

ZB# 04-42

Hudson Valley Imaging

3-1-55.1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
GRANTED 7-14-04

HUDSON VALLEY
ZBA # **04-42** ST. LUKES CORNWALL
IMAGING (SIGN) (3-1-55, 1)

Andrew Mazzella 220-2222

July 12 P.H.

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 5/4/04

Revised: 6/10/04

APPLICANT: Hudson Valley Imaging
575 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/3/04

FOR : 1ft x 13.5ft Façade sign

LOCATED AT: 575 Hudson Valley Avenue

ZONE: AP-1 Sec/ Blk/ Lot: 3-1-55.1

DESCRIPTION OF EXISTING SITE:

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

1. One façade sign 2.5ft x 10ft is permitted for each permitted business. Proposed sign is 1ft x 13.5ft. A variance of 3.5ft width is required.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: AP-1 USE:

SIGN:

FREESTANDING:

HEIGHT:

WIDTH:

WALL SIGNS: 1-2.5ft x 10ft

1ft x 13.5ft

3.5ft width

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

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

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

"Low"

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 underslab 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 perc 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.

FOR OFFICE USE ONLY:
Building Permit #: _____

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 St. Luke's Cornwall Imaging Center (Tenant)
 Address 575 Hudson Valley Avenue, New Windsor, NY Phone # 220-2222
Suite 101
 Mailing Address SAME Fax # 845-220-2241

Name of Architect _____
 Address _____ Phone _____

Name of Contractor One day Signs
 Address 105 Broad Street, Waterford, NY 12188 Phone 518-237-5774

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

If applicant is a corporation, signature of duly authorized officer.
(Name and title of corporate officer)

1. On what street is property located? On the East side of 575 Hudson Valley Ave
(N,S,E or W)
and North 100 feet from the intersection of NYS Route 207

2. Zone or use district in which premises are situated Airport-1 Is property a flood zone? Y N X

3. Tax Map Description: Section 3 Block 1 Lot 55.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Medical office bldg. b. Intended use and occupancy SAME

5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A
 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 Medical Office Bldg.

10. Estimated cost \$2,500.00 Fee \$50.00

CL# 1391

ZONING BOARD PAID

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) 563-4618
(845) 563-4695 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)

Charles E. Foyelle CEO

(Address of Applicant)

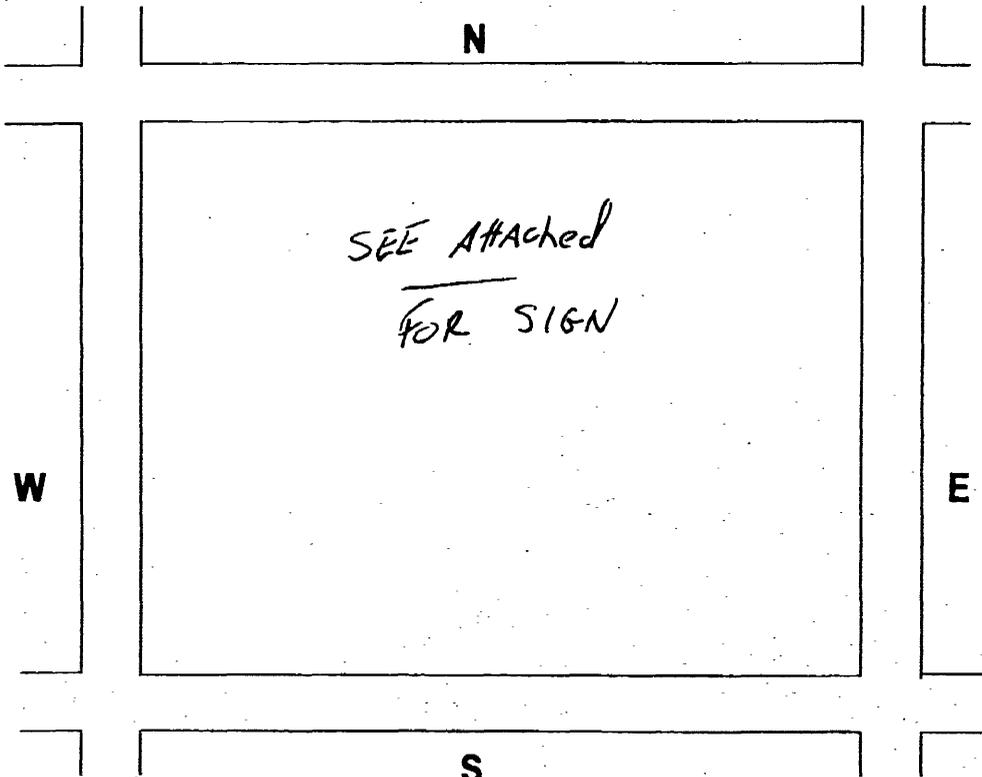
*575 Hudson Valley Ave, New Windsor NY
12553*

(Owner's Signature)

(Owner's Address)

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.



APR-28-2004 WED 09:33 AM BETTE & ORING
04/26/2004 13:25 FAX 5182371410

ONE DAY SIGNS FAX NO. 518

P. 03/03
2002

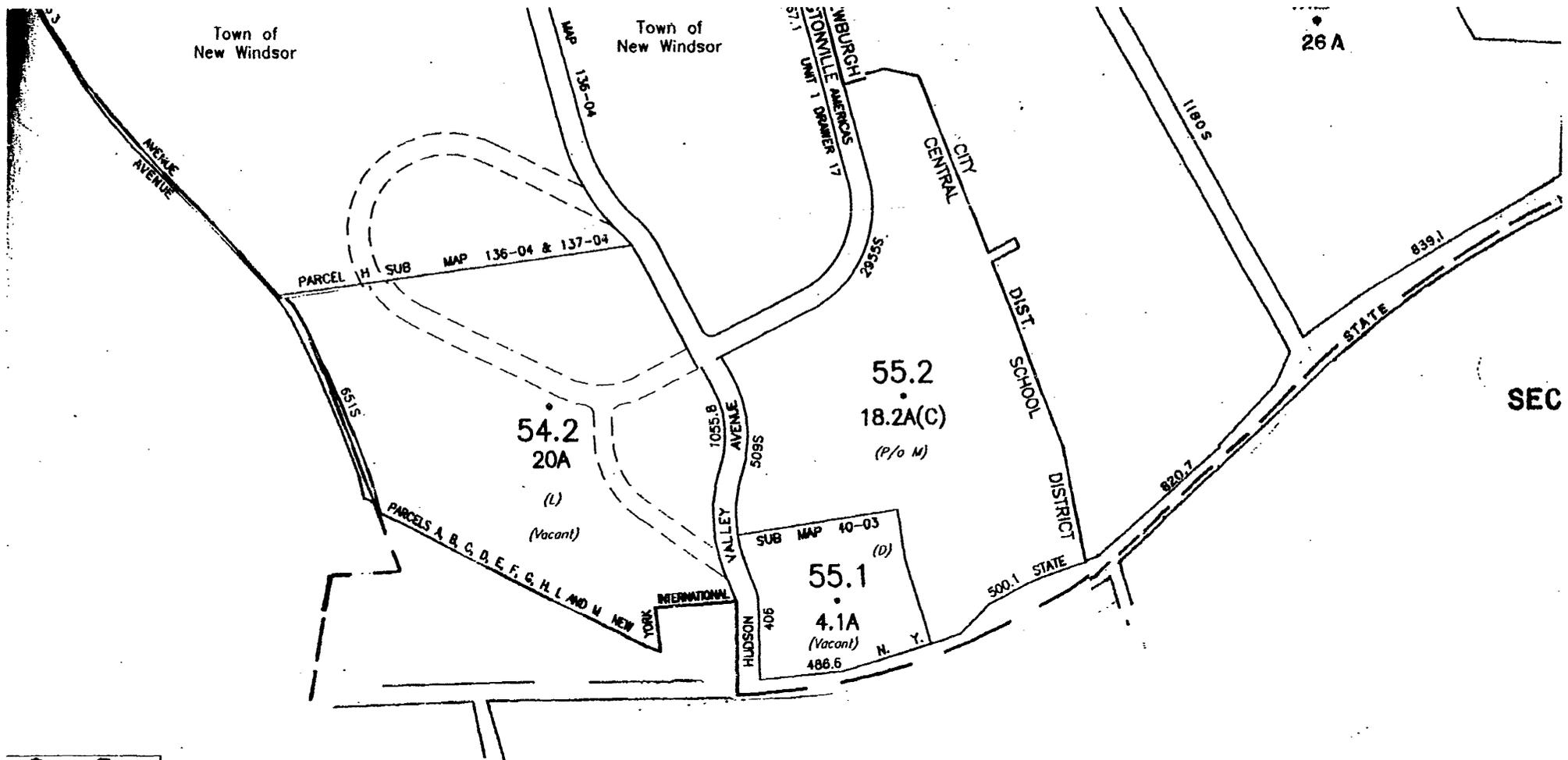
 **St. Lukes Cornwall Imaging Center** TM

240"

Town of
New Windsor

Town of
New Windsor

26 A



SEC

(3)	(A)
(3)	
STATE HWY NO 17	
COUNTY ROAD NO 4	
TOWN ROAD 1	

SECTION 32

ORANGE COUNTY - NEW YORK

LEGAL PURPOSES
OFFICE

Date of Map 9-24-67 Date of Revision 3-

Scale 1" = 400' Technician



MAY-20-2004 THU 08:32 AM FIRST COLUMBIA LLC

FAX NO. 5182131020

P. 07/08



Town of New Windsor

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

OFFICE OF THE ZONING BOARD OF APPEALS

September 21, 2004

St. Lukes Cornwall Imaging Center
575 Hudson Valley Avenue - Suite 101
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-42

Dear Sir:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

In the Matter of the Application of
HUDSON VALLEY IMAGING CENTER

MEMORANDUM OF
DECISION GRANTING

AREA (SIGN)

CASE #04-42
-----X

WHEREAS, Christopher Bette representing Hudson Valley Imaging Center , owner(s) of 575 Hudson Valley Avenue, Suite 101, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 3.5 ft. width (48-18-H,1b) for proposed façade sign at 575 Hudson Valley Ave. in an AP-1 Zone (3-1-55.1)

WHEREAS, a public hearing was held on July 14, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant 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 on a busy State Highway.
 - (b) The property consists of a single large building containing a number of medical and medically related offices. The applicant proposes placing a sign on the building to advertise the existence of its largest tenant. The sign will be placed on the side of the building and will not be placed higher than the building. The sign

will be illuminated from exterior, ground-mounted lighting which will be steady. The sign will contain no neon or flashing lights.

- (c) The sign is similar in size and appearance to other signs in the neighborhood.
- (d) The front of the building is located more than 150 feet from the adjacent State roadway and one of the reasons the applicant is proposing an increase in the height of the sign is so that it will be visible from the adjacent roadway.
- (e) The present signage consists of a free-standing sign along Rt. 207, which will be removed if the application is granted, so that there will be no free-standing sign.

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 is/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/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/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).

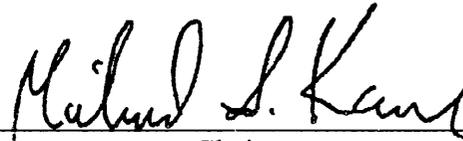
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 3.5 ft. width (48-18-H,1b) for proposed façade sign at 575 Hudson Valley Ave. in an AP-1 Zone (3-1-55.1) 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: July 14, 2004

A handwritten signature in black ink, appearing to read "Michael S. Kaur", is written over 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: 08-09-04
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 380.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-42

NAME & ADDRESS:

**St. Lukes Cornwall Imaging Center
575 Hudson Valley Avenue - Suite 101
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.08-09-04

PUBLIC HEARINGS:

HUDSON VALLEY IMAGING CENTER (04-42)

Mr. Chris Bette appeared before the board for this proposal.

MR. KANE: Request for 3.5 ft. width for proposed facade sign at 575 Hudson Valley Avenue in an AP-1 zone.

MR. BETTE: My name is Chris Bette, I'm with First Columbia. I'm actually representing both items 5 and 6 on the agenda. We're simply requesting two wall mounted signs, one to brand the building as the Medical Center of New Windsor, do you want me to talk about just the Hudson Valley sign or can I do both at the same time?

MR. KANE: Let's do the Hudson Valley first.

MR. BETTE: Okay, we're also having a second sign which would be the Hudson Valley Imaging, which is one of our major tenants that wanted identification on the building for directional purposes. Both signs, or the sign is roughly I think it's 10 inch letters, top of the building which is close to 32 feet high, actually, 32 is too high, 24, 23 feet high.

MR. KANE: Is the sign going to be illuminated?

MR. BETTE: We're proposing ground mounted up-light to illuminate the sign.

MR. KANE: And there won't be any flashing of the sign, it will be steady illumination?

MR. BETTE: It will be steady.

MR. MINUTA: There won't be any, it's going to be

ground mounted, you will obviously comply with FAA Regulations?

MR. BETTE: Yes.

MR. KANE: The sign in size that you're proposing here is similar to other signs that you're seen?

MR. BETTE: Yes.

MR. KANE: On the front of the building, how many feet off the road is it?

MR. BETTE: It's over 150 feet from Route 207.

MR. KANE: And you feel the distance from the road justifies the increase in the height of the sign?

MR. BETTE: Yes, and the sign manufacturers have a calculation that they provide that dictates the size of the lettering for legibility.

MR. KANE: At this point, I will ask once again, open up the public portion of the meeting and ask if there's anybody here for this particular hearing? Seeing as there is not, we'll close the public hearing portion and ask Myra how many mailings.

MS. MASON: On the 22nd of June, I mailed out 6 addressed envelopes and I had no responses.

MR. KANE: Six, that's got to be an all time low. Gentlemen, do you have any further questions?

MR. KANE: Do you have a freestanding sign for this building?

MR. BETTE: We have a temporary sign out in front of the building now.

MR. KANE: Will it--

MR. BETTE: Along 207.

MR. KANE: Is that going to become a permanent sign?

MR. BETTE: No, no, we're going to take that down.

MR. KANE: Just go with what's on the building?

MR. BETTE: Correct.

MR. REIS: Present tenant occupies how much space?

MR. BETTE: St. Luke's, actually Hudson Valley Imaging takes over 10,000 square feet.

MR. REIS: How much of the building is that?

MR. BETTE: Half of the first floor, which is a quarter of the building, roughly 40, 50,000 square feet.

MR. REIS: Is the whole building occupied at this point?

MR. BETTE: Yes, it is.

MR. REIS: You won't need in the foreseeable future other signage?

MR. BETTE: We have another tenant which is on the, just above Hudson Valley Imaging that may look for some similar identification on the building, they have not to date asked for it, we'd like to allow them to be able to have that kind of identification if they so choose to.

MR. BABCOCK: Mike, each tenant is allowed the 2 1/2 by 10 foot sign, if he comes to me to get a permit for the tenant that's above this and he wants to put a larger

sign he would have to come back.

MR. REIS: I'm trying to anticipate that happening, is there any way we can combine this at this time?

MR. KANE: No, you don't know what the sign's going to look like or what they want.

MR. REIS: Can't help you.

MR. KANE: Any other questions? I'll accept a motion.

MR. RIVERA: Motion that we grant Hudson Valley Imaging Center the requested 3.5 foot width for the proposed facade sign at 575 Hudson Valley Avenue in an AP-1 zone.

MR. MINUTA: Second it.

ROLL CALL

MR. MINUTA	AYE
MS. LOCEY	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: July 12, 2004

PROJECT: Hudson Valley Imaging ZBA # 04-42
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) RV S) MN VOTE: A 5 N 0.

~~RIVERA~~
~~MCDONALD~~ Locay A
REIS A
MINUTA A
KANE A

CARRIED: Y N _____

No Public Comment

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 on the following Proposition:

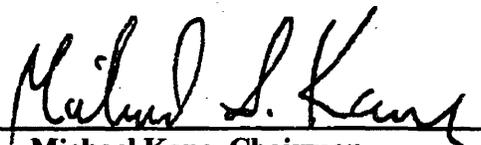
Appeal No. 04-42

Request of HUDSON VALLEY IMAGING

for a VARIANCE of the Zoning Local Law to Permit:

Request for 3.5 ft. width (48-18-H,1b) for proposed façade sign at 575 Hudson Valley Ave. in an AP-1 Zone (3-1-55.1)

**PUBLIC HEARING will take place on JULY 12, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman

HUDSON VALLEY IMAGING CENTER (04-42)

Mr. Chris Bette appeared before the board for this proposal.

MR. KANE: Request for 3.5 ft. width for proposed facade sign at 575 Hudson Valley Avenue in AP-1 zone.

MR. KANE: We have another one coming on the next preliminary, different business.

MR. BABCOCK: He's representing both.

MR. KANE: Are there any other stores in this particular building that's going to need signage?

MR. BETTE: No, this is a medical office building.

MR. KANE: Just going to be these two and nothing else?

MR. BETTE: Correct.

MR. KANE: Okay, sir, your name for the young lady.

MR. BETTE: My name is Chris Bette, I'm with First Columbia, the owners of the medical office building at Route 207 and Hudson Valley Avenue. We're requesting two signs, one to brand the building, get the building and identity, actually, item number 4 we're going to call the building the Medical Center of New Windsor. In addition to that, we're allowing St. Luke's Hospital the ability to put a sign on the other side of the building to promote and showcase them as a Town of New Windsor corporate resident so we're going to in New York International Plaza our commercial development we're going to try to carry out throughout all the buildings a mechanism to either brand the buildings or showcase our major tenants.

MR. KANE: Mike, I've got a question for you. Our

agenda is saying a request for ten foot width for proposed facade sign and your denial is--

MS. MASON: That was changed, it was changed, they changed the numbers after we sent out the agenda.

MR. BETTE: Yes, St. Luke's/Cornwall Imaging Center is changing their name to Hudson Valley Imaging and we have submitted the new sign request to Myra last week.

MR. KANE: So you're going for a 20 foot?

MR. BETTE: It's actually shorter now, Hudson Valley Imaging is--

MR. KANE: My question is answered, okay. Will the sign be illuminated at all?

MR. BETTE: We're going to do two things with illumination, we're going to illuminate the signs via ground mounted up lighting which in addition is going to highlight the building itself.

MR. KANE: There will be no flashing?

MR. BETTE: No flashing, no.

MR. KRIEGER: Signs don't move?

MR. BETTE: Signs don't move, it's solid letters adhered to the brick.

MR. KRIEGER: One sign is on one facade, one is on another?

MR. BETTE: If you're familiar with the building, we have a glass entryway, the Medical Center sign will be on the, looking at the building on the left side and the St. Luke's sign will be on the right side.

MR. REIS: Do you have photos of this?

MS. MASON: Yes, this is a better one here, this is the next one, the next application it's got a better picture.

MR. KANE: Len and Steve, do you have on your, it's a 3.5 foot variance, that's what they're looking for, not 10.

MR. BETTE: That's correct, that's our sign, medical Center of New Windsor. The St. Luke's/Cornwall Imaging will be changed, will be on the other side which would be the Hudson Valley Imaging.

MR. KANE: Any further questions about this one?

MR. MC DONALD: Medical Center of New Windsor, that's going to be up there too?

MR. BETTE: That's going to be looking at the building, we're going to have a Medical Center of New Windsor in this corner and Hudson Valley on that side of the glass.

MR. KANE: Mike, if they have the Medical Imaging sign up there and then they're going for the Hudson Valley Imaging and the First Columbia, do we have enough signs covered here?

MR. BETTE: Two signs total 27 total, one is going to say Medical Center of New Windsor, one's going to say Hudson Valley.

MR. BABCOCK: Right now we're doing Hudson Valley Imaging that's all we're talking about then when he steps back we have another denial.

MR. KANE: First Columbia is for Medical Center of New Windsor?

MR. BABCOCK: Yes.

MR. BETTE: Correct.

MR. KANE: Since we're doing these signs, there's no plans on adding any other signs, any type of ladder sign to this in the future?

MR. BETTE: No.

MR. KANE: Going to be a closed case right here?

MR. BETTE: Yes.

MR. MC DONALD: Only tenants you have in the building right now?

MR. BETTE: St. Luke's Imaging is our major tenant, they take up half of the first floor, we have three or four or five other tenants in the building.

MR. MC DONALD: They won't be back for anything?

MR. BETTE: No, at this point in time, we haven't allowed anybody else except St. Luke's.

MR. KANE: Any other questions on this?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion we set up St. Luke's/Cornwall Hudson Valley Imaging Center for a public hearing for the requested 3.5 foot width for proposed facade sign at 575 Hudson Valley Avenue.

MR. MC DONALD: Second it.

June 14, 2004

14

ROLL CALL

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



Town of New Windsor

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

ZONING BOARD OF APPEALS

June 22, 2004

St. Lukes Cornwall Imaging Center
575 Hudson Valley Avenue - Suite 101
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-42

Dear Sir:

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 ad. 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:

575 Hudson Valley Avenue - Suite 101
New Windsor, NY

is scheduled for the July 12, 2004 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: Chris Bette – First Columbia



RESULTS OF Z.B.A. MEETING OF: June 14, 2004

PROJECT: Hudson Valley Imaging

ZBA # 04-42
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) RS S) M VOTE: A ___ N ___
RIVERA A _____
MCDONALD A _____
REIS A _____ CARRIED: Y _____ N _____
~~MINUTA~~ _____
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 _____

Asked Chris for better pictures



1763

Town of New Windsor

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

Assessors Office

June 9, 2004

St. Lukes / Cornwall Imaging Center
ATT: Andrew Mazella
575 Hudson Valley Avenue
Suite 101
New Windsor, NY 12553

Re: 3-1-55.1 ZBA# 04-42

Dear Mr. Mazella:

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

The charge for this service is covered by your deposit of \$25.00.

Sincerely,

J. Todd Wiley, IA
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

3-1-54.2 & 3-1-55.2
First Columbia
ATT: Kevin Bette, PE
26 Century Hill – Suite 101
Latham, NY 12110

32-2-4
NYS DOT
c/o Carlton Boorn, Acct. Dept.
State Campus DOT - Bldg 5 – Room 401
Albany, NY 12232

32-2-7
Central Hudson Gas & Elect. Corp
ATT: Tax Agent
South Road
Poughkeepsie, NY 12602

32-2-8
Kaboom Realty, LLC
470 Little Britain Road
Newburgh, NY 12550

32-2-80
Sisters of the Presentation of the Mt. St.
Joseph Blessed Virgin
880 Jackson Avenue
New Windsor, NY 12553

32-2-52
NYC Dept. of EP
c/o NYC Dept of Water Supply OWSL
465 Columbus Avenue – Suite 350
Valhalla, NY 10595

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-03-04

FOR: ESCROW 04-42

FROM: AIRPORT IMAGING, LLC

575 HUDSON VALLEY AVENUE - SUITE 101

NEW WINDSOR, NY 12553

CHECK NUMBER: 1462

TELEPHONE: 220-2222

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

6/3/04

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

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

RECEIPT
#544-2004

06/03/2004

Airport Imaging Llc *ZBA 04-42*

Received \$ 150.00 for Zoning Board Fees, on 06/03/2004. 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

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

ZONING BOARD OF APPEALS

June 2, 2004

St. Lukes Cornwall Imaging Center
575 Hudson Valley Avenue - Suite 101
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-42

Dear Sir or Madam:

This letter is to inform you that you have been placed on the June 14th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

575 Hudson Valley Avenue
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 06/03/04 PROJECT NUMBER: ZBA# 04-42 P.B. # _____

APPLICANT NAME: ST. LUKE'S CORNWALL IMAGING CENTER

PERSON TO NOTIFY TO PICK UP LIST:

ST. LUKES CORNWALL IMAGING CENTER (ANDREW MAZELLA)
575 HUDSON VALLEY AVENUE - SUITE 101
NEW WINDSOR, NY 12553

TELEPHONE: 220-2222

TAX MAP NUMBER: SEC. 3 BLOCK 1 LOT 55.1
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 575 HUDSON VALLEY AVENUE
NEW WINDSOR, NY

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: 1461

TOTAL CHARGES: _____



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

* **ESCROW**
 IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

04-42

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 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).

Andrew R. Pappas
SIGNATURE

5-20-04
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)

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COMPLETE THIS PAGE

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, 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 by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The building owner has allowed St. Luke's Cornwall Imaging Center to install a facade sign. Due to the length of the business name AND the recommended letter height based on the distance to the road we ARE unable to meet the town signage size requirement. The owner has approved the proposed sign at his location using the same materials as the building identification sign planned by the owner. It is our understanding that the corporate identification on the future buildings will be carried out throughout the development.

PLEASE NOTE:

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

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COMPLETE THIS PAGE

**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 46-18, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1		2.5' x 10'	3.3' x 11.9'
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.

The sign for which we are requesting a variance will be a building identification facade which will face Rt 207. By granting a variance for this sign, it will become much more visible to both patients and visitors to the building.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs 103 +/- ?

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.

04-42

COMPLETE THIS PAGE

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 (if available) showing the size and location of the lot, 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 THREE(3) 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:

20th day of May 2007.

Christopher S. Britz
 Owner's Signature (Notarized)

CHRISTOPHER S. BRITZ
 Owner's Name (Please Print)

Andres F. Ayala
 Applicant's Signature (If not Owner)

Deborah Green
 Signature and Stamp of Notary

PLEASE NOTE:

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

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 # 4984065
 Commission Expires July 15, 2007

COMPLETE THIS PAGE

04-42

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

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

FIRST EBLUM B.A - 575 HVA LLC, deposes and says that he resides
(OWNER)

at 26 Century Hill Dr. Latham NY 12110 in the County of ALBANY
(OWNER'S ADDRESS)

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

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 3 Block 1 Lot 55.1) which is the premises described in

the foregoing application and that he authorizes:

ST. LUKES CORNWALL IMAGING
(Applicant Name & Address, if different from owner)

ANDREW MAZELLA, 575 HUDSON VALLEY AVE, NEW WINDSOR, NY 12553
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: May 20, 2007

** Christopher Butto
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
20th day of May 2007

Andrew N. Mazella
Applicant's Signature (If different than owner)

Deborah Greer
Signature and Stamp of Notary

DEBORAH GREER Representative's Signature
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

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