

ZB# 89-15

Michael & Eileen Cohen

45-1-1.22

Prelim. ①

4/10/89.

Req. by P.B. # 88-55.

Tabled pending

Revised plan & rendering
from Ap. to Planning
Board. by
new plan.

Mike
Cohen - 565-3370

2nd Prelim. ②

July 10th pending
2nd Notice of Denial
needed.

3rd Prelim. Meeting ③

Nov. 27, 1989.

Motion to
Sched. P.H. -
Aps. furnished.

Prelim. ④

Jan. 28, 1991

Need P.H. { F.D. report requested
DOT of
Deed or title Policy
Artist's rendering

Aps. furnished
Motion to Sched. P.H.

Public Hearing:
April 8, 1991.

Notice to Schedule
on 3/13/91 - Adjourned

Variance
approved on
4/22/91

Small
1/17
E
10/10/89

89-15 - Cohen, Michael
& Eileen

General Receipt

11993

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

May 8 19 *91*

Received of *Gerard Diederichs* \$ *50.00*

Deftly and *0* *00* DOLLARS

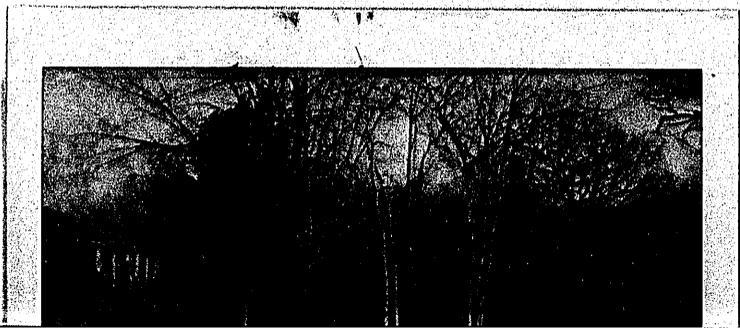
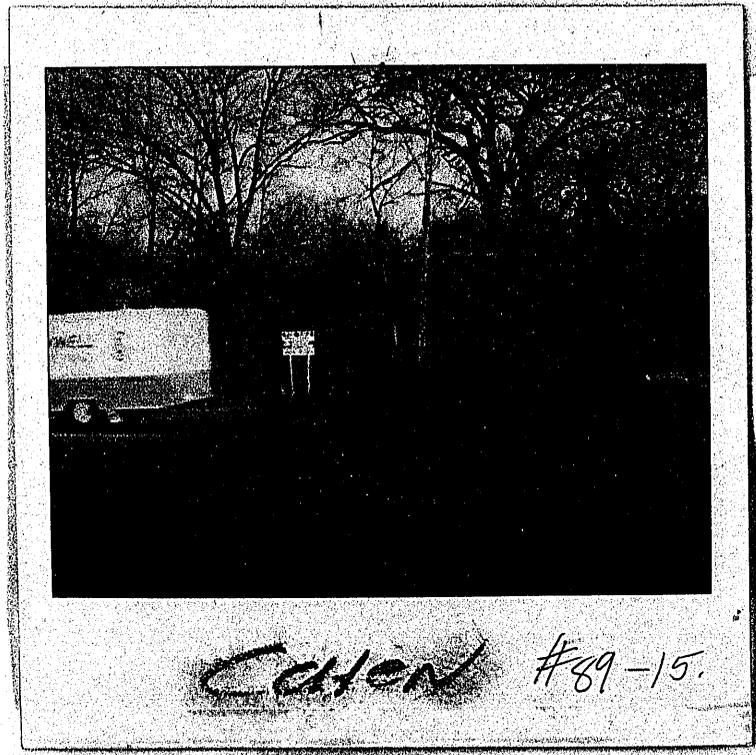
For *ZBA App. Dec # 89-15* *100*

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>Check # 10188</i>		<i>50.00</i>
<i>dated 3/13/91</i>		
<i>Open</i>		

By *Pauline M. Townsend*
Dawn Clerk
Title

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



Check # 10188	50.00
dated 3/13/91	
John	

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

Jawn Clark is
Title



Colten #89-15



Colten #89-15

file

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

MICHAEL P. COHEN

#89-15.

-----X

WHEREAS, MICHAEL P. COHEN, P. O. Box 458, Vails Gate, N. Y. 12584, has made application before the Zoning Board of Appeals for a 10,000 s.f. lot area, 95 ft. lot width and 8.67 ft. height variance to construct a small commercial mall on Route 32 in a C zone; and

WHEREAS, a public hearing was held on the 8th day of April, 1991 and adjourned to, and continued on, the 22nd day of April, 1991 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, Michael P. Cohen appeared with his engineer, Paul V. Cuomo, P. E., who spoke in support of the application; and

WHEREAS, there were three spectators appearing. One spectator, Mr. William Blenderman of 20 Willow Lane, New Windsor, stated that he represented the Willow Lane/Willow Parkway Homeowners' Association, and commented that he wanted the parking to comply with the zoning and that he opposed any changes in the 200 ft. depth of the commercial zone; and

WHEREAS, the application was unopposed; the issues raised by the spectators being matters which properly should be raised before the Planning Board in connection with site plan approval, or before the Town Board in connection with revisions to the Zoning Local Law; and

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

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

2. The evidence shows that Applicant is seeking permission to vary the bulk regulations with regard to lot area, lot width and building height in order to construct a small commercial mall in a C zone.

3. The evidence presented by Applicant substantiated the fact that the variances aforesaid would be required in order for Applicant to construct a commercial mall which would otherwise

conform to the bulk regulations contained in the C zone and rejection of the variances requested would suffer significant economic injury from the strict application of the bulk regulations to his lot

4. The applicant has not changed the lot boundaries and finds himself with a lot that is too small in area and too narrow for any use permitted in the C zone. The applicant is unable to acquire adjacent land to enlarge the lot to conform to the bulk regulations.

5. It is the finding of this Board that the applicant has made a significant showing of practical difficulty to entitle him to the requested area variances.

6. It is the further finding of this Board that the applicant must obtain specific approval of the Planning Board for any parking spaces located in a residence district, and possibly screen the same from view, pursuant to Zoning Local Law, Section 48-16(A)(8) and (9) and 48-16(d)(1).

7. The requested variances are substantial in relation to the bulk regulations but the same must be viewed in light of the size of other commercial properties in the same zone and the significant economic injury which would be caused to the applicant if the bulk regulations were strictly applied to this lot.

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

9. The requested variances will produce no effect on the population density or governmental facilities.

10. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

11. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT area variances as stated above as sought by 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 applicant.

Dated: June 10, 1991.


Chairman

(ZBA DISK#5-053085.FD)

4/22/91 - Public Hearing #89-15 - Cohen, Michael

Name:

Address:

WILLIAM BLENDERMAN
20 - WILLOW LANE
NEW WINDSOR
WILLOW LANE WINDSOR PARKWAY
HOMEOWNERS ASS'n

Opposes any changes in the 200ft.

Differ between the commercial & residential



MARY McPHILLIPS
County Executive

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

R.F.
4/22/91

PETER GARRISON Commissioner
VINCENT HAMMOND Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWI 8 91 M

County I.D. No. 45 / 1 / 1.22

Applicant Michael P. Cohen

Proposed Action: Area Variance re lot width bldg. hgt.

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Hwy. 32

Comments: There are no significant inter-community or County-wide considerations to bring to your attention

Related Reviews and Permits _____

County Action: Local Determination Disapproved Approved

Approved subject to the following modifications and/or conditions: _____

4/17/91
Date

Peter Garrison
Commissioner

COHEN, MICHAEL - PUBLIC HEARING

MR. FENWICK: This is a continuation of a public hearing adjourned from 4-8-91 meeting pending review of Orange County Planning Department.

Mr. Paul Cuomo came before the Board representing this proposal.

MR. FENWICK: We have got proof that it was in fact sent to the Orange County Planning Department. I don't believe we have got anything back from them, is that correct? This is back?

MRS. BARNHART: That's it, local determination.

MR. FENWICK: This is getting worse. This is really a form letter. You didn't change anything, did you Paul?

MR. CUOMO: No.

MR. FENWICK: So we have it back from the Orange County Department of Planning and Development and it's returned for local determination and that's it. The comment that there is no significant intercommunity or county-wide considerations to bring to your attention. I'm going to send it back to the Board members. Any other questions before we do that? Our attorney was supposed to be looking into, there was a question about the parking.

MR. LUCIA: Right, yes I did. Section 48-16A8 and 9 and 48-16D1 are the relevant sections of the code. Essentially, what it comes down to is that parking spaces that are adjacent to lots in a residence district which involves more than five spaces which I believe this does, and it's within 15 feet of a side or a rear line and I think we are on the side possibly closer on the rear requires certain screening from the adjoining lot.

MR. CUOMO: We are 15 feet.

MR. FENWICK: Let Dan finish.

MR. LUCIA: On the side you are but--well, it's residential back there though Paul.

MR. CUOMO: You're right.

MR. LUCIA: In any case, it requires screening of a

substantial wall, fence or a thick hedge and approval by the Planning Board so you're going back to the Planning Board anyway. They can handle that. Similarly, where lots are divided by district boundary, there's 48-16A9 parking spaces may be located without regard to district lines provided they are not located in, unless the use to which they are accessory permitted, that's not true here or upon approval of the Planning Board so you're back to the Planning Board for approval of the parking. They have already seen this map, presumably they implicitly approved it but I would nail down the issue when you go back to just to make sure that you're covered.

MR. FENWICK: Parking wasn't something that was directed to our Board.

MR. CUOMO: They haven't granted final approval or anything.

MR. FENWICK: That's correct.

MR. LUCIA: One other issue we didn't discuss at the last meeting but in researching it, I think it may be relevant and that comes under Section 48-14A1 with regard to accessory buildings. Mike, I don't know if this concrete block enclosure for the garbage constitutes an accessory building.

MR. BABCOCK: We have not counted it as being accessory building as far as I know, Dan. This is something that the Planning Board is asking for. It's not something, I don't think anybody wants to build a concrete thing for their dumpster. The Planning Board is asking for those.

MR. TANNER: Doesn't have a roof anyway.

MR. BABCOCK: No.

MR. LUCIA: The only thing relevant, if it's deemed to be accessory building, it should be set back 10 feet from the lot line, so you may have to move it. If it's not an accessory building, that's not a problem and I think that covers all the relevant issues. We already took care of 48-6D which refers to the extra 30 feet for a district, for a piece of property that spans district boundaries but we are okay on that because your building ends less than 230 feet back from the right-of-way line. So, the building is completely in the C zone. And, I think that covers the only open issues we had, other than the County Planning which

has now been taken care of.

MR. FENWICK: Any Members of the Board have anything else to say? I'll open it back up to the public. Again, your name and your address, please.

WILLIAM BLENDERMAN: My name is William Blenderman, I live at 20 Willow Lane, New Windsor. Our objection is we don't want any change in the 200 foot dimension. If, when this property was purchased, the real estate people did not advise the purchaser of the limitations of the property, the legal end of it did not investigate to find out that there were any limitations and the engineering firm should have been known, should have known that there was this limitation and to ask for a variance just because they failed to investigate the limitations of the property before they purchased it, we believe is not a reason to grant a variance.

MR. LUCIA: I appreciate your concern but I think you may be speaking to an issue that is not before the Board and is not even an issue. He's not asking for any change in the 200 foot depth for the commercial zone. We have no power to change that, unless he were to come in for a use variance. He's not coming in for a use variance.

MR. BLENDERMAN: You're extending the use of that piece of property back the extra 30 feet. Is that right?

MR. LUCIA: No, sir we are not. That's already in the zoning ordinance. Section 48-6D of the zoning ordinance applies to any lot in the Town of New Windsor where the district boundary divides that lot. So, in other words, if you buy a lot any place in the Town of New Windsor that happens to have the lot lines in a different place than the zoning district boundary, you get this extra 30 feet. It doesn't apply just to this property. It's not something he's asking this Board for. That's the zoning ordinance of the Town of New Windsor, applies to any property in the town that happens to span district boundary.

MR. BLENDERMAN: Why doesn't he reduce the size of the building?

MR. LUCIA: He doesn't need to. You don't need that extra 30 feet, do you Paul?

MR. CUOMO: No, we do not. We have reduced the size of the building considerably.

MR. BLENDERMAN: Does it specifically say that 30 feet is specifically for parking?

MR. LUCIA: The 30 feet is for--

MR. BLENDERMAN: Then you can extend the building to that 30 foot line, is that correct?

MR. LUCIA: He could have the actual commercial use extend 230 feet back from the right-of-way line.

MR. BLENDERMAN: What good is the 200 foot dimension? It covers from Willow Lane all the way up to Forge Hill Road.

MR. LUCIA: Sir, as I'm saying, it has nothing to do with this property. It applies to any property in the town that happens to span a district boundary. It applies to everyone.

MR. BLENDERMAN: I take exception to that because that's why that 200 foot was put in to the code.

MR. LUCIA: Okay, that's in the code. We cannot change it. That's something you have to take up with the Town Board. When they adopted the code, they drew that zoning district line 200 feet from the right-of-way line off Route 32. That's established. But, also in the same zoning ordinance, they said if you happen to have a lot that spans any zoning district boundary in the town, you get that extra 30 feet.

MR. BLENDERMAN: Why would the other properties that are along Route 32 limited to within the 200 foot mark?

MR. LUCIA: Maybe they weren't aware of the section of the code. I can't explain that to you.

MR. BLENDERMAN: Now that doesn't make sense to me, either you're going to have a rule or you're not going to have a rule.

MR. LUCIA: That's the rule.

MR. FENWICK: We are just arguing this thing. Mr. Lucia, our attorney, explained the whole thing in the beginning and I'm not going to go over it again. That was it. Apparently, you were not paying attention. He went through the whole thing. It's a matter of public hearing. If you'd like to read it, you can go to the Town Hall anytime and read exactly the section that he gave you. And what Mr. Cuomo is in here for

or Mr. Cohen is in here for has nothing to do with this piece of parking or whatever. It's a reference to the building, it's in reference to the whole size of the property. That's it. I think we are just standing here arguing amongst each other and it doesn't make any sense at all. He gave you all the information you needed. It may not make sense. A lot of things in this book don't make sense to us. That's all this Board is going to act on.

MR. TORLEY: This plan will have to go back to the Planning Board for their approval.

MR. FENWICK: They are going before the Planning Board and like Mr. Lucia said, everything that had to do with the parking, everything had to do with the back part of the property is in the Planning Board's hands. If the Planning Board says that no, you're not going to get the parking back there, it's a new ball game and that's it but as far as we're concerned--

MR. BLENDERMAN: Well, we'll take our place further to the Planning Board and other means, if that's the way it stands with you people.

MR. FENWICK: Anyone else here with reference to this piece of property in the audience? At this time, I'll close the public hearing and open it back up to the Members of the Board.

MR. NUGENT: I'd like to make a motion that we grant the variances.

MR. FENWICK: As per the plan, correct?

MR. NUGENT: Per the plan before us.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: You have to wait for the formal decision.

MR. CUOMO: Before I go back to the Planning Board?

4-22-91

MR. NUGENT: Yes.

MR. BABCOCK: Why don't you come back to a workshop while you're waiting for the formal decision. We'll take care, you have to put the zone line on the plan and all that.

MR. CUOMO: We'll zone it up good.

MR. BABCOCK: So that the Planning Board doesn't see this for the first time.

MR. CUOMO: We'll put screening and everything.

COHEN, MICHAEL

MR. FENWICK: This is a request for 10,000 square foot lot area, 95 feet lot width and 11.67 feet building height to construct small shopping center on Route 32 in a C zone.

Paul V. Cuomo, P.E. came before the Board representing this proposal.

MR. CUOMO: This is a Michael Cohen site plan. We were here before, we had some--

MRS. BARNHART: This is your fourth preliminary.

MR. CUOMO: We cleaned it up. This is next to the waterbed place, it's across the street from the Phil & Neil's.

MR. FENWICK: Has this drawing been to the Planning Board?

MR. CUOMO: Yes, many times. The thing that we have on here is a site whereby the stores are configured the last time I think a long time ago when we were trying to put three stores in there and we got to the edge of the site plan because we created a side yard that was, that would have required a variance.

MR. TORLEY: Either of those signed off on by the Planning Board?

MR. FENWICK: Yes, I do have a map that has that one that is signed off by the Planning Board on January 15th, 1991.

MR. CUOMO: Now, the idea was that we made these stores configure the three stores we started out with four, we got three here. The idea is that we did not create any side yard variance. We have a 37 on one side and 34 on the other. The only variance we are looking for here is the size of the lot, 10,000 square feet which you can't do much about, the width of the lot which is 105 and the building height, three variances. This configuration of the, which we'll get paper on is approved by the New York State DOT. So, we have come before you tonight for these three area variances. The stores, I should say are set-up such that in order to get those side yards, we have two front stores here and a store in the rear. So, we'll have three in our little shopping center.

MR. TANNER: You're talking 11 foot height variance?
What type of building?

MR. CUOMO: I would say that I would bring to you
unfortunately tonight I didn't but I would bring to
you a rendering of the building.

MR. TANNER: I think we need to know what we are looking
at for a building.

MR. CUOMO: I'd bring you a color rendering.

MR. NUGENT: He'll use that at a public hearing. I
think that the, I don't know if you feel as I have
seen this, this is the third time we have seen it and
in the concept it's a tremendous improvement over what
I have seen in the past.

MR. FENWICK: I'll say that also. However the Board
votes on this that it's apparently Mr. Cuomo and his
client have sat down and reviewed what we had to say
and they have done their homework. Before we were
addressing a lot buildings, building side yards,
building front yards, now we are addressing one thing
as far as I'm concerned. And the rest of it we're
addressing is the lot, the lot doesn't change.

MR. NUGENT: The whole problem with this lot, lot 2
it's too narrow. He's put the building sideways. I
think it's a big improvement over what we saw before.

MR. CUOMO: We also stayed away from the adjoining bed
place, we were sort of leaning close to that and we
were leaning on him and--

MR. FENWICK: In fact, he had, if I remember right, I
think you were probably down in here and that had been
okay'd by the Fire Department. They had given him an
okay on a very narrow driveway but he shifted it over
here.

MR. TORLEY: It's much approved over what it was.

MR. M. BABCOCK: As far as the rendering, it's going
to be a one-story building, commercial building with a
gable roof.

MR. CUOMO: We'll bring that in. We do that.

MR. TORLEY: This has been approved by the fire?

MR. CUOMO: Oh, yes, yes.

MR. FENWICK: This is excess of what I think--

MR. TORLEY: We are not asking for any sign variance or anything like that? No sign variance will be asked for?

MR. CUOMO: No, no variance on the sign.

MR. FENWICK: We don't have a sign in front of us right now. If you want to do that, you're going to have to come back here.

MR. NUGENT: He's allowed what, 40?

MR. CUOMO: We can put a standard sized sign on that.

MR. TORLEY: I want to make sure we have this done once so we don't find an enormous sign out there in front of the lot.

MR. FENWICK: That's up to the Building Inspector's office to look for that. We're not going to guess and/or draw it up right now.

MR. NUGENT: We are going to vote on what is on that application right there.

MR. FENWICK: If that's okay with Mr. Cuomo and his client, okay I think a couple things we'd like to see the Fire Department report which I believe you probably have, your DOT report you said you'll have that, an approved curb cut, your deed of record or--

MR. LUCIA: Deed or title policy.

MR. KONKOL: Pictures.

MR. FENWICK: And photos, I don't know if we had any photos.

MR. CUOMO: Yes, we do, we have some photos.

MR. FENWICK: And the building rendering.

MR. CUOMO: Yes.

MR. FENWICK: Any other questions from the Members of the Board?

MR. NUGENT: I make a motion that we set him up for a public hearing.

MR. TANNER: I'll second it.

1-28-91

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 89-15

1. Municipality Town of New Windsor Public Hearing Date 4/8/91 - (Adjourned)

City, Town or Village Board Planning Board Zoning Board

2. Owner: Name Michael P. Cohen

Address P.O. Box 458 - Vails Gate, N.Y. 12584

3. Applicant*: Name (Same)

Address _____

* If Applicant is owner, leave blank

4. Location of Site: Rt. 32 - (600 ft. +/- South of Willow Ave., New Windsor
(street or highway, plus nearest intersection)

Tax Map Identification: Section 45 Block 1 Lot 1.22

Present Zoning District C Size of Parcel 7/10 +/- acres

5. Type of Review:

Special Permit: _____

Variance: Use _____

Area Lot area / lot width / Bldg. Hgt. (See app. attached)

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

4/9/91
Date

Patricia A. Bamhart, Secy.
Signature and Title

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-15

Date: 03/05/91

I. Applicant Information:

- (a) Michael P. Cohen, P.O. Box 458, Vails Gate, NY 12584
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Jerald Fiedelholz, P.C., 270 Quassaick Ave., New Windsor, NY 12553
(Name, address and phone of attorney)
- (d) Orange/Dutchess Realty, 92 Windsor Highway, New Windsor, NY 12553
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) C Rte. 32 600ft. +/- south of Willow Ave. 45-1-1.22 7/10+/- acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? n/a
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 8/88
- (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? n/a
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no
- _____
- _____

IV. Use Variance: n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) ^{N/A.} 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 of Use/Bulk Regs., Col. C, D & I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000</u>	<u>30,000</u>	<u>10,000</u>
Min. Lot Width <u>200</u>	<u>105</u>	<u>95</u>
Reqd. Front Yd. <u>60</u>	<u>82</u>	<u>N/A</u>
Reqd. Side Yd. <u>30/ft.</u>	<u>35 / ft.</u>	<u>- / -</u>
Reqd. Rear Yd. <u>30 ft.</u>	<u>105 ft.</u>	<u>----</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>11.33 n/a</u>	<u>109 ft.</u>	<u>----</u>
Min. Floor Area*	<u>2023 ft. PVC</u>	<u>11.4 8.67 PVC Rfg</u>
Dev. Coverage* <u>n/a %</u>	<u>78 %</u>	<u>---- %</u>
Floor Area Ratio** <u>.5</u>	<u>0.102</u>	<u>----</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.

Difficulty is the length and width of the lot.
Impossible to use lot unless the area variance is granted. We have made an effort to alleviate the difficulty by designing the building's foot print to conform with as many Town regulations as possible.

VI. Sign Variance: ^{N/A.}

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

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

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

VII. Interpretation:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

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

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.)

Landscaping, curbs, paving will serve to enhance the commercial neighborhood.

IX. Attachments required:

- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- 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 the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date March 6, 1991

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.

Michael P. Cohen
(Applicant) Michael P. Cohen

Sworn to before me this
6th day of March, 1991.

DIANA LYNN FASANO
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 4696102
Commission Expires April 30, 1991

XI. ZBA Action:

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

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

4/8/91 - Public Hearing - # 89-15 - Cohen, Michael

Name: Address:

Edward S. Trizinsky 308 Windsor Highway
New Windsor

Loretta S. Trizinsky 309 Windsor Highway New Windsor

WILLIAM BENDERMAN
20 - Willow Lane

Willow Lane - Willow

Parway Drive
Home Owners Assoc

**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 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 15

Request of Michael Cohen for a VARIANCE of the regulations of the Zoning Local Law to permit an Area Variance

being a VARIANCE of Section 48-12, Table of Use/Bulk Regs. Col. C,D & I for property situated as follows:

Rte. 32, 600 ft. + so. of Willow Ave., Section 45, Block 1, Lot 1.22, New Windsor, N.Y.

SAID HEARING will take place on the 8th day of April, 1991, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock P.M.

Richard Fenwick
Chairman

Patricia A. Barnhart

State of New York

County of Orange, ss:

EVERETT W. SMITH being duly sworn disposes and says that he is PRESIDENT 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, and that the notice of which the annexed is a true copy was published ONCE

in said newspaper, commencing on the 21 day of MARCH A.D., 1991 and ending on the 21 day of MARCH A.D. 1991. Everett W. Smith Subscriber and shown to before me this 8th day of April, 1991

Deana Lynn Howard
Notary Public of the State of New York
County of Orange.

My commission expires 4/30/91

DEANA LYNN HOWARD
NOTARY PUBLIC, State of New York
Qualified in Orange County
No. 4636182
Commission Expires April 30, 1991

25- Return,
2- McTearney
not Charney

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 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 15

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for a VARIANCE of
the regulations of the Zoning Local Law to
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Richard Fenwick
Chairman

Rec'd.
ZBA - 3/13/91.

JERALD FIEDELHOLTZ, P. C.

ATTORNEY AND COUNSELLOR AT LAW

JERALD FIEDELHOLTZ

VERN LAZAROFF
MICHAEL A. KRAIZA

JANICE SUCHOWIECKI
PARALEGAL

POST OFFICE BOX 4088

270 QUASSAICK AVENUE

New Windsor, New York 12553-0088

(914) 562-4630

FAX # (914) 562-7880

March 13, 1991

Town of New Windsor
Zoning Board of Appeals
New Windsor, New York 12553

Re: Application for Variance - Michael P. Cohen

Gentlemen:

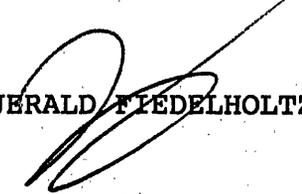
Enclosed herein, please find an Application for a Variance as well as a site plan and our check in the amount of \$50.00 to cover the application fee.

In the event you have additional requirements or questions, kindly contact my office and speak with Diana Fasano.

Please call to advise of the hearing date.

Thank you for your assistance in this matter.

Very truly yours,


JERALD FIEDELHOLTZ

JF/dlf
enclosures

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 88-55

DATE: 14 JAN 1991

APPLICANT: MICHAEL COHEN

P.O. BOX 458

VALES GATE NY 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 22 SEPT 1988

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT ROUTE 32 600 FT +/- SOUTH OF

WILLOW AVE. ON EAST SIDE ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 45 BLOCK: 1 LOT: 122

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

INSUFFICIENT LOT AREA, LOT WIDTH, AND

EXCESSIVE BUILDING HEIGHT



WILLIAM J. EDGALL FOR
PLANNING BOARD CHAIRMAN
CARL SCHEIPER

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A-1</u>		
MIN. LOT AREA	<u>40 000 SF</u>	<u>30 000</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>105</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>—</u>

APPLICANT: MICHAEL COHEN
P.O. BOX 458
UNION GATE N.Y. 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 22 SEPT 1988
 FOR (~~SUBDIVISION~~ - SITE PLAN) _____
 LOCATED AT ROUTE 32 600 FT +/- SOUTH OF
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EXCESSIVE BUILDING HEIGHT


 MICHAEL J. EDFALL FOR
 PLANNING BOARD CHAIRMAN
 CARL SCHEIFER

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u> USE <u>A-1</u>		
MIN. LOT AREA <u>40 000 SF</u>	<u>30 000</u>	<u>10 000 SF</u>
MIN. LOT WIDTH <u>200 FT</u>	<u>105</u>	<u>95 FT</u>
REQ'D FRONT YD <u>60 FT</u>	<u>82</u>	<u>-</u>
REQ'D SIDE YD. <u>30 FT</u>	<u>34</u>	<u>-</u>
REQ'D TOTAL SIDE YD. <u>70 FT</u>	<u>71</u>	<u>-</u>
REQ'D REAR YD. <u>30 FT</u>	<u>105</u>	<u>-</u>
REQ'D FRONTAGE <u>N-A</u>	<u>109</u>	<u>-</u>
MAX. BLDG. HT. <u>4' FT * 3 1/2 = 11.33 FT.</u>	<u>23 FT</u>	<u>11.67 FT</u>
FLOOR AREA RATIO <u>0.5</u>	<u>0.102</u>	<u>-</u>
MIN. LIVABLE AREA <u>N-A</u>	<u>-</u>	<u>-</u>
DEV. COVERAGE <u>N-A</u> %	<u>78</u> %	<u>-</u> %
O/S PARKING SPACES <u>20</u>	<u>21</u>	<u>-</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
 (914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
 OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

COHEN SITE PLAN (88-55) ROUTE 32

Mr. Patrick Kennedy came before the Board representing this proposal.

Mr. Kennedy: I'm looking for a denial to go to the Zoning Board of Appeals, I believe. This is on Route 32, I think this has been in here before, I believe.

Mr. Babcock: This is next to the water bedding store.

Mr. VanLeeuwen: They cleared the land.

Mr. Babcock: Fire department wanted them to push the building to the one side then he wanted to put the building in the middle. He went to the Zoning Board of Appeals, the Zoning Board of Appeals told him to shrink the building and make three long buildings. They said we are not looking at the same plan, go back to the Planning Board and here he is looking for a denial.

Mr. VanLeeuwen: The Zoning Board of Appeals had two sets of plans.

Mr. Kennedy: I guess they rotated the building.

Mr. Babcock: Yes.

Mr. Kennedy: With this submittal, they are looking for a lot area variance to the lot as it pre-exists is below a minimum lot area, lot width variance and a height variance on the building.

Mr. McCarville: I make a motion that we approve the Cohen Site Plan.

Mr. VanLeeuwen: I will second that.

Mr. Pagano: I didn't get a chance to comment.

Mr. VanLeeuwen: John, we have already looked at this twice. He has got to go to the Zoning Board of Appeals.

Mr. Pagano: I'd just like one little change. We are bordering up against private houses and we have a dumpster against private property. I'd like to see the dumpster possibly put up against the back next to handicapped or something like that. It is not a big deal but these dumpsters have a nasty habit of getting nasty.

Mr. VanLeeuwen: He is in a drainage easement so--

Mr. McCarville: The only problem with putting it against the building is the fire department has turned down a few that have them connected to the building, the one right down next to the motel, remember, they said move it away from the building so you get into a situation.

Mr. Pagano: My feeling is that we have a private house so I remember we can see the house pretty good from the back of the property so are we really doing--

9-27-89

Mr. VanLeeuwen: It has to be moved into the 10 foot area. We can discuss that later on.

Mr. Pagano: Can we request that they enclose it?

Mr. VanLeeuwen: Oh, yes, with a roof, doors, ball of wax like everybody else.

Mr. Schiefer: Motion has been made and seconded to approve this site plan.

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Lander	No
Mr. Schiefer	No

Mr. Babcock: Could you sign your name to a plan that is going to be sent to the Zoning Board of Appeals for the Zoning Board of Appeals to make sure that they are getting a proper plan. Thank you. They like to know that they are looking at the same plan that you have.

COHEN, MICHAEL - THIRD PRELIMINARY MEETING

MR. NUGENT: Request for 10,000 square foot lot area, 95 feet lot width and 11.4 feet maximum building height to construct small shopping plaza on Route 32 across from Phil & Neal's in C zone. Referred by the Planning Board.

Mr. Michael Cohen came before the Board representing this proposal.

MR. COHEN: Well, you have all seen this plan before. These plans here really meets the Zoning Board of Appeals specs that they told me, they required for me to get the variance, these are the three variances.

MR. TORLEY: How does this plan differ from the last one?

MR. COHEN: Well, we have the building running the other way instead of lengthwise, you know, fronting on 32, it is going deep, it is the width that you requested, it is the depth that you requested.

MR. NUGENT: It is everything we requested, location on the property, access for a fire vehicle on both sides, the entrance on the stores are going to be on the sides though right?

MR. COHEN: Right.

MR. TORLEY: The long access which side?

MR. NUGENT: Both sides, both are long.

MR. TORLEY: I'm having trouble seeing.

MR. FENWICK: They are at each end and opposite each end instead of on the side of the building.

MR. KONKOL: Let's clear up a point. We didn't request these, we suggested them.

MR. TORLEY: Would you point out the entrances?

MR. COHEN: This one would be here actually what we did, we'd like to have done is put two stores here and one store back here so there would be an entrance to a back store.

MR. TORLEY: Only variances are for the narrowness of the lot and the building height but all our requirements are met?

MR. COHEN: Yes.

MR. FENWICK: And the square footage but that is standard square footage and has stood since the beginning, right Mike?

11-27-89

MR. M. BABCOCK: Yes, he needed some side yard variance last time because the building was different shape. Right now he is, he has narrowed it down so that the lot, the building stands by itself. The only thing that the building lacks is height because of the narrow lot.

MR. FENWICK: What is the height of the building going to be?

MR. NUGENT: Twenty-three (23) feet. I have the old plan if you'd like to look at it.

MR. FENWICK: Sure.

MR. TORLEY: Which version of the old plan? The applicant has moved much closer to the requirements of the zoning.

MR. NUGENT: Anybody want to see the pictures submitted last time?

MR. FENWICK: Yes.

MR. NUGENT: Now he has the lot cleared a little bit better and I have the first drawing if you want to have that.

MR. TORLEY: Are there any inputs from Orange County people on this?

MR. NUGENT: They haven't been notified. He has not gotten to that point yet still in preliminary.

MR. FENWICK: He has got the parking he needs? . . . ?

MR. M. BABCOCK: Yes, he has got 21.

MR. SKOPIN: Ten (10) foot spaces?

MR. M. BABCOCK: Yes.

MR. FENWICK: So this has been presented to the Planning Board then?

MR. M. BABCOCK: Yes.

MR. TORLEY: Have they signed it?

MR. FENWICK: They have signed it and Mike has signed it. I am going to trust you, what was the Planning Board's feelings on this?

MR. SKOPIN: There are minutes there.

MR. NUGENT: Would you like to read the minutes? Basically what

they did was deny the site plan to go to the Zoning Board of Appeals.

MR. COHEN: They knew what the Zoning Board of Appeals suggested and I am pretty sure they did go along with it as long as the Zoning Board of Appeals does because the plans meet what you suggested to me. I want to state that I am not happy with these plans, this is far from what I really wanted but there is really no way of getting what I really want.

MR. TORLEY: Only complaint was the location on the dumpster.

MR. FENWICK: Like the Planning Board said, that is in their realm. That is not in ours.

MR. TORLEY: Do you want a motion?

MR. NUGENT: As soon as Joe reads this.

MR. FENWICK: Certainly looks like you have made a sincere effort to get it as close to zoning as possible. That is my feelings. It wouldn't be out of place.

MR. NUGENT: I will accept a motion.

MR. FENWICK: I will move we set him up for a public hearing.

MR. SKOPIN: I will second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Fenwick	Aye
Mr. Skopin	Aye
Mr. Konkol	Aye
Mr. Nugent	Aye

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

*Re: Cohen,
Michael*

(36)



1763

December 20, 1989

Jerald Fiedelholz
P.O. Box 4088
270 Quassaick Ave.
New Windsor, NY 12550

RE: 45-1-1.22

Dear Mr. Fiedelholz:

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

The charge for this service is \$55.00, minus your deposit of \$ 25.00.

Please remit balance of \$30.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

LESLIE COOK
Sole Assessor

LC/po
Enc.
cc: Patricia Barnhart

Primavera, Lucy
287 Windsor Highway
New Windsor, NY 12550

Friedman, Alfred
10th Floor, 5 E. 37th St.
New York, NY 11016

Bordon, Seymour & Terri E.
c/o Carpet Mills Outlet
294 Windsor Highway
New Windsor, NY 12550

New Windsor Packing Corp.
P.O. Box 4417
New Windsor, NY 12550

U-Haul of Northeastern New York
P.O. Box 29046
Phoenix, AZ 85038

Guerriero, Aniello & Maria
306 Windsor Highway
New Windsor, NY 12550

(Antonio, Henrique), (Hawley, Terence G.) & Demarchis, Val
310 Windsor Highway
New Windsor, NY 12550

Roadway Exp. Inc.
1077 Gorge Blvd.
Akron, Ohio 44309

Miller, Jonathan
c/o Daniel Rubin Co.
147-39 175th St.
Jamaica, NY 11434

Exter Building Corp.
4601 Delafield Ave.
Bronx, NY 10471

Isaacs, Harold C. & Helen
14 Lannis Ave.
New Windsor, NY 12550

Budd, Morris & Janet
16 Lannis Ave.
New Windsor, NY 12550

Marino, Theodore & Anne
293 Windsor Highway
New Windsor, NY 12550

Bakker, Leonard & Eleanor
295 Windsor Highway
New Windsor, NY 12550

Gortan, Thomas E. & Gladys P.
297 Windsor Highway
New Windsor, NY 12550

Hecht, Gerald S. & Helaine J.
25 Ona Lane
New Windsor, NY 12550

Herrmann, Julius A.
18 Lannis Ave.
New Windsor, NY 12550

Bakker, Ruth E.
20 Lannis Ave.
New Windsor, NY 12550

McKeon, Frank & Alma
301 Windsor Highway
New Windsor, NY 12550

Pavignano, Robert
Ridge Terr.
Central Valley, NY 10917

Craig, John A. & Mary E.
22 Lannis Ave.
New Windsor, NY 12550

Ware, William B. & Marian E.
19 Lannis Ave.
New Windsor, NY 12550

Argenio, Sandra J.
17 Lannis Ave.
New Windsor, NY 12550

Donato, Stephen G. Jr. & Elizabeth V.
15 Lannis Ave.
New Windsor, NY 12550

Masloski, Joseph & Genevieve
24 Lannis Ave.
New Windsor, NY 12550

Trizinsky, Edward J. & Loretta
309 Windsor Highway
New Windsor, NY 12550

Grimando, Leonard
22 Mark St.
New Windsor, NY 12550

Jones, Samuel L. & Ruby & Leon K.
28 Continental Dr.
New Windsor, NY 12550

Guillotin, Jean & Marie L.
30 Continental Dr.
New Windsor, NY 12550

Harris, Joseph M. & Lillian D.
32 Continental Dr.
New Windsor, NY 12550

Cimorelli, Michael J. & Roberta J.
34 Continental Dr.
New Windsor, NY 12550

Fotis, Peter T. & Ellen R.
36 Continental Dr.
New Windsor, NY 12550

Stinson's Tropical World Ltd.
3 Brooker Dr.
Newburgh, NY 12550

Catanzaro, Anna C. & Charles
26 Susan Dr.
Newburgh, NY 12550

Schatz, Aloysius J.
RD 2 Box 97 Rte. 94
New Windsor, NY 12550

Milne, Alexander M. & Patricia M.
27 Continental Dr.
New Windsor, NY 12550

P.B.#88-55
(COHEN)

1 4-10-89
TO RETURN

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

GO BACK TO PLANNING BOARD

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P.B.

File No. 88-55

Date 28 MARCH 1989

To: EILEEN COHEN
P.O. BOX 458
VALES GATE N.Y. 12584

~~RECEIVED~~
~~10 JUNE 1989~~

PLEASE TAKE NOTICE that your application dated 22 SEPT 1988
for ~~(SUBDIVISION)~~ Site Plan) _____
located at ROUTE 32

is returned herewith and disapproved for the following reasons.

INSUFFICIENT LOT AREA, LOT WIDTH, SIDE YARD
BOTH SIDE YARD AND EXCESSIVE BLDG HEIGHT


Planning Board Chairman
CARL SCHEIPER

ZONE C USE A-1

Requirements

	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40 000 SF</u>	<u>30,000</u>	<u>10,000</u>
Min. Lot Width <u>200 FT</u>	<u>105</u>	<u>95</u>
Reqd Front Yd. <u>60 FT</u>	<u>80</u>	<u>—</u>
Reqd. Side Yd. <u>30 FT / 70 FT</u>	<u>(13) 5/25 (43)</u>	<u>(17) 25/35 (27)</u>

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

P-B

File No. 88-55

Date 28 MARCH 1988

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P.O. BOX 458
VAILS GATE N.Y. 12584

~~REVISED~~
~~20 JUNE 1989~~

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INSUFFICIENT LOT AREA, LOT WIDTH, SIDE YARD
BOTH SIDE YARD AND EXCESSIVE BLDG HEIGHT

[Handwritten Signature]

Planning Board Chairman
CARL SCHEIPER

~~REVISIONS SHOWN IN CIRCLES~~

<u>ZONE C USE A-1</u> <u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40 000 SF</u>	<u>30,000</u>	<u>10,000</u>
Min. Lot Width <u>200 FT</u>	<u>105</u>	<u>95</u>
Req'd Front Yd. <u>60 FT</u>	<u>82</u>	<u>—</u>
Req'd. Side Yd. <u>30 FT / 70 FT</u>	<u>(13) 5 / 25 (43)</u>	<u>(17) 25 / 35 (27)</u>
Req'd. Rear Yd. <u>30 FT</u>	<u>(146) 130</u>	<u>—</u>
Req'd. Street Frontage* <u>N-A</u>	<u>—</u>	<u>—</u>
Max. Bldg. Hgt. <u>4" PER PT = 20 FT</u>	<u>20 FT</u>	<u>18 FT 4 IN (45.7 FT)</u>
Min. Floor Area* <u>N-A</u>	<u>—</u>	<u>—</u>
Dev. Coverage* <u>N-A %</u>	<u>— %</u>	<u>— %</u>
Floor Area Ratio** <u>0.5</u>	<u>(.19)</u>	<u>—</u>
<u>PARKING</u> <u>24 (20)</u>	<u>20 (22)</u>	<u>—</u>

* Residential Districts only
** Non-residential Districts only

CC: MICHAEL BABCOCK, B.I.

~~EDWIN EDWARDS~~
MARK J. EDSELL, P.E.

Sent to Z.B.A. 3/28/89

Paul Cuomo came before the Board representing this proposal.

Mr. Schiefer: I have new maps. Mr. Cuomo, we have decided that if we don't have the maps at least two weeks in advance, we are not going to take action on it. I am not going to stop you this time but any other time in the future if maps come in the night of the thing, no one can make comments on them.

Mr. Edsall: I would assume if the policy goes in as it is they won't even be put on the agenda.

Mr. Schiefer: I am just warning you.

Mr. Cuomo: This is for--we have a side yard situation here that we--

Mr. VanLeeuwen: You have to get it turned down. I made a motion that we approve the Michael Cohen site plan.

Mr. Jones: I will second that motion.

Mr. McCarville: I'd just like to know a little bit about where it is.

Mr. Cuomo: Four stores on 32, it is on a very narrow lot. We have four stores. This is a brand new building. This is an empty lot.

Mr. McCarville: What is next door to it?

Mr. Schiefer: There is no lot width on the map.

Mr. Soukup: There is no lot area, lot width, he doesn't have one side yard or two side yards.

Mr. Cuomo: We have a problem with the side yard. I have a building here that is narrow.

Mr. Schiefer: We are making these comments so the next time we can take action. Paul, we'd like to have 30 feet. I think the 30 feet probably should have been. What is your opinion.

Mr. VanLeeuwen: We can't go to the fire inspector and say 16 feet is going to be enough.

Mr. McCarville: How do you expect to get a variance when you are creating, putting your own building on here and making it 16 foot from either side. It is a self created hardship.

Mr. VanLeeuwen: I suggest Paul go to the fire department first.

Mr. Schiefer: We are going to give him a turn down. I am trying to point out to Paul all the things he has got to do before we will even look at this thing again.

3-8-89

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Soukup	No
Mr. Jones	No
Mr. Lander	No
Mr. Schiefer	No

COHEN SITE PLAN (88-55) ROUTE 32

Mr. Paul Cuomo came before the Board representing this proposal.

Mr. Cuomo: We were here before on this. Mr. Cohen shranked the stores from four stores to three stores but it will still require a variance.

Mr. Lander: This is across from Lascini's (phonetic) old building.

Mr. Cuomo: Yes, that is the place.

Mr. VanLeeuwen: Which lot is it.

Mr. Cuomo: It is right across from used to be Lascini's, it is now Phil and Neal's.

Mr. VanLeeuwen: He wants a knock down to go to the Zoning Board of Appeals. I so move that we approve the Cohen Site Plan 88-55.

Mr. McCarville: I will second that motion.

Mr. Cuomo: We tried to help out the Town of New Windsor, we squeezed it in.

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Soukup	No
Mr. Lander	No
Mr. Jones	No
Mr. Schiefer	No

Mr. Cuomo: Mike will verify it, is that the map you are seeing, your eyes are looking at right now that map has to go intact to the Board of Appeals.

Mr. Babcock: Could you sign your name to that map, Mr. Schiefer, so I can forward it to the Zoning Board of Appeals because last time they had a problem.

Mr. Cuomo: I lost a variance, I got within the five yard line.

Mr. Babcock: Sign this as the map that has to be forwarded to the Zoning Board of Appeals.

Mr. Schiefer: Yes.

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Mr. Schiefer: There is no lot width on the map.

Mr. Soukup: There is no lot area, lot width, he doesn't have one side yard or two side yards.

Mr. Cuomo: We have a problem with the side yard. I have a building here that is narrow.

Mr. Schiefer: We are making these comments so the next time we can take action. Paul, we'd like to have 30 feet. I think the 30 feet probably should have been. What is your opinion.

Mr. VanLeeuwen: We can't go to the fire inspector and say 16 feet is going to be enough.

Mr. McCarville: How do you expect to get a variance when you are creating, putting your own building on here and making it 16 foot from either side. It is a self created hardship.

Mr. VanLeeuwen: I suggest Paul go to the fire department first.

Mr. Schiefer: We are going to give him a turn down. I am trying to point out to Paul all the things he has got to do before we will even look at this thing again.

3-8-89

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Soukup	No
Mr. Jones	No
Mr. Lander	No
Mr. Schiefer	No



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Cohen

Licensed in New York,
New Jersey and Pennsylvania

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: Cohen Site Plan
PROJECT LOCATION: Route 32 (west of Willow Ave)
PROJECT NUMBER: 88-55
DATE: 10 May 1989

1. The Applicants have submitted a plan for the development of a 60' x 50' building with three (3) retail stores. The plan was previously reviewed in a different form at the 8 March 1989 Planning Board Meeting. This new plan was reviewed on a concept basis only.
2. As can be noted from the bulk table on the plan, this application will require a referral to the Zoning Board of Appeals for at least five (5) variances. Prior to appearing before the Zoning Board, the Applicant's Engineer should correct the "required" (allowable) maximum building height shown on the bulk table, which is incorrect.
3. If the Applicants are successful in obtaining the necessary variances, the following information should be added to the plan prior to return to the Planning Board (at minimum):
 - a. Handicapped parking space detail;
 - b. Refuse area enclosure detail;
 - c. Building sign detail;
 - d. Provisions for collection and disposal of on-site stormwater drainage;
 - e. On-site lighting provisions.
4. The Board may wish to make a determination whether they feel the layout is acceptable, in general, and may consider making a recommendation to the Zoning Board of Appeals.

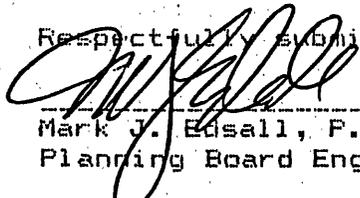
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Cohen Site Plan
PROJECT LOCATION: Route 32 (west of Willow Ave)
PROJECT NUMBER: 88-55
DATE: 10 May 1989

-2-

5. At such time that the plan is made more complete and has been re-submitted to the Planning Board, further engineering reviews will be made and additional comments provided, as necessary.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEnje

cohen

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: COHEN, EILEEN & MICHAEL - SITE PLAN
PLANNING BOARD FILE #88-55
DATE: APRIL 12, 1989

This matter is being referred back to the Planning Board.

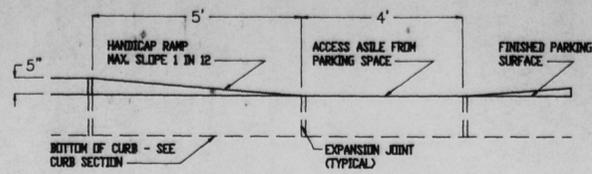
Paul V. Cuomo, P. E. stated at the ZBA meeting of 4/10/89 that the above site plan was revised after a meeting with the Fire Inspectors but the revised plan was never reviewed by the Planning Board before applicant's appearance before the ZBA.

It is the feeling of the ZBA members that the Planning Board should review the revised plan before any variances are sought by applicant.

James Nugent, Chairman

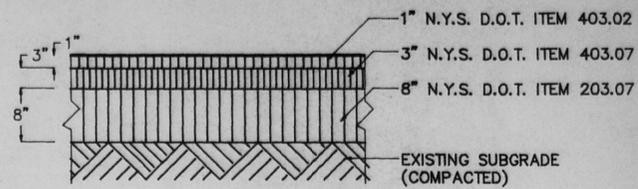
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cc: Paul V. Cuomo, P. E.



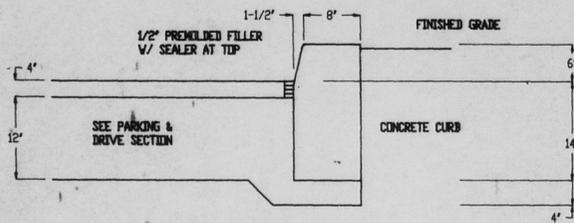
HANDICAPPED RAMP DETAIL

SCALE: 1/2" = 1'-0"



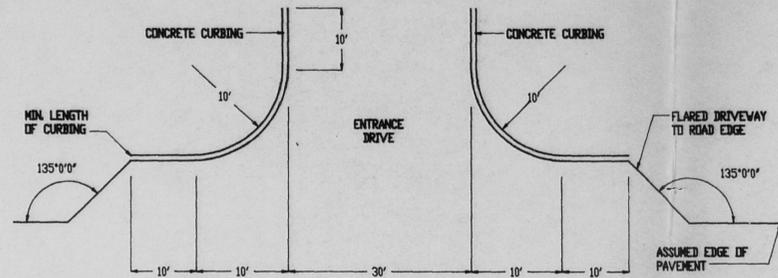
PARKING & DRIVE SECTION

SCALE: 1" = 1'-0"



CONCRETE CURB SECTION

SCALE: 1" = 1'-0"



CURB CUT DETAIL

SCALE: 1" = 15'-0"

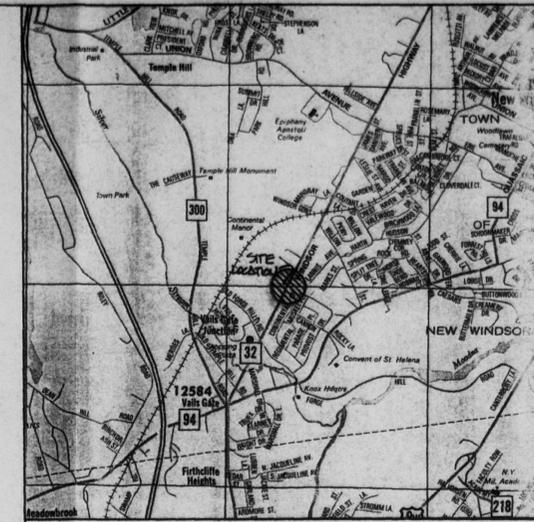
HANDICAPPED PARKING SIGN
WHITE LETTERING
W/ BLUE BACK-
GROUND



FINISHED GRADE
24" x 24" POURED
CONCRETE FOOTING

HANDICAP SIGN DETAIL

NO SCALE



LOCATION MAP

ZONING REGULATIONS

DESIGN SHOPPING (C) SECTION 45, BLOCK 1, LOT 1.22

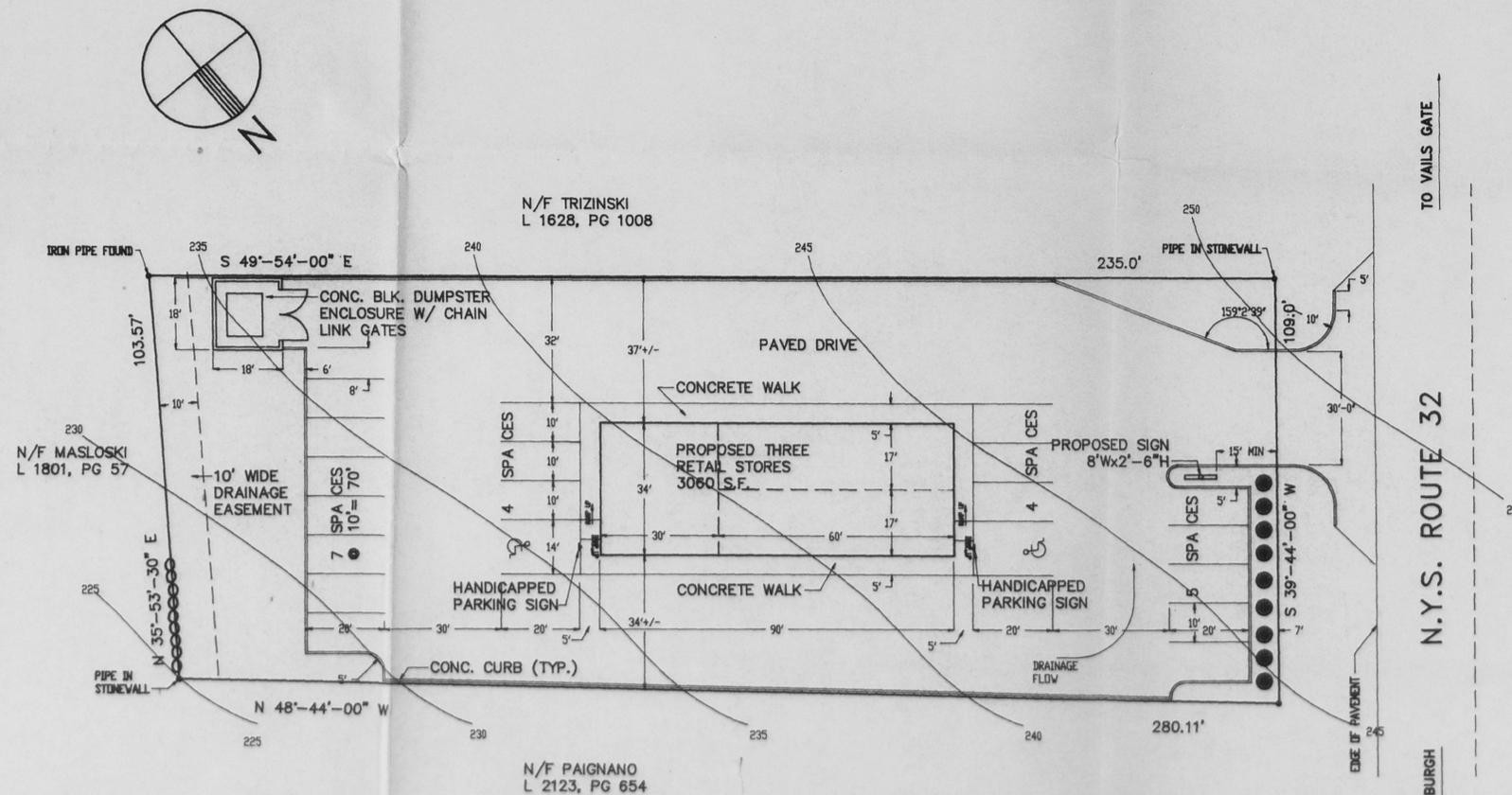
ITEM	REQ'D	PROV'D	VAR.
MINIMUM LOT AREA S.F.	40,000	30,000	10,000
MINIMUM LOT WIDTH FT.	200	105	95
FRONT YARD DEPTH FT.	60	82	N/A
SIDE YARD FT.	30	35	N/A
BOTH SIDE YARDS FT.	70	70	N/A
REAR YARD FT.	30	105	N/A
STREET FRONTAGE FT.	N/A	109	N/A
MAX. BUILDING HEIGHT FT.	11.6	23	11.4
FLOOR AREA RATIO	0.5	0.102	N/A
DEVELOPMENT COVERAGE	N/A	78%	N/A
ROOF HEIGHT COMPUTATION	4"/FT x 35 = 140" 140"/12 = 11.61' ALLOWED		

PARKING REGULATIONS

REQUIRED: 1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE, 3060 S.F. = 20 SPACES
PROVIDED: 21 SPACES PROVIDED INCLUDING 2 HANDICAP

GENERAL INFORMATION

- TAX MAP DATA - SECTION 45, BLOCK 1, LOT 1.22
- APPLICANT - MICHAEL P. COHEN & EILEEN L. COHEN
- INFORMATION SHOWN TAKEN FROM A SURVEY BY: FRANCIS E. WHITAKER LICENSE NO. 049782 DATED JUNE 2, 1988



SITE PLAN

SCALE: 1" = 20'

DATE	REVISION	BY

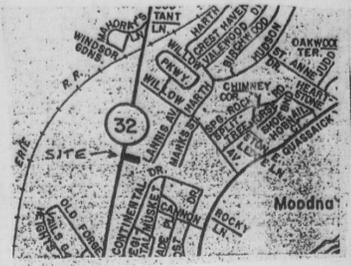
PAUL V. CUOMO, P.E. & ASSOC.
STEWART INTERNATIONAL AIRPORT, NEW WINDSOR, N.Y. (914) 547-0063
PROJECT TITLE: **SITE PLAN FOR 3 RETAIL STORES**
MICHAEL COHEN
BOX 458, VAILS GATE, N.Y.



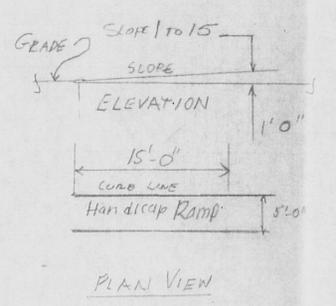
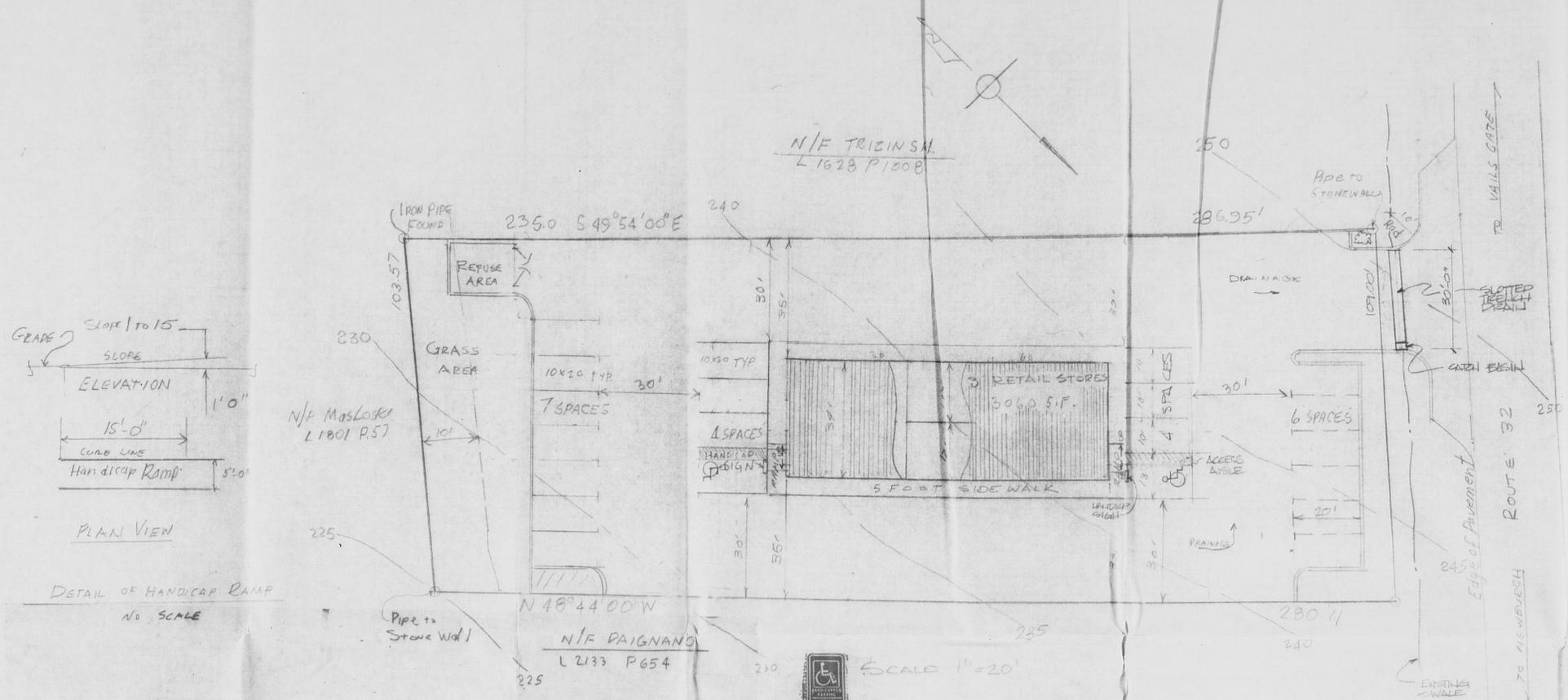
DATE	AUGUST 30, 1990
DRAWN BY	MGR/ACAD
CHECKED BY	PVC
SCALE	AS NOTED
PROJECT NO.	89019

SP1
SHEET 1 OF 1

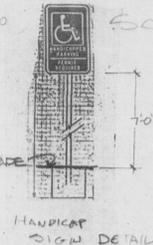
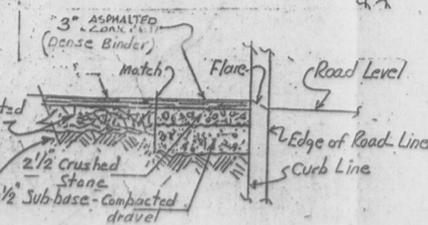
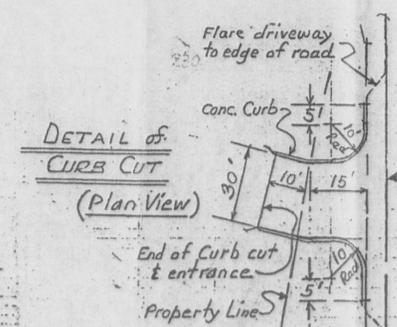
APPROVAL BOX



LOCATION MAP



DETAIL OF HANDICAP RAMP
NO SCALE



BULK TABLE

DESIGN SHOPPING (C)	REQUIRED	PROVIDED	VARIANCE
MINIMUM LOT AREA	40,000 SF	30,000 SF	10,000 SF
MINIMUM LOT WIDTH	200 FT	105 FT	95 FT
REQ. FRONT YARD DEPTH	60 FT	82 FT	NONE REQ'D
REQ. SIDE YARD	30 FT	35'	NONE REQ'D
BOTH SIDE YARDS	70 FT	70'	NONE REQ'D
REQ. REAR YARD	30 FT	105'	NONE REQ'D
REQ. STREET FRONTAGE	N/A	109'	NONE REQ'D
MAX. BUILDING HEIGHT	11.6'	23'	11.4'
FLOOR AREA RATIO	0.5	0.102	NONE REQ'D
DEVELOPMENT COVERAGE	N/A	78%	NONE REQ'D

ROOF HEIGHT COMPUTATION $4''/FT \times 35 = 140 \div 12 = 11.6'$
 $23 - 11.6 = 11.4'$

TAX MAP DATA

SECTION 45
 BLOCK 1
 LOT 122

APPLICANT

MICHAEL P. COHEN
 &
 EILEEN L. COHEN

TAKEN FROM SURVEY BY
 FRANCIS E. WHITAKER
 LICENSE NO. 049782
 JUNE 2, 1988 ANNA ST

PARKING REGULATIONS

1 SPACE PER 150 SQ. FT. OF FLOOR AREA IN SALES USE
 3060 SF = 20.4 SPACES REQUIRED
 21 SPACES PROVIDED
 INCLUDING 2 HANDICAP

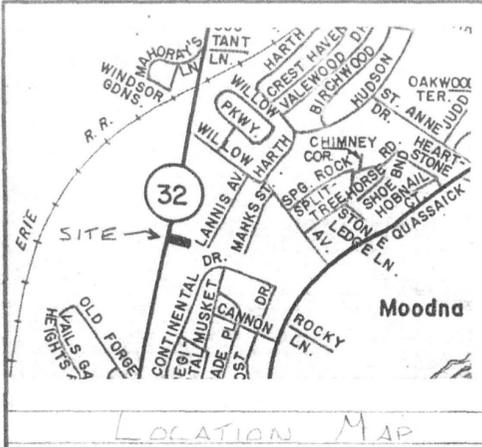


PAUL V. CUOMO, P.E.
 478 UNION AVE. NEW WINDSOR, N.Y. 12550 561-0448

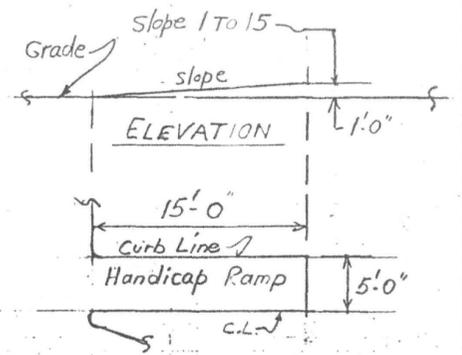
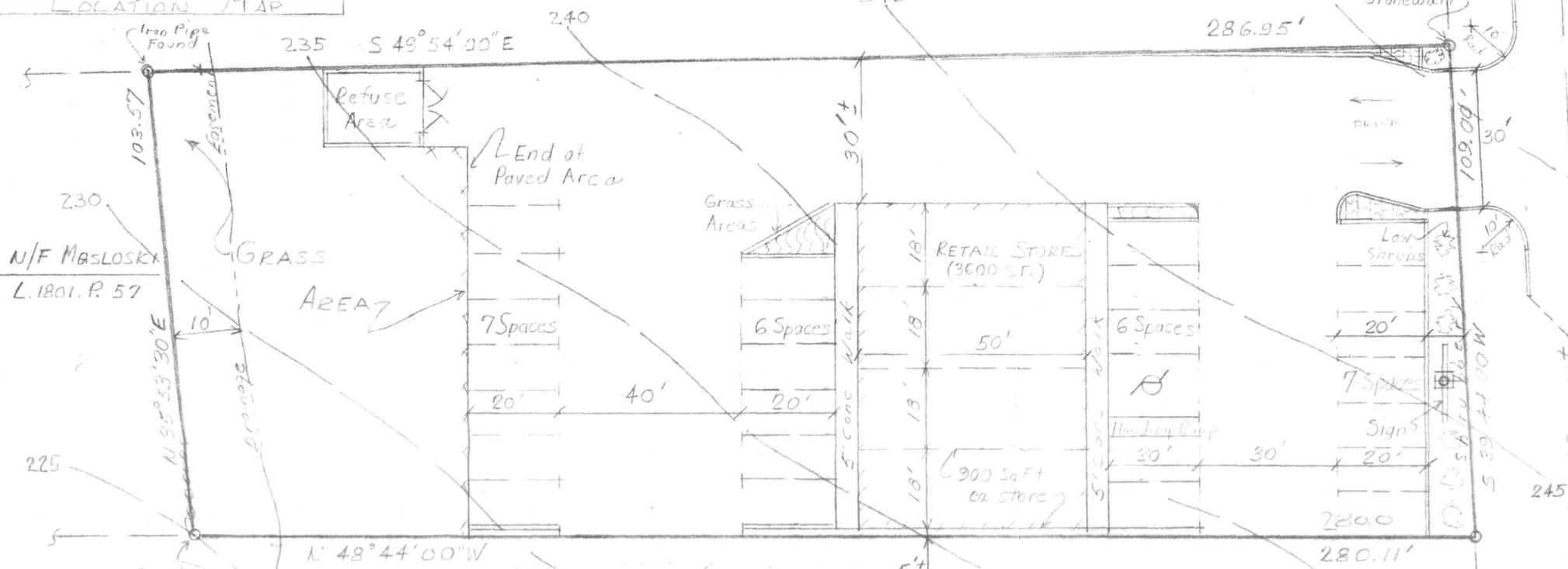
PROJECT: MICHAEL COHEN, BOX 458, VAILS GATE 12584
 SHEET TITLE: SITE PLAN FOR 3 RETAIL STORES

SEP 1 1989
 DATE ISSUANCE BY DATE REVISION BY

Valid on (No) on
 9-27-89
 Carl A. Schaffer
 Chairman Planning Board
 Michael P. Cohen



N/F TRIZINSKI
L.1628, P.1008



PLAN VIEW
*Material-Blacktop
DETAIL of HANDICAP RAMP
(No Scale)

N/F MASLOSKY
L.1801, P. 57

N/F PAIGNANO
L.2123, P.654

235 BULK TABLE 240

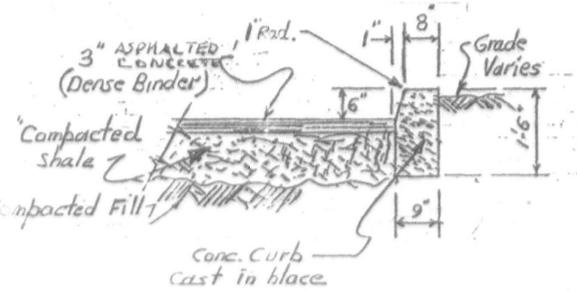
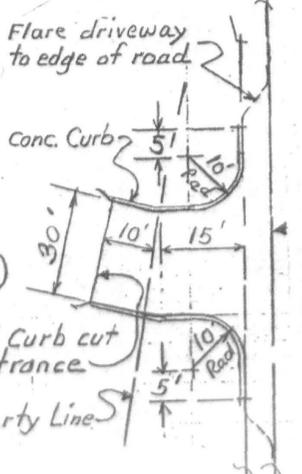
ZONING REGULATIONS		
DESIGN SHOPPING (C)		
MIN LOT AREA	12,000	12,000
MIN LOT WIDTH	200 FT	100
REQ. FRONT YARD DEPTH	60 FT	80'
REQ. SIDE YARDS	30 FT	10'
BOTH SIDE YARDS	70 FT	12'
REQ. REAR YARD	50 FT	100'
REQ. STREET FRONTAGE	N/A	N/A
MAX. BUILDING HEIGHT	40'	20'
FLOOR AREA RATIO	0.5	0.5
MIN. PARKING COVERAGE	N/A	N/A

TAX MAP DATA	
SECTION	48
BLOCK	1
LOT	122

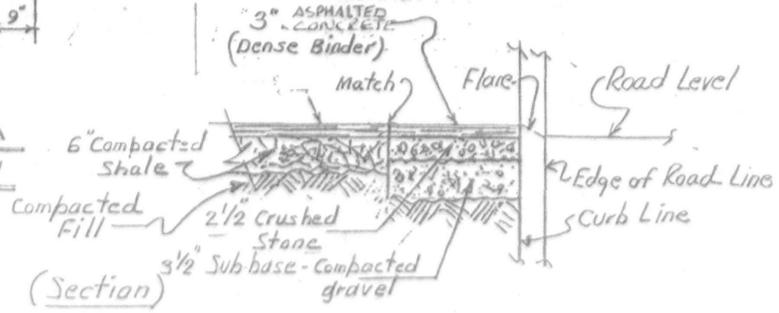
APPLICANT
MICHAEL P. COHEN
&
EILEEN L. COHEN

PARKING REGULATIONS	
1 SPACE PER 100 SF. OF FLOOR AREA IN SALES USE	
2000 SF. = 24 SPACES REQ.	
26 SPACES REQ. INCLUDING 2 HANDICAP	

DETAIL of CURB CUT
(Plan View)



DETAIL of PARKING AREA & DRIVEWAY - SECTION
(No Scale)



(Section)

PAUL V. ZUCKER, P.E.
5711 LEE AVE. NEW MARKET, VA. 22653

APPROVED BY
TE 504-1973

SCALE 1" = 20'
DATE 9-10-83

DRAWN BY
REVISOR
REVISOR
REVISOR

MICHAEL P. COHEN - P.O. # 458 -
EILEEN L. COHEN - P.O. # 458 -

DRAWING NUMBER
1011