

ZB# 79-6

Dunkin Donuts

69-1-11

Prelim. Meeting
March 12, 1979

Public Hearing:
Mar. 26, 1979
8 p.m.

CCRD also sent 3/13/79 ^{PL}

Lou Grewas
McGoey, Hansen &
Grewas

562-8640

file w/ T.C.

GENERAL RECEIPT

3961

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

March 14 1979

RECEIVED OF

Steve Prekas

\$ 50.00

FOR

Fifty and 00/100

DOLLARS

3 B A = #79-6 Variance Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>50.00</u>		
<u>check</u>		

BY

Charlotte Manastrosin

Deputy

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

pd.

file

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of
NICHOLAS C. MARSHALL and STEVE PREKAS
Application #79-6.

DECISION GRANTING
AREA AND SIGN
VARIANCES.

-----x

WHEREAS, NICHOLAS C. MARSHALL of Route 94, Vails Gate, New York, and STEVE PREKAS of 674 Broadway, Newburgh, New York, have made application before the Zoning Board of Appeals for area and sign variances for the purposes of construction of a DUNKIN DONUTS shop on Route 94 in Vails Gate, Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 26th day of March, 1979 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants were represented by Peter C. Patsalos, Esq. of 346 Broadway, Newburgh, N. Y. and MC GOEY, HAUSER & GREVAS, Consulting Engineers of Route 9W, New Windsor, N.Y. Mr. Grevas made the presentation on behalf of the applicants; and

WHEREAS, the application was unopposed; and

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

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.
2. The evidence shows that the variances sought will not alter the general character of the neighborhood.

3. The evidence shows that denial of the variances will result in significant economic injury to the applicants.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notices of the public hearing were duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.

2. The applicants will encounter practical difficulty if the area variances requested are not granted.

3. The proposed variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

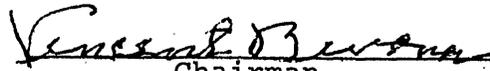
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants area and sign variances as follows: 13,136 sq. ft. area variance for lot; 100/150' lot width variance; 35'/69' front yard variance; 0'/33/46'-79' side yard variance; 4 ft. rear yard variance and 76 sq. ft. sign area variance, on the above-entitled application.

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 applicants.

Dated: April ²³ 9, 1979.


Chairman

PREKAS - DUNKIN' DONUTS - (MARSHALL)

6 March 1979

PROPERTY OWNERS WITHIN 500'

Sheet 1 of 4

SECTION	BLOCK	LOT	OWNER
✓ 69 ✓	1	10	Margaret M. Satterly RD #2, Riley Road New Windsor, New York 12550 ✓
✓ 69 ✓	1	9	Stuart Satterly & Son, Inc. RD #2, Riley Road New Windsor, New York 12550 ✓
✓ 69 ✓	1	8	Arthur Robin Box 235 Vails Gate, New York 12584 ✓
✓ 69 ✓	1	6	VGR Associates P.O. Box 334, Lenox Hill Station New York, New York 10021 ✓
✓ 69 ✓	1	4.3	Jerome Lipsenthal, Jerome Book, Samuel Book, et.al c/o Jerome Book 189 Grand Street Newburgh, New York 12550 ✓
69 ✓	2	11	Gasland, Inc. c/o Good Hope Industries P.O. Box 3190 Springfield, Massachusetts 01101 ✓
69 ✓	2	10	Angelo Rosmarino Enterprises, Inc. P.O. Box 392 Vails Gate, New York 12584 ✓
69 ✓	2	9	Joseph A. and Robert Primavera Route 32 Vails Gate, New York 12584 ✓
✓ 69	2	8	Paul and Virginia Casaccio RD #4, Alder Drive New Windsor, New York 12550 ✓

PREKAS _ DUNIN DONUTS - (MARSHALL)

6 March 1979

PROPERTY OWNERS WITHIN 500'

Sheet 2 of 4

SECTION	BLOCK	LOT	OWNER
✓ 69	2	7	Mary E. Bonura and Peter T. Callas Sarvis Lane Newburgh, New York 12550
✓ 69	2	6	Douglas C. Thorne, Inc. 408 Windsor Highway Vails Gate, New York 12584
✓ 69	2	12	Schoonmaker Homes, Inc. P.O. Box 98 Vails Gate, New York 12584
✓ 69	3	1	So BLC Properties, Inc. Sarvis Lane, RD #1 Newburgh, New York 12550
✓ 69	3	2	Richard S. Baright Baright Realty Box 595 Vails Gate, New York 12584
✓ 69	3	4	George A. and Olive M. Weber P.O. Box 24 Vails Gate, New York 12584
✓ 69	3	5	Edward Trevorah P.O. Box 1 Vails Gate, New York 12584
✓ 69	3	6	Trustees of GE Pension Fund c/o Atlantic Refining Company 260 So. Broad Street Philadelphia, Pennsylvania 19140
			CROOKSTON, Stanley ARTHUR ST. Peekskill N.Y. 10566
✓ 69	4	26.2	Mobil Oil Corporation Eastern Region Property, Tax Division P.O. Box 839 Valley Forge, Pennsylvania 19482

PREKAS - DUNKIN'DONUTS - (MARSHALL)

6 March 1979

PROPERTY OWNERS WITHIN 500'

Sheet 3 of 4

SECTION	BLOCK	LOT	OWNER
✓ 69	4	26.11	Franchise Realty Interstate Corp. P.O. Box 66207, AMF O'Hare Airport Chicago, Illinois 60666
✓ 69	4	26.12	Herbert Slepoy and Fred Gardner 881 Knota Road Woodmere, New York 11598
✓ 69	4	26.13	Herbert Slepoy and Fred Gardner 881 Knota Road Woodmere, New York 11598
69	4	27	deleted: combined with 69-4-26.13
✓ 69	4	19	Central Hudson Gas & Electric Corp. c/o Tax Agent 284 South Avenue Poughkeepsie, New York 12602
✓ 69	4	16	Russell R. Brewer, Sr. P.O. Box 103 Vails Gate, New York 12584
✓ 70	1	1	Catherine Leonardo c/o Angeline Gruber 355 Third Street Newburgh, New York 12550
✓ 70	1	2.1	Maria Marshall Box 68 Vails Gate, New York 12584
70	1	2.2	NEW WINDSOR AMBULANCE CORP. P.O. Box 25 Vails Gate N.Y. 12584

PREKAS - DUNKIN' DONUTS - (MARSHALL)

6 March 1979

PROPERTY OWNERS WITHIN 500'

Sheet 4 of 4

SECTION	BLOCK	LOT	OWNER
✓ 70	1	3	Frank and Elizabeth Christopian Box 202 Vails Gate, New York 12584
70	1	16.1	Ida Mangini, c/o Thomas Hoffman
70	1	16.2	200 West 57th Street New York, New York 10019
			GARDNER, FRED SLEPOY, HERBERT APACHE ASSOC. 150 CARVER ST. HUNTINGTON N.Y. 11743

(914) 565-8550

March 27, 1979

McGoey, Hauser & Grevas
Consulting Engineers
194 Route 9W
New Windsor, N.Y. 12550

Attn: Elias D. Grevas, L. S.

RE: APPLICATION FOR VARIANCES - PREKAS/MARSHALL
(DUNKIN DONUTS) - #79-89-6

Dear Lou:

Kindly confirm that the above application was granted at a public hearing held before the New Windsor Zoning Board of Appeals on March 26, 1979.

Formal decision is being drafted and will be acted upon at an upcoming meeting of the ZBA. At this time I will furnish your office with a copy of same.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Town Planning Board - Attn: Ernest Spignardo, Chairman
Howard Collett, Bldg./Zoning Inspector
Peter C. Patsalos, Esq.



COUNTY OF ORANGE

Department of Planning

124 MAIN STREET (1887 Building)
GOSHEN, NEW YORK 10924
TEL. (914) 294-5151

NEW WINDSOR PLANNING BOARD

Edwin J. Garling, A.I.P., Deputy Commissioner

Peter Garrison, A.I.P., Commissioner

MAR 28 1979

March 23, 1979

Mr. Mark Stortecky, Chairman
Town of New Windsor Zoning Board of Appeals
c/o Patricia Delio, Secretary
555 Union Avenue
New Windsor, New York 12550

Re: Variances - Dunkin Donuts
Route 94
Our File No.: NWT-79-4-M

Dear Mr. Stortecky:

This office, pursuant to the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York, has reviewed the above application.

We hereby return the matter for local determination; however, the applicant's request may be unreasonable based on the significant number of variances that are being sought.

Sincerely,

Peter Garrison
Commissioner of Planning

PG/dc

Enclosure

TOWN OF NEWburgh
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

79-6
(Number)

12 March 1979
(Date)

I. Applicant information:

- (a) Nicholas C. Marshall, Route 94, Vails Gate, N.Y. 565-3789
(Name, address and phone of Applicant)
- (b) Steve Prekas, 674 Broadway, Newburgh, N.Y. 562-4720
(Name, address and phone of purchaser or lessee)
- (c) Peter C. Patsalos, 346 Broadway, Newburgh, N.Y. 565-4480
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) C Rte 94 @ Temple Hill Rd. 69 1 11 13,136 SF
(Zone) (Address) Vails Gate (H B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 27 Feb. 1953
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No If so, when _____
- (h) Is there any outside storage at the property now or is any proposed?

79-6
(Number)

12 March 1979
(Date)

I. Applicant information:

- (a) Nicholas C. Marshall, Route 94, Vails Gate, N.Y. 565-3789
(Name, address and phone of Applicant)
- (b) Steve Prekas, 674 Broadway, Newburgh, N.Y. 562-4720
(Name, address and phone of purchaser or lessee)
- (c) Peter C. Patsalos, 346 Broadway, Newburgh, N.Y. 565-4480
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) C Rte 94 @ Temple Hill Rd. 69 1 11 13,136 SF
(Zone) (Address) Vails Gate (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 27 Feb. 1953
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. No, except for dumpster
- _____
- _____

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

 (Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Part II, Column 4,5,6,7,8 & 10

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 sf</u>	<u>13,136 sf</u>	<u>13,136 sf</u>
Min. Lot Width <u>200'</u>	<u>100-150'</u>	<u>100'-150'</u>
Reqd. Front Yard <u>60'</u>	<u>35'-69'</u>	<u>35'-69'</u>
Reqd. Side Yards <u>30' / 70'</u>	<u>0'-33' / 46'-79'</u>	<u>0'-33' / 46'-79'</u>
Reqd. Rear Yard <u>30'</u>	<u>4'</u>	<u>4'</u>
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt. <u>4"/Ft. to Line</u> ^{Lot}	<u>16'</u>	<u>16'</u>
Min. Floor Area*	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** <u>0.5</u>	<u>0.12</u>	_____

* Residential districts only
 ** Non-residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Part II, Column 4,5,6,7,8 & 10

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 sf</u>	<u>13,136 sf</u>	<u>13,136 sf</u>
Min. Lot Width <u>200'</u>	<u>100-150'</u>	<u>100'-150'</u>
Reqd. Front Yard <u>60'</u>	<u>35'-69'</u>	<u>35'-69'</u>
Reqd. Side Yards <u>30' / 70'</u>	<u>0'-33' / 46'-79'</u>	<u>0'-33' / 46'-79'</u>
Reqd. Rear Yard <u>30'</u>	<u>4'</u>	<u>4'</u>
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Max. Bldg. Hgt. <u>4"/Ft. to Line</u>	<u>16'</u>	<u>16'</u>
Min. Floor Area*		
Development Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio** <u>0.5</u>	<u>0.12</u>	

* Residential districts only

** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Property is less than required area; Setback and parking requirements limit available building locations; In order to maximize use of property, and provide a workable traffic pattern, the area variances are necessary.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-9, Table Use, Column D.

	<u>Requirements</u>	<u>Proposed or Available</u> (Dbl Face)	<u>Variance Request</u>
Sign 1	<u>10 S.F.</u>	<u>72 S.F.</u>	<u>62 S.F. (Illuminated Pylon)</u>
Sign 2	<u>2.0 S.F.</u>	<u>4.5 S.F.</u>	<u>2.5 S.F. (Illum. Directional)</u>
Sign 3	<u>2.0 S.F.</u>	<u>4.5 S.F.</u>	<u>2.5 S.F. (Illum. Directional)</u>
Sign 4		<u>4.5</u>	<u>4.5 S.F. (Illum. Directional)</u>
Sign 5		<u>4.5</u>	<u>4.5 S.F. (Illum. Directional)</u>
Total	<u>14 sq.ft.</u>	<u>90 sq.ft.</u>	<u>76 sq.ft.</u>

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

Sign 1 is an interior-illuminated pylon sign; 18' high, double faced. Signs 2,3,4 and 5 are interior-illuminated directional signs at entrances/exits, 5'-6" high (to top).

Another sign is to be attached to the building, 40 s.f. in area, on the southeast face; and another sign on the northeast face 40 s.f. in area. ~~Maximum permitted 50 s.f. variance request 30 s.f.~~

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

170 square feet

Property is less than required area; Setback and parking requirements limit available building locations; In order to maximize use of property, and provide a workable traffic pattern, the area variances are necessary.

VI. Sign Variance:

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	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
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Sign 2	<u>2.0 S.F.</u>	<u>4.5 S.F.</u>	<u>2.5 S.F. (Illum. Directional)</u>
Sign 3	<u>2.0 S.F.</u>	<u>4.5 S.F.</u>	<u>2.5 S.F. (Illum. Directional)</u>
Sign 4	<u></u>	<u>4.5</u>	<u>4.5 S.F. (Illum. Directional)</u>
Sign 5	<u></u>	<u>4.5</u>	<u>4.5 S.F. (Illum. Directional)</u>
Total	<u>14 sq. ft.</u>	<u>90 sq. ft.</u>	<u>76 sq. ft.</u>

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Another sign is to be attached to the building, 40 s.f. in area, on the southeast face; and another sign on the northeast face 40 s.f. in area. ~~Maximum permitted 50 s.f. variance request 30 s.f.~~

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

170 square feet

VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. 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, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Please see attached Plan, which provides for landscaping

 items, curbs, etc.

IX. Attachments required:

- ___ Copy of letter of referral from Building and Zoning Inspector.
 - ___ Copy of contract of sale, lease or franchise agreement.
 - ___ Copy of tax map showing adjacent properties
 - ___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
 - ___ Copy(ies) of sign(s) with dimensions.
 - ___ Check in amount of \$ _____ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping

(b) Describe in detail the use and structures proposed for the special permit.

VIII. 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, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Please see attached Plan, which provides for landscaping items, curbs, etc.

IX. Attachments required:

___ Copy of letter of referral from Building and Zoning Inspector.

___ Copy of contract of sale, lease or franchise agreement.

___ Copy of tax map showing adjacent properties

___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

___ Copy(ies) of sign(s) with dimensions.

___ Check in amount of \$ _____ payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

___ Other

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 knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Ernest P. Poulos
(Applicant)

Sworn to before me this

9 day of March, 1979.
Peter C. Patsalos
PETER C. PATSALOS
Notary Public, State of New York
Residing in Orange County
My Commission Expires Mar. 30, 1979

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

(Official Use Only)

X. AFFIDAVIT.

Date 12 March 1979

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 knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Nicholas C. Marshall
(Applicant)

Sworn to before me this

12th day of March, 1979.

Ruth J. Eaton
RUTH J. EATON

Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1980
Reg. No. 4673512

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 6

Request of Nicholas Marshall and Steve Prekas

for a Variance ~~Special Use Permit~~ of the

regulations of the Zoning Local Law, to permit

the construction and operation of a Dunkin' Donuts retail
store/restaurant on an undersized lot;

being a Variance ~~Special Use Permit~~ of

Sections 48-12 and 48-9

for property situated at: NYS Highway Route 94 at the

intersection of County Road 59, Temple Hill Road

SAID HEARING will take place on the 26th day of March, 19 79,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:00 o'clock P. M.

MARK STORTECKY
Chairman

79-6.
Dunkin
Donuts

Agreement.

Made and dated this

6th day of October

in the year One thousand nine hundred and seventy-eight.

Between NICHOLAS C. MARSHALL, residing at Route 94, Town of New Windsor, County of Orange and State of New York,

hereinafter described as the seller, and STEVE PREKAS, residing at No. 3 Warden Court, Newburgh, Orange County, New York,

hereinafter described as the purchaser,

Witnesseth:

That the seller agrees to sell and convey, and the purchaser agrees to purchase:

All that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the northerly side of the Blooming Grove Turnpike at the westerly line of the taking by the State of New York for the West Point - Stewart Field Highway and running thence north 18° 26' east 45.8 feet more or less along the westerly line of said taking to a point; thence still along the westerly line of said taking north 17° 41' west 123 feet more or less to a point marking the end of said taking; thence northwesterly 20 feet more or less to a concrete post set in the line of lands now or formerly owned by Otto Miller; thence southerly along the line of lands of the parties of the first part which were formerly owned by Otto Miller 86 feet more or less to an iron pipe marking the northerly corner of the lands of the Central Hudson Gas and Electric Corporation; thence south 16° east 90 feet more or less to the northerly line of the Blooming Grove Turnpike thence east along the northerly line of said Blooming Grove Turnpike 96 feet more or less to the point or place of beginning.

SUBJECT to any pole grants and easements of record, and to any covenants, reservations or restrictions of record.

BEING the same premises described in a deed dated February 27, 1953, made by Thorvald Holm to Nicholas C. Marshall and recorded in the Orange County Clerk's Office on February 28, 1953 in Liber 1259 of Deeds at page 333.

~~The real property will be principally improved by a one or two family dwelling only.~~

in cash or good certified check on the delivery of the deed as hereinafter provided; SEVENTY-ONE THOUSAND AND 00/100-----(\$71,000.00)-----Dollars

by taking title subject to a first mortgage in that amount, now a lien on said premises, bearing interest at the rate of 8 1/2 per centum per annum, payable within five years and amortized over ten years.

Dollars

~~by the purchaser or assigns executing, acknowledging and delivering to the seller bond in that amount, secured by a purchase money mortgage in the same amount on the above premises, bearing interest at the rate of _____ per centum per annum, payable~~

It is fully agreed and understood between the parties that the purchaser intends to use the premises for the installation of a Dunkin Donuts franchise operation. That this agreement is subject to the purchaser obtaining the necessary approval from "Dunkin Donuts, Inc.", the Planning and Zoning Boards of the Town of New Windsor, as well as the approval of the Department of Transportation of the State of New York. That this contract is further subject to the purchaser obtaining the necessary financing for the installation of said Dunkin Donuts Shop.

The parties further understand and agree that the down payment of \$5,000.00 received by the Seller and paid by the Purchaser, is non-refundable. In the event the necessary approvals are not obtained, as hereinabove stated, nor funding obtained, that the sole liability of the purchaser is the sum of \$5,000.00 paid upon the signing of this contract.

That the Seller will cooperate in any way in helping the Purchaser obtain the approvals from these Municipal and State agencies.

The deed shall be delivered upon the receipt of said payments, at the office of DANIEL J. BLOOM & PETER E. BLOOM, ESQS.

at 2:00 o'clock in the after-noon, on April 2, 1979.

Bargain & Sale Deed with covenants against
The deed shall be the usual grantor's acts deed
in proper statutory short form for record, and shall contain the clause specified in Sub-division 5 of Section 13 of the Lien-Law. It shall be duly executed and acknowledged by the seller, at the seller's expense, so as to convey to the purchaser the fee simple of said premises, free of all encumbrances, except as herein stated

If a purchase money mortgage is to be given in this transaction, it shall be drawn by the attorney for the seller and the recording fees and mortgage tax, the cost of the United States Internal Revenue stamps, if any, and the charge for drawing the Bond and Mortgage shall be paid by the purchaser.

All buildings on the premises are represented as owned by the seller and are included in the sale. All plumbing, heating, lighting fixtures (except portable lamps and stoves), shades, screens, blinds, awnings, shrubbery and plants are also included in the sale.

Rents, taxes, water rates, interest on mortgages and fire insurance premiums, if any, are to be apportioned.

If there be a water meter on the premises, the seller shall furnish a reading to a date not more than thirty days prior to the time herein set for closing title, and the unfixd meter charge for the intervening time shall be apportioned on the basis of such last meter reading.

All sums paid on account of this contract, and the reasonable expense of the examination of the title to said premises, are hereby made liens thereon, but such liens shall not continue after default by the purchaser under this contract.

The risk of loss or damage to said premises by fire until the delivery of the deed, is assumed by the seller.

The premises above described are sold subject to building and zoning ordinances and restrictions of record, if any., provided the same do not prohibit the continued use of the existing structure on the premises as a one-family residence.

The stipulations herein are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

The seller agrees that NO BROKER brought about this sale and agrees to pay the broker's commission of

Dollars therefor.

In Witness Whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of }

Nicholas C. Marshall
Nicholas C. Marshall

Steve Prekas
Steve Prekas

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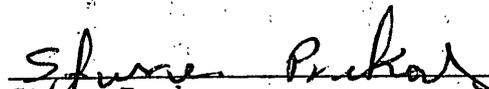
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Dollars therefor.

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Signed, Sealed and Delibered
in the Presence of }


Nicholas C. Marshall


Steve Prekas

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: DUNKIN DONUTS/PREKAS/MARSHALL
APPLICATION #79-6
DATE: March 13, 1979

Kindly be advised that the above applicants are scheduled to appear before the Zoning Board of Appeals for a public hearing on their applications #79-6 on March 26, 1979 at 8 p.m.

I have attached hereto copy of the application and public hearing notice which was published in The Evening News.

Pat

/pd

Attachments

cc: Howard Collett, Bldg./Zoning Inspector

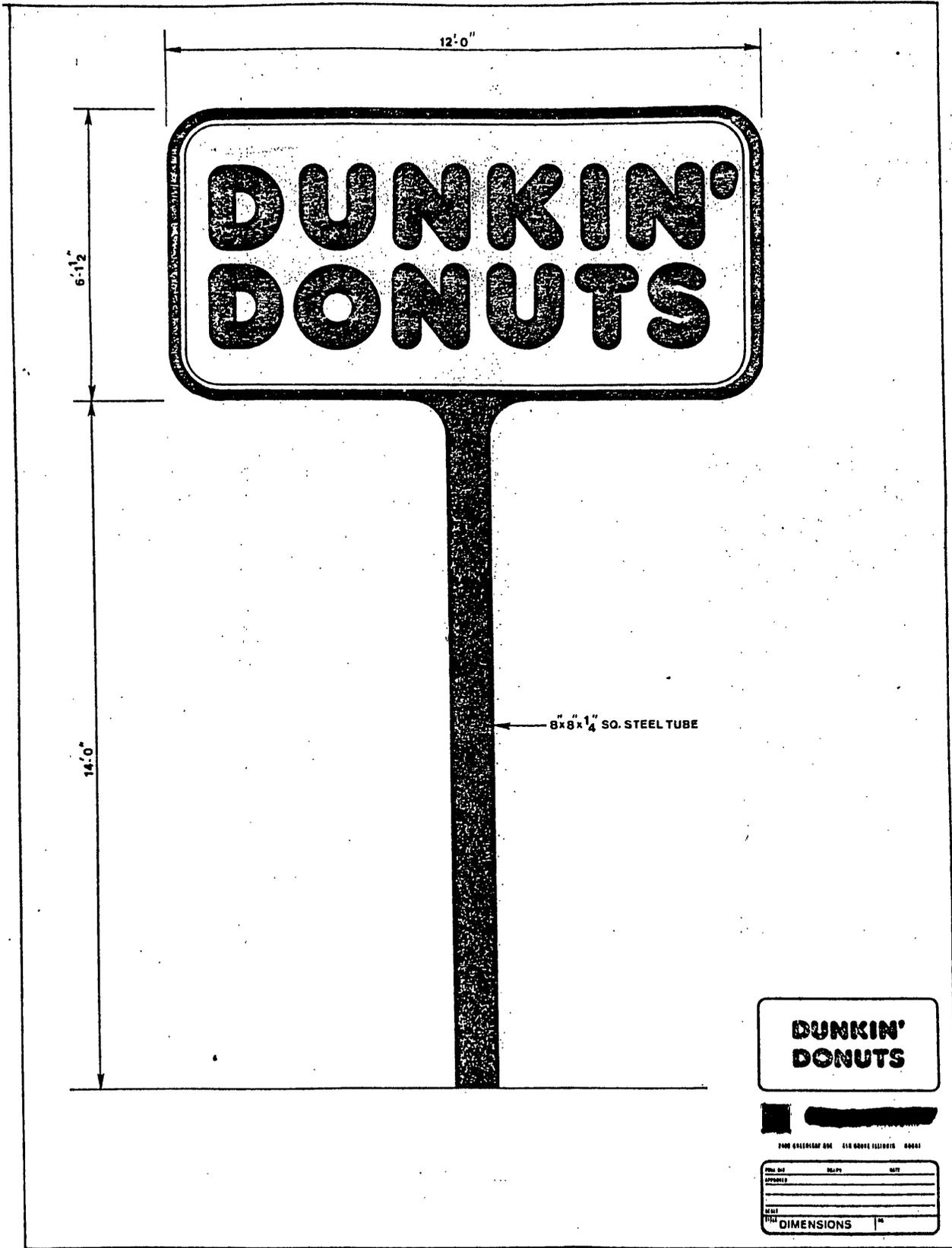
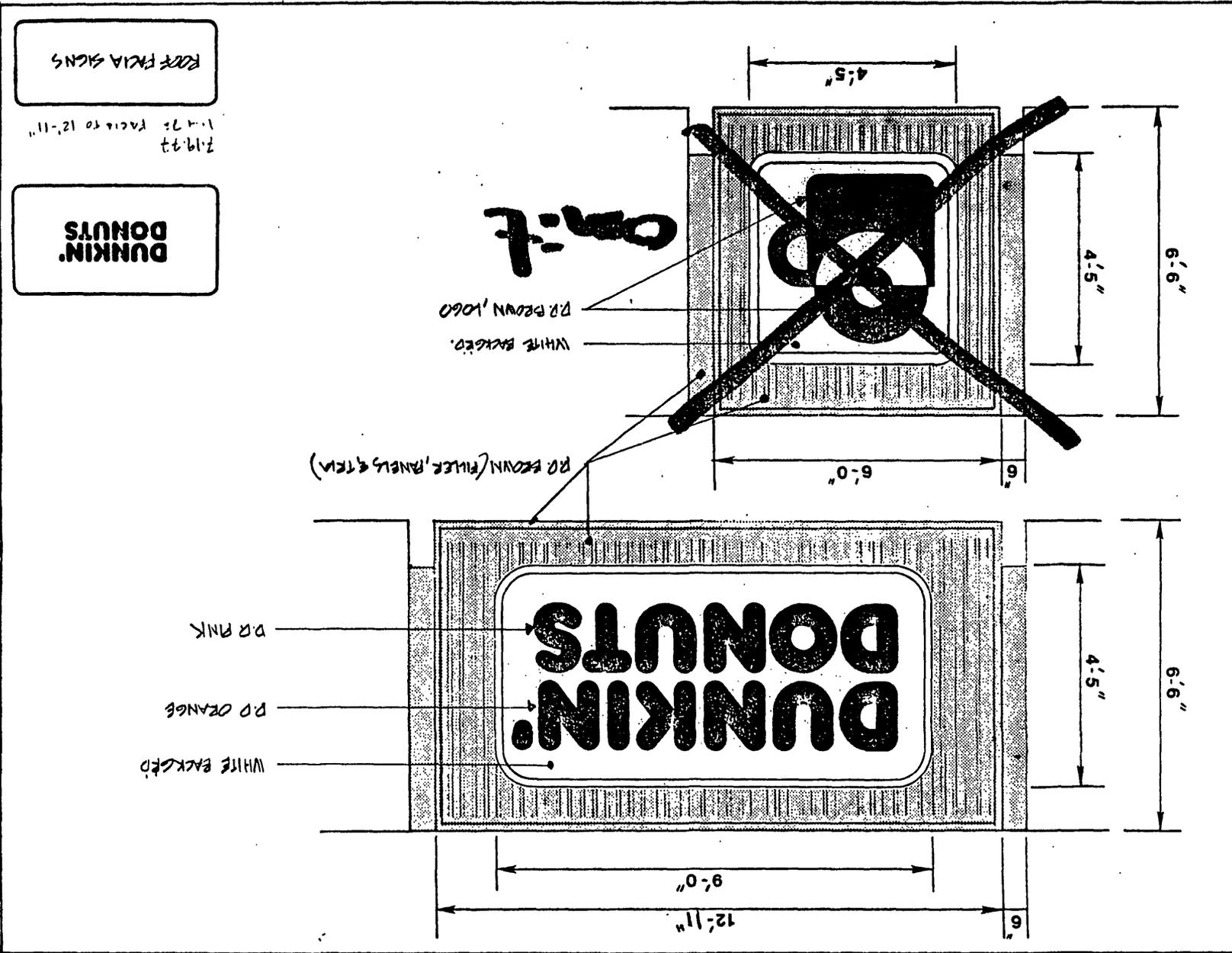
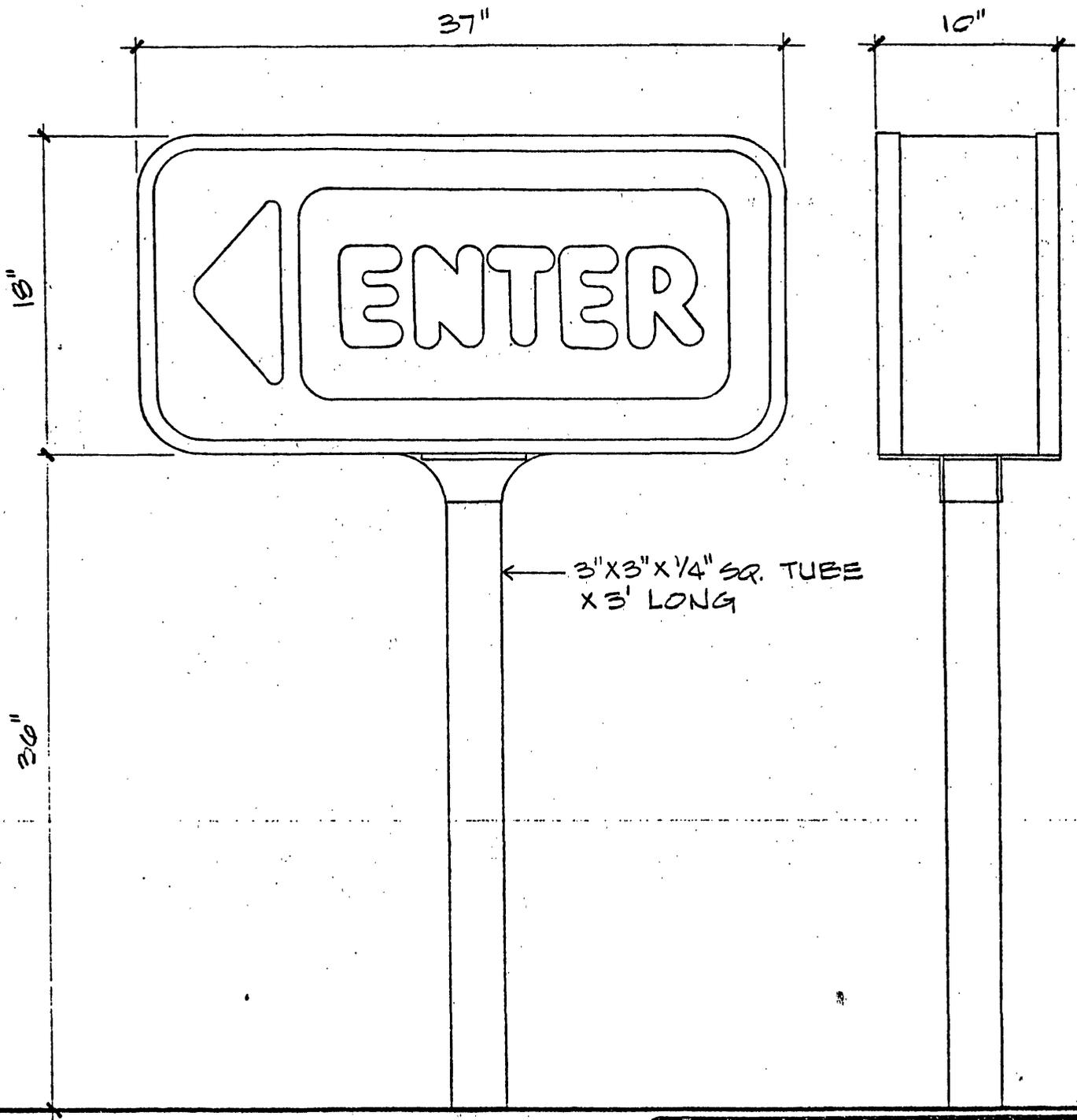


EXHIBIT B

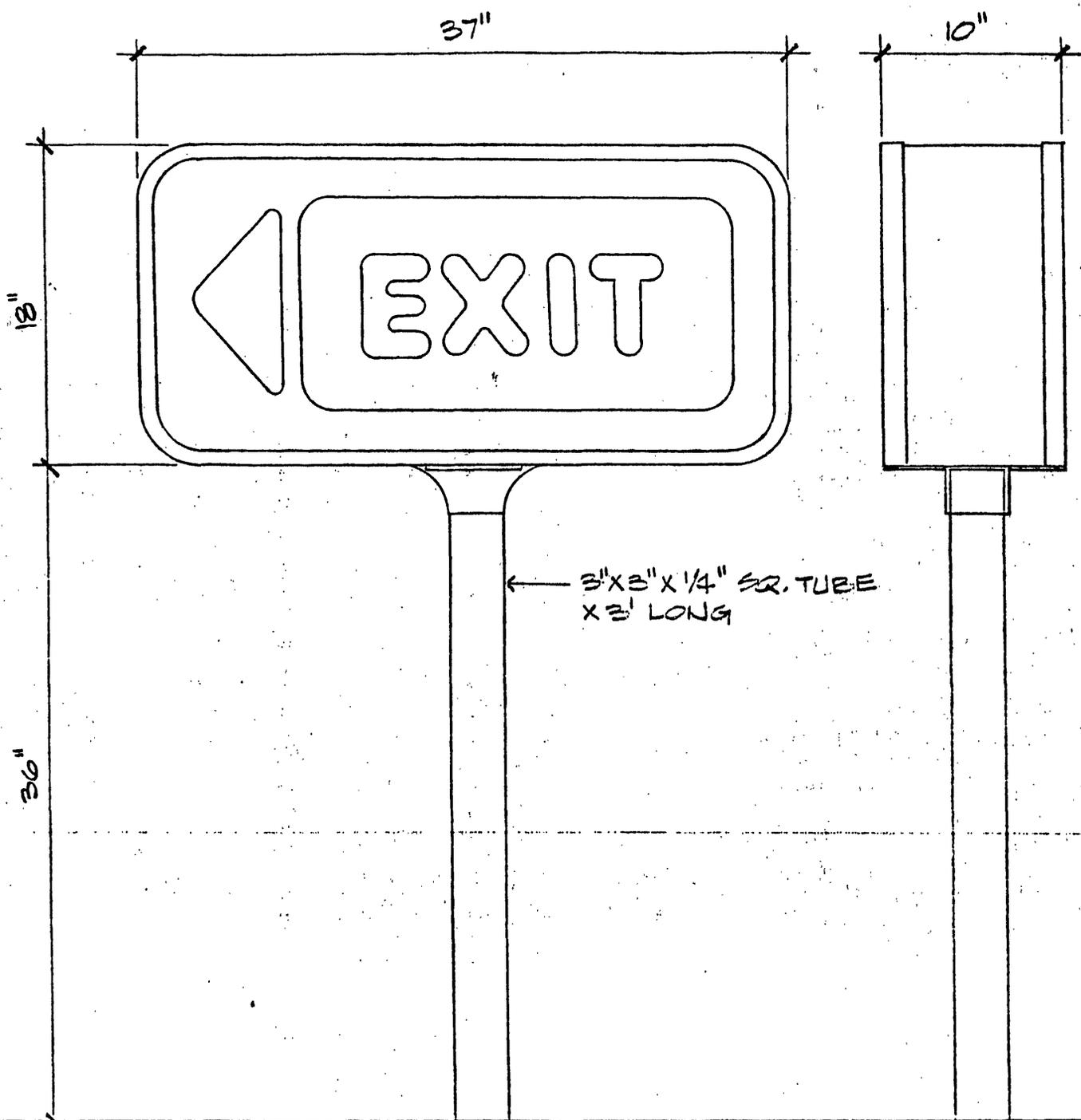


STANDARD "ENTER" SIGN



PROJ. DIR.	DRAWN: J. VIERER	DATE 2/1/79
APPROVED		
DUNKIN' DONUTS OF AMERICA		
SCALE: 1/2" = 1'-0"		
"ENTER" SIGN		NO. 1 OF 2

STANDARD "EXIT" SIGN



PROJ. DIR.	DRAWN J. VAZQUEZ	DATE 2/1/19
APPROVED	DUNKIN' DONUTS OF AMERICA	
SCALE: 1/2" = 1'-0"		
"EXIT" SIGN		No. 2 OF 2



SECTION 65

COUNTY HWY NO. 59

HILL ROAD

HWY NO. 94

①

②

③

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65

STATE HWY

N.Y.

MARSHALL DRIVE

TRUEX DRIVE

WEST DRIVE

TRUEX DRIVE

KEARNEY DRIVE

HAIGHT DRIVE

STATE HWY NO. 94

MARSHALL DRIVE

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1 A(1C)

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26.13
1.4 A(1C)

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26.12

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5.8 A

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172
1.7 A(1C)

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1.5 A(1C)

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7.3 A(1C)

Rec'd. - 3/12/79.

INTER-OFFICE CORRESPONDENCE

TO: ZONING BOARD OF APPEALS
FROM: NEW WINDSOR PLANNING BOARD
SUBJECT: DUNKIN DONUTS
DATE: MARCH 12, 1979

MAR 12 1979

After reviewing the Dunkin Donuts Site Plans the Planning Board unanimously agrees that the site plan was great improvement to that property. This Board gives conceptual approval.

ERNEST SPIGNARDO
Chairman

B. ORANGE COUNTY DEPARTMENT OF PLANNING
 APPLICATION FOR MANDATORY COUNTY REVIEW
 OF LOCAL PLANNING ACTION
 (Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
 To be signed by Local Official.

Local File No. 79-6

1. Municipality Town of New Windsor Public Hearing Date 3/26/79

City, Town or Village Board Planning Board Zoning Board of Appeals

2. Applicant: NAME Dunkin Donuts / Steve Prekas

Address 674 Broadway, Newburgh, N.Y. 12550

Attorney, Engineer, Architect Peter C. Patsalos, Esq. - ^{346 B'way} Newburgh, NY 12550

3. Location of Site: Route 94 - 5 Corners - Vail Gate - (Marshall Parcel)
 (street or highway, plus nearest intersection)

Tax Map Identification: Section 69 Block 1 Lot 11

Present Zoning District "C" zone Size of Parcel 13,136

4. Type of Review:

Special Permit Use* _____

Variance* Use _____

Zone Change* ^{Area} See attached application & plan.
 From: _____ To: _____

Zoning Amendment* To Section: _____

Subdivision** Major _____ Minor _____

3/12/79
Date

Patricia Delis, Secy.
Signature and Title

*Cite Section of Zoning Regulations where pertinent
 **Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

