

ZB# 08-21

Cowan's Jewelers

45-1-38

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

August 25, 2008

08-21

Cavan's Jewelers (Box 1818)
Windsor Hwy (2. Signs) (45-1)



WWW.COWANJEWELERS.COM

-----X
In the Matter of the Application of
COWAN'S JEWELERS INC.

MEMORANDUM OF
DECISION GRANTING

SIGN

CASE #08-21
-----X

1. **WHEREAS, JBN Funding LLC**, owner(s) of 335 Windsor HWY, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an request variance of 1ft. 6 in. Height and; 4 ft. width for existing 4ft X 14ft. wall sign at 335 Windsor Hwy in a C Zone **(45-1-38)**

WHEREAS, a public hearing was held on August 25, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Jeffery Cowan appeared on behalf of this Application; and

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

WHEREAS, no one spoke 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 in a neighborhood of commercial properties on a busy state highway where the proposed use is allowed in an C zone.
 - (b) The applicant has had a sign in place for approximately for 33 years.
 - (c) The sign is aluminated with a steady, non flashing illumination.

(d) During the time that the sign has been in place there has been no complaints about it formally, informally.

(e) The sign is located on top of the façade of the building.

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).

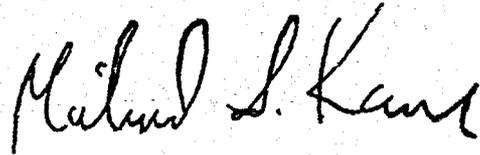
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request variance of 1ft. 6 in. Height and; 4 ft. width for existing 4ft X 14ft. wall sign at 335 Windsor Hwy in a C Zone (45-1-38) 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 25, 2008



Chairman

COWAN'S
JEWELERS

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

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 01-21-09
SUBJECT: ESCROW REFUND 08-21

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 278.56 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #08-21

NAME & ADDRESS:

**COWAN'S JEWELERS INC
335 Windsor Highway Suite 100
New Windsor, nY 12553**

THANK YOU,

MYRA

JF.01-21-09



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



FILE #08-21 TYPE:SIGNTTELEPHONE: 561-1272

APPLICANT:
COWAN'S JEWELERS INC
335 Windsor Highway Suite 100
New Windsor, nY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK #2785
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 2784

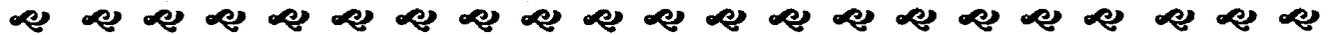


<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>17</u>	PAGES	\$ <u>119.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:08/12/08 \$ 11.44

TOTAL: \$ 151.44 \$ 70.00



ESCROW POSTED:	\$ 500.00
LESS: DISBURSEMENTS:	\$ <u>221.44</u>
AMOUNT DUE:	\$ _____
REFUND DUE:	\$ <u>278.56</u>

Cc:

J.F. 01-21-09

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COWAN'S_JEWELERS_(08-21)

MS. LOCEY: Cowan's Jewelers, request for variance of 1 foot 6 inch height and 4 foot width for existing 4 ft. x 14 ft. wall sign and request for 320 days for existing temporary 4 ft. x 2 ft. road sign to be installed permanently at 335 Windsor Highway in a C zone.

Mr. Jeffrey Cowan appeared before the board for this proposal.

MS. LOCEY: If you would like to come forward and please give your name so that our stenographer can hear you.

MR. COWAN: My name is Jeffrey Cowan.

MS. LOCEY: Did you want to summarize for us in your words what it is you're looking for?

MR. COWAN: Concerns two signs that have been at our premises for many years, we're in business 71 years, of the 71, 33 years have been at 335 Windsor Highway and the sign is a sign above our store that's the larger sign that has been there since 1975. And the second sign which is closer to the road changeable letters sign which has been there for many, many years as well. Actually, this probably never would have even come to light had the landlord, she has since now sold the property, apparently just was sold a few days ago, she was selling the property and therefore because she was selling the property she needed to have these items addressed, had she not been selling the property we would not even be here.

MS. LOCEY: It's good to get it cleaned up.

MR. COWAN: And regarding the sign that's on the roof that's something like I say that's been there since

1975 and there was even a fire on the property in 1980 and when we were actually out of that location for about eight or nine months because three stores had burnt to the ground next to us on the same property there's only three left, when we went back in in 1980 there was no problems having that sign there again and it's been there for the last 28 years after that. So and the sign on the road has been there for many years as well and it does not have any flashing lights, there is no arrows, it's basically no deterrent to the traffic, it's not anything that, I have not received any negative comments from anybody since the sign went up that it's causing any problems.

MS. LOCEY: It does not impede the vision for traffic back and forth?

MR. COWAN: Definitely not and so and there's other signs like that that are also in existence around town, with all due respect, even there's one in front of Town Hall which has been there for a long time, same sign, I guess my sign is considered a temporary sign and it's really not because it's been there for many, many years and it's--

MS. LOCEY: Do you have plans to make it a permanent sign so it no longer can be categorized as temporary?

MR. COWAN: It is basically as far as I'm concerned it's permanent because of the way it's fixed to the ground and it's not something that we have ever moved so it's been, we have referred to it as a permanent sign cause it's there for so many years, like I say, it doesn't impede anybody's vision. I have never had a customer said well, your sign is in my way, there's been no negative comments and it's been no deterrent for so many years we wouldn't even be here if my landlord wasn't selling the property.

MS. LOCEY: On the agenda, Mike, could you clarify the

request for 320 days for an existing temporary sign to be installed permanently? That's a little confusing to me, if Mr. Cowan really doesn't have any plans to do anything different.

MR. BABCOCK: Well, we feel it's a temporary sign, it's a changeable letter temporary sign, it's allowed for I think a 30 day period and I'm not sure, I assume you talked to Mr. Lisi in reference to this?

MR. COWAN: Mr. Lisi?

MR. BABCOCK: My office.

MR. COWAN: I spoke to--I have not, no.

MS. LOCEY: Well, in other words, is the Town Building Department of the idea that it needs to be anchored or somehow permanently affixed to that location? Is there work that Mr. Cowan needs to do to address that issue?

MR. BABCOCK: Well--

MR. COWAN: If I might interject just for a second we have had over the last few months we have had some really bad storms and tremendous winds and my sign hasn't blown over or I mean it's in there very securely therefore if I need to make it more permanent I'm happy to do that.

MR. KRIEGER: Put another way, I think what's being asked Mike is what does Mr. Cowan need to do to make this in your view to make this temporary sign a permanent sign?

MR. BABCOCK: I personally did not look at it, somebody in my office did, so I really don't know that answer tonight, I don't know how this language got put in here. I would assume my guys do that, somebody did that for a reason and I would assume that they had

talked to Mr. Cowan in reference to that or somebody just to get this through. I don't know where that the 320 days came from.

MR. TORPEY: It has to come in and go back out.

MR. KRIEGER: There's something else that occurs to me and that is if the dimensions of this roadside sign are not in compliance with the statute would giving him if he were granted a variance for extension of a temporary sign would it just condemn him to have to come back in here to get a variance for the size of the sign to make it permanent? While he's here he might as well do it now.

MR. TORPEY: How can you make that permanent? It's still a movable sign.

MS. LOCEY: Also is the one in front of Town Hall on four legs or is that permanently affixed?

MR. BABCOCK: No, that's a temporary sign.

MR. KRIEGER: I'm asking him if that's what makes it temporary.

MR. TORPEY: Would he have to come back once a year?

MR. BABCOCK: No, a sign, you know, it's a sign that you can just drag away, it's not a sign that's attached by poles, it's not, you know, I don't know what the definition is, I don't know if we have a definition of what a permanent temporary is but this is a temporary sign that people typically use for a grand opening. The code says that this sign is allowed for 45 days. There was some more paperwork I was missing Myra pointed out to me and somebody has asked or requested, I don't know whether it was the landlord or what that this sign be there for 365 days.

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MR. COWAN: No, I guess that was when I was filling out the paperwork.

MS. MASON: No, even before then because that's how it was referred from the building department.

MR. BABCOCK: Right, it's been requested to be there for one year, it's allowed to be there 45 days, 45 from 360 leaves 320 days.

MR. COWAN: And I think where that came about was my understanding with Mrs. Mason that 365 days equals a full year so instead of just being there for 45 days or whatever is allowed 365 days per year.

MR. TORPEY: You're asking for an extra 320?

MR. COWAN: Not for one year but per year so it's basically there until we decide to leave or whatever, that's where I think that wording came in to instead of making it 45 days it would be for 365 days per year.

MR. BABCOCK: He's asking to keep that sign that's forever.

MR. TORPEY: Well, until he moves.

MR. COWAN: Right, if I move, the sign goes with me.

MR. KRIEGER: Well, that's true of all businesses.

MR. COWAN: Right, so, I mean, it's not forever.

MR. BABCOCK: That's a changeable letter sign, the problem with that is when somebody else moves in they're just going to take the letters off and put the letters on.

MR. COWAN: I own the sign so it would come with me.

MR. BABCOCK: Okay.

MR. COWAN: So I would remove it.

MR. KRIEGER: Is it the view of the building department that the changeable letters make it temporary or something else?

MR. BABCOCK: No, it's just sitting there, you know, that's what makes it a temporary sign.

MR. TORPEY: You can take that sign and put it on top of a car.

MS. LOCEY: Is the sign illuminated at all?

MR. COWAN: It does illuminate at night, basically, but it doesn't run all night and it doesn't run every night, it's enclosed, no flashing lights cause these are available with colored and flashing and arrows and none of that, just has fluorescent bulbs on the inside, that's the only illumination and it doesn't run every night, it runs basically when I'm there, when I leave, I turn the sign off so it doesn't run that long at night.

MS. LOCEY: So the other sign in question is the one on top of the building that apparently is larger than the zoning allows and the variance being requested is for one foot six inch height and four foot wide in addition to what's allowed by our zoning?

MR. COWAN: Right, and that was there actually when we moved we moved from Newburgh to New Windsor to this location and when we opened up in 1975 at this location, that's when we installed that sign and we never once had one comment in 33 years until the landlord decided she's selling the property, that's how this all came about but it had no negative comments.

MS. LOCEY: Just for the record and I know the questions will appear rhetorical but we do need to get them on the record. You're not building anything in addition to whatever the existing building is, there's no issues as far as drainage, taking down any vegetation, any easement, drainage issues, that sort of thing?

MR. COWAN: No.

MS. LOCEY: This is strictly for signs which are already there and you're just trying to get the variances needed?

MR. COWAN: Yes, these are for signs that have been in place for many years, just a matter of a formality of getting the property variances.

MS. LOCEY: I believe you already indicated there are other signs similar to that within the town?

MR. COWAN: Yes, very much so.

MS. LOCEY: So it more or less do you feel complies or goes along with the character of that neighborhood? It would not or has not changed the character of that particular strip?

MR. COWAN: No.

MS. LOCEY: Does anybody else have any issues that you'd like Mr. Cowan to address?

MR. BEDETTI: I'd just like to make one other comment relative to signage in the town, businesses from what I understand in the law the businesses are allowed two signs, a facade sign of certain size which the one on the roof I guess is one of the ones you're putting an application in and for a freestanding sign. Now you have a freestanding sign out by the curb that's above

this temporary sign, is that correct?

MR. COWAN: Yes, very small, just has enough room to have Cowan's Jewelers, no room for anything else.

MR. BEDETTI: So you have those two signs which are again allowed by law and then you have a temporary sign for signs and things of that nature, so do you have two other signs besides this one sign that you're--this quote temporary sign, so you do have two other signs, is that correct?

MR. COWAN: That's correct, one on top of the building and a small one, the purpose of this sign is for information concerning our business, even though it's changeable, we can change the letters, what's on there now has been on there for many months so it's almost like a permanent message I wouldn't say that's going to being permanent but we're not changing letters every day or every week. The message has been up there for months and months, so that's the only sign that I have that I can actually put a particular message up there. The other signs just say two words, Cowan's Jewelers, that's so this gives me an opportunity to at least put some information on the sign.

MS. LOCEY: Any other comments or questions?

MR. DITTBRENNER: Just a point of clarification, so we're, the second request we're looking to approve a variance for this temporary sign for 365 days?

MS. LOCEY: Correct, it's now allowed for 45 days as a temporary sign, he's requesting a variance of 320 days which would allow him 365 a year.

MR. COWAN: Per year that would be not just to--

MS. LOCEY: How many years has that sign been in place?

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MR. COWAN: Ten to 15 already with no, unless the town has heard any negative comments, I haven't personally about it blocking any vision or letters there that don't belong there and we've had a lot of bad storms and that sign has not blown over. So therefore if that's the case even though it's quote unquote you refer to as temporary, it's basically been installed not to be a temporary sign.

MS. LOCEY: I was going to ask you to supply this but you already have, this shows the traffic flowing in relation to where the sign is placed and it's obvious from this picture that it does not impede the sight vision.

MR. COWAN: Correct.

MS. LOCEY: If there are no other comments or questions, I'll accept a motion.

MR. BEDETTI: I will make a motion that we schedule a public hearing for Cowan's Jewelers request for a variance for the facade sign as well as his request to extend the time for his permanent sign to eventually become permanent and the temporary sign to eventually become permanent.

MS. LOCEY: To a total of 365 days.

MR. TORPEY: I'll second that.

MS. LOCEY: Discussion? The attorney has indicated why not ask him to apply for a second permanent sign.

MR. KRIEGER: Second freestanding sign then it would be variance in perpetuity, we wouldn't have to do this 320 days a year, I'm not sure whether there's any provision for that, it would be legally defensible but second freestanding sign--

MS. LOCEY: Something that this board has entertained before.

MR. KRIEGER: Yes.

MR. COWAN: Of course the 365 that's just to bring it up to fully--

MR. KRIEGER: I understand the idea of creating a temporary sign to be allowable in perpetuity, they don't match, we simply call it second freestanding sign, it does match and he has the variance and he can keep it.

MR. DITTBRENNER: Would he be required to meeting the freestanding sign permanency?

MR. KRIEGER: Well, I assume that his variance would be for this particular sign with these dimensions and so forth.

MR. BEDETTI: There are some requirements that describe what a freestanding sign is mounted on a pole like he has one already.

MR. KRIEGER: He'd have to ask for a variance of those as well as the existence of the second sign but that would take care of the temporary aspect and it, you wouldn't be approving it, being asked to approve a temporary sign in perpetuity which is an inherent contradiction in terms.

MR. COWAN: What actually defines a temporary sign?

MR. KRIEGER: It would also get around that question. Well, the absence of which make it not temporary. These are questions if he simply made an application for a second freestanding sign these are questions that you don't have to--

MR. BEDETTI: I would suggest that it would be one that did not comply with a freestanding sign, freestanding sign has to be mounted on a pole, it has to be certain height from the ground, this obviously is not a freestanding sign by definition if it were a freestanding sign.

MR. COWAN: So this wouldn't qualify?

MR. BEDETTI: So it would not qualify as a freestanding sign based on the definition that currently exists in the code for a freestanding sign and identifies, the code also identifies that type of sign that he has as a temporary sign.

MR. KRIEGER: No code identifies temporary sign, it doesn't define what temporary sign is.

MR. BEDETTI: Defines what a freestanding sign is.

MR. KRIEGER: In asking for a variance for a second freestanding sign you have to ask for a variance of those requirements that the sign didn't meet dimensions or pole or whatever.

MS. LOCEY: But what's the less complicated most efficient way to try to address the issue?

MR. BABCOCK: Andy, I only have one comment as far as the temporary sign if the board allows him to keep the temporary sign and I know it's kind of crazy with the language there he said that when he leaves the temporary sign leaves. If we give them a second sign it would be a variance that would stay there forever so maybe that's a way we can look at it so he's agreed to remove the one once he leaves.

MR. COWAN: I own the sign so when I leave the sign goes with me.

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MR. BABCOCK: That would be the only difference I can see.

MR. COWAN: It would make it easier for the town.

MR. TORPEY: We're not giving permission for another sign to stay there forever.

MR. KRIEGER: Well, any variance runs with the land so it's problematic, plus the fact courts have basically said where there are restrictions that are illegal they remove the restrictions but not the decision so in other words if you have, if the board were to render a decision allowing him to keep a temporary sign until he removed it and that provision were struck down subsequently by say subsequent owner, subsequent renter came in, said I want to put up my sign now, can't, well, off to court we go, and if a court says well, there was a variance and it runs with the land so yes, he's permitted so the, I don't think the board wants to create a decision that has like a ticking time bomb, if it's the board's intent to allow it only for a period of time to allow it in perpetuity it would be contrary to their intent.

MS. LOCEY: But my next question would be if we issued the 320 day variance would he then have to reapply for this temporary 320 day variance each year?

MR. BABCOCK: We're asking for that he does not do that, we're asking that he keeps the sign that he has in place as long as he's in business. The day he leaves he'll take it away, that's what he's asking.

MR. COWAN: Right, that would be easier not to have to do the process all over again.

MR. BABCOCK: If we go back to the other definition of the sign, I mean, I don't have that with me tonight, I'd have to read what that definition is and I would

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assume he either would have to seek a variance of the definition of mounting it on a pole or have to mount it.

MS. LOCEY: Which is what we don't want, I don't believe we want another permanent.

MR. BABCOCK: Well, the other thing that we have to remember is that the piece of property is allowed one directory sign. Now you're allowed one freestanding sign for each property, not each business, so the problem there is that there's three stores there, there could be a possibility of three more, there's a foundation that has three more so there could be six stores there, so you wouldn't want six individual freestanding signs on that one piece of property. You'd want a directory sign that may be larger than the one and then divided by six and each person gets to put their name on it.

MR. COWAN: Wouldn't the variance be specifically for this particular sign and if I took it with me after I left it wouldn't apply to any further?

MR. KRIEGER: Well, the problem is variances are granted to particular pieces of property, not particular signs, in other words, if there was a variance granted and this sign issue, sign was damaged and you wanted to replace it with a sign just like it you'd have permission to do that because it wouldn't be only for this particular sign.

MR. COWAN: The dimensions as long as they were the same dimensions.

MR. KRIEGER: The variance is property specific so it can be limited by the board in terms of time, it cannot be limited in terms of individuals.

MR. COWAN: Could you, okay, if you wanted to put it

for 10 year period of time or something like that that would cover you.

MR. KRIEGER: That could be done.

MS. LOCEY: That's an idea and then just sunset it somewhere down the road.

MR. KRIEGER: Well, it would be self-extinguishing that way but that's certainly an allowable limitation.

MR. COWAN: That could be a happy compromise to everybody knowing that it's not going to be there forever and therefore you put a time limit.

MS. LOCEY: What do you think of that, Mike?

MR. BABCOCK: If it works for the board, I mean, we're not going to be able to keep track of a time limit.

MR. KRIEGER: No, it would be the same as other laws if nobody complains nothing happens but if somebody complains then you've got to resolve the question.

MR. COWAN: How this all came about if the landlord wasn't going to sell the property I wouldn't be here.

MR. BABCOCK: One of the issues we run into is that that's exactly what happens, they're either refinancing or selling and then the title company wants clear title so they want to make sure even though his sign may have been there in '75 we don't have any paperwork to give them so to get paperwork you have to meet today's code. I would hate to see the people that have temporary signs all coming here asking for these temporary signs to become permanent, that's where the problem's going to be.

MR. COWAN: The ironic part of this whole situation is the property is now sold and this was done in order for

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her to get it sold and it's now the issue is not resolved but she's already gone so we have new owners and in theory her whole reason for having me do this was so that she could with her bank or whoever and now they closed last week so they--

MR. DITTBRENNER: There's probably still money in escrow to resolve this zoning issue.

MR. COWAN: What she did tell me was that as long as I got the process started she could close on the property and she closed on the property so I don't know how that's written.

MR. DITTBRENNER: There's probably still funds being held in escrow for this being satisfied and if it's not--

MR. BABCOCK: Yeah, until there's a C.O. on your sign they cannot get clear title, that's where the problem is, the worst case scenario is we tell you you have to remove your sign, she gets clear title and you put your sign back, that could be, you know, what I'm saying so but she can't until there's a C.O. once the process goes so they keep back \$300 from her.

MS. LOCEY: We do have a copy of a letter from the New Windsor Zoning Board of Appeals indicating that this process has started and preliminary hearing is scheduled for tonight, July 14, so I think that probably helped them with the closing.

MR. BABCOCK: Yes.

MR. COWAN: She did say it was urgent cause I had just closed for vacation on June 28 and I reopen tomorrow but she was also going out of town so she wanted, she had to make sure that this was all tied up before we closed because she said I guess once we got the process started that was enough clearance for the sale to go

through.

MS. LOCEY: What's the pleasure of the board? We have a motion on the floor and a second which includes the provision asking for--

MR. DITTBRENNER: Can we have that motion revised to separate these two requests?

MR. BEDETTI: I was also going to ask that when we vote on these we vote on them separately.

MR. DITTBRENNER: But your motion is for them together combined.

MR. BEDETTI: The motion is for a public hearing to entertain both of them and we could amend that to--

MS. LOCEY: We could amend that to indicate separate that each issue be handled separately at the time of the public hearing to be voted upon separately.

MR. KRIEGER: You might say that your motion doesn't limit the board's ability to do this, if it should choose to do that, it merely advances both the request as to a public hearing, doesn't bind the board in any way.

MR. BEDETTI: I would like to see the motion amended to handle each one separately.

MS. LOCEY: And we're still satisfied or comfortable with the temporary sign verbiage that we're looking for a 320 day variance for a temporary sign as opposed to trying to give them a variance for a permanent sign, second permanent freestanding sign, I prefer the temporary sign myself. Anybody else have any comments?

MR. TORPEY: No.

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MS. LOCEY: Well, we might as well poll the board.

MR. BABCOCK: You've got the freestanding sign or the temporary sign and you've got the wall sign.

MS. MASON: Do we need the motion in the same one?

MS. LOCEY: We scheduled the public hearing for both.

MS. MASON: So one roll call.

MS. LOCEY: Correct. Roll call.

ROLL CALL

MR. DITTBRENNER	AYE
MR. TORPEY	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE

August 25, 2008

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COWAN'S_JEWELERS_(08-21)

MR. KANE: Cowan's Jewelers.

Mr. Jeffrey Cowan appeared before the board for this proposal.

MR. KANE: Request for a variance 1 foot 6 inch height and a 4 foot width for an existing 4 foot by 14 foot wall sign at 335 Windsor Highway. You want to state your name and address, speak loudly enough for this young lady.

MR. COWAN: Jeffrey Cowan, 181 Highwood Drive, New Windsor.

MR. KANE: Tell us what you want to do, Jeff.

MR. COWAN: Looking to get 1 foot 6 inch in height 4 feet in width for an existing sign above my store. The sign has been there 33 years already, it's just more of a formality that the variance be approved.

MR. KANE: Sign illuminated in any way?

MR. COWAN: Yes, it is.

MR. KANE: Flashing?

MR. COWAN: No.

MR. KANE: Steady illumination?

MR. COWAN: It's only we put it manually just at night.

MR. KANE: Since the sign has been in existence for 33 years, has there been any complaints about the sign formally or informally?

MR. COWAN: None.

MR. KANE: At this point, I will ask the public if there's anybody here for this particular hearing? Seeing as there's not, we'll close the public portion, ask Myra how many mailings we had.

MS. MASON: On the 12th of August, I mailed out 55 addressed envelopes and had no response.

MR. KANE: Back to the board, any further questions? I'll accept a motion.

MR. BEDETTI: I have two questions, one is the first time Mr. Cowan was here there were actually two signs that were part of the program, one was a temporary sign located out near the road and then there was this what's called a wall sign, actually looks like a roof mount sign rather than wall sign but has the temporary sign been removed from this?

MR. KANE: It's not part of the variance request.

MR. BEDETTI: I don't know whether this was just a--

MR. KANE: No.

MR. BEDETTI: So that's no longer being considered?

MR. KANE: No longer part of the equation.

MR. BEDETTI: Now, the second question was you said the sign has been up for 33 years, in view of the fact that again looks like a roof mount sign, has, Mike, has the structural integrity of the sign been checked?

MR. BABCOCK: I don't know that we're going to check the structural integrity of it.

MR. BEDETTI: It's been up for 33 years, I guess it's withstood 33 years of use but just want to but, you

know, it had never been through any formal approval now we're making a commitment that that sign's okay and my question is whether someone's going to look at the sign, make sure that--

MR. BABCOCK: We're going to look at it from the ground, we're not going to getting up there and look at it.

MR. KANE: That's not part of our equation.

MR. COWAN: Came with a hundred year guarantee, we're only a third of the way there.

MR. BEDETTI: That was the only other question I had.

MR. KANE: Any further questions?

MR. DITTBRENNER: I move we approve the variance request of Cowan's Jewelers for both height and width on the existing wall sign at 335 Windsor Highway.

MR. TORPEY: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

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. (08-21)
Request of COWAN'S JEWELERS (for JBN Funding LLC)
for a VARIANCE of the Zoning Local Law to Permit:
Request for variance of 1ft. 6 in. Height and; 4 ft. width for existing 4ft X 14ft. wall sign at 335 Windsor Highway in a C Zone (45-1-38)
PUBLIC HEARING will take place on AUGUST 25, 2008 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 PM.
Michael Kama, Chairman

STATE OF NEW YORK

COUNTY OF ORANGE, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department 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 is annexed is a true copy was published in said newspaper 1

time(s) commencing on the 12th day of August, A.D., 2008 and ending on the 12th day of August, A.D., 2008.

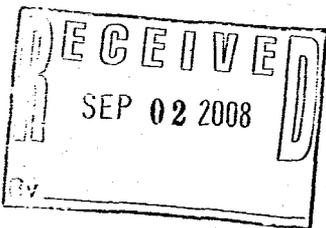
Kathleen O'Brien

Subscribed and shown to before me this 2nd day of Sept, 2008.

Deborah Green

Notary Public of the State of New York
County of Orange
My commission expires _____

DEBORAH GREEN
Notary Public - State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011



11:44



1763

Town of New Windsor

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

Assessor's Office
Assessor J. Todd Wiley, IAO

July 28, 2008

Cowen's Jewelers, INC
335 Windsor, Highway
New Windsor, NY 12553

RE: Tax Map Parcel : 45-1-38

ZBA: 08-21 (55)

Dear Mr. Cowen

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/LK

CC: Myra Mason, ZBA

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

55

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:

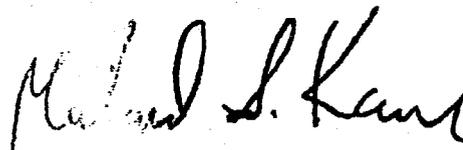
Appeal No. (08-21)

Request of COWAN'S JEWELERS (for JBN Funding LLC)

for a VARIANCE of the Zoning Local Law to Permit:

Request for variance of 1ft. 6 in. Height and; 4 ft. width for existing 4ft X 14ft. wall sign at 335 Windsor Highway in a C Zone (45-1-38)

PUBLIC HEARING will take place on AUGUST 25, 2008 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman

ZBA * 08-21

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

RECEIPT
#373-2008

07/15/2008

Cowan's Jewelers, Inc.

Received \$ 150.00 for Zoning Board Fees, on 07/15/2008. 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: 07-11-08

FOR: ESCROW 08-21

FROM:
COWAN'S JEWELERS INC
335 Windsor Highway Suite 100
New Windsor, nY 12553

CHECK FROM:
SAME

CHECK NUMBER: 2784

TELEPHONE: 561-1272

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

George 7-15-08
NAME DATE

ZBA #08-21 ESCROW

2784

COWAN'S JEWELERS, INC.
335 WINDSOR HIGHWAY, SUITE 100 561-1272
NEW WINDSOR, NY 12553



KeyBank National Association
Newburgh, New York 12550
1-800-KEYBANK

50-693-219

6/27/2008

PAY TO THE
ORDER OF: Town of New Windsor

\$ ****500.00**

Five Hundred and 00/100.....

DOLLARS

MEMO

Jeffrey Cowan
AUTHORIZED SIGNATURE

Security features. Details on back.

⑈002784⑈ ⑆021906934⑆ 020 08 866 1⑈



RESULTS OF Z.B.A. MEETING OF: July 14, 2008

PROJECT: Jeffrey Courser

ZBA # 08-21
P.B.# _____



USE VARIANCE:

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

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y ___ N ___

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

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y ___ N ___

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

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y ___ N ___

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

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y ___ N ___

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) I VOTE: A 4 N 0

DITTBRENNER A
BEDETTI A
LOCEY A
TORPEY A

#1 (Temp. sign) #2-

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

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

DITTBRENNER _____
BEDETTI _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y ___ N ___

Large empty rectangular box with horizontal lines, likely for notes or agenda items.

AGENDA DATE: July 14, 2008



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

June 27, 2008

JBN Funding, LLC
85 Terhune Avenue
Passaic, NJ 07055

SUBJECT: TAX MAP #45-1-38
TOWN OF NEW WINDSOR, NY

Dear Sir or Madam:

This letter is to verify the receipt of an application to the Zoning Board of Appeals to seek variances for two signs on subject property.

This application will be heard on July 14th, 2008 on a preliminary basis, with a public hearing to follow on a separate night.

If you have any further questions in the interim, please contact our office.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

1 of 2

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

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: June 2, 2008

APPLICANT: JBN Funding LLC

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/28/08

FOR : Cowan's Jewelers Inc.

LOCATED AT: 335 Windsor Hwy.

ZONE: C Sec/ Blk/ Lot: 45-1-38

DESCRIPTION OF EXISTING SITE: Existing commercial building.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing 4x14 ft. wall sign exceeds maximum height of 2'6" and maximum length of 10'.**


BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: C USE: 300-45-A(2)A			
SIGN:			
FREESTANDING:			
HEIGHT:	2'6"	4'	1'-6"
WIDTH:	10'	14'	4'
WALL SIGNS:			
TOTAL ALL SIGNS:			
FEET FROM ANY LOT LINE:			

cc: Z.B.A., APPLICANT, FILE W/ATTACHED MAP
6/9/08 Sent Applicant.

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

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

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and 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 there is no fee for this.

MAY 22 2010
FOR OFFICE USE ONLY:
Building Permit #: 2008-359

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE
CERTIFICATES ARE 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 JDATE JBN Funding LLC
Address 85 Terhune Ave, Passaic, NJ 07055 Phone # 845-323-3133
Mailing Address Same as above Fax # _____
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder lessee
If applicant is a corporation, signature of duly authorized officer. X
(Name and title of corporate officer)

1. On what street is property located? On the East side of Rte 32
(N, S, E, W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 45 Block 1 Lot 38

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

a. Existing use and occupancy _____ b. Intended use and occupancy _____

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

Sign: Cowan's Jewelers Facade Sign
14' x 4'

6. Is this a corner lot? _____

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

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

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

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

10. Estimated cost _____ Fee \$ 50.00

Cash

PAID

ZONING BOARD

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 Lital & Louis Krycheer
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 863-4618
(845) 863-4695 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.

Jeffrey Corwin
(Signature of Applicant)

335 WINDSOR HWY Suite 100 NEW WINDSOR NY
(Address of Applicant) 12553

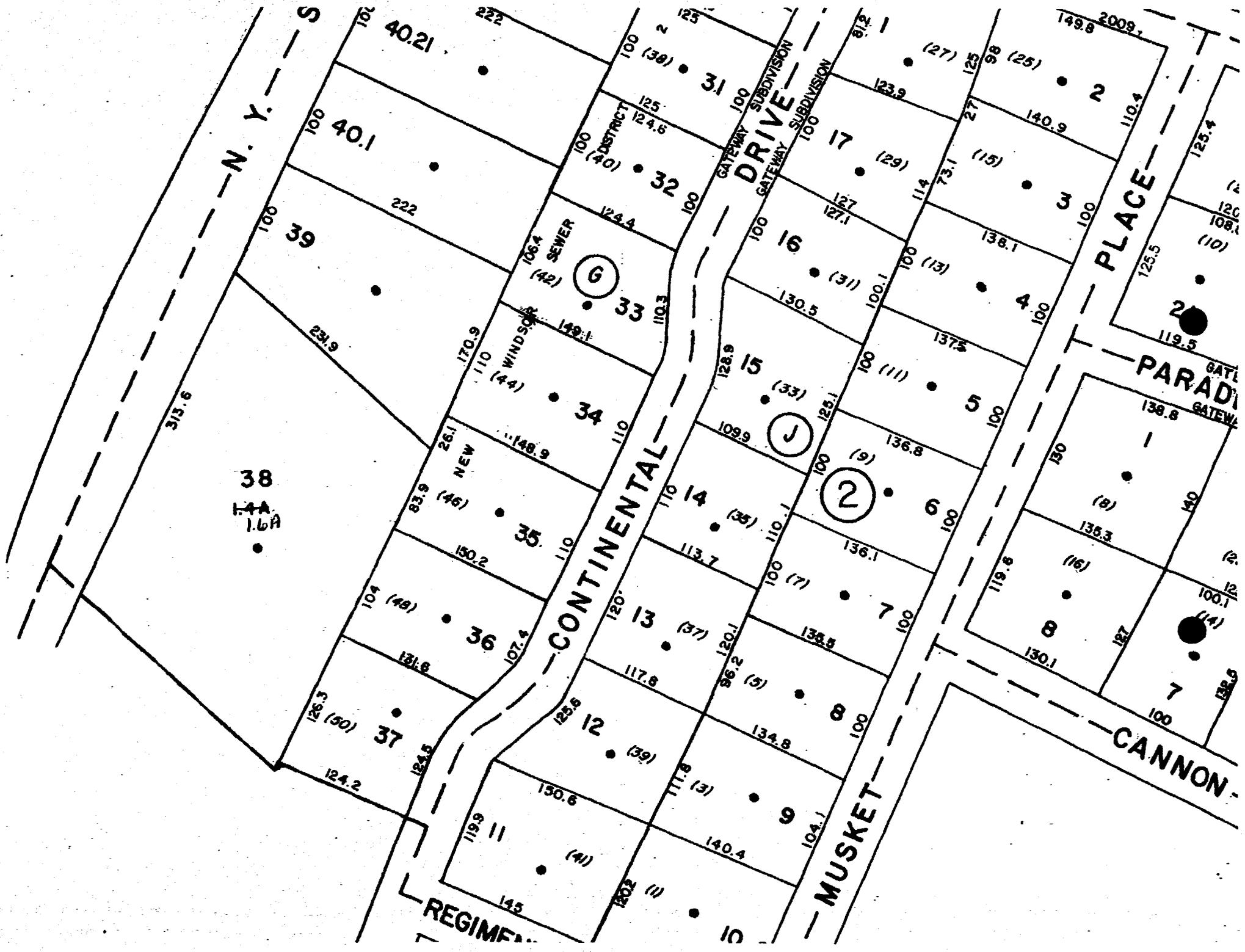
James Hendry
(Owner's Signature)

Same as above
(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.

N



N. Y. S.

CONTINENTAL DRIVE

MUSKET DRIVE

CANNON PLACE

PARADISE PLACE

GATEWAY DRIVE

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REGIMENT

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GATEWAY DRIVE

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

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

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

DATE: June 3, 2008

**APPLICANT: JBN Funding LLC
85 Terhune Avenue
Passaic, NJ 07055**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 28, 2008

FOR : Cowan's Jewelers Inc.

LOCATED AT: 335 Windsor Hwy.

ZONE: C Sec/ Blk/ Lot: 45-1-38

DESCRIPTION OF EXISTING SITE: Existing commercial building

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing temporary 4x8 ft. road sign can not be installed permanently.**


BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: C USE: 300-45-A-3-B		
SIGN:		
FREESTANDING: Temporary 45 days	365 days	320 days
HEIGHT:		
WIDTH:		
WALL SIGNS:		
TOTAL ALL SIGNS:		
FEET FROM ANY LOT LINE:		

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP
6/9/08 Sent Applicant.

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

Of 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 underlab 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. \$60.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and 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 there is no fee for this.

MAY 8 3 2008

FOR OFFICE USE ONLY:
Building Permit #: 2008-359

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE
CERTIFICATES ARE 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 JBN Funding, LLC
Address 85 Terhune Ave, Passaic, NJ 07055 Phone # 845-323-3133
Mailing Address Same as above Fax # _____

Name

Address

City

State

Zip

Phone



Cowan's Jewelers Inc.
335 Windsor Highway, Suite 100
New Windsor, NY 12553

(845) 561-1272

JEFF COWAN
Vice President

Phone _____
Phone _____
builder lessee
authorized officer X
(Name and title of corporate officer)

1. On what street is property located? On the East side of Rte 32
(N, S, E or W)
and _____ feet from the intersection of _____

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

3. Tax Map Description: Section 45 Block 1 Lot 38

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

a. Existing use and occupancy _____ b. Intended use and occupancy _____

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

*Sign: Temporary letter, changeable
4' x 8' sign*

6. Is this a corner lot? _____

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

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

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

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

PAID

PLANNING BOARD

10. Estimated cost _____ Fee \$50.00

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 Elsi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4618
(845) 583-4695 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.

X. J. J. Cowan
(Signature of Applicant)

335 WINDSOR Hwy Site (on New Windsor NY
(Address of Applicant)

12553

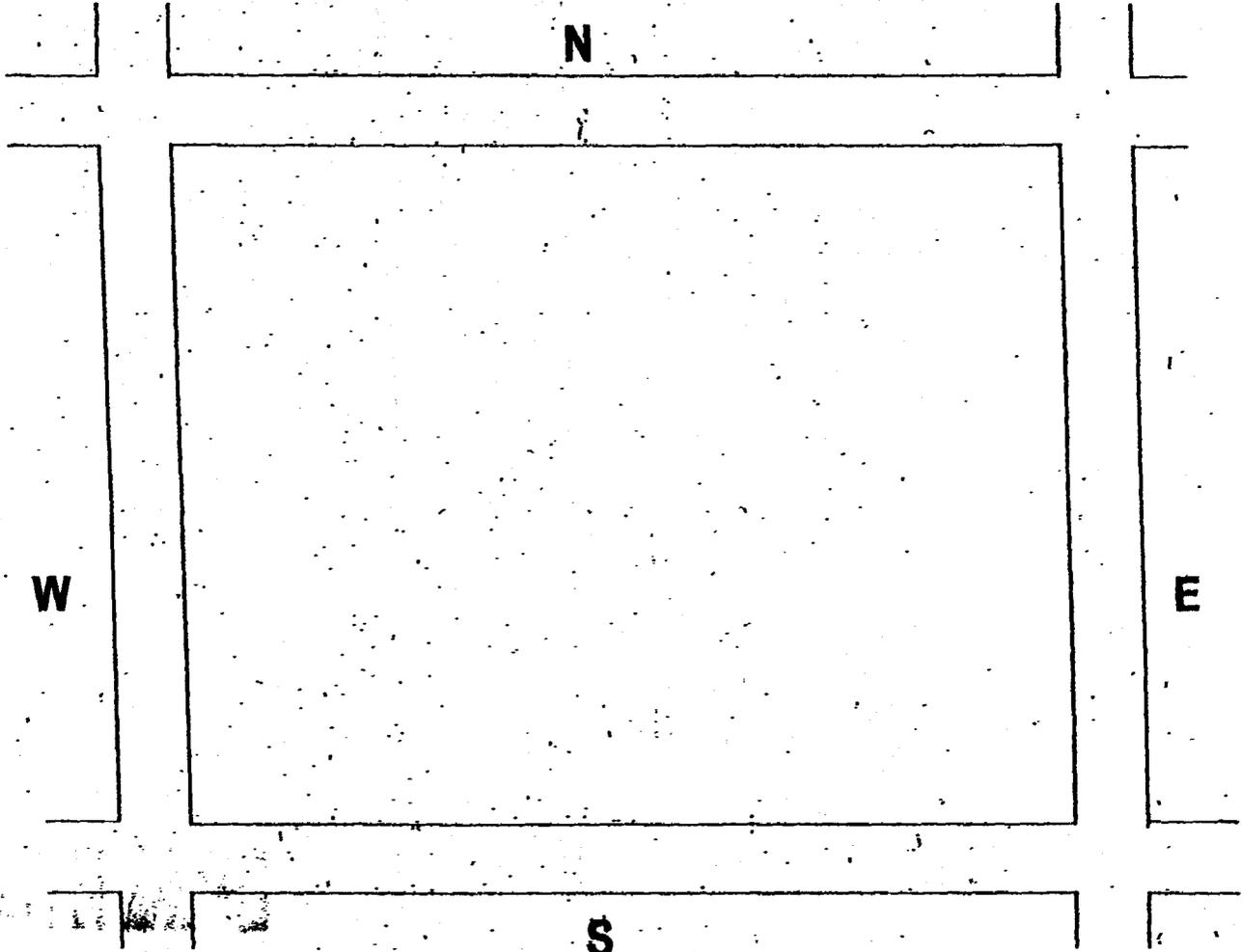
John Kowalski managing member
(Owner's Signature)

(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.



● TOWN OF NEW WINDSOR ●
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 07-15-08 MM

DATE: 07-15-08 PROJECT NUMBER: ZBA# 08-21 P.B. # _____

APPLICANT NAME: COWAN'S JEWELERS

PERSON TO NOTIFY TO PICK UP LIST:

COWAN'S JEWELERS INC
335 Windsor Highway Suite 100
New Windsor, nY 12553

TELEPHONE: 561-1272

TAX MAP NUMBER: SEC. 45 B LOCK 1 LOT 38
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 335 WINDSOR HIGHWAY
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

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: 2786

TOTAL CHARGES: _____



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

July 14 Agenda

08-21



APPLICATION FOR VARIANCE

6/23/08
Date

Application Type: Use Variance Area Variance
Sign Variance Interpretation

e-mail address: _____

I. **Owner Information:**
JBN FUNDING LLC
(Name)
85 TERHUNE AVE PASSAIC NJ 07055
(Address)

Phone Number: (973) 614-1408
Fax Number: ()

II. **Applicant:**
COWAN'S JEWELERS INC
(Name)
335 WINDSOR HIGHWAY Suite 100
(Address)
NEW WINDSOR NY 12553

e-mail address: TOO MANY SHOES 1010 @ AOL.COM
Phone Number: (845) 561-1272
Fax Number: (845) 561-1301

III. **Forwarding Address, if any, for return of escrow:**
N/A
(Name)

Phone Number: ()
Fax Number: ()

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**
N/A
(Name)

Phone Number ()
Fax Number: ()

(Address)

V. **Property Information:**

Zone: C Property Address in Question: 335 Windsor Hwy.
Lot Size: - Tax Map Number: Section 45 Block 1 Lot 38

- a. Is pending sale or lease subject to ZBA approval of this Application? ~~No~~ Yes
- b. When was property purchased by present owner? PRIOR to 1975
- c. Has property been subdivided previously? If so, When: _____
- d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No

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

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

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.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. 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; THE SIGN HAS BEEN AT ITS CURRENT LOCATION FOR 33 YEARS AND APPARENTLY MET ZONING REQUIREMENTS AT THAT TIME.
2. Whether the requested area variance is substantial; No
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; No
4. Whether the alleged difficulty was self-created. No

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

THE SIGNS HAVE BEEN IN PLACE FOR MANY YEARS AND HAVE NEVER CAUSED ANY ADVERSE EFFECT OR IMPACT ON THE NEIGHBORHOOD OR ENVIRONMENT.

PLEASE NOTE:

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

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
HEIGHT Sign #1	2' 6"	4'	1' 6"
WIDTH Sign #2	10'	14'	4'
(Temporary) Sign #2	45	365	320
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 33 years

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

XI. ~~INTERPRETATION:~~

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

~~_____~~

~~_____~~

~~_____~~

~~_____~~

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

XII. ADDITIONAL COMMENTS:

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

N/A

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 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)
) 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.

aburn

Sworn to before me this:

25th day of June 2008,

[Signature]
 Owner's Signature (Notarized)

Sherril Greenberg
 Owner's Name (Please Print)

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 #4984065
 Commission Expires July 15, 2011

[Signature]
 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

SHERRI GREENBERG (JBN FUNDING LLC) deposes and says that he resides
(OWNER)

at 85 TERHUNE AVENUE PASSAIC NJ 07055 in the County of PASSAIC
(OWNER'S ADDRESS)

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

(Sec. 45 Block 1 Lot 38)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

COWAN'S Jewelers Inc.

(Applicant Name & Address, if different from owner)

335 WINDSOR HWY Suite 100 New WINDSOR N.Y. 12553

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

to make the foregoing application as described therein.

Date: June 25, 2008
AFirm
Sworn to before me this: 25th day of June 2008

** Sherry Greenberg
Owner's Signature (MUST BE NOTARIZED)

Jeffrey Cowan
Applicant's Signature (If different than owner)

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

Deborah Green
Signature and Stamp of Notary

Representative's Signature

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.**

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 JEFFREY COWAN	2. PROJECT NAME JBN FUNDING LLC
3. PROJECT LOCATION: Municipality 335 WINDSOR HWY, SUITE 100 NEW WINDSOR NY County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) NORTH OF INTERSECTION OF FORGE HILL ROAD + WINDSOR HIGHWAY	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: EXISTING SIGNS	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres N/A Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input 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: Jeffrey Cowan JEFFREY COWAN Date: 6/23/08 Signature: <u><i>Jeffrey Cowan</i></u>	

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

