DEED SEQ:001602

BK/PG:11188/1643

4 ACRES LLC	
4 ACRES LLC	
RECORDING FEE	37.00
TAX	8.00
NEW RP-5217	50.00
Deed Filing TP-584	5.00
Sub. Total	92.00

AMOUNT DUE:	\$92.00	
PAID CHECK:	\$92.00	
Check #:45085		\$92.00
JACOBOWITZ		
TOTAL PAID:	\$92.00	

REC BY:MRL
Clerk

Have a nice day!

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:
NAME(S) OF PARTY(S) TO DOCUMENT

4 Acres, LLC

TO

4 Acres, LLC

SECTION 70 BLOCK 1 LOTS 16.1
& 16.2

RECORD AND RETURN TO:
(name and address)

HOWARD STEIN, ESQ.
90 Merrick Avenue
East Meadow, New York 11554



THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED XXMORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- | | |
|-----------------------------------|----------------------------------|
| <u>2089</u> BLOOMING GROVE (TN) | <u>4289</u> MONTGOMERY (TN) |
| <u>2001</u> WASHINGTONVILLE (VLG) | <u>4201</u> MAYBROOK (VLG) |
| <u>2289</u> CHESTER (TN) | <u>4203</u> MONTGOMERY (VLG) |
| <u>2201</u> CHESTER (VLG) | <u>4205</u> WALDEN (VLG) |
| <u>2489</u> CORNWALL (TN) | <u>4489</u> MOUNT HOPE (TN) |
| <u>2401</u> CORNWALL (VLG) | <u>4401</u> OTISVILLE (VLG) |
| <u>2600</u> CRAWFORD (TN) | <u>4600</u> NEWBURGH (TN) |
| <u>2800</u> DEERPARK (TN) | <u>4800</u> NEW WINDSOR (TN) |
| <u>3089</u> GOSHEN (TN) | <u>5089</u> TUXEDO (TN) |
| <u>3001</u> GOSHEN (VLG) | <u>5001</u> TUXEDO PARK (VLG) |
| <u>3003</u> FLORIDA (VLG) | <u>5200</u> WALKKILL (TN) |
| <u>3005</u> CHESTER (VLG) | <u>5489</u> WARWICK (TN) |
| <u>3200</u> GREENVILLE (TN) | <u>5401</u> FLORIDA (VLG) |
| <u>3489</u> HAMPTONBURGH (TN) | <u>5403</u> GREENWOOD LAKE (VLG) |
| <u>3401</u> MAYBROOK (VLG) | <u>5405</u> WARWICK (VLG) |
| <u>3689</u> HIGHLANDS (TN) | <u>5600</u> WAWAYANDA (TN) |
| <u>3601</u> HIGHLAND FALLS (VLG) | <u>5889</u> WOODBURY (TN) |
| <u>3889</u> MINISINK (TN) | <u>5801</u> HARRIMAN (VLG) |
| <u>3801</u> UNIONVILLE (VLG) | |
| <u>4089</u> MONROE (TN) | |
| <u>4001</u> MONROE (VLG) | |
| <u>4003</u> HARRIMAN (VLG) | |
| <u>4005</u> KIRYAS JOEL (VLG) | |

NO PAGES CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$
TAX EXEMPT
Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:

- (A) COMMERCIAL/FULL 1%
- (B) 1 OR 2 FAMILY
- (C) UNDER \$10,000
- (E) EXEMPT
- (F) 3 TO 6 UNITS
- (I) NAT.PERSON/CR. UNION
- (J) NAT.PER-CR.UN/1 OR 2
- (K) CONDO

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: _____

09 21 51 253 0007
ORANGE COUNTY CLERK'S OFFICE
RECORDED

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

THIS INDENTURE, made the 12TH day of September, two thousand three

BETWEEN 4 ACRES, LLC., a New York State Limited Liability Company with offices at 104 Central Avenue, Valley Stream, New York 11580

party of the first part, and

4 ACRES, LLC., a New York State Limited Liability Company with offices at 104 Central Avenue, Valley Stream, New York 11580

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and No/100 (\$10.00) Dollars lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, as more particularly described on Schedule "A" annexed hereto and made a part hereof.

THIS INDENTURE IS INTENDED TO AND DOES HEREBY MERGE AND CONSOLIDATE, TWO PARCELS OWNED BY GRANTOR AND ARE THE SAME PREMISES DESCRIBED (a) IN A DEED FROM WILLIAM SLEPOY, ANDREW SLEPOY, AND JACQUELINE SLEPOY TO 4 ACRES, LLC, DATED JANUARY 2, 1996 AND RECORDED IN THE ORANGE COUNTY CLERK'S OFFICE IN LIBER 4344, PAGE 26; AND (b) IN A DEED FROM GARDNER PLUS 3 TO 4 ACRES, LLC, DATED JANUARY 7, 2000 AND RECORDED IN THE ORANGE COUNTY CLERK'S OFFICE ON FEBRUARY 8, 2000 IN LIBER 5239, PAGE 205.

TOGETHER with all easements and restrictions of record;

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and

SCHEDULE "A"

All that tract, piece or parcel of land situate in the Town of New Windsor, Orange County, New York, being further described as follows:

Beginning at the point of intersection of the dividing line of the herein described parcel to the south and the lands now or formerly of Samuel & Constantine Leonardo (liber 167, page 554 & liber 2228, page 133) to the north with the easterly sideline of New York State Route 32 (as presently laid out) and thence running:

1. Along the said lands now or formerly of Samuel & Constantine Leonardo and the lands now or formerly of Apache Associates (liber 3475, page 226), north $83^{\circ} 10' 3.4''$ east for a distance of 331.64 feet to a point, thence
2. Along the westerly line of lands now or formerly of Mans Brother Realty, Inc. (liber 4572, page 209) and the westerly line of lands shown on a map entitled: "Amor Homes, Town of New Windsor, Orange County, N.Y.," as filed in the Orange County Clerk's Office on October 29, 1957, as map #1730, south $03^{\circ} 30' 42''$ west for a distance of 675.19 feet to a point, thence
3. Along the lands now or formerly of Carolyn & Robert Jackzo (liber 4160, page 312) and the lands now or formerly of Josephine Dimicell & Carolyn Sciano (liber 3645, page 029), north $85^{\circ} 21' 25''$ west for a distance of 382.78 feet to a point, thence
4. Along the lands now or formerly of Central Hudson Gas & Electric Corp. (liber 1614, page 246), north $39^{\circ} 13' 00''$ west for a distance of 45.68 feet to a point, thence
5. Along the said easterly sideline of New York State Route 32, north $12^{\circ} 09' 58''$ east for a distance of 581.19 feet to the point of beginning.

Containing 5.443 acres more or less.

Along with an Easement Agreement, in favor of the above described parcel, dated January 11, 1995, by and between House of Apache Properties, Ltd., and William Slepoy, Andrew Slepoy, and Jacqueline Slepoy, as recorded in liber 4171, page 217.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: S.L.C. INK

William Stepien, Andrew Stepien + Jacqueline Stepien
TO
4 Acres, L.L.C.

SECTION 70 BLOCK 1 LOT 16.2

RECORD AND RETURN TO:
(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

Sherr H Schenfeld, ESQ
Old Country Rd
Ste 460
Circle Place, NY 11514

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEEP PARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 HAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINEBANK (TN)
- 3801 UNIONVILLE (VLG)
- 4088 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 VIRYAS JOEL (VLG)
- 4289 MONTGOMERY (TN)
- 4201 HAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WILDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 CANTONVILLE (VLG)
- 4600 NEWBIRCH (TN)
- 4800 NEWYANDSOR (TN)
- 5089 TULLEO (TN)
- 5001 TINKEDO PARK (VLG)
- 5200 WALKER (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)

NO. PAGES 3 CROSS REF
CERT. COPY AFFT. FILED

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

CONSIDERATION \$
TAX EXEMPT

MORTGAGE AMT \$
DATE

MORTGAGE TYPE:
 (A) COMMERCIAL
 (B) 1 OR 2 FAMILY
 (C) UNDER \$10,000
 (E) EXEMPT
 (F) 3 TO 6 UNITS
 (D) NAT.PERSONAL UNION
 (J) NAT.PER.CAL. UN OR 2
 (K) CONDO

CITIES

- 0900 MIDDLE TOWN
- 1100 NEWBURGH
- 1300 PORT JEFFERSON
- 8888 HOLLY

John A. Macchi

JOHN A. MACCHI
Orange County Clerk

RECEIVED FROM: *Pig Apple*

INT434 REC 25

ORANGE COUNTY CLERK'S OFFICE 8193 NCD
RECORDED/FILED 02/22/96 11:55:24 AM

FEES 44.00 EDUCATION FUND 5.00

SERIAL NUMBER: 005103
DEED CRTL NO 51641 RE TAX .00

02.01.2011

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

THIS INSTRUMENT, made the 2nd day of January, 1995

BETWEEN

William Slepoy, residing at 343 E. 74th Street, New York, New York
Andrew Slepoy, residing at 1603 Lakeview Dr., Hewlett, New York, and
Jacqueline Slepoy, residing at 1303 Harbor Road, Hewlett, New York

party of the first part, and

4 Acres, L.L.C., a New York Limited Liability Company, with offices
at c/o 124 South Central Avenue, Valley Stream, New York

party of the second part.

WITNESSETH that the party of the first part, in consideration of Ten (\$10) dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever:

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

See "Schedule A" annexed

Being and intended to be the same premises conveyed to the Party of
the First Part by deed dated January 11, 1995 and recorded in Liber
4171, Page 301

Subject to an Easement Agreement dated January 11, 1995 by and between
House of Apache Properties, Ltd., and William Slepoy, Andrew Slepoy and
Jacqueline Slepoy.

Subject to mortgage held by Fred Gardner and Elaine Gardner, his
wife, dated January 11, 1995 and recorded in Liber 5332, Page 199
in the principal amount of \$70,000.00.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first
part will receive the consideration for this conveyance and will hold the right to receive such consideration as a
trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to
the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

William Slepoy
Andrew Slepoy
Jacqueline Slepoy

Form 134

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 2nd day of SEP 19 96, before me personally came

William Steyer, Andrew Steyer + [unclear] Steyer to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

[Signature]

STUART N. SCHOENFELD Notary Public, State of New York No. 30-46502-20 Qualified in Nassau County Commission Expires April 1, 1996

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 before me personally came

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

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporation's seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at

that he knows to be the individual described in and who executed the foregoing instrument; that the said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

BARGAIN AND SALE DEED WITH COVENANT AGAINST DEFENDANT'S ACTS

Title No. E5351

SECTION 70 BLDG 1 LOT 16, 2 COUNTY OR TOWN Orange STREET ADDRESS

Recorded at Request of COMMONWEALTH LAND TITLE INSURANCE COMPANY RETURN BY MAIL TO

TO

BIG APPLE ABSTRACT CORP.



42-40 Bell Boulevard Bayside, New York 11361 (718) 428-6100 • (516) 222-2740 • Fax: (516) 428-2064

Stuart H. Schoenfeld, Esq. One Old Country Road Suite 460 Carle Place, New York 11514

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE 1812-434 (REV 2)

Town of New Windsor, ^{SCHEDULE A} County of Orange, State of New York.

Beginning at an iron bar on the Easterly side of New York State Highway Route 32, said bar being the Southwesterly corner of other lands of Gardner Plus 3, and running:

1. thence from said point of beginning along the Southerly and Easterly line of other lands of Gardner Plus 3 the following courses and distances: south 77 degree 50' 02" East, 230.00 feet to a set iron bar;
2. thence North 12 degree 30' 20" East, 100.00 feet to a point;
3. thence North 3 degree 37' 05" West, 169.86 feet to a set iron bar on the Southerly line of lands of House of Apache Properties, LTD;
4. thence along the Southerly line of lands of House of Apache Properties LTD., North 83 degree 10' 34" East, 136.64 feet to a iron pipe on the Westerly line of lands now or formerly C. P. Mans, Liber 2273 Page 73;
5. thence along the Westerly line of lands of Mans, lands now or formerly Marshall Park, and lands now or formerly Amor-Homes, Inc., South 3 degree 30' 42" West, 675.19 feet to an iron pipe at the Northeasterly corner of lands now or formerly Michael J. and Carolyn Siano Liber 790 Page 496;
6. thence along the Northerly line of lands of Siano and lands now or formerly Anthony J. and Vincenza V. Dimiceli, Liber 1635 Page 640, North 85 degree 21' 25" West, 382.78 feet to a point on the Northerly line of lands of Central Hudson Gas & Electric Corp. (formerly New York Aqueduct);
7. thence along the Northerly line of lands of Central Hudson Gas & Electric Corp. (formerly New York City Aqueduct), North 39 degree 13' 00" West, 45.68 feet to a point on the Easterly side of New York State Highway Route 32;
8. thence along the Easterly side of New York State Highway Route 32, North 32 degree 09' 58" East, 381.19 feet to the place of beginning.

CONTAINING: 4.270 ACRES

All bearings are referred to Magnetic North as of February 1977.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Gardner Plus 3
TO
4 Acres, L.L.C.

SECTION 70 BLOCK 1 LOT 16-1

RECORD AND RETURN TO:

David Z. Herman, Esq.
Certilman Balin Adler & Hyman, LLP
90 Merrick Avenue
East Meadow, NY 11554

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|----------------------------|---|
| 2088 BLOOMING GROVE (TN) | 4288 MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG) |
| 2288 CHESTER (TN) | 4203 MONTGOMERY (VLG) |
| 2201 CHESTER (VLG) | 4205 WALDEN (VLG) |
| 2488 CORNWALL (TN) | 4488 MOUNT HOPE (TN) |
| 2401 CORNWALL (VLG) | 4401 OTISVILLE (VLG) |
| 2800 CRAWFORD (TN) | 4800 NEWBURGH (TN) |
| 2800 DEERPAK (TN) | <input checked="" type="checkbox"/> 4800 NEW WINDSOR (TN) |
| 3088 GOSHEN (TN) | 5088 TUXEDO (TN) |
| 3001 GOSHEN (VLG) | 5001 TUXEDO PARK (VLG) |
| 3003 FLORIDA (VLG) | 8200 WALKHILL (TN) |
| 3005 CHESTER (VLG) | 8488 WARWICK (TN) |
| 3200 GREENVILLE (TN) | 5401 FLORIDA (VLG) |
| 3488 HAMPTONBURGH (TN) | 8403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG) | 5405 WARWICK (VLG) |
| 3888 HIGHLANDS (TN) | 8800 WAWAYANJA (TN) |
| 3601 HIGHLAND FALLS (VLG) | 8888 WOODBURY (TN) |
| 3888 MINSINK (TN) | 8801 HARTMAN (VLG) |
| 3801 UNIONVILLE (VLG) | |
| 4088 MONROE (TN) | CITIES |
| 4001 MONROE (VLG) | 0900 MIDDLETOWN |
| 4003 HARTMAN (VLG) | 1100 NEWBURGH |
| 4005 KITYAS JOEL (VLG) | 1300 PORT JERVIS |

NO PAGES 3 CROSS REF
CE IT. COPY _____ AFFT _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 252,500.00
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:
(A) COMMERCIAL
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 8 UNITS
(G) NAT. PERSON OR UNION
(H) NAT. PER. COL. OR 2
(I) CONDO

Donna L. Benson
DONNA L. BENSON
Orange County Clerk

8888 HOLD

RECEIVED FROM: Commonwealth

LIBER 5233 PAGE 204

LIBER 5233 PAGE 204

ORANGE COUNTY CLERK'S OFFICE 7036 NBL
RECORDS/FILES 02/13/2000 07:00:00 AM
FEES 44.00 EDUCATION FUND 5.00
SERIAL NUMBER: 014243
DEED CNTL NO 51873 RE TAX 1010.00

Indenture N.Y.S.T.U. Form 9801 - Begins and Ends Deed, with Covenant against Grantor's Act. (Individual or Corporate) (page one)
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

1/10/03

WP990596

THIS INDENTURE, made the 7th day of January, 2003, between

Gardner Plus 3 having an address at
104 South Central Avenue
Valley Stream, NY 11580

party of the first part, and
4 Acres, L.L.C. having an address at
104 South Central Avenue
Valley Stream, New York 11580

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

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, State of New York as more particularly described as follows:

BEGINNING at a cross cut on the top of a concrete sign base, said point being on the easterly side of New York Highway Route #32 leading from Orrs Hills to Vails Gate, said point being the south-westerly corner of lands of now or formerly Catherina Leonardo and running; (1) Thence from said point of beginning along the southerly line of lands of the following: now or formerly Catherina Leonardo and now or formerly Maria Marshall, North 83° 10' 34" East 195 feet to a point; Thence through lands of Fred Gardner and Herbert Slepoy d/b/a Apache Associates the following three courses and distances; (2) South 3° 37' 05" East 169.86 feet; Thence (3) South 12° 30' 20" West 100 feet; Thence (4) North 77° 50' 02" West 230.00 feet, to the Easterly side of New York Highway Route #32; Thence (5) as measured along Route #32 aforementioned North 12° 09' 59" East 200 feet to the point or place of BEGINNING,

Said premises being the same as those described in deed dated December 14, 1993, recorded in Liber 3955, page 270.

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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of a total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

In presence of:

GARDNER PLUS 3
Fred Gardner
Fred Gardner, Partner

LIBER 5233 PAGE 205

STATE OF NEW YORK)
COUNTY OF *Suffolk*) ss.:

On the *9th* day of *August* in the year 19*99*, before me, the undersigned, a Notary Public in and for said state, personally appeared Fred Gardner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Marlene Porter
Notary Public

MARLENE PORTER
Notary Public, State of New York
No. 4182341
Qualified in Suffolk County
Commission Expires March 2, 2000

Mortgage and Sale Book
WITH COVENANT AGAINST GRANTOR'S ACTION
FILE NO. *WP 980596*

Gardner Plus 3

TO
4 Acres, L.L.C.

SECTION 70
BLOCK 1
LOT 16.1
COUNTY OR TOWN Orange

Recorded At Request of
First American Title Insurance Company of New York
RECORDED BY 0042 Y0

STANDARD FORM OF NEW YORK BONDS OF THIS CLASSIFIED BY
Disseminated by
First American Title Insurance Company
of New York



David Z. Hecox, Esq.
Cortiman Bell Adler & Hyman, LLP
90 Merrick Avenue
East Meadow, NY 11554

By: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE

September 15, 2003 _____ Application Type: Use Variance Area Variance
Date Sign Variance Interpretation

I. **Owner Information:** Phone Number: (860) 672-7070
4 Acres, LLC Fax Number: (203) 286-2196
(Name)
104 South Central Avenue, Suite 20, Valley Stream, New York 11580-5661
(Address)

II. **Purchaser or Lessee:** Phone Number: (207) 883-2911
Martin's Foods of South Burlington, Inc. Fax Number: (207) 885-2042
(Name)
145 Pleasant Hill Road, Searborough, Maine 04074
(Address)

III. **Attorney:** Phone Number: (845) 778-2121
Larry Wolinsky, Esq. Fax Number: (845) 778-5173
(Name)
158 Orange Avenue, Walden, New York 12586
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (518) 463-8068
Collins Scoville Architects, P.C. Fax Number: (518) 463-8069
(Name)
40 Beaver Street, Albany, New York 12207-1511
(Address)

V. **Property Information:**
Zone: C Designed Shopping Property Address in Question: 2636 Route 32
New Windsor, New York 12553
Lot Size: 5.443 +/- Tax Map Number: Section 70 Block 1 Lot 2.21 & 16.2
a. What other zones lie within 500 feet? Residential R-4
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? 1996-2002
d. Has property been subdivided previously? No If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section 48-18 H(1) (a) (2), Supplementary Sign Regulations
& (b) (1)

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

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

See attached Narrative

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs 716 _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____
- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
 - One in the amount of \$ 300.00 or 500.00, (escrow)
 - One in the amount of \$ 50.00 or 150.00, (application fee)
 - One in the amount of \$ 25.00, (Public Hearing List Deposit)
- Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

8th day of September 2003,

Owner's Signature (Notarized)

Owner's Name (Please Print)

Melinda P. Alrai

Applicant's Signature (If not Owner)

SENIOR REAL ESTATE REPRESENTATIVE HANNAFORD BROS CO.

[Handwritten Signature]

Signature and Stamp of Notary

LARRY WOLINSKY 4845176
NOTARY PUBLIC, State of New York
Qualified in Orange County
Commission Expires October 31, 2003

PLEASE NOTE:
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

4 Acres LLC, deposes and says that he resides
(OWNER)

at 104 So. Central Ave., Valley Stream in the County of NASSAU
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 70 Block 1 Lot 16.2)
designation number (Sec. 70 Block 1 Lot 16.1) which is the premises described in
(Sec. 70 Block 1 Lot 2.21)
the foregoing application and that he authorizes:

Martin's Foods of South Burlington Inc. d/b/a Hannaford Bros. Co. P.O. Box 1000 Portland ME 04104
(Applicant Name & Address, if different from owner)

Larry Wlirinsky Esq. P.O. Box 367 Walden NY 12586-0367
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 9/5/03

4 ACRES, LLC
**
BY: William J...
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
5th day of September 2003

Christine Brown

Melinda Strain Hannaford Bros. Co.
Senior Real Estate Rep.
Applicant's Signature (If different than owner)

Representative's Signature

Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

** PLEASE NOTE:

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE

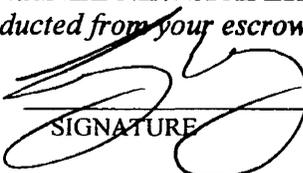
FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

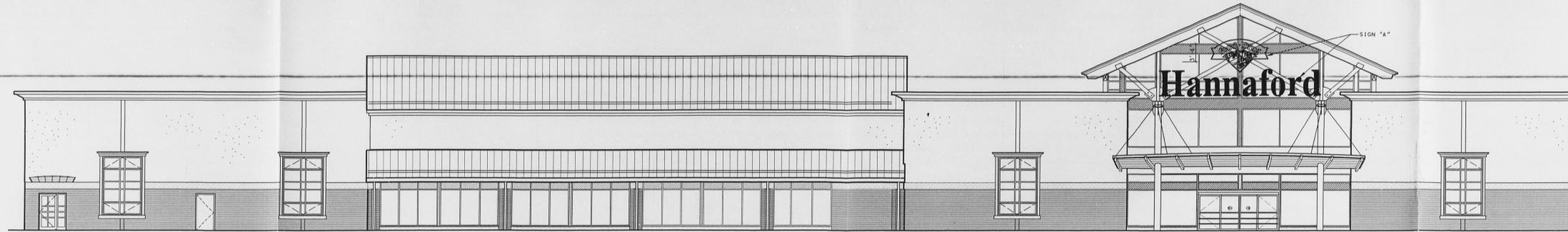
IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

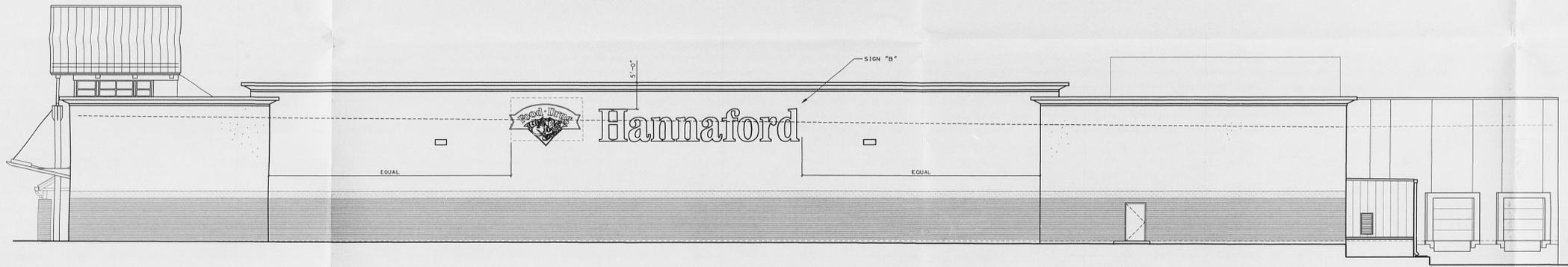
<i>I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).</i>	
 SIGNATURE	ATTY 9/e/03 DATE

NOTE:

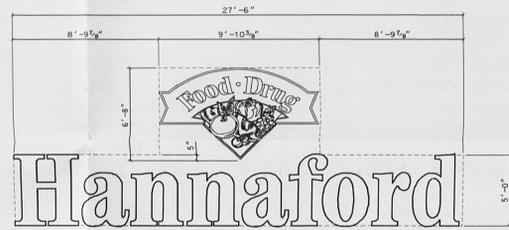
THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



FRONT ELEVATION



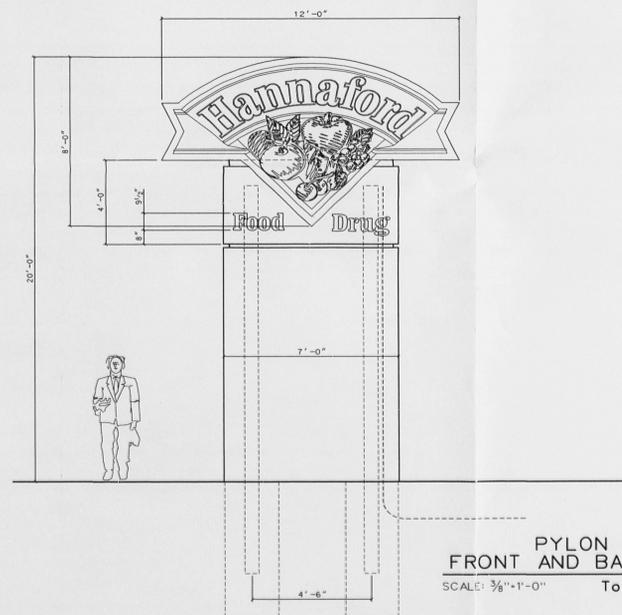
RIGHT SIDE ELEVATION



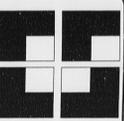
BUILDING SIGN (FRONT ELEVATION) AREA DETAIL SIGN "A"
Scale: 1/4"=1'-0" Total Sq. Ft. •199 Sq. Ft.



BUILDING SIGN (SIDE ELEVATION) AREA DETAIL SIGN "B"
Scale: 1/4"=1'-0" Total Sq. Ft. •293 Sq. Ft.



PYLON SIGN
FRONT AND BACK ELEVATION
SCALE: 3/8"=1'-0" Total Sq. Ft. •56 Sq. Ft. (Eo. Face)



COLLINS + SCOVILLE
ARCHITECTS, P.C.
40 BEAVER ST., ALBANY
NEW YORK 12207-1511
TEL: 402.488.8888 FAX: 518.482.1881

NO	REVISIONS	DATE	BY

NO	REVISIONS	DATE	BY
0	ISSUED FOR REFERENCE & ZONING VARIANCE REQUEST	5/5/03	JET
1	BUILDING PERMIT SUBMISSION FOR BIA RETAIL	8/26/03	JET

PROJECT TITLE
Hannaford Food & Drug
NYS Route 32
New Windsor, New York

SHEET TITLE
EXTERIOR SIGNAGE

SCALE	DESIGN	DRAWN	CHECKED	PROJ MGR	DATE
1/8" = 1'-0"	J. MORIN	WALLACE II	Dept	J.E. TOWLE	APRIL 2003

SHEET
G1
proj no. NWRSA