ZB# 80-6

VSH Realty, Inc.

(no S-B-L given)

Public Hearing

March 10, 1980

8:15 p.m. –

OCPD notified

P.H. 3/10/80 – 8:15.

80-6 - USH Realty.

GENERAL RECEIPT

4255

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

March 11 1980

RECEIVED OF Cumberland Farms $50.00

Fifty and 00/100 DOLLARS

FOR Variance application 80-#6 (Zoning Board)

DISTRIBUTION:

FUND	CODE	AMOUNT
50.00 CK		

BY Pauline D. Townsend /pm

Town Clerk
TITLE

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

12-2-1 Rt 94/Union
37-1-53 - Rt 94/Cassese Lane

3/10/80 Public Hearing - USH Realty, Inc.

Name:	Address:
Kathleen Nugent	13 St. Jos. Pl
Kathleen Popowick	100 Union Ave.
✓ Joe Pittitti ✓	354 Union Ave. (in favor)
Jill Lounsbury	Walters Trailer Pk.
Irene Slaughter	Gardnertown Rd.
✓ Robert Gaston	Station Rd., Rock Tavern
✓ Pam Lounsbury	Walters Tr. Ct.
✓ Beverley Lounsbury	7 Walter's Tr. Ct. (in favor)
✓ Carol Hage	71 Melrose Ave
✓ Paul Belyn	6 St Anne Dr. (opposition)

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

----------x

In the Matter of the Application of

V.S.H. REALTY INC.

Application #80-6.

DECISION DENYING SIGN VARIANCES

----------x

WHEREAS, V.S.H. REALTY, INC., a corporation having an office at 777 Dedham Street, Canton, Massachusetts 02021, has made application for sign variances before the Zoning Board of Appeals for the purposes of erecting two (2) signs at two (2) different stores (CUMBERLAND FARMS) located on Route 94/Union Avenue and Route 94/Caesar's Lane, Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 10th day of March, 1980 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented by Alan J. Axelrod, Esq. of the lawfirm of Greenblatt, Forrester & Axelrod, P. C. of 369 Fullerton Avenue, Newburgh, New York 12550; and

WHEREAS, the application was opposed by two property owners (one spoke in opposition and the other by letter); and

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

1. The notices of public hearing were duly sent to residents and businesses as prescribed by law and published in The Sentinel, also required by law.

2. With respect to the application concerning both store locations, at Route 94/Union Avenue and Route 94/Caesar's Lane, the evidence shows that both store locations are already adequately illum-

inated so as to make their presence known to the marketing public and that no further signs are required for applicant to advertise its business.

3. Area residents who appeared in opposition to the granting of the variances expressed concern that further signs would contribute to the deterioration of the area and detract from its largely residential character.

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

1. The applicant will not encounter practical difficulty if the sign variances are not granted since it already has adequate signage to advise the public.

2. The signs requested will be detrimental to the health, safety and welfare of the residents of the area as they will tend to detract passing motorists.

3. Erection of the signs requested will alter the character of the neighborhood by advancing deterioration of a largely residential area.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor:

(1) Deny that portion of the application which requests a sign variance at the Route 94/Union Avenue store location (LB zone); and

(2) Deny the portion of the application which requests a sign variance at the Caesar's Lane/Route 94 store location (R-4 zone).

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 applicant.

Dated: April 14, 1980.

Vincent Bevona
Chairman

(914) 565-8550

March 11, 1980

Greenblatt, Forrester & Axelrod, P. C.
369 Fullerton Avenue
New Windsor, N. Y. 12550

Attn: Alan J. Axelrod, Esq.

RE: APPLICATION FOR SIGN VARIANCE - V.S.H. REALTY, INC.
#80-6

Dear Mr. Axelrod:

This is to confirm that the above application for a sign variance was denied at the March 10, 1980 meeting of the New Windsor Zoning Board of Appeals. Formal decision will be drafted and acted upon at an upcoming meeting of the Board. I will then forward a copy to your office.

Very truly yours,

PATRICIA DELIO, Secretary

/pd

cc: Howard Collett - Bldg./Zoning Inspector
Town Planning Board

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING
SOLE ASSESSOR
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Pizzonia Rudolph I & Maryann,
Frank & Evelyn
Mountain View Ave.
Highland Mills, N.Y. 10930

Caudy Kenneth R & Minnie C.
2 St. Anne Drive
New Windsor, N.Y.

Moran James F & Patricia A.
4 St. Anne Drive
New Windsor, N.Y.

Bilzor Paul B & Mary Jo
6 St. Anne Drive
New Windsor, N.Y.

Fanning Elizabeth M.
Hobnail Court
New Windsor, N.Y.

Maloney Francis X Jr. & Desiree A.
3 Hobnail Court
New Windsor, N.Y.

Heitler Edward & Ruth C.
1 Hobnail Court
New Windsor, N.Y.

Hartmann Wilbur J & Liliane
3 Hearthstone Way
New Windsor, N.Y.

Muslim Arif
418 Bloomingrove Tpk.
New Windsor, N.Y.

Drapun Blanche
9 Roe Street
Newburgh, N.Y.

Skate Realty Corp.
Att: Howard Lowy
Box 127

Henning William
339 Bloomingrove Tpk.
New Windsor, N.Y.

Carione John & Louise
333 & 335 Bloomingrove Tpk.
New Windsor, N.Y.

Fratangelo Raymond A & Angelina
329 Bloomingrove Tpk.
New Windsor, N.Y.

Neggia Oscar & Adeline
325 Bloomingrove Tpk.
New Windsor, N.Y.

Massa Ernest & Margaret
323 Bloomingrove Tpk.
New Windsor, N.Y.

Policano Sam & Eleanor
319 Bloomingrove Tpk.
New Windsor, N.Y.

Fried Benjamin J & Diane
11 Buttonwood Drive
New Windsor, N.Y.

Mazzocki Donald J & Betty Mary
7 Buttonwood Drive
New Windsor, N.Y.

Abbuscato John F & Marie
5 Buttonwood Drive
New Windsor, N.Y.

Belcastro Armand L & Dorothy
192 Caesars Lane
New Windsor, N.Y.

Ortone Edward T & Kathleen
190 Caesars Lane
New Windsor, N.Y.

22

(69)

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING
SOLE ASSESSOR
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

19-4-64

Union Ave. & Quassaick Ave.

Nugent James E & Mildred
194 Quassaick Ave.
New Windsor, N.Y. 12550

Favino Florence
7A Sloan Road
New Windsor, N.Y.

Benninger George W & Barbara F.
188 Quassaick Ave.
New Windsor, N.Y.

Congiglere Samuel S & Lulu
196 Quassaick Ave.
New Windsor, N.Y.

Pisacona Robert
198 Quassaick Ave.
New Windsor, N.Y.

Nugent James E Jr. & Kathleen J.
13 St. Josephs Place
New Windsor, N.Y.

Glyttov Evald & Ingrid
106 Union Ave.
New Windsor, N.Y.

Bruyn George S Sr.
108 Union Ave.
New Windsor, N.Y.

Kubina Luke A & Josephine
110 Union Ave.
New Windsor, N.Y.

Pacenza Thomas J & Carolyn
114 Union Ave.
New Windsor, N.Y.

Favino, Florence
7A Sloan Road
Newburgh, N.Y.

Embler Myron S Jr. & Marion K.
191 Quassaick Ave.
New Windsor, N.Y.

Blair John T Jr. & Gail
193 Quassaick Ave.
New Windsor, N.Y.

Hough Dean
Hq.- USAREUR- 7th. Army
OAG Box 1377
APO New York 09403

Robinson Beauregard J & Mary E.
197 Quassaick Ave.
New Windsor, N.Y.

Cohane Frederick B.
8 Treehaven Lane
New Windsor, N.Y.

Ferraiolo John & Antoinette
4 Treehaven Lane
New Windsor, N.Y.

Ginda John V & Sharon A.
76 Union Ave.
New Windsor, N.Y.

Paratore Salvatore & Irene M.
80 Union Ave.
New Windsor, N.Y.

Poser William F & Virginia M.
82 Union Ave.
New Windsor, N.Y.

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING
SOLE ASSESSOR
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

1703

Travis Joseph A & Mary
205 Quassaick Ave.
New Windsor, N.Y.

Paolo David & Antoinette
23 Fernandez Drive
New Windsor, N.Y.

Shell Oil Company
Northern Tax Region
P.O. Box 2099
Houston, Texas 77001

Barclay Manor Inc.
Suite 400 Box 21
100 Hamilton Plaza
Patterson, N.J. 07505

Barclay Manor Inc.
c/o Dorman & Wilson Inc.
P.O. Box 366
White Plains, N.Y. 10602

Woodlawn Cemetary
c/o William Rumsey
P.O. Box 203
Newburgh, N.Y. 12550

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING
SOLE ASSESSOR
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

37-1-53
Route 94 & Caesars Lane

Krom George R Jr. & Donald T.
c/o Windsor Building Supplies
Company
P.O. Box 27
Newburgh, N.Y. 12550

Sycamore Associates
Route 94
New Windsor, N.Y.

EPG Realty Corp.
13 Garden Drive
Monticello, N.Y. 12701

Mastro Pietro Stephen
c/o Stevens Millwork Corp.
60 Hoover Ave.
Closter, N.J. 07624

Littler Stephen
7 St. Anne Drive
New Windsor, N.Y.

Wickline William G & Vera S.
5 St. Anne Drive
New Windsor, N.Y.

Wright James C & Doralies
3 St. Anne Drive
New Windsor, N.Y.

Murray Goerge & Margaret E.
1 St. Anne Drive
New Windsor, N.Y.

Brady Robert J & Alice E.
402 & 404 Bloomingrove Tpk.
New Windsor, N.Y.

Panella Emilio & Grace
410 Bloomingrove Tpk.
New Windsor, N.Y.

Kennon Robert H & Richard
Chips Automotive
c/o Westchester Hudson Fuel
60 Alexander Street
Yonkers, N.Y. 10701

Panella Emilio
182 Grand Street
Newburgh, N.Y. 12550

Dineen Joseph E & Linda A.
4 Hearthstone Way
New Windsor, N.Y.

Lorenzen Margaret A.
6 Hearthstone Way
New Windsor, N.Y.

Coughlan John B & Yvonne
8 Hearthstone Way
New Windsor, N.Y.

Route 94 Association
c/o Lake St. Developement Corp.
207 Lake Drive
Newburgh, N.Y. 12550

Warmers Fred E & Tessie
c/o F J Warmers
P.O. Box 148
Newburgh, N.Y.

Howard G Rice Inc.
c/o Someplace Else
P.O. Box 4001
New Windsor, N.Y.

Warmers Construction Corp.
P.O. Box 148
Newburgh, N.Y.

19

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

PAULA KING
SOLE ASSESSOR
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Palumbo Alfred , Margaret &
Phyllis
186 Caesars Lane
New Windsor, N.Y.

De Luca Anthony J. & Barbara A.
184 Caesars Lane
New Windsor, N.Y.

2

ZBA
MAR 05 REC'D 1980

Internal Medicine

Telephone 914-565-5020

GEORGE W. BENNINGER, M.D., P.C.
188 QUASSAICK AVENUE
NEW WINDSOR, NEW YORK 12550

March 4, 1980

New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12550

Mr. Vincent Bivona
Chairman; Zoning Board of Appeals

Dear Mr. Bivona:

I have been notified that another hearing will take place on March 10, 1980 concerning a Zoning Ordinance; Appeal No. 6 of the V.S.H. Realty, Inc. for a variance of the regulations of the Zoning Ordinance.

I will be unable to attend this meeting since I will be out of town throughout the week of March 10th. However, I would like to state for the Board of Appeals that my vote is in opposition to the variance on Union Avenue and Route 94. The reason for my vote is documented on the testimony I gave at the previous Zoning Board of Appeals on this issue.

Your cooperation on making my vote known and and any ruling on this appeal would be appreciated by this office.

Very truly yours,

GEORGE WILLIAM BENNINGER, M.D.,P.C.
GWB/gbr

Rec'd ZBA Office
MAR 10 REC'D 1980

COUNTY OF ORANGE / Department of Planning

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

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

March 4, 1980

Mr. Mark Stortecky, Chairman
New Windsor Zoning Board of Appeals
Town Hall
New Windsor, New York 12250

Subject: USH Realty, Inc.

Dear Mr. Stortecky:

This office has reviewed the above in accordance with the provisions of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison

Peter Garrison
Commissioner of Planning

Joel Shaw

Reviewed by: Joel Shaw
Senior Planner

JS/jlm

ZBA Office
MAR 06 REC'D 1980

State of New York
County of Orange, ss:

EVERETT SMITH, being duly sworn deposes and says that he is PRESIDENT..... of The E.W. Smith Publishing Company, Inc., Publisher of The Sentinel weekly newspaper published and of general circulation in the Towns of New Windsor and Newburgh, and that the notice of which the annexed is a true copy was published ONCE..... in said newspaper, commencing on the 28... day of FEBRUARY..... A.D., 1980

Everett Smith

Subscribed and sworn to before me this 4... day of MARCH... 1980

George C. Anderson

Notary Public of the State of New York, County of Orange.

My commission Expires 30 MARCH 1980

Legal Notice

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

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

Appeal No. 6
Request of V.S.H. REALTY, INC.
for a VARIANCE of the regulations of the Zoning Ordinance to permit erection of a 4 ft. x 6 ft. "CUMBERLAND FARMS" sign at each of locations listed below being a VARIANCE of Section 48-9 Table of Use Regulations for property situated as follows:
1. Union Ave. & Route 94; &
2. Caesar's Lane & Route 94
in the Town of New Windsor, New York.

SAID HEARING will take place on the 10th day of March, 1980, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:00 o'clock P.M.

VINCENT BIVONA
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING BEFORE ZBA - 3/10/80

DATE: March 3, 1980

Kindly be advised that there is one (1) public hearing scheduled to be heard before the ZBA on the evening of 3/10/80 at 8 p.m. in the Matter of the Application of V.S.H. Realty, Inc. (Cumberland Farms) for ~~sign~~variances at two store locations, i.e. Route 94/Caesar's Lane and Route 94/ Union Avenue.

I have attached hereto copy of the pertinent application together with public hearing notice which appeared in The Sentinel.

Pat

/pd

Attachments

cc: Howard Collett - Bldg./Zoning Inspector

P. S. - Yourwill note from past correspondence that V.S.H. Realty were granted a sign variance for their Cumberland Farms store location on Route 207 at the 1/28/80 meeting. However, the two other signs variances requested (as above) were denied. The present application is for smaller signs.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

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

Appeal No. 6

Request of V.S.H. REALTY, INC.

for a VARIANCE ~~XXXXXXXXXXXXXXXXXX~~ of the regulations of the Zoning Ordinance, to permit erection of a 4 ft. x 6 ft. "Cumberland Farms" sign at each of locations listed below

being a VARIANCE ~~XXXXXXXXXXXXXXXXXX~~ of Section 48-9 - Table of Use Regulations

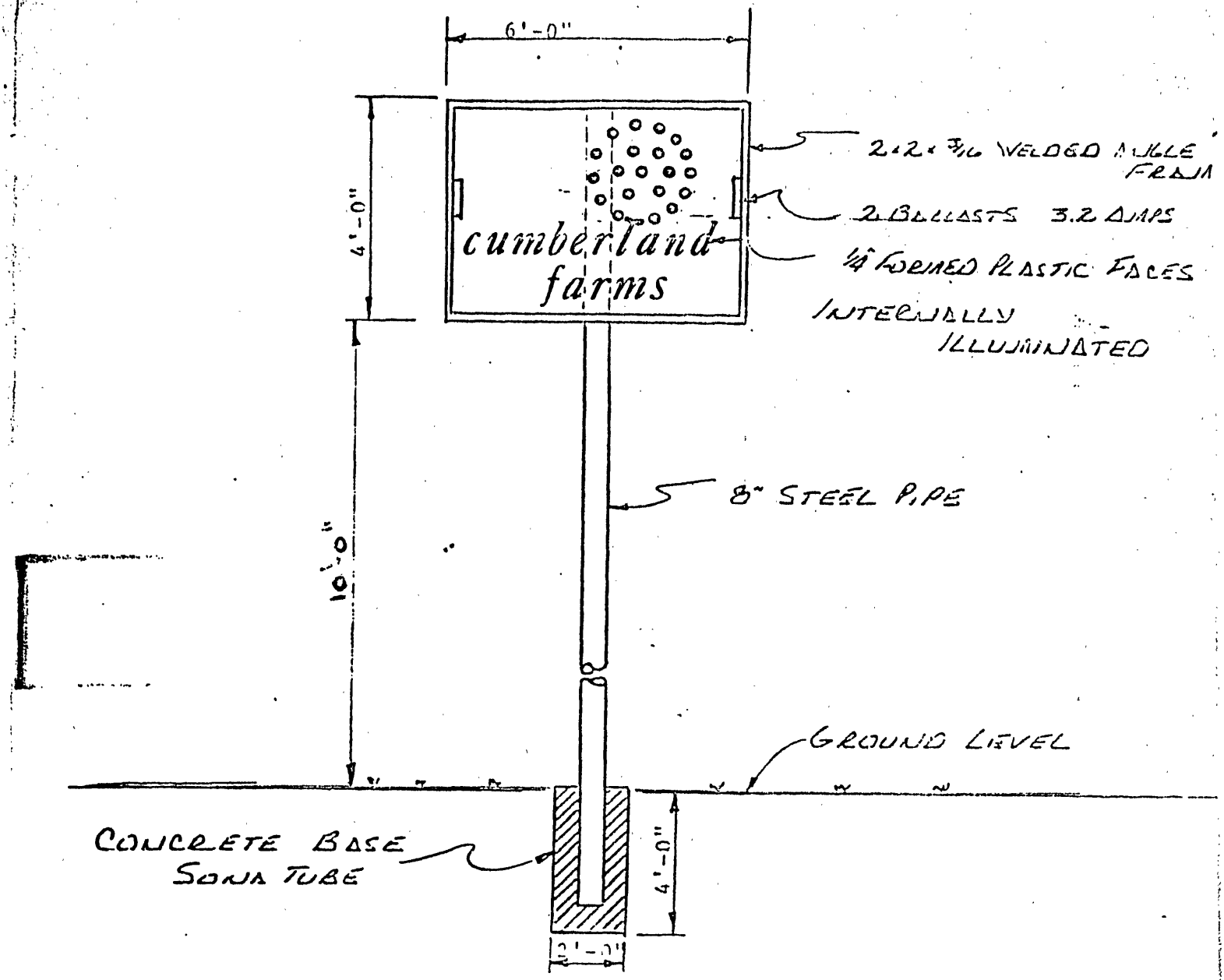
for property situated as follows:

1. Union Ave. & Route 94; and

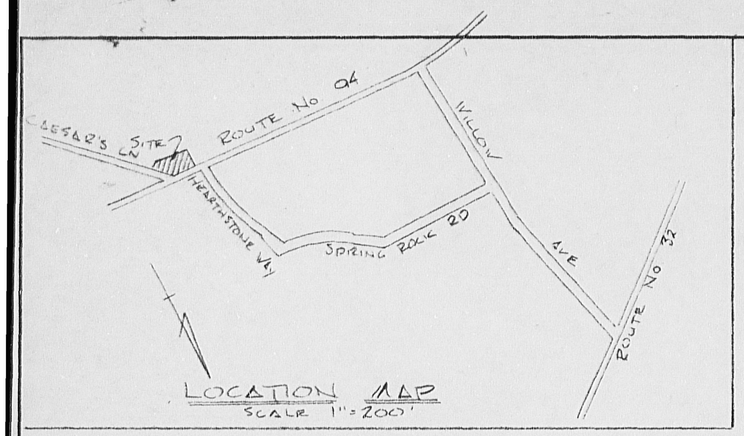
2. Caesar's Lane & Route 94 in the Town of New Windsor, New York.

SAID HEARING will take place on the 10th day of March, 1980, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 8:00 o'clock P. M.

VINCENT BIVONA
Chairman



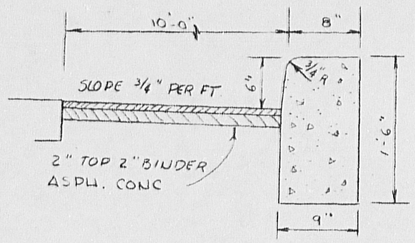
DOUBLE FACE POLE SIGN



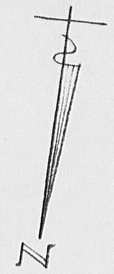
LOCATION MAP
SCALE 1" = 200'

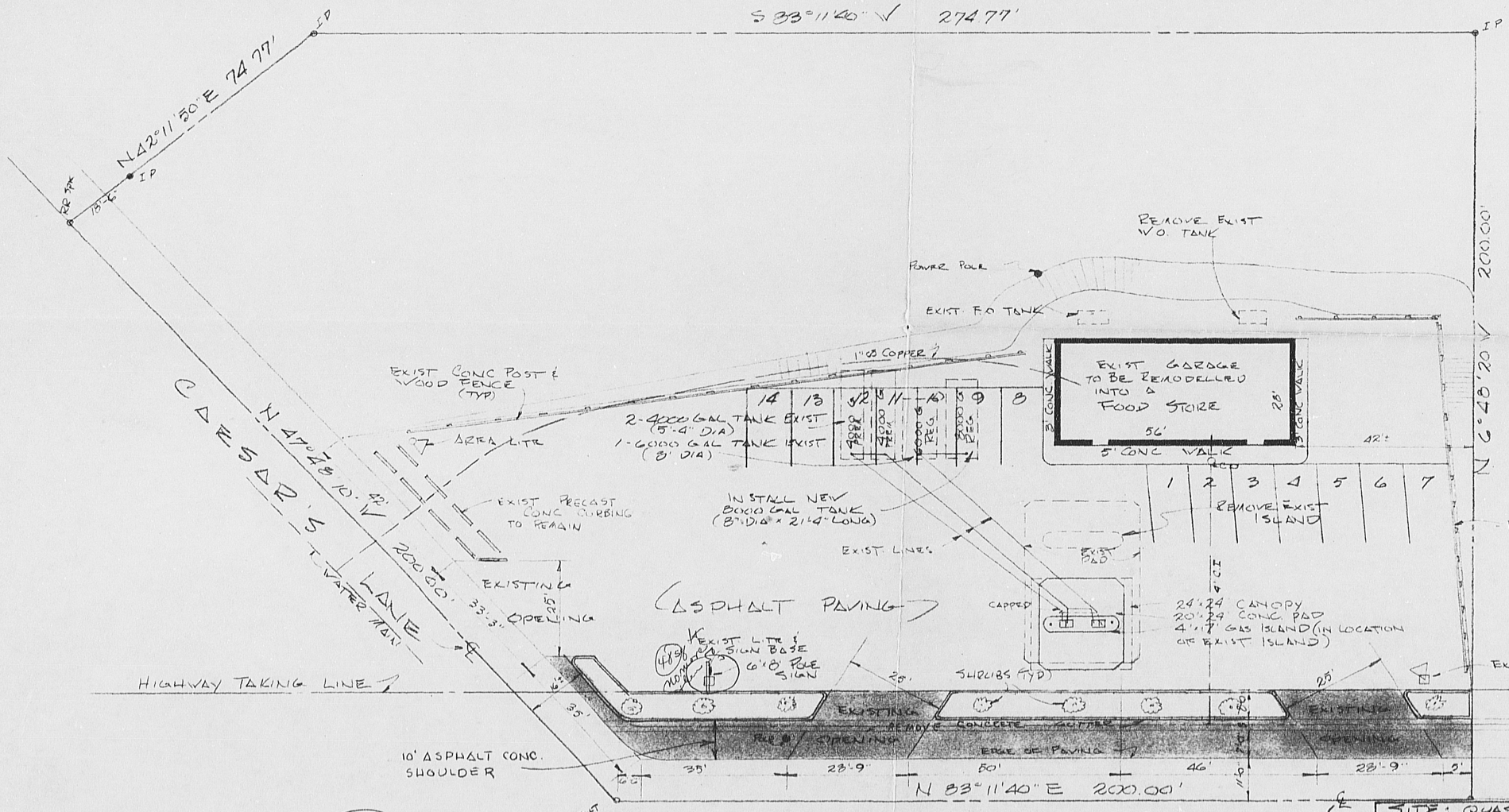
ZONE R-A
(SUBURBAN RESIDENTIAL - GROUP X

1	MIN. LOT SIZE	43,560 SQ FT
2	" " WIDTH	125.00' (ALONG BLDG LINE)
3	" " FRONTAGE ALONG RD	70.00'
4	" FRONT YARD	45.00'
5	" REAR YARD	50.00'
6	" SIDE YARDS	20./40'
7	" BUILDING AREA	1200 SQ FT
8	MAXIMUM BLDG HGT	2½ STY (40.00')
9	" LOT DEVELOPMENT	25%



CAST IN PLACE
CONC CURB





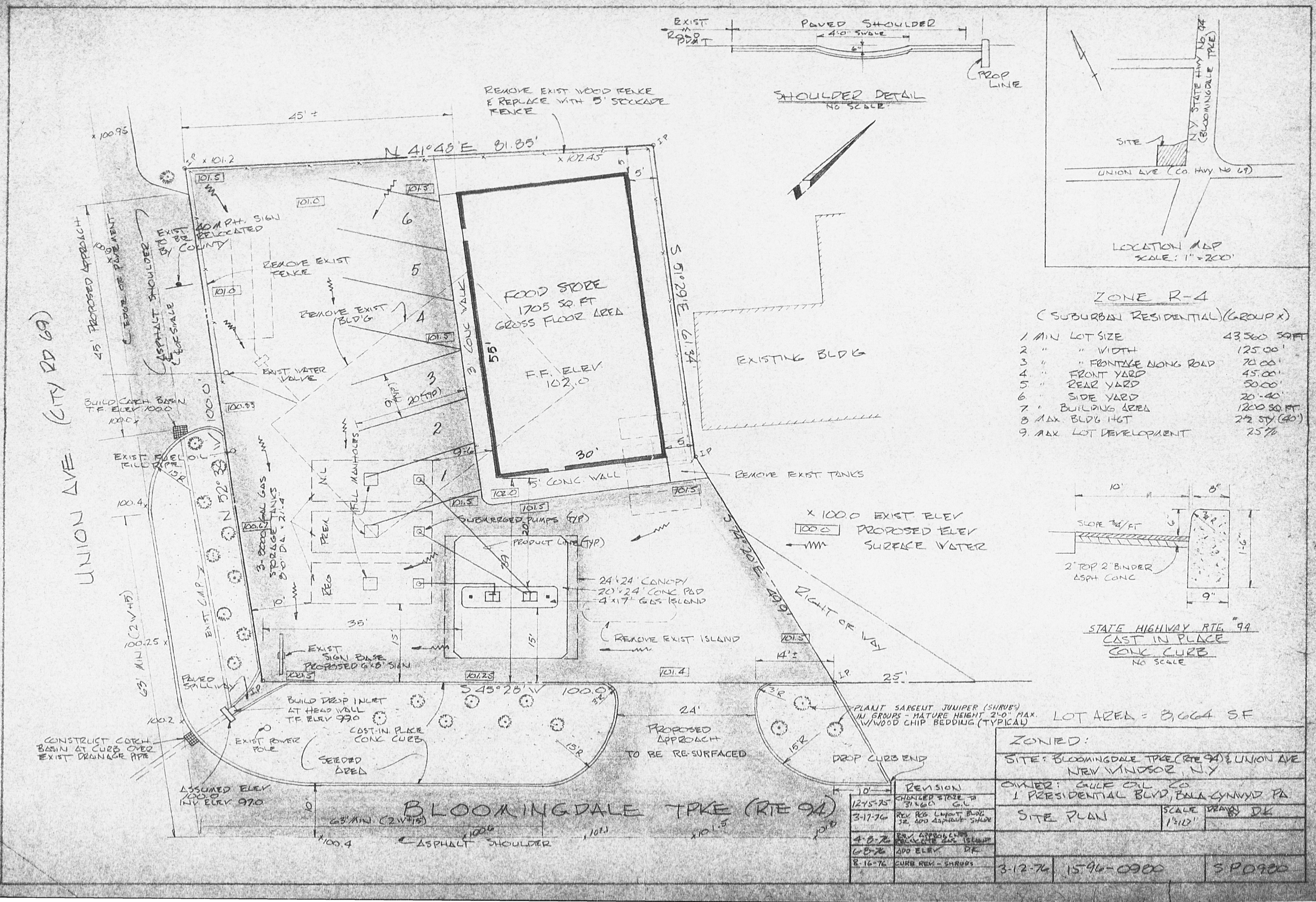
LOT AREA 54,954 ±

SITE: QUASSAIC AVE (RTE 94) & CAESAR'S LANE
NEW WINDSOR, N.Y.

OWNER: ATLANTIC RICHFIELD CO
515 So FLOWER ST, LOS ANGELES, CALIF

SITE PLAN	SCALE 1"=20'	DRAWN BY DK
		REVISED 10-20-75 DK
DATE 3-17-75	APPROVED BY 1596-1003	DRAWING NUMBER SP1003

K+E ALBANENE® 10 5485 ARCHITECTS' STANDARD FORM
MADE IN U.S.A.



ZONE R-4

(SUBURBAN RESIDENTIAL)(GROUP X)

1.	MIN LOT SIZE	43,560 SQ FT
2.	" " WIDTH	125.00'
3.	" " FRONTAGE ALONG ROAD	70.00'
4.	" FRONT YARD	45.00'
5.	" REAR YARD	50.00'
6.	" SIDE YARD	20'-40'
7.	" BUILDING AREA	1200 SQ. FT.
8.	MAX. BLD'G HGT	2½ STY (40')
9.	MAX. LOT DEVELOPMENT	25%

LOT AREA = 8,664 S.F

	REVISION
12-15-75	CHANGED STORE TO 31x60 G.L.
3-17-76	REV PKG LAYOUT BLD'G SR, ADD ASPHALT SHLDR
4-8-76	REV APPROACHES RELOCATE GAS ISLAND
6-8-76	ADD ELEV. DK
8-16-76	CURB REV - SHRUBS

ZONED:

SITE: BLOOMINGDALE TPKE (RTE 94) & UNION AVE NEW WINDSOR, N.Y.

OWNER: GULF OIL CO. 1 PRESIDENTIAL BLVD, BALA CYNWYD PA

SITE PLAN | SCALE 1"=10' | DRAWN BY DK

3-12-76 | 1596-0980 | SP0980