

ZB# 06-46

**Bohler Engineering
(Cumberland Farms)**

37-1-53

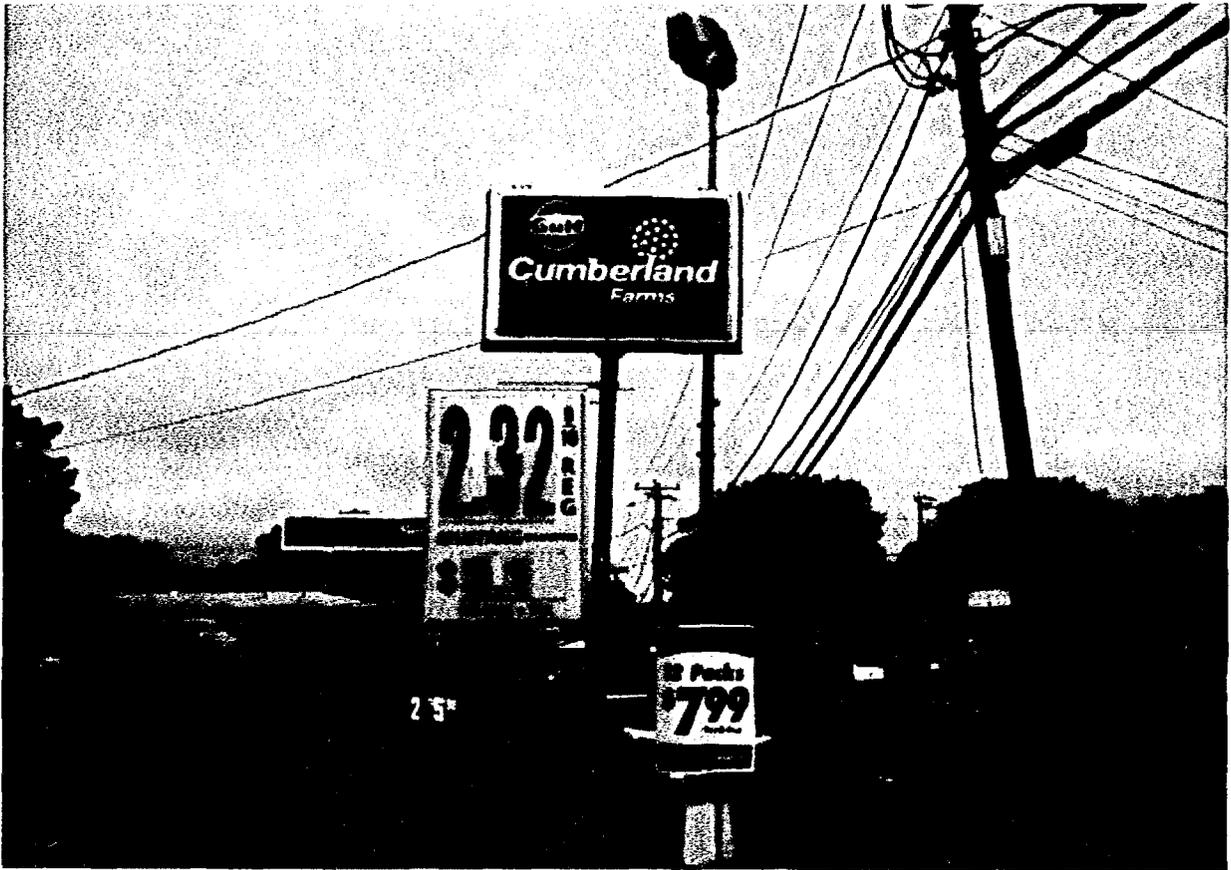
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

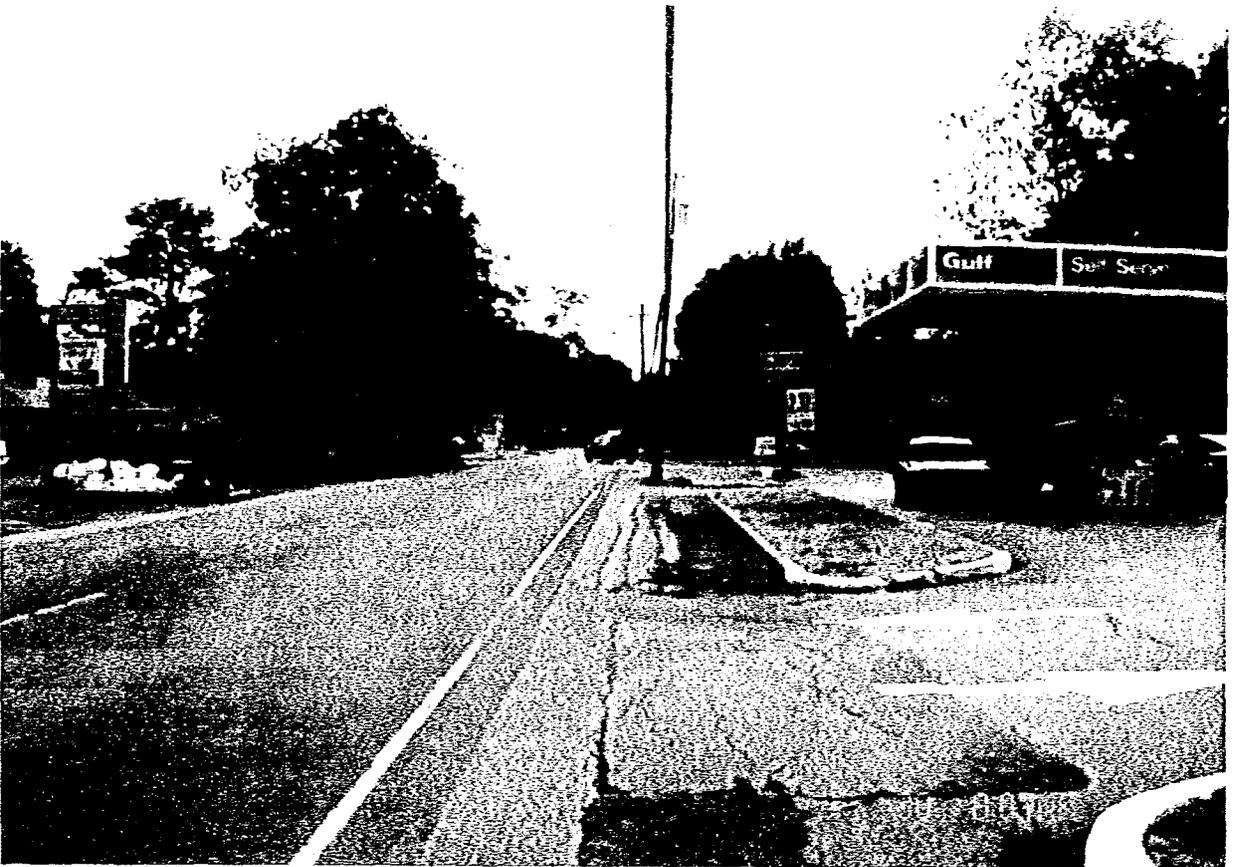
Granted 8-28-06

06-46 Bohler Engineering (Sign)
(For Cumberland Farms - R144)
(31-1-53)









-----X
In the Matter of the Application of
BOHLER ENGINEERING (for Cumberland Farms)

MEMORANDUM OF
DECISION GRANTING

AREA

CASE # (06-46)
-----X

WHEREAS, Robert Spevak of Bohler Engineering represented the , owner(s) of 401 Blooming Grove Turnpike, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 96 sq. ft. sign area and; 3 ft. Height for proposed free-standing sign at 401 Blooming Grove Tpk. (Cumberland Farms) in an NC Zone (37-1-53)

WHEREAS, a public hearing was held on August 28, 2006 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 five spectators appearing at the public hearing; and

WHEREAS, five people spoke 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 Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located on a busy state highway in a neighborhood mixed with commercial and residential properties.
 - (b) The applicant has already sought and obtained a variance for construction on the property. The present application is solely for the erection of signs on the property.

- (c) The applicant proposes to abandon the existing free-standing sign on the property and to construct a new free-standing sign together with building signage and canopy signage.
- (d) Free-standing sign will not interfere with the safe operation of motor vehicles on the adjacent roadways.
- (e) The proposed sign will be the same size as the existing sign but, will have a roof or canopy constructed on it to enhance its appearance.
- (f) The existing free-standing sign will be removed.
- (g) In erecting the signage, the applicant will not remove any trees or substantial vegetation.
- (h) In erecting the signage the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.
- (i) In erecting the signage the applicant will not create the ponding or collection of water or divert the flow of water drainage.

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).

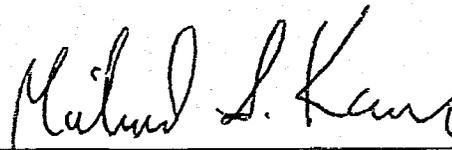
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 96 sq. ft. sign area and; 3 ft. Height for proposed free-standing sign at 401 Blooming Grove Tpk. (Cumberland Farms) in an NC Zone (37-1-53) 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: AUGUST 28, 2006



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: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 334.89 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-46

NAME & ADDRESS:

**Bohler Engineering (for Cumberland Farms)
5 Computer Drive West
Albany, NY 12205**

THANK YOU,

MYRA

L.R.10-24-06



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



FILE #06-46 TYPE:SIGN TELEPHONE: 518-438-9900

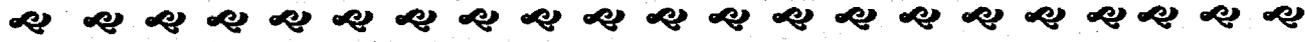
APPLICANT:

Bohler Engineering (for Cumberland Farms)
5 Computer Drive West
Albany, NY 12205

Attn: James Gillespie, P.E.

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>2072</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK #2071



<u>DISBURSEMENTS:</u>		MINUTES	ATTORNEY
		<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>8</u>	PAGES	\$ <u>56.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:08-08-06 \$ 11.11

TOTAL:	\$ <u>95.11</u>	\$ <u>70.00</u>
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ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 165.11

AMOUNT DUE: \$ _____

REFUND DUE: \$ 334.89

Cc:

L.R. 10-24-06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/12/2006	8194

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

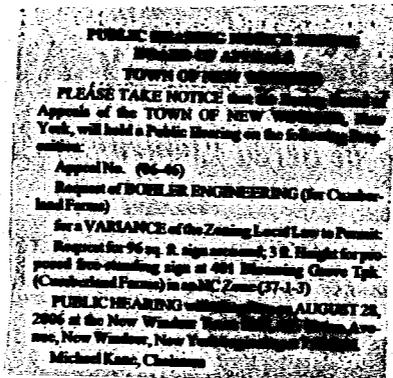
MLL

P.O. No.	Terms	Project
45920	Due on receipt	

Issue Date	Description	PCS/Units	Amount
8/8/2006	LEGAL ADS: BOHLER ENGINEERING 1 AFFIDAVIT	7.11 4.00	7.11 4.00
RECEIVED OCT 2 2006 TOWN OF NEW WINDSOR COMPTROLLER'S OFFICE			
Total			\$11.11

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218

State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1X
in said newspaper, commencing on
the 8 day of Aug A.D., 2006
and ending on the 8 day of Aug
A.D. 2006



Patricia Quill

Subscribed and shown to before me
this 18th day of Sept, 2006

Deborah Owen
Notary Public of the State of New York
County of Orange.

DEBORAH OWEN
Notary Public, State of New York
Qualified in Orange County
0084065
Commission Expires July 15, 2007

My commission expires _____

BOHLER ENGINEERING (FOR CUMBERLAND FARMS) (06-46)

Mr. Robert J. Spiak from Bohler Engineering appeared before the board for this proposal.

MR. KANE: Request for 96 sq. ft. sign area and 3 ft. height for proposed free-standing sign at 401 Blooming Grove Turnpike. At this point, I will ask if anybody's here for this hearing? We'll get a sheet back there for your name and address, please. Go ahead, sir.

MR. SPIAK: Rob Spiak with Bohler Engineering, we're here tonight to ask for a variance for a new freestanding sign for this development that has previously been approved at the planning board and we also received a previous variances from this board here. At the time we got the variances from this board previously it was our intention to leave the existing freestanding sign in its place. Since then due to the planning process and the need to make things look better at the end of the site we have decided to abandon the existing sign as part of the development program and propose a new freestanding sign, the freestanding sign is consistent with the area of the existing freestanding sign, building signage, canopy signage has been reduced on the property. The freestanding sign that we're now proposing is sort of a rectangular style with a colonial roof to match the building facade upgrade and also has a brick planter around the bottom of it located towards the intersection of Blooming Grove and Caesar's Lane there we've got it positioned far enough away from the intersection. In our opinion, there's no detriment to the traffic sight lines or any safety issues.

MR. LUNDSTROM: Question, Mr. Chairman, is that sign going to be exactly as it is here advertising gas for \$1.98 a gallon?

MR. SPIAK: No, sorry.

MR. LUNDSTROM: The square footage of the sign?

MR. SPIAK: The square footage of the sign we're 48 square feet per panel, 96 per side, I'm sorry, 96 square feet total 48 per side so they're basically they're 4 x 6 panels.

MR. LUNDSTROM: Total sign is the sign top to bottom?

MR. SPIAK: Eight feet by six feet.

MR. LUNDSTROM: Six wide, eight high?

MR. SPIAK: Correct.

MR. TORPEY: We're going to make sure the bottom is open?

MR. SPIAK: Correct.

MR. KANE: Why the extra 3 feet in height?

MR. SPIAK: That's actually the little canopy on top to give it a little decoration to it, if you look at the top of the physical sign it's compliant but the three foot roof puts us in the need for a variance.

MR. KANE: The sight lines below the sign on that corner are fine, we'll be able to see?

MR. SPIAK: Yes.

MR. KANE: At this point, I will open it up to the public, I will ask you to state your name and address and speak loudly enough for this young lady over here to hear you.

MR. WRIGHT: My name is James Wright, I live at 3 St. Anne Drive, Town of New Windsor and I have been reading

a lot of the minutes of previous meetings, I realize that the issue tonight is a sign but in order to consider the sign, I think you have to consider a little bit of the other things that have taken place with this particular proposal. They are proposing to fully demolish the site, replace a 1,600 square foot store with a 3,600 square foot store which is 127 percent bigger than the original store. They are also going to add 6 gas pumps to the existing 4 and they are going to have ten gas pumps. Now those of us who live nearby look at that, look at that site, look at the size of that land and can't really figure how they're going to get a store twice as large there and as many as 12 pumps there, we honestly can't. This as you know is a neighborhood commercial zone, this is probably the heart of New Windsor as far as residential structures is concerned. I live in the Schoonmaker development, I believe you do, Mr. Kane, it's known as Willow Acres and many of my neighbors never realized the name of it but you have Willow Acres about 250 homes, you've got next door you've got another development Murray Rotwein built, you've got Oakwood Terrace with about 100 condos, you've got Sycamore Gardens which sits almost directly adjacent to this, you have Garden Apartments directly behind this and they very clearly say they're going to use the tree line as, you know, protection of the apartments. The tree line, the trees belong to the Garden Apartments, they haven't put anything in there at all. You also have the Butterhill.

MR. KANE: Just so you know, there is a fence going back there.

MR. WRIGHT: It's about the cheapest fence that you can put up, it's nothing more than a picket fence but they're using somebody else's greenery to make the buffer but the thing it's not their own at all, you know. So we do have a lot of residential areas there, we've had a higher than normal accident rate over there in that particular area, Caesar's Lane and St. Anne are

not directly in line, there's a lot of accidents and a lot of problems over there in that particular area. This is going to add substantially to the problems. So I figure there's about 1,500 units of private homes in that area. An item which bothers me and I see the building inspector here and I realize they have already given approval to this project but Mike I read that a store has to have a minimum of 150 square feet of, a parking spot for each 150 square feet, 3,600 square feet requires 24 parking spaces.

MR. KANE: The issue here is signs.

MR. WRIGHT: I understand that but--

MR. KANE: That's all we're going to address this evening is the signs, that's what's at issue.

MR. WRIGHT: Just the sign but the sign is going to sit on the property, you show me where the sign's going to sit in relation to the 24 parking spaces, in relation to the 12 pumps, in relation to the 3,600 square feet building, that's why all of these things are important because the sign is going to be someplace in that, I defy them to put the sign anyplace where it's not going to be in the parking spots if they're requiring 24 parking spots where the 12 pumps are or where the building is. I would ask you before you make a decision on the sign that each of you look at the site plan and see where the proposed location of the sign and see what it will do and what affect it will have on the rest of the site. I want you to consider the increased traffic to the store and the gas pumps. I want to you look at cuts to see where the cars are going to be coming in off the side roads and where they are going to affect the sign itself. And finally, I just want to recite to you and I'm sure you have all read the zoning book as I read it in the last day or so, the purpose of zoning, and I quote from the New Windsor Code, is to provide for the gradual elimination

of non-conforming uses not to keep allowing them to continue to protect and enhance the community appearance and that place right now is a mess, hopefully they're going to do something better over there. Considering all these factors and the codes of which they have been given a variance on everything from the building to the pumps to the signs to the whole works considering all these factors I urge you to turn down this request for a larger sign. Thank you.

MR. KANE: Thank you, Mr. Wright.

MR. KIMBELL: Jim Kimbell, 257 Guernsey Drive, New Windsor. I guess I'm opposed to a larger sign, I don't think it's a fit for the neighborhood and I think I haven't heard any reason to really grant a request to increase the size of the sign or to just other than they want one, so I don't feel it fits in the community or neighborhood and I'd like to see it turned down.

MR. KANE: Thank you. Anyone else?

MR. LITTIER: Steve Littier, 7 St. Anne Drive, I'm also opposed to the sign for the reasons the gentleman just gave.

MR. KANE: Thank you. Anyone else?

MS. BATTIPAGLIA: Jacqueline Battipaglia, I live at 8 Parade Place. For the same reasons the other gentlemen have given I also oppose the increase in the sign.

MR. HOVEY: Richard Hovey, 16 St. Anne Drive. I too for the same reasons.

MR. TERWILLIGER: Richard Terwilliger, 18 St. Anne Drive. I too oppose it for the same reasons already given.

MR. KANE: Anybody else? At this point, we'll close

the public portion of the meeting, bring it back to the board. I will ask Myra how many mailings we had.

MS. MASON: On August 7, I mailed out 58 envelopes and had no response.

MR. SPIAK: Can I clarify one point for the record please?

MR. KANE: Yes.

MR. SPIAK: Reiterate the size of the proposed sign is exactly the same as the existing sign. Over the years the code has changed requiring a variance but we're not asking for a larger sign than what stands on that property today.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Just one question, if the new sign is not going to be any larger than the old sign, why a variance? Just for the record.

MR. BABCOCK: They're relocating it and it's not in conformity with the today's zoning.

MS. LOCEY: So it conformed previously and now zoning changed?

MR. BABCOCK: I didn't even look because they're moving it, it's just as if and they're putting up a new sign so it's in a different location and it doesn't conform to today's, they need a building permit today, they've got to conform.

MR. TORPEY: They're moving it from the center to the end.

MR. BABCOCK: Well they're actually putting a new sign in.

MR. SPIAK: Initially we were going to relocate the existing sign to the corner and Mike informed us that that would still require a variance for the same thing we're asking for today, just to relocate the existing sign because it's a new application.

MR. BABCOCK: Right.

MR. SPIAK: So we decided to do a nicer sign.

MR. LUNDSTROM: If I may just one piece of rhetoric. I empathize with the frustration of the general public regarding this, however, one of the things that we're required to do although many of us would love to solve many more problems we're required by law only to consider what's being brought before us, what's being brought before us right now is to allow this project to take an existing sign, move it to a new location, erect a new sign of the same size, I believe that's the consideration at hand?

MR. KANE: Yes, it is.

MR. LUNDSTROM: But by comments I've heard before about the project itself I think those comments best be heard by the planning board, if that time has already come and gone, I would wonder why they weren't made to the planning board but the only thing we can do by law is consider the matter that's at hand before us.

MR. KANE: Okay, any other comments, questions? I'll accept a motion.

MR. LUNDSTROM: In preparation for making that motion I would like to say that this board has got photographs in front of it of the existing building with the existing sign, we have a rendition of the newer sign and it appears at this time that the new sign will look a lot better than the old sign and will add to some of

August 28, 2006

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the improvements in the area. Now I'm being cautious I'm saying it appears that way, again the area of the sign is not going to increase, just going to be moved.

MS. GANN: I will make a motion that we grant the variance for Bohler Engineering for Cumberland Farm request for 96 square foot sign area and three foot height for proposed freestanding sign at 401 Blooming Grove Turnpike, Cumberland Farms.

MR. LUNDSTROM: I will second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

JULY 24, 2006

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PRELIMINARY MEETING

BOHLER ENGINEERING

MR. KANE: Tonight's first preliminary matter is Bohler Engineering for Cumberland Farms request for 96 square foot sign area and 3 foot height for proposed free-standing sign at 401 Blooming Grove Turnpike in an NC Zone. How are you doing?

MR. SPIAK: Rob Spiak, S-P-I-A-K, Bohler Engineering. Basically you folks remember we were back here before the Board in October of '05 to get some area variances for site plan approval to the property. At that time our free-standing sign we're actually proposing to leave in the existing location. After work with the Planning Board to come up with a suitable site plan layout for the site it became evident that we needed to relocate the free-standing sign which is going to be relocated in this area right here. In doing that it triggered the variance as noted on here. And as per the details that we've submitted with the plans here you could see that we're proposing an attractive sign. Square footage wise the panels that are being proposed for here are basically the same size as what exists out there today. We are adding a little roof to the top and there will be a planter down at the bottom there for annual plantings and flowers and stuff like that. From a variance perspective we think we're making an improvement to the existing sign that's out there. It is being relocated further away from the intersection, the site triangle at the end there and be able to give a more attractive offering on that free-standing sign at the end of the day.

MR. KANE: Moving closer to the corner?

MR. SPIAK: Yes. Getting away from, apparently right now it's located, these two curb cuts remain the same. It's located like right next to this curb right here. It's almost, I would venture to say, it's probably close to being within the right-of-way at this time. So we're pushing it back over into this corner over here.

MR. KANE: How high is the sign?

MR. SPIAK: The sign, the sign including the roof, which is the way it appears to be calculated, the top of the roof is 18 feet. If you come down the top, physical top of the sign

JULY 24, 2006

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it's 16 feet, about what it is today.

MR. KANE: The bottom sign where it says Cumberland is there anything going to be underneath or open?

MR. SPIAK: Open space.

MR. KANE: Is that sign in any way going to block the view of the people coming out of the Caesar's Lane?

MR. SPIAK: It's our opinion no, it will not. And that was also a concern that was raised with the Planning Board for that location, too.

MR. KANE: Self-illuminated?

MR. SPIAK: Internally illuminated.

MR. KANE: Flashing lights, flashing Neon?

MR. SPIAK: No, sir.

MR. TORPEY: What's the size of that opening from the ground to the top?

MR. SPIAK: From the ground to the top total height 18 feet to the bottom of this sign as you're coming down 10 feet about 8 feet above grade. And the planter at the bottom is about two and a half feet which will have, you know, some annual flower type plantings along the bottom so there will be a good sight line through that.

MR. KANE: How far off of the road itself is it going to be?

MR. SPIAK: Physically from Blooming Grove Turnpike we're probably 13 feet from the curb that's out there from Caesar's Lane, we're better than 18 feet.

MR. KANE: Okay.

JULY 24, 2006

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MR. LUNDSTROM: What is the setback for the current sign?

MR. SPIAK: The current sign, although it's not shown in the location on this, the proposed site plan shows it right on the property line. So it's probably, it's in the right-of-way.

MR. LUNDSTROM: I just want to get it on the record.

MR. KANE: They are moving it a lot towards that corner.

MR. LUNDSTROM: Yes.

MR. KANE: And if you don't have the additional 3 feet as far as the height the signs inside are going to drop downer.

MR. SPIAK: They would drop down lower.

MR. KANE: Do you feel that's going to inhibit the view of traffic coming out of Caesar's?

MR. SPIAK: Drop it down 3 feet lower, I would say no because I would say if that whole panel was filled in any way it's our opinion that it would not block the vision of traffic here anyway.

MR. TORPEY: Nobody is going to be tying them beer signs on there?

MR. SPIAK: They're not supposed to. I asked about the milk sign they had on the pole today, it's not supposed to be up there.

MR. LOCEY: That would block everything, too.

MR. KANE: I have no further questions at this time. I'll set the motion?

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Bohler Engineering for Cumberland Farms as presented at the July 24th Zoning Board of Appeals meeting.

JULY 24, 2006

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MR. TORPEY: I'll second that.

MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Aye.

MR. TORPEY: Aye.

MR. LUNDSTROM: Aye.

MR. KANE: Aye.

RESULTS OF Z.B.A. MEETING OF: August 2006

PROJECT: Bohlen Eng. (for Cumberland Farms) ZBA # 06-46
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) 6 S) 14 VOTE: A _____ N _____

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y _____ N _____

Robert Spiak appeared
Jim Wright - 3 St. Anne Dr.
Jim Kimball - Bernsey Dr.
Steve Boutier - St. Anne Dr.
Jacqueline Ballapaglia
R. Hovey - 16 St Anne
R. Twilliger - St Anne Dr.

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Cumberland Farms

DATE: 8-28-06 ZBA# 06-46

SIGN-IN SHEET

NAME	ADDRESS	PHONE NUMBER
1. <u>STEPHEN LITTIER</u>	<u>7 ST ANNE DR. NEW WINDSOR</u>	<u>561-0523</u>
2. <u>JAMES C WRIGHT</u>	<u>3 ST ANNE DR NEW WINDSOR</u>	<u>561-3454</u>
3. <u>RICHARD A. HOVEY</u>	<u>16 ST. ANNE DR, NEW WINDSOR</u>	<u>561-5686</u>
4. <u>RICHARD TERWILLIGER</u>	<u>18 ST ANNE DR NEW WINDSOR</u>	<u>562 5799</u>
5. <u>Michael J. ENGELT</u>	<u>20 ST. ANNE DR N.W.</u>	<u>561 4244</u>
6. <u>William S. ROGERS</u>	<u>23 St. Anne Dr. N.Y.</u>	<u>562-0131</u>
7. <u>Jim Kimbell</u>	<u>25 GURRASQ DR. NEW WINDSOR</u>	<u>565-6625</u>
8. <u>John & Elizabeth Komarschak</u>	<u>14 St. Anne Dr. New Windsor</u>	<u>562-2477</u>
9.		
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16.		
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20.		

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:

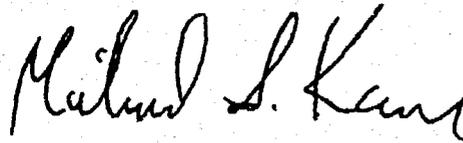
Appeal No. (06-46)

Request of BOHLER ENGINEERING (for Cumberland Farms)

for a VARIANCE of the Zoning Local Law to Permit:

Request for 96 sq. ft. sign area and; 3 ft. Height for proposed free-standing sign at 401 Blooming Grove Tpk. (Cumberland Farms) in an NC Zone (37-1-3)

PUBLIC HEARING will take place on AUGUST 28, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 27, 2006

Bohler Engineering
5 Computer Drive West
Albany, NY 12205

Re: 37-1-53

ZBA#: 06-46 (58)

Dear Jim Gullepie:

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 \$75.00 minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

37-1-52.1
QUALAMAR CORP.
PO BOX 1150
NEW BURGH, NY 12550

43-1-42
LINDA DINEEN
4 HEARTHSTONE WAY
NEW WINDSOR, NY 12553

44-1-45
JOHN FROST
6 ST. ANNE DR.
NEW WINDSOR, NY 12553

37-1-52.2
WILLIAM & DOROTHY SCOTT
8 CEDAR LN.
NEW WINDSOR, NY 12553

43-1-43
ROBERT & ANDREA MURPHY
6 HEARTHSTONE WAY
NEW WINDSOR, NY 12553

46-2-39
CYNTHIA COMBEST
9 HEARTHSTONE WAY
NEW WINDSOR, NY 12553

37-1-54
FORGE HILL ASSOCIATES
C/O GARNET MANAGEMENT
131 JERICHO TPKE.
JERICHO, NY 11753

43-1-44
JAMES ELY
8 HEARTHSTONE WAY
NEW WINDSOR, NY 12553

46-2-40
FRANCIS &
MARIANN LIPPOLIS
2 HOBNIAL CT.
NEW WINDSOR, NY 12553

43-1-33
PATRICIA CAMACHO
9 ST. ANNE DR.
NEW WINDSOR, NY 12553

44-1-37.1
OAKWOOD TERR. HOUSING
ATT: JIM MCKILLOP RESOUR.
367 WINDSOR HIGHWAY
NEW WINDSOR, NY 12553

46-2-41
ANTONIO & FLOR RONCAL
4 HOBNAIL CT.
NEW WINDSOR, NY 12553

43-1-34
STEPHEN LITTIER
7 ST. ANNE DR.
NEW WINDSOR, NY 12553

44-1-39
OAKWOOD MALL INC.
C/O VICTOR MEISELS
4 FILMORE ST. #301
MONROE, NY 10950

46-2-42
EDWIN SUAZO
5 HOBNAIL CT.
NEW WINDSOR, NY 12553

43-1-35
SHERRY WICKLINE
5 ST. ANNE DR.
NEW WINDSOR, NY 12553

44-1-41.1
WELLBACK PROPERTIES INC.
1013 FOREST GLEN
NEW WINDSOR, NY 12553

46-2-43
KAREN DOUGLAS
3 HOBNAIL CT.
NEW WINDSOR, NY 12553

43-1-36
JAMES & DORALIES WRIGHT
3 ST. ANNE DR.
NEW WINDSOR, NY 12553

44-1-41.2
BLOOMING GROVE EQUIPMENT
17 OAKWOOD TERR.
NEW WINDSOR, NY 12553

46-2-44
EDWARD & RUTH HEITLER
1 HOBNAIL CT.
NEW WINDSOR, NY 12553

43-1-37
JUAN & LUZ MORALES
1 ST. ANNE DR.
NEW WINDSOR, NY 12553

44-1-42
RUDOLPH PIZZONIA
36 HORTON RD.
WESTTOWN, NY 10998

46-2-45
WILLIAM WEINBERG
3 HEARTHSTONE WAY
NEW WINDSOR, NY 12553

43-1-38 & 43-1-41
LUIS ALDEBOT &
GRACE PANELLA
2 HEARTHSTONE WAY
NEW WINDSOR, NY 12553

44-1-43
MIRO KRIL &
JO ANN POQUETTE
2 ST. ANNE DR.
NEW WINDSOR, NY 12553

46-2-47
ARIF & NAZNEEN MUSLIM
418 BLOOMING GROVE TPKE.
NEW WINDSOR, NY 12553

43-1-40
KR 412, LLC
412 BLOOMING GROVE TPKE.
NEW WINDSOR, NY 12553

44-1-44
KEVIN & LISA HORAN
4 ST. ANNE DR.
NEW WINDSOR, NY 12553

46-2-48
HELEN BUNT
422 BLOOMING GROVE TPKE.
NEW WINDSOR, NY 12553

46-2-49
NEW WINDSOR GROUP, LLC
PO BOX 415
TALLMAN, NY 10982

46-4-6
RIDGECREST BAPTIST CHURCH
PO BOX 4070
NEW WINDSOR, NY 12553

48-2-31
GARY & SUSAN CORBETT
24 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-32
MARK & GERYL PRESCOTT
26 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-33
HERBERT &
HARTENCEA NORMAN
28 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-34
LOUIS & BARBARA HAUSER
30 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-35
JAMES MANIGUALT
32 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-36
JOSE RIVERA JR.
34 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-37
JOSEPH & JOYCE D'ALO
36 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-38
DUWAYNE &
CARMEN TINSLEY
38 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-39
SANDRA SANTOS &
EDDIE THOMAS
40 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-40
PATRICIA & JOHN KOSTER
42 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-41
NICOLAS & LISA MERKERSON
44 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-42
JEFFREY RAGNI
46 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-43
WANDA MENDILLO
48 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-2-44
FREEMAN &
VANLEY HUGHLEY
50 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-9-23
RAYMOND &
LAURA MCCORMACK
223 DAIRY LN.
NEW WINDSOR, NY 12553

78-9-24
JAMES KIMBALL
25 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-1
SAMUEL & DOREEN BAIDOOS
23 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-2
KELVIN HILL
216 DAIRY LN.
NEW WINDSOR, NY 12553

78-11-3
MYRTA LUGO
214 DAIRY LN.
NEW WINDSOR, NY 12553

78-11-4
CARL & MARGARET GIBSON
212 DAIRY LN.
NEW WINDSOR, NY 12553

78-11-10
NEIL & KATTYA FERNANDEZ
11 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-11
CARLO & TINA MACCHARULO
13 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-12
MICHAEL &
MAUREEN SPANAKOS
15 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-13
EDA & EDUARDO ACOSIDO
& DENNIS GULLE
17 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-14
DAVID &
JANET WINDERBAUM
19 GUERNSEY DR.
NEW WINDSOR, NY 12553

78-11-15
KENNETH & SUSAN CURRY
21 GUERNSEY DR.
NEW WINDSOR, NY 12553



RESULTS OF Z.B.A. MEETING OF: July 24, 2006

PROJECT: Bohler Exp. ZBA # 06-46

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

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

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:
SCHEDULE PUBLIC HEARING: M) L S) T VOTE: A 4 N 0



~~_____~~
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Large empty rectangular box with horizontal lines, likely for additional notes or signatures.

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

RECEIPT
#554-2006

07/06/2006

Bohler Engineering PC *ZBA #06-46*
776 Mountain Boulevard
Watchung, NJ 07069

Received \$ 150.00 for Zoning Board Fees, on 07/06/2006. 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: 07-06-06

FOR: ESCROW 06-46

FROM:

Bohler Engineering (for Cumberland Farms)
5 Computer Drive West
Albany, NY 12205

CHECK FROM:

SAME

CHECK NUMBER: 2071

TELEPHONE: 518-438-9900

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

7/6/06
DATE

PLEASE RETURN ONE 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) 563-4689

ZONING BOARD OF APPEALS

July 6, 2006

Bohler Engineering (for Cumberland Farms)
5 Computer Drive West
Albany, NY 12205

Attn: James Gillespie, P.E.

SUBJECT: REQUEST FOR VARIANCE #06-46

Dear Mr. Gillespie:

This letter is to inform you that you have been placed on the July ²⁴~~10~~, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Cumberland Farms
Blooming Grove Tpk.
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

E-Mailed to Jim Gillespie 7/6/06

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

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 6/26/06

APPLICANT: Bohler Engineering (James Gillespie)
5 Computer Drive West
Albany, NY 12205

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Cumberland Farms Inc.

LOCATED AT: 401 Blooming Grove Turnpike

ZONE: NC Sec/ Blk/ Lot: 37-1-53

DESCRIPTION OF EXISTING SITE: Convenience store & Gas station

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-45 A-1 One freestanding sign not to exceed 64sqft and 15ft in height. Proposed sign will be 160sqft and 18ft in height. A variance of 96sqft and 3ft height is required.

COPY


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: NC USE:			
SIGN:			
FREESTANDING:	1-64sqft	1-160sqft	96sqft
HEIGHT:	15ft	18ft	3ft
WIDTH:			
WALL SIGNS:			
TOTAL ALL SIGNS:			
FEET FROM ANY LOT LINE:			

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP
6/27/06 Sent Applicant - Fed. Ex.

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.

RECEIVED

JUN 21 2006

BUILDING DEPARTMENT

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 (JAMES GILLESPIE)

Owner of Premises CUMBERLAND FARMS INC. 100/ BOHLER ENGINEERING

Address 5 COMPUTER DRIVE WEST Phone # 518-438-9900

Mailing Address ALBANY NY 12205 Fax # 518-438-0900

Name of Architect

Address NA Phone _____

Name of Contractor

Address NA Phone _____

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

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 SOUTH side of BLOOMING GROVE TURNPIKE
(N,S,E or W)
and 0' WEST feet from the intersection of CAESAR'S LANE
2. Zone or use district in which premises are situated PO Is property a flood zone? Y N X
3. Tax Map Description: Section 37 Block 1 Lot 53
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy CONVENIENCE STORE w/ FUEL b. Intended use and occupancy CONVENIENCE STORE w/ FUEL
5. Nature of work (check if applicable) New Bldg. Addition Alteration Repair Removal Demolition Other Replace Sign
6. Is this a corner lot? YES
7. Dimensions of entire new construction. Front 80' Rear 80' Depth 45' Height 15' 1/2 No. of stories 1
8. If dwelling, number of dwelling units: NA 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 _____
10. Estimated cost _____ Fee \$50.00

ZONING BOARD

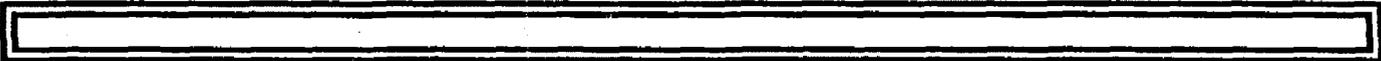
6, 20, 00

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 Lisi & 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)

[Handwritten Signature]

(Owner's Signature)

BOHLER ENGINEERING, ATTN: JIM GILESPIE
(Address of Applicant)

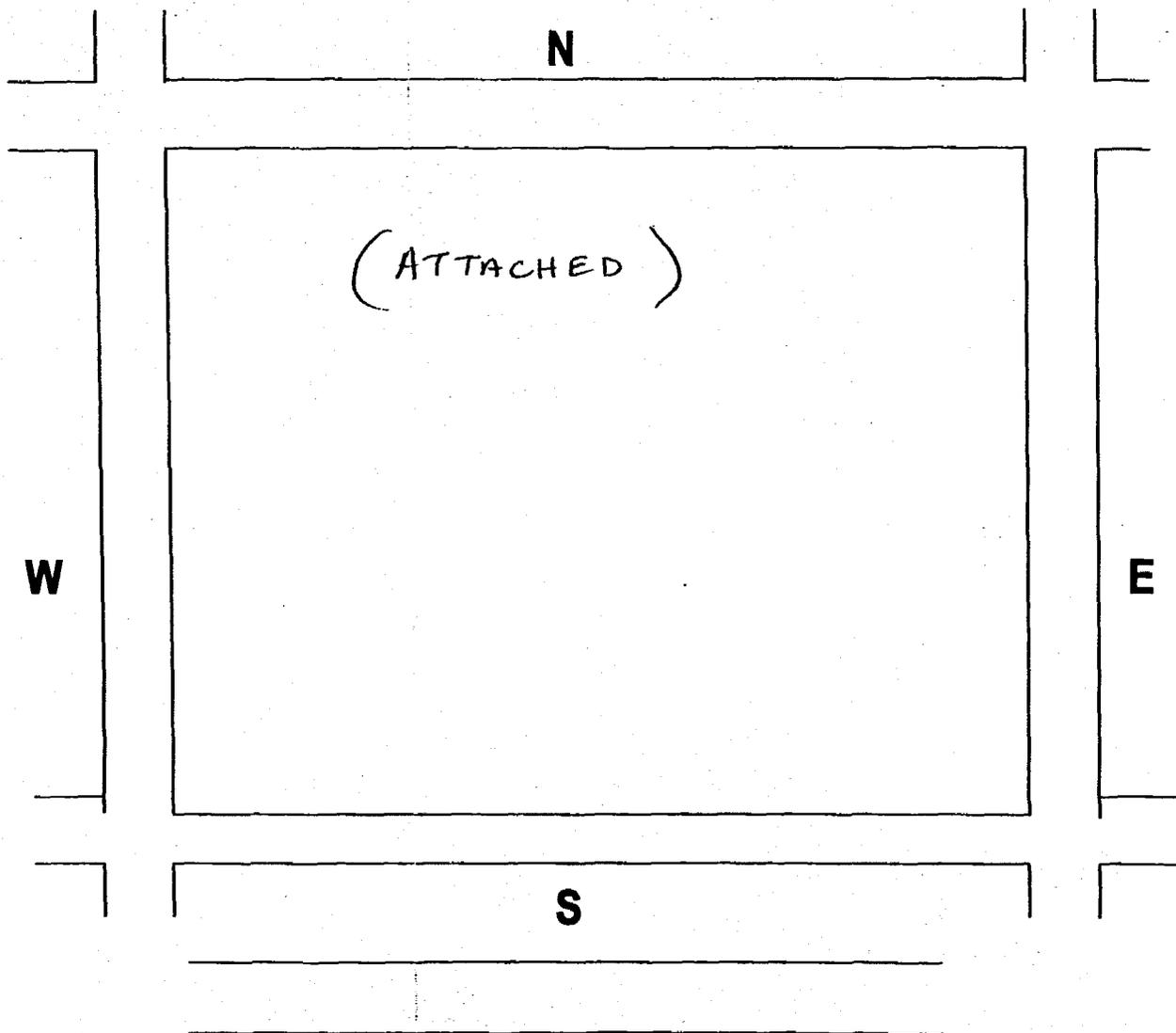
5 COMPUTER DRIVE WEST, ALBANY NY 12205

(Owner's Address)

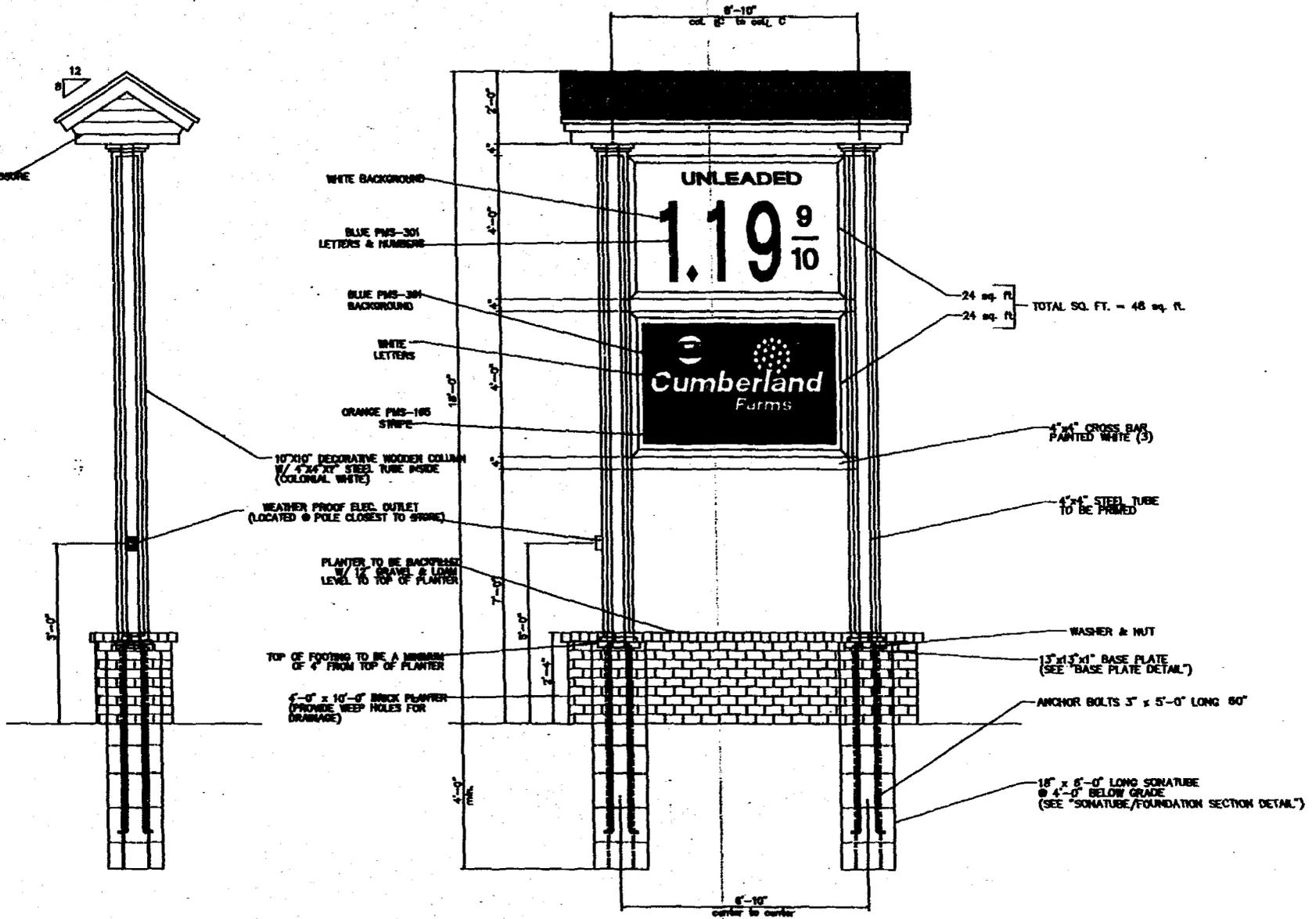
PLOT PLAN

NOTE:

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



CLAPBOARD SIDING 4" EXPOSURE
(COLORAL WHITE)



U.S.

C.H.G. & E.

INSERT
1" = 100'

SECTION 46

SECTION 43

SECTION 44

TOWN

52
2.9A(C)

53
1.3A

54
3.1A(C)

55

CAEDARS

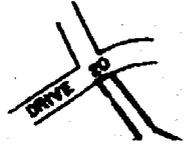
BUTTERNUT DR.

SECTION 78

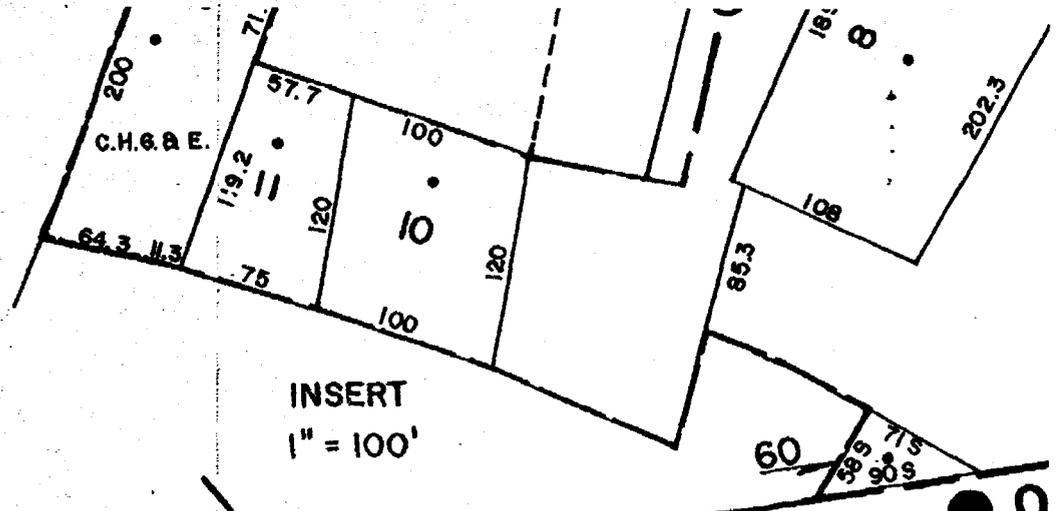
QUERREY

JERSEY CT

BUTTERNUT DR.



SECTION 80





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



APPLICATION FOR VARIANCE

6/28/06

Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

I. Owner Information:

CUMBERLAND FARMS, INC.

(Name)

777 DERHAM ST. CANTON MA 02021

(Address)

Phone Number: (800) 225-9702

Fax Number: (781) 830-4090

II. Applicant:

CUMBERLAND FARMS, INC. CO/ BOHLER ENGINEERING

(Name)

5 COMPUTER DRIVE WEST, ALBANY NY 12205 (JIM GILLESPIE)

(Address)

Phone Number: (518) 438-9900

Fax Number: (518) 438-0900

III. Forwarding Address, if any, for return of escrow:

BOHLER ENGINEERING

(Name)

5 COMPUTER DRIVE WEST, ALBANY NY 12205 ATTN: JIM GILLESPIE

(Address)

Phone Number: (518) 438-9900

Fax Number: (518) 438-0900

IV. Contractor/Engineer/Architect/Surveyor/:

BOHLER ENGINEERING

(Name)

5 COMPUTER DRIVE WEST, ALBANY NY 12205

(Address)

Phone Number (518) 438-9900

Fax Number: (518) 438-0900

V. Property Information:

Zone: P0 Property Address in Question: 401 BLOOMING GROVE TURNPIKE

Lot Size: 1.06 AC +/- Tax Map Number: Section 37 Block 1 Lot 53

- a. What other zones lie within 500 feet? NC - R4
- b. Is pending sale or lease subject to ZBA approval of this Application? NO
- c. When was property purchased by present owner? 1975
- 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.

COMPLETE THIS PAGE

**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:

PLEASE SEE ATTACHED LETTER TO THE BOARD.

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

COMPLETE THIS PAGE



**BOHLER
ENGINEERING, P.C.**

5 Computer Drive West, Suite 203
Albany, NY 12205
518.438.9900
518.438.0900 fax
albany@bohlereng.com

June 28, 2006

Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, NY 12553

Attention: Myra Mason

RE: Cumberland Farms Renovation
401 Blooming Grove Turnpike
Town of New Windsor, NY

Dear Board Members:

Pursuant to the above referenced project, the following is to serve as an attachment to the Town of New Windsor Zoning Board of Appeals Application for Variance as a response to section IX of the application.

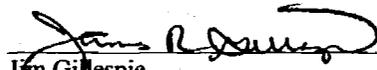
Bohler Engineering as representative of the property owner and applicant, Cumberland Farms, Inc., is respectfully requesting the Town of New Windsor Zoning Board of Appeals grant the requested variance for the following reasons:

- 1- The variance will not create any detriment to the health, safety and welfare of the neighborhood or community.
- 2- The benefit sought by the applicant cannot be achieved in any other feasible manner.
- 3- The variance sought will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has recently been approved to completely renovate this business. The variance sought is consistent with the existing site and surrounding neighborhood. The proposed site improvements, building and signage are a significant aesthetic improvement from the existing condition. The granting of this variance will simply allow the applicant to operate this facility with the same marketing presence as currently exists.

Thank you in advance for your consideration of this application. We look forward to presenting this information at the next available meeting.

Very truly yours,

BOHLER ENGINEERING, P.C.


Jim Gillespie

cc: Richard Olson, McCabe & Mack
Manny Paiva, Cumberland Farms

Other Office Locations:

■ Watchung, NJ 908.668.8300	■ North Wales, PA 215.393.8300	■ Melville, NY 516.872.2000	■ Sterling, VA 703.709.9500	■ Southboro, MA 508.480.9900	■ Towson, MD 410.821.7900	■ Center Valley, PA 610.797.3000
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CIVIL & CONSULTING ENGINEERS ■ SURVEYORS ■ TRAFFIC CONSULTANTS ■ ENVIRONMENTAL & GEOTECHNICAL ENGINEERS

www.bohlereng.com

**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) & (b), Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	15' H 64 S.F.	18' H 160 S.F.	3' H 96 S.F.
Sign #2	10' L x 2.5' H	13' L x 2.6' H	3' L x 0.6' H
Sign #3	(1) FACADE	(3) FACADE	(2) FACADE
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.

EXISTING SIGN IS APPROXIMATELY THE SAME HEIGHT
& SIZE AS PROPOSED. THE APPLICANT WISHES TO
REPLACE THE EXISTING SIGN WITH A MORE AESTHETICALLY
PLEASING SIGN WHILE MAINTAINING THE EXISTING
VISIBILITY.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs 122.4?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section 48-18 H(1)(a) & (b)

- (b) Describe in detail the proposal before the Board:

RELOCATION AND REPLACEMENT OF EXISTING FREE-STANDING
SIGN AS SHOWN ON THE ATTACHED SITE PLAN & DETAIL.

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.)

IMPROVEMENTS HAVE BEEN PROPOSED & APPROVED INCLUDING ALL OF THE ABOVE MENTIONED.

XIII. ATTACHMENTS REQUIRED:

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- 4 copies → 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 area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK
 COMM. OF MASSACHUSETTS
 COUNTY OF ORANGE)
 NORFOLK

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.

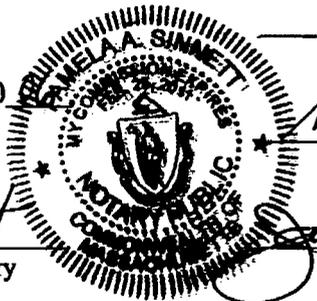
Sworn to before me this:

29th day of June 20

Manny Paiva
 Owner's Signature (Notarized)

MANNY PAIVA
 Owner's Name (Please Print)

James A. Sinnott
 Signature and Stamp of Notary



[Signature]
 Applicant's Signature (If not Owner)

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

CUMBERLAND FARMS, INC CO/, deposes and says that he resides
(OWNER) MANNY PAIVA

at 777 DEDHAM ST. in the County of NORFOLK
(OWNER'S ADDRESS)

and State of MASSACHUSETTS and that he is the owner of property tax map

(Sec. 37 Block 1 Lot 53)

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

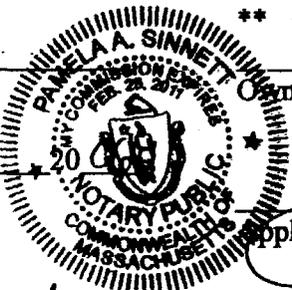
the foregoing application and that he authorizes:

BOHLER ENGINEERING'S COMPUTER DRIVE WEST, ALBANY NY 12205
(Applicant Name & Address, if different from owner) (JAMES GILLESPIE)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 6/29/06



Manny Paiva
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
29th day of June

James Gillespie
Applicant's Signature (If different than owner)

Pamela A. Sinnett

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

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I – PROJECT INFORMATION (TO BE COMPLETED BY APPLICANT OR PROJECT SPONSOR)

1. APPLICANT/SPONSOR: Cumberland Farms, Inc. c/o Bohler Engineering, P.C.	2. PROJECT NAME: Cumberland Farms
3. PROJECT LOCATION: 41 Blooming Grove Turnpike	
MUNICIPALITY Town of New Windsor	COUNTY Orange
4. PRECISE LOCATION: (Street address and road intersections, prominent landmarks, etc., or provide map) Southwest corner of the intersection of Blooming Grove Turnpike and Caesar's Lane	
5. PROPOSED ACTION IS: <input type="checkbox"/> NEW <input type="checkbox"/> EXPANSION <input checked="" type="checkbox"/> MODIFICATION/ALTERATION	
6. DESCRIBE PROJECT BRIEFLY: Replacement of existing free-standing sign	
7. AMOUNT OF LAND AFFECTED: Initially <u>.001+/-</u> Acres Ultimately <u>.001+/-</u> Acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe briefly: proposed free-standing sign exceeds allowable square footage	
9. WHAT IS THE PRESENT LAND USE IN THE VICINITY OF THE PROJECT? <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> INDUSTRIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> AGRICULTURAL <input type="checkbox"/> PARK/FOREST/OPEN SPACE <input type="checkbox"/> OTHER Describe: primarily commercial with residential properties to the south	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION, WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
APPLICANT/SPONSOR NAME: <u>Cumberland Farms c/o Bohler Engineering, P.C.</u>	DATE: <u>6/28/06</u>
SIGNATURE: _____	

IF THE ACTION IS IN A COASTAL AREA, AND YOU ARE A STATE AGENCY, COMPLETE A COASTAL ASSESSMENT FORM BEFORE PROCEEDING WITH THIS ASSESSMENT.

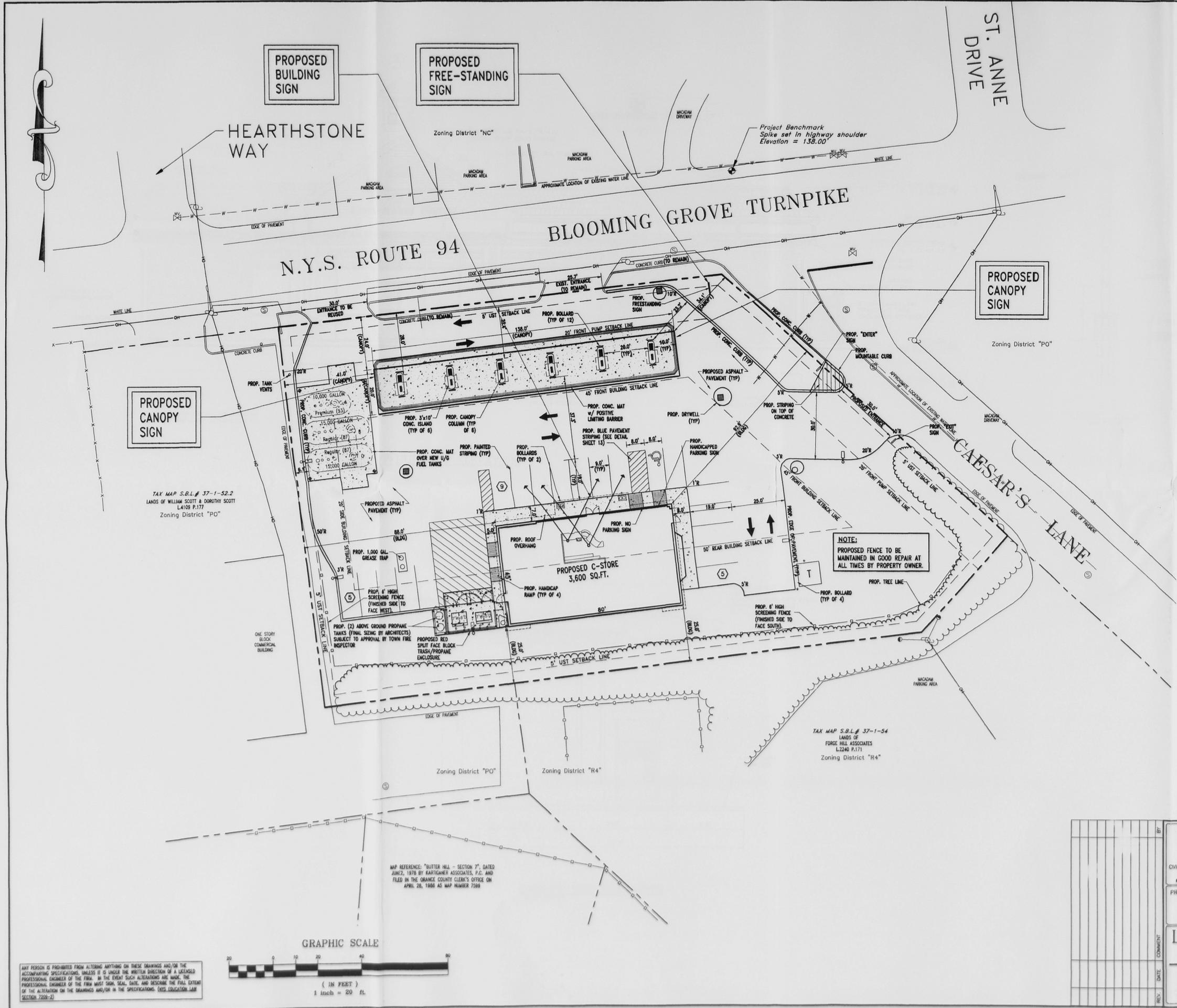
PART II – ENVIRONMENTAL ASSESSMENT (TO BE COMPLETED BY AGENCY)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? IF YES, COORDINATE THE REVIEW PROCESS AND USE THE FULL EAF. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? IF NO, A NEGATIVE DECLARATION MAY BE SUPERSEDED BY ANOTHER INVOLVED AGENCY. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (ANSWERS MAY BE HANDWRITTEN, IF LEGIBLE).</p> <p>C1. EXISTING AIR QUALITY, SURFACE OR GROUNDWATER QUALITY OR QUANTITY, NOISE LEVELS, EXISTING TRAFFIC PATTERNS, SOLID WASTE PRODUCTION OR DISPOSAL, POTENTIAL FOR EROSION, DRAINAGE OR FLOODING PROBLEMS? EXPLAIN BRIEFLY:</p>
<p>C2. AESTHETIC, AGRICULTURAL, ARCHAEOLOGICAL, HISTORIC, OR OTHER NATURAL OR CULTURAL RESOURCES; OR COMMUNITY OR NEIGHBORHOOD CHARACTER: EXPLAIN BRIEFLY:</p>
<p>C3. VEGETATION OR FAUNA, FISH, SHELLFISH OR WILDLIFE SPECIES, SIGNIFICANT HABITATS, OR THREATENED OR ENDANGERED SPECIES? EXPLAIN BRIEFLY:</p>
<p>C4. A COMMUNITY'S EXISTING PLANS OR GOALS AS OFFICIALLY ADOPTED, OR A CHANGE IN USE OR INTENSITY OF USE OF LAND OR OTHER NATURAL RESOURCES? EXPLAIN BRIEFLY:</p>
<p>C5. GROWTH, SUBSEQUENT DEVELOPMENT, OR RELATED ACTIVITIES LIKELY TO BE INDUCED BY THE PROPOSED ACTION: EXPLAIN BRIEFLY:</p>
<p>C6. LONG TERM, SHORT TERM, CUMULATIVE, OR OTHER EFFECTS NOT IDENTIFIED IN C1-C5? EXPLAIN BRIEFLY:</p>
<p>C7. OTHER IMPACTS (INCLUDING CHANGES IN USE OF EITHER QUANTITY OR TYPE OF ENERGY)? EXPLAIN BRIEFLY:</p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> YES <input type="checkbox"/> NO. IF YES, EXPLAIN BRIEFLY:</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> YES <input type="checkbox"/> NO. IF YES, EXPLAIN BRIEFLY:</p>

PART III – DETERMINATION OF SIGNIFICANCE (TO BE COMPLETED BY AGENCY)

Instructions: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D or Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> CHECK THIS BOX IF YOU HAVE IDENTIFIED ONE OR MORE POTENTIALLY LARGE OR SIGNIFICANT ADVERSE IMPACTS WHICH MAY OCCUR. THEN PROCEED DIRECTLY TO THE FULL EAF AND/OR PREPARE A POSITIVE DECLARATION.</p>	
<p><input type="checkbox"/> CHECK THIS BOX IF YOU HAVE DETERMINED, BASED ON THE INFORMATION AND ANALYSIS ABOVE AND ANY SUPPORTING DOCUMENTATION, THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS AND PROVIDE ON ATTACHMENTS AS NECESSARY. THE REASONS SUPPORTING THIS DETERMINATION:</p>	
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (if different from responsible officer)</p>



PROPOSED SIGNS:

CANOPY:
 (2) AT 6.2 SF= 12.4 SF

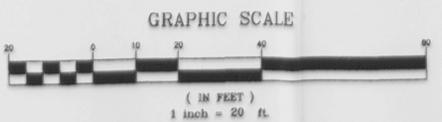
BUILDING:
 (1) AT 14 SF

FREE-STANDING:
 SIGN AREA= (2) 24 SF PANELS= 48 SF
 BOTH SIDES= 96 SF
 CODE ENFORCEMENT DETERMINATION= 160 SF

TAX MAP S.B.L.# 37-1-52.2
 LANDS OF WILLIAM SCOTT & DOROTHY SCOTT
 L4109 P.177
 Zoning District "P0"

TAX MAP S.B.L.# 37-1-54
 LANDS OF
 FORGE HILL ASSOCIATES
 L2240 P.171
 Zoning District "R4"

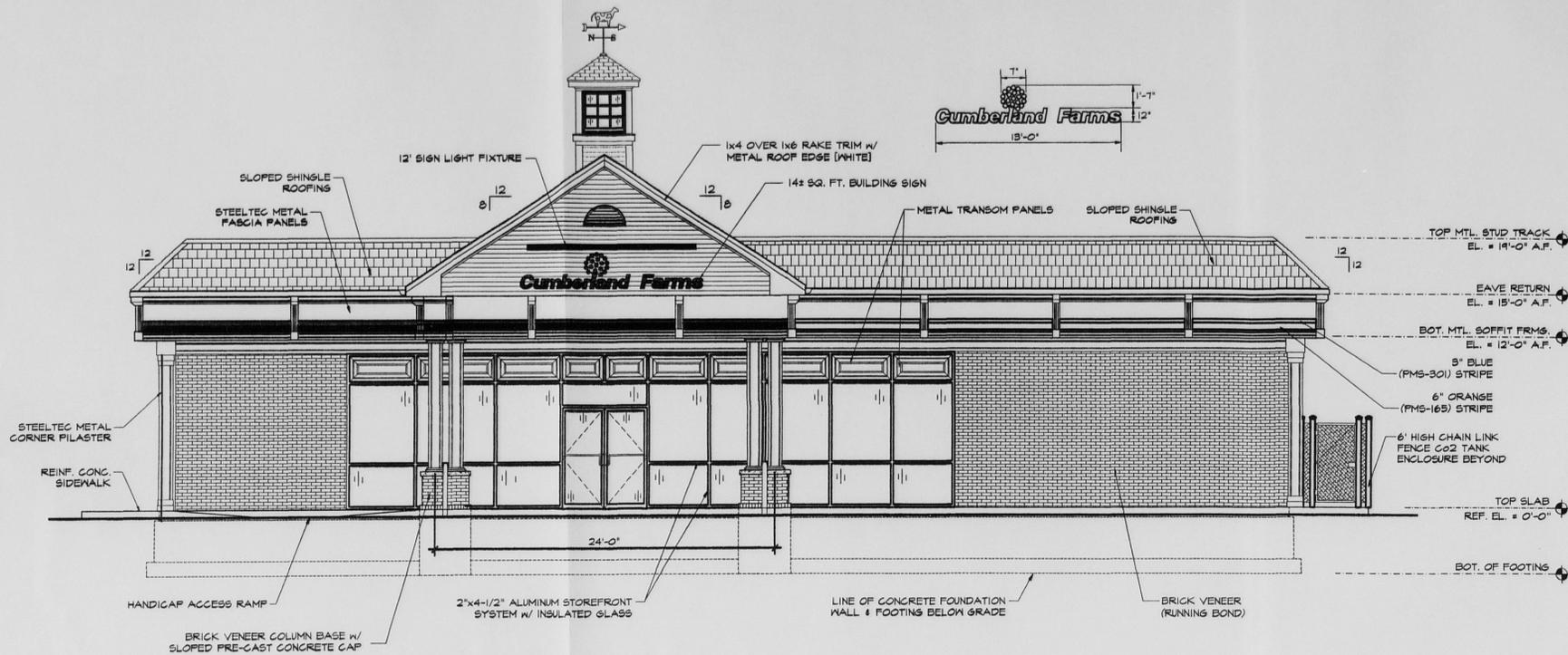
MAP REFERENCE: "BUTTER HILL - SECTION 7", DATED
 JUNE 2, 1970 BY KAUFMANER ASSOCIATES, P.C. AND
 FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON
 APRIL 28, 1986 AS MAP NUMBER 7598



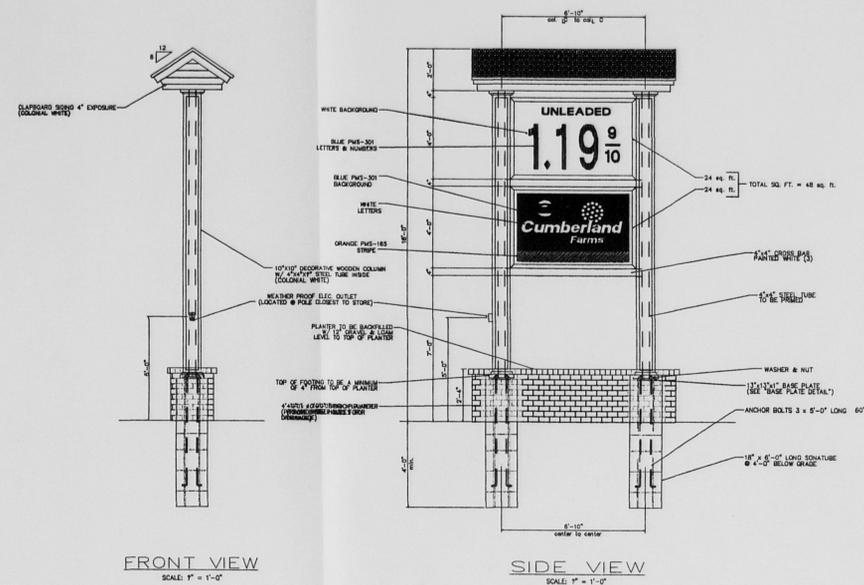
ANY PERSON IS PROHIBITED FROM ALTERING ANYTHING ON THESE DRAWINGS AND/OR THE
 ACCOMPANYING SPECIFICATIONS, UNLESS IT IS UNDER THE WRITTEN DIRECTION OF A LICENSED
 PROFESSIONAL ENGINEER OF THE FIRM. IN THE EVENT SUCH ALTERATIONS ARE MADE, THE
 PROFESSIONAL ENGINEER OF THE FIRM MUST SIGN, SEAL, DATE, AND DESCRIBE THE FULL EXTENT
 OF THE ALTERATION ON THE DRAWINGS AND/OR IN THE SPECIFICATIONS. (NYS EDUCATION LAW
 SECTION 2202-2)



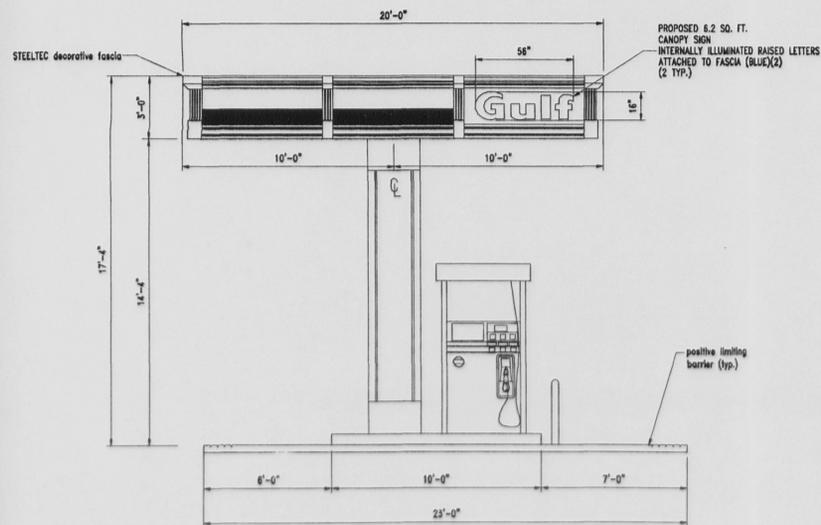
 BOHLER ENGINEERING, P.C. CIVIL & CONSULTING ENGINEERS ■ PROJECT MANAGERS ■ ENVIRONMENTAL & SITE PLANNERS ■ MUNICIPAL ENGINEERS Other Office Locations: ■ Chalfont, PA ■ Melville, NY ■ Sterling, VA ■ Waco, TX ■ Towson, MD ■ Southborough, MA		5 Computer Drive West Albany, NY 12205 518.438.9900 fax: 518.438.0900 www.bohlereng.com	
		PROJECT: CUMBERLAND FARMS, INC. PROP. CONVENIENCE STORE & GAS STATION 401 BLOOMING GROVE TURNPIKE TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK	
TITLE: SIGN PLAN		SCALE: (H) 1"=20' (V) NONE DATE: 06/20/05 SHEET No.: 1	
DRAWN BY: SMV CHECKED BY: RJS		PROJECT No.: B050527 CAD I.D. #: B050527ss0	
PROFESSIONAL ENGINEER L.H. BOHLER NEW YORK LICENSE No. 63409 NEW JERSEY LICENSE No. 27410 PENNSYLVANIA LICENSE No. 37184 CONNECTICUT LICENSE No. 17518 MASSACHUSETTS LICENSE No. 37025		PROFESSIONAL ENGINEER W.D. GOEBEL NEW YORK LICENSE No. 071284 RHODE ISLAND LICENSE No. 7268 CONNECTICUT LICENSE No. 21854 MASSACHUSETTS LICENSE No. 42644 VERMONT LICENSE No. 7735	
CONSTRUCTION CHECK _____ DATE _____		REV. No. _____ OF 2 _____	



FRONT BUILDING ELEVATION
SCALE: 3/16"=1'-0"



FREE-STANDING SIGN ELEVATION
SCALE: 1/4"=1'-0"



CANOPY END ELEVATION
SCALE: 1/4"=1'-0"

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		PROJECT: CUMBERLAND FARMS, INC. PROP. CONVENIENCE STORE & GAS STATION 401 BLOOMING GROVE TURNPIKE TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK	
L.H. BOHLER PROFESSIONAL ENGINEER NEW YORK LICENSE No. 63409 NEW JERSEY LICENSE No. 27410 PENNSYLVANIA LICENSE No. 27184 CONNECTICUT LICENSE No. 17518 MASSACHUSETTS LICENSE No. 37025		W.D. GOEBEL PROFESSIONAL ENGINEER NEW YORK LICENSE No. 071284 RHODE ISLAND LICENSE No. 7266 CONNECTICUT LICENSE No. 21854 MASSACHUSETTS LICENSE No. 42644 VERMONT LICENSE No. 7730	
TITLE: SIGN DETAILS		SCALE: (H) 1"=20' (V) NONE	DATE: 06/20/05
DRAWN BY: SMV CHECKED BY: RJS		PROJECT No: B050527 CAD I.D. #: B050527s0	SHEET No: 2 OF 2 REV. No: 0
CONSTRUCTION CHECK: _____ DATE: _____			