

ZB# 97-12

Petro Metals, Inc.

35-1-43

Pulim.

March 10, 1997.

Return of 3/20/97 Notice to Sustain
(Applicant has) 3/20/97
Report

Report

Need Photos / Decid. / Fees.

Public Hearing:

April 14, 1997.

Area Variance

Granted.

Refund: 398.50

#97-12 - Petro Metals

Area - 35-1-43.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

16247

April 14 1997

Received from Petro Metals Inc. \$ 150⁰⁰

One Hundred fifty 00/100 DOLLARS

For ZBA #97-12

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 3461		\$ 150 ⁰⁰

By Dorothy H. Hansen

Town Clerk
TITLE

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Peko Metals, Inc.

FILE # 97-62

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA

USE

APPLICATION FOR VARIANCE FEE

\$ 150.00 paid
4/14/97
Ck. 3961

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES

\$ 500.00 paid
4/14/97
Ck. 3462

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 3/10/97 - 3 pages . . . \$ 13.50
2ND PRELIM. MEETING - PER PAGE 4/14/97 - 4 " . . . \$ 18.00
3RD PRELIM. MEETING - PER PAGE . . . \$ _____
PUBLIC HEARING - PER PAGE . . . \$ _____
PUBLIC HEARING (CONT'D) PER PAGE . . . \$ _____
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . . . 3/10/97 \$ 35.00
2ND PRELIM. 4/14/97 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 101.50

LESS ESCROW DEPOSIT . . . \$ 500.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT . . . \$ 398.50

(ZBA DISK#7-012192.FEE)



PETRO METALS INC.
PH. 581-1328

3461

PAY TO THE ORDER OF Town of New Windsor

April 12th, 19 97

50-893/219

\$ 150.00
DOLLARS

ONE HUNDRED FIFTY AND



Key Bank of Southampton New York N.A.
Big V Plaza, Route 32, Vails Gate, N.Y. 12584

FOR App Fee ZBA #97-12

James R. Petro Jr.

⑆003461⑆ ⑆021906934⑆ 02⑆409208⑆1⑆



PETRO METALS INC.
PH. 581-1328

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FOR RD 32 ZBA #97-12

James R. Petro Jr.

⑆003462⑆ ⑆021906934⑆ 02⑆409208⑆1⑆

In the Matter of the Application of

PETRO METALS, INC.

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#97-12.

WHEREAS, PETRO METALS, INC., a corporation with offices located at P. O. Box 928, Vails Gate, New York 12584, has made application before the Zoning Board of Appeals for a 14 ft. front yard and a 2 ft. 8 in. maximum building height variance in order to construct a garage/warehouse on Route 32 near Willow Lane in a C/PI zone; and

WHEREAS, a public hearing was held on the 14th day of April, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board by Greg Shaw, P. E. of Shaw Engineering; and

WHEREAS, there were 2 spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application but the spectators present did inquire informally of the Building Inspector, whereupon neither had any further questions; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

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

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties which neighborhood is across a busy state highway from a neighborhood of one-family homes.

(b) The application is made for the purpose of allowing an accessory structure to be constructed. Said accessory structure would be a garage/warehouse in which there would be

electricity but no other utilities and no sanitary facilities.

(c) The proposed structure is sought to be constructed solely for the purpose of storage.

(d) If the variances are granted it will be subject to site plan review and approval by the New Windsor Planning Board.

(e) The front yard variance is sought because of the peculiar triangular nature of the property and the fact that the least obtrusive and most useful location of this accessory building would be in a place for which a front yard variance is necessary.

(f) The property itself is located on an elevation above the roadway and so if constructed would not be readily visible from the roadway.

(g) The accessory building is proposed to be located in a place which would not detract from the existing parking available.

(h) If the proposed building is permitted to be constructed it will not cause any additional drainage difficulties to the site or the ponding of accumulation of water.

(i) No trees or significant vegetation will be removed for the construction of the structure if it is permitted. By applying for the construction of the structure as a separate structure and not as an accessory structure its location will require lesser front yard set back variance than would be required if it were an accessory structure.

(j) The proposed structure will not interfere with the sewage or septic service to the property and is not located on an easement of any kind.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted due to the peculiar nature of the property.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because the warehouse/garage is a permissible accessory structure and is located on the premises in the least obtrusive place possible due to the nature and location of the property.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and is the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 14 ft. front yard and 2 ft. 8 in. maximum building height variances in order for applicant to construct a garage/warehouse on Route 32 at the above-referenced property in a C/PI zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 23, 1997.


Chairman

Date 4/14/97, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 168 N. Drury Lane DR.
Newburgh, NY 12550

TR		CLAIMED	ALLOWED
#17	Zoning Board Meeting	75 00	
	Misc - 3		
	Santillo - 3		
	Tarsio - 3		
	Petro Metals - 4 18.00		
	Lomartere - 3		
	Morfe - 2		
	Lanthier - 2		
	Dietz - 3		
	<u>23 pgs</u>	<u>103 50</u>	
	<i>James Marget</i>	178 50	

PETRO METALS, INC.

MR. NUGENT: Request for 14 ft. front yard and 2 ft. 8 in. maximum building height variances in order to construct a garage/warehouse on Rt. 32 near Willow Lane in a C/PI zone. Is there anyone here for Petro Metals that would like to speak, other than you, Mr. Shaw? Let the record show that there is no one in the audience.

(Whereupon, Mr. Krieger entered the room.)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Good evening, for the record, my name is Greg Shaw from Shaw Engineering and I'm representing Petro Metals tonight. We're coming before this board tonight to request two variances for a parcel of land located on the west side of Windsor Highway opposite Willow Lane. I think the majority of the board members are familiar with this piece. Just within the past two years, two structures were built on this particular parcel. It is somewhat unique, it totals approximately 1.7 acres and it has two zones in it, the easterly portion of the parcel is a commercial zone, the rear of the parcel is a Planned Industrial Zone. We were before this board probably about 18 months ago for some building height variances for this piece. Our proposal tonight is to obtain two variances, I said for a new warehouse garage. It's located in the northeasterly corner of the portion. The variances that we're requesting are a 14 foot variance, we're required to provide a minimum front yard setback of 60 feet, we're providing 46 feet and we're also requiring a building height variance, we're allowed to build to a total height of fifteen feet four inches and we're proposing a building height of 18 feet resulting in a requested variance of two feet eight inches. Assuming that we receive the necessary variances for this project, we'll have to go and return to the planning board and continue on with site plan approval. Because it is a warehouse garage, we're not providing any additional parking. If you note in the zoning schedule, we're providing quite a few more spaces than are necessary so

parking for the structure is not an issue. The use of this building will be in conjunction with one of the uses that being the easterly building which is an auction house. Since that building has been in operation that use has been in operation they find that they need more storage in order to store their goods prior to the auction and then obviously the day of the auction they take it from storage and put it on display. So that Mr. Chairman is a brief overview of the two variances that we're requesting tonight and I'd be happy to answer any questions the board may have regarding these variances.

MR. TORLEY: Again, for the record, could you not feasibly move the location of the garage warehouse so that it would fit it the zoning code?

MR. SHAW: No, the improvements that you physically see on the site that you see on the plan physically exist on the site, both the parking spaces and the overflow parking spaces and we need every space. Obviously, if you can imagine the spaces are pretty much vacant except for the day of an auction then every space becomes valuable.

MR. KRIEGER: How would you characterize the neighborhood?

MR. SHAW: Neighborhood is commercial, it's somewhat unique, I have a zoning map up in the corner, it's commercial where the building is located, to the rear is planned industrial, surrounding that is residential R-5 and we abut to the north to Conrail which owns a swath of land through there. I might point out that as designated on the plan according to the New Windsor Zoning Ordinance we are not obligated to provide any setbacks to the Conrail property for that reason a few of the categories are noted as not requiring any variances.

MR. TORLEY: For the record, this construction of this garage will not alter the drainage or sight lines of the road?

MR. SHAW: Right now we're only proposing 1,200 square

feet of disturbance, we'll be taking out shale and that will be replaced with a shingled roof that will be the only disturbance on the site, drainage should not be an issue, access should not be an issue. There will be no water an sewer to the building, this is purely garage warehouse.

MR. TORLEY: You're not taking down any large trees?

MR. SHAW: No, that portion of the site has already been re-graded.

MR. NUGENT: This is an accessory structure, the only difference is you don't have the proper setbacks.

MR. SHAW: Correct.

MR. NUGENT: It's an allowed structure.

MR. SHAW: If the truth be told if it was an accessory structure, we would have to maintain the same front yard setback as the existing building so we'd have to be before this board anyway so we would have to come before this board for at least a variance regardless of whether it's an accessory structure or a structure.

MR. BABCOCK: Yeah, again, the accessory structure cannot project closer to the street than the principle building.

MR. SHAW: We're requesting less of a front yard setback by calling it a structure as opposed to an accessory structure because the front building is set back 109 feet.

MR. KRIEGER: Where it's located, it doesn't interfere with any course of water drainage does it?

MR. SHAW: Absolutely not.

MR. KRIEGER: Doesn't interfere in any way with the sewage or septic?

MR. SHAW: No.

April 14, 1997

11

MR. KRIEGER: Not located over the top of an easement?

MR. SHAW: No, not at all.

MR. REIS: Greg, the surrounding grade, is that shale around the perimeter of the building?

MR. SHAW: Yes, on the southerly side, I have it designated existing overflow shale parking area, that is shale and I believe where the building physically sits right now is also a shale area, again overflow parking for the days of auction.

MR. REIS: Are there going to be any utilities within the 1,200 square foot?

MR. SHAW: I'm sure they'll be bringing in electric, maybe heat, that is it, no water or sewer and that is designated as such on the plan.

MR. REIS: No further questions.

MR. NUGENT: Any further questions?

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we grant Petro Metals their necessary variances to create this garage warehouse on Route 32.

MS. OWEN: I second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

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

Prelim. meeting:
3/10/97

97-12

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 97-8

DATE: 3-4-97

APPLICANT: PETRO METAL, Inc.

PO BOX 928

AILS GATE N.Y. 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2-24-97

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

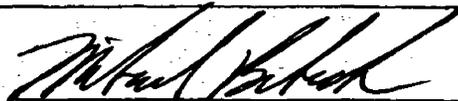
LOCATED AT RT 32 AND WILLOW LANE

ZONE C + PI

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 43

IS DISAPPROVED ON THE FOLLOWING GROUNDS: FRONT YARD

AND BUILDING HEIGHT



MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u> USE <u>A1 - A3 / GARAGE - WAREHOUSE</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD	<u>60 FT</u>	<u>14 FT</u>
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT. <u>15' 4"</u>	<u>4" PER FT OF DISTANCE TO NEAREST LOT LINE</u>	<u>18' 0"</u>
FLOOR AREA RATIO		<u>2 FT 8"</u>
MIN. LIVABLE AREA		
DEV. COVERAGE	<u>%</u>	<u>%</u>
O/S PARKING SPACES		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT: (914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

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

PETRO METALS

MR. NUGENT: Request for 14 ft. front yard and 2 ft. 8 in. maximum building height variance for construction of a 1,200 s.f. garage/warehouse for storage purposes located on Windsor Highway and Willow Lane in a C/PI zone.

Gregory Shaw of Shaw Engineering appeared before the for this proposal.

MR. SHAW: I'm sure that the board remembers this project, it was built just over this past year. This board also granted some previous variances for this project on building height and interpretation et cetera, I have been up there many times, it's an attractive looking site. What Petro Metals is proposing is to construct a new 1,200 square foot garage slash warehouse, it's going to be located on the northerly portion of the site, just adjacent to the existing what the planning board and what the approved drawings refer to as overflow parking. Unfortunately, the site is almost a perfect isosceles triangle bordered to the north by Conrail and with that, we have placed a structure as close as we can to the Conrail property but we're deficient in the two areas which you just mentioned, that being front yard setback, we're required to provide 60 feet and we're only providing 40 feet, excuse me, 46 feet and with respect to building height, we were allowed to go a maximum height of 15 feet four inches, we're proposing to go to a height to the ridge line of 18 feet so those are the two variances. Again, it's a garage warehouse. There will be no water, no sewer, no heat, I'm sure there will be electric brought to it and it's going to be used for the storage of goods which go before the auction house that front building, as you're aware is an auction and I guess they have come to a conclusion that they are just out of room to store the goods as they come in until the auction night arrives so again, that is the purpose of the building.

MR. REIS: What's the access?

MR. SHAW: Access is going to be the south side of the

building so it's actually going to face the overflow parking area, there will be some overhead doors, I believe.

MR. TORLEY: You have note 2 in the zoning schedule for the side yard but this is facing active railroad tracks we don't need a side for that.

MR. BABCOCK: No, it's not required.

MR. TORLEY: But you have a note denoting a variance if I see this note over here, denotes variances obtained from Town of New Windsor but it's applicable only to the side yard there anyway.

MR. SHAW: We're referring to what minimum side yard one?

MR. TORLEY: Yeah, says see note 2 zoning schedule.

MR. SHAW: Yeah, I think that note is there just so that I'm just trying to remember now, note one.

MR. TORLEY: It really doesn't matter because you don't need a side yard.

MR. SHAW: I think I just put that note there just to let me know so when they look at the plans they don't say wait a minute, how come there's not a side yard for this building.

MR. TORLEY: That was one of the original considerations back here since it was an active railroad track, it wasn't needed.

MR. SHAW: Correct.

MR. TORLEY: You might want to change that note to show whatever the code is for railroad tracks.

MR. BABCOCK: You can put a fourth note there and just quote the section of the code in the text that says that you are exempt from a side yard setback.

MR. SHAW: Okay, that is specifically referred to in

the text?

MR. BABCOCK: Yeah, I think it's 4815 but you have to check that.

MR. SHAW: Okay, that I can do.

MR. NUGENT: Are there any further questions by the board? Pretty simple, cut and dry.

MR. REIS: Accept a motion?

MR. NUGENT: I'll accept a motion.

MR. REIS: I make a motion that we set up Petro Metals up for a public hearing.

MR. KANE: Second the motion.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. SHAW: Thank you.

MR. KRIEGER: Do you want my list of criteria?

MR. SHAW: I have enough of them. We'll return in approximately four weeks for the public hearing, it will be in April. Thank you.

MR. TORLEY: Make a motion we adjourn.

MR. KANE: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE**

97-12

Date: 03/10/97

I. Applicant Information:

- (a) Petro Metals, Inc. - P. O. Box 928, Vails Gate, N. Y. 12584 x
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Shaw Engineering, 744 Broadway, Newburgh, N. Y. 12550
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) C/PT W/S Windsor Highway at Willow Lane 35-1-43 1.7 acre ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 09/13/94
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 1/96
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____
- _____
- _____

IV. Use Variance. N/A

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

N/A

(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.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No ___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk _____ Regs., Col. E & I.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>60 ft.</u>	<u>46 ft.</u>	<u>14 ft.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. <u>4" per ft. of 15' 4" distance to nearest lot line:</u>	<u>18' 10" in.</u>	<u>2 ft. 8 in.</u>
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(See attached recitation)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

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

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size 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. N/A

(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 is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(See site plan)

IX. Attachments required:

- Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy of deed and title policy.
- 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 in question.
- Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: March 18, 1997

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

James R. Petro, Jr.
(Applicant)
Petro Metals, Inc.
By: James R. Petro, Jr.

Sworn to before me this

18th day of March, 1997.
Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

On February 5, 1996, the Applicant was successful in obtaining a use variance, interpretation of the word "gymnasium" and several area variances in order to construct two unrelated retail stores to be located on the west side of Windsor Highway on a parcel of property 1.67 acres in size, with a split zoning designation of both C and PI.

Applicant, Petro Metals, Inc., is now seeking to construct a 1,200 s.f. garage/warehouse building on the same parcel which requires a 14 ft. front yard variance and a 2 ft. 8 in. maximum building height variance.

Applicant feels very strongly that the granting of the requested variances will not be detrimental to the health, safety or welfare of the neighborhood or community since the property is located in a commercial area.

The only feasible method which Applicant can pursue is the variance process in view of the fact that the parcel is zoned both for C and PI use.

Applicant feels that his latest request is not substantial when considering the size and configuration of the parcel.

Since this parcel can only be developed for commercial use, Applicant feels that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

The difficulties stated above are the result of a self-created hardship on the part of the Applicant. However, Applicant is willing to and is seeking the necessary approval in order to conform to the bulk regulations in the C and PI zones.

PUBLIC NOTICE OF HEARING

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. 12

Request of PETRO METALS, INC.

for a VARIANCE of the Zoning Local Law to Permit:

construction of a garage/warehouse with less than the allowable front yard and more than the allowable maximum building height;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regulations-Columns E and I;

for property situated as follows:

Route 32 and Willow Lane, Town of New Windsor, New York, known as tax lot Section 35, Block 1, Lot 43.

SAID HEARING will take place on the 14th day of April, 1997, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent, Chairman

POSSIBLE ZBA REFERRALS:

PETRO METALS, INC. SITE PLAN (97-8) WINDSOR HIGHWAY

MR. PETRO: I'm the owner of the property so at this time, I'm going to turn it over to Mr. Lander who is the vice chair to conduct this portion of the meeting.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. LANDER: State your case, Mr. Shaw, make it brief, too.

MR. SHAW: I can be very brief. As was announced, I'm representing Petro Metals, Inc. tonight regarding their parcel on Windsor Highway opposite Willow Lane. What we're looking for tonight is a rejection in order to allow us to go to the zoning board of appeals. We're proposing a new garage slash warehouse located on the northerly portion of this site. The dimensions are 40 feet by 30 feet for a total floor area of 1,200 square feet. Again, it is a garage which will be used as a warehouse. There is no water proposed for the structure, no sewer and no heat. We're deficient with respect to the Town of New Windsor zoning in two respects, one is the front yard setback. Your zoning requires a minimum of 60 feet and we're providing 46 feet. We're 14 feet shy. Also we're deficient with respect to building height allowing four inches per foot of distance to the nearest lot line, we're allowed only a building height of 15 feet four inches and we're proposing a total building height of 18 feet so we're also deficient in that regard. We'll have to go before the zoning board of appeals and get variances for relief, hopefully won't be too hard. As you can see, the geometry of the parcel dictates the fact that we're really limited as to how far we can push that building back, especially with the lands of Conrail to the north. So that concludes my presentation. If you'd be kind enough to give me a rejection, I will be on my way.

MR. LANDER: Mr. Shaw, note 2, what does that say? It says you got a variance on February 5, '96?

MR. SHAW: Correct, those were for the original two buildings which are labeled on this plan as existing.

MR. LANDER: You still have to go for the eight foot, no?

MR. SHAW: I still have to go.

MR. LANDER: For the new garage here?

MR. SHAW: No, if you take a look at note one and again that note was on the approved drawing which this board blessed a year and a half ago, that is with respect to Conrail, the setbacks are not applicable.

MR. LANDER: Well, gentlemen, we're not going to sit here tonight, let's get a motion, send him to zoning and see if it comes back.

MR. DUBALDI: Make a motion we approve the Petro site plan.

MR. STENT: Second it.

MR. LANDER: We have a motion made and seconded that we approve this application.

ROLL CALL

MR. DUBALDI	NO
MR. STENT	NO
MR. LUCAS	NO
MR. LANDER	NO

NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of

PETRO METALS, INC.

#96-1.

MEMORANDUM OF
DECISION GRANTING
INTERPRETATION
AND AREA VARIANCES

WHEREAS, PETRO METALS, INC., a corporation having an office located on Route 9W, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for the proposed construction of two buildings and requests the following: 9 ft. side yard variance for a gymnasium, 7 ft. 0 in. maximum building height variance for retail building, 25 ft. 0 in. maximum building height variance for gymnasium, plus an interpretation and/or use variance as to whether or not the proposed gymnasium falls into the C zone under use, and interpretation and/or area variance regarding required gymnasium parking on west side of Windsor Highway/Willow Lane in both C and PI zones; and

WHEREAS, a public hearing was held on the 5th day of February, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before this Board by Gregory Shaw, P.E. of Shaw Engineering P. C.; and

WHEREAS, there were seven spectators appearing at the public hearing; and

WHEREAS, three persons spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

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

2. The evidence presented by the Applicant showed that:

(a) The property is a 1.67 acre parcel located along Route 32 in the Town of New Windsor. The parcel is located in both the C zone and the PI zone.

(b) The Applicant is proposing to construct two structures on the site. The structure

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought other than through the variance procedure.

3. The variances requested are substantial but should nevertheless be granted because of the individual and peculiar nature of the property.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created because the Applicant proposes construction but the Application should be granted.

6. It is the finding by this Board that the benefit to the Applicant if the requested area variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

9. The statutes of the Town of New Windsor should be interpreted in the manner requested by the Applicant.

10. The parking requirements and the allowability of the "gymnasium" use are consistent with the intent of the makers of the statute and the spirit of the law and are not inconsistent with its letter.

11. Because of the peculiar nature of the property, the entire parcel should be accorded treatment under the "C" zone requirements notwithstanding that part of the property is located in a PI district. Were such an interpretation not to be granted, the owner of such property would be unable to utilize same since it is too small to qualify for any requirements under the "PI" zone.

12. The location and configuration of the property make it unfeasible and in some respects impossible for the Applicant to acquire additional property so as to cause it to be able to conform with the requirements of the "PI" zone.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 9 ft. side yard variance for gymnasium, 7 ft. 0 in. maximum building height variance for retail building, 25 ft. 0 in. maximum building height variance for the gymnasium, plus the interpretation that the gymnasium and the parking requirements fall within the purview of the C zone under use, for the construction of a gymnasium and retail store on the west side of Windsor Highway/Willow Lane in the C and PI zones, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: March 25, 1996.


Chairman



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

31

1763

January 9, 1996

Petro Metals Inc.
PO Box 928
Vails Gste, NY 12584

RE; Tax Map Parcel #35-1-43

Dear Mr. Petro:

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

The charge for this service is \$55.00.

Sincerely,

J. Cook /cd

LESLIE COOK
Sole Assessor

/pab
Attachments

cc: Patricia Barnhart, ZBA

Chaleff, George S. & Tracy Allison
266 Windsor Highway
New Windsor, NY 12553

Ross, George
140 Highland Ave.
Middletown, NY 10940

Lander, Francis A. & Clara
278 Windsor Highway
New Windsor, NY 12553

T. & H Realty Inc.
280 Windsor Highway
New Windsor, NY 12553

Joseph Kaufman Properties of New Windsor
8 Quickway Road
Monroe, NY 10950

Consolidated Rail Corp.
6 Penn Center Plaza
Philadelphia, PA 19103

Khan, Dr. Mohammed H. &
Najmus Sahar Khan
16 Green Bower Lane
New City, NY 10956

Carlisle, Ernest & Jaffe, Steven
38 Glenwood RD.
Tenafly, NJ 07670

Frangello, Norma Jean
PO Box 4624
New Windsor, NY 12553

Schirmer, Frank E & Elsie M
PO Box 4209
245 Windsor Highway
New Windsor, NY 12553

McDermott, William J & Eleanor M
245A Windsor Highway
New Windsor, NY 12553

Bale, Bonnie Jean
36 Willow Parkway
New Windsor, NY 12553

Sangiaco, William & Rina & Hyman
Gerald Goldman & Rose Mary
B Goldman
38 Willow Parkway
New Windsor, New York

George J Smith Trust
c/o John A. & Robert R. Smith Trustees
10 Parade Place
New Windsor, NY 12553

Emmanuele, Santo & Edvige
42 Willow Parkway
New Windsor, NY 12553

Bargisen, Carl JR & Mary A
44 Willow Parkway
New Windsor, NY 12553

Reis, Micheal
48 Willow Parkway
New Windsor, New York 12553

McMahon, Harold J Jr & Marilyn R
9 Willow Lane
New Windsor, New York 12553

Rose Jacquelyn B & Toohy Robert J
7 Willow Lane
New Windsor, New York 12553

Guerriero, John & Antonietta
23 Willow Parkway
New Windsor, New York 12553

Perez, Jeffrey & Jasmine
3 Willow Lane
New Windsor, NY 12553

Gamma, Donna M
4 Scenic Drive
Newburgh, NY 12550

Choi, Joseph S. & Elza H.
27 Willow Parkway
New Windsor, NY 12550

MC Kenzie, George Z & Ophelia D Staples
25 Willow Parkway
New Windsor, New York 12553

De Gennaro, Luigi & Carolina
29 Willow Parkway
New Windsor, New York 12553

County of Orange
255-275 Main Street
Goshen, New York 10924

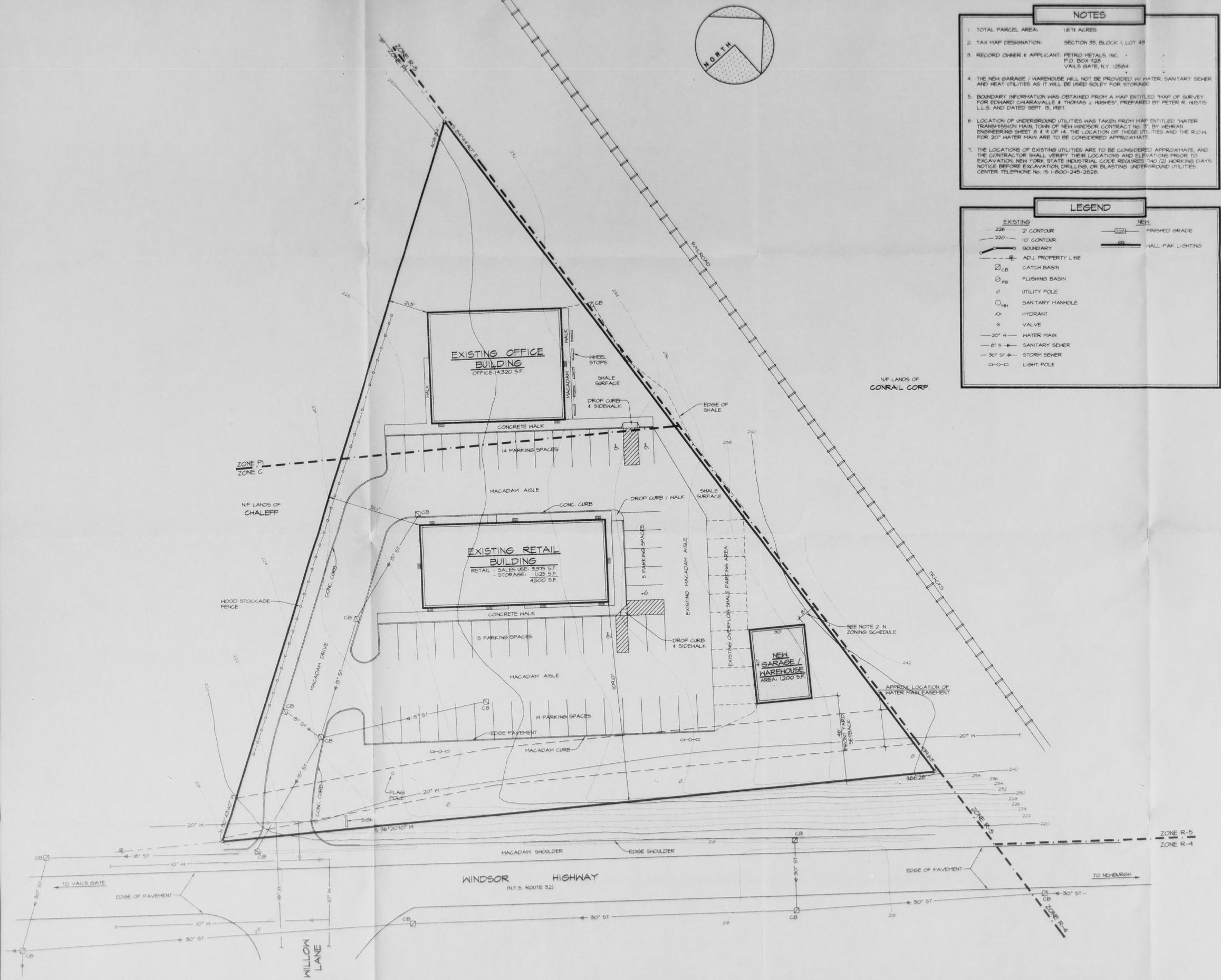
Martinisi, Sabatino & Jennie
273 Windsor Highway
New Windsor, New York 12553

Erffs, Richard C
275 Windsor Highway
New Windsor, New York 12553

Karpoff, Garrison H & Bertha K
8 Willow Lane
New Windsor, New York 12553

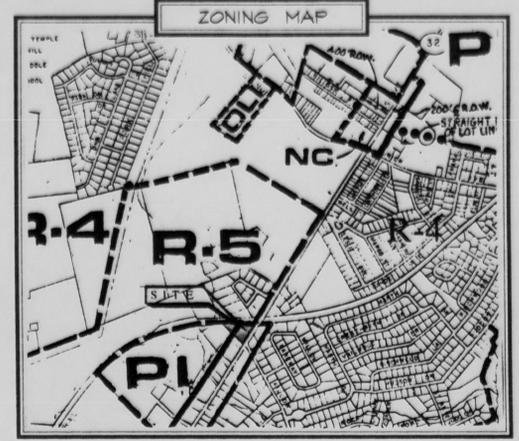
Orr, Christopher A & Lori A
10 Willow Lane
New Windsor, New York 12553

Continental Manor I
P.O. Box 697
Vails Gate, NY 12584



- ### NOTES
- TOTAL PARCEL AREA: 1.678 ACRES
 - TAX MAP DESIGNATION: SECTION 35, BLOCK 1, LOT 43
 - RECORD OWNER & APPLICANT: PETRO METALS, INC. P.O. BOX 428 VAILS GATE, N.Y. 12584
 - THE NEW GARAGE / WAREHOUSE WILL NOT BE PROVIDED W/ WATER, SANITARY SEWER AND HEAT UTILITIES AS IT WILL BE USED SOLELY FOR STORAGE.
 - BOUNDARY INFORMATION WAS OBTAINED FROM A MAP ENTITLED "MAP OF SURVEY FOR EDWARD CHARAVALLE & THOMAS J. HUGHES", PREPARED BY PETER R. HUSTIS L.L.S. AND DATED SEPT. 15, 1987.
 - LOCATION OF UNDERGROUND UTILITIES WAS TAKEN FROM MAP ENTITLED "WATER TRANSMISSION MAIN, TOWN OF NEW WINDSOR CONTRACT NO. 37 BY HEIRMAN ENGINEERS SHEET 8 & 4 OF 14. THE LOCATION OF THESE UTILITIES AND THE R.O.W. FOR 20" WATER MAIN ARE TO BE CONSIDERED APPROXIMATE.
 - THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED APPROXIMATE, AND THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS AND ELEVATIONS PRIOR TO EXCAVATION. NEW YORK STATE INDUSTRIAL CODE REQUIRES TWO (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING, OR BLASTING. UNDERGROUND UTILITIES CENTER TELEPHONE NO. IS 1-800-245-2828.

- ### LEGEND
- | EXISTING | NEW |
|-----------------------------|-----------------------|
| 226 --- 2' CONTOUR | --- FINISHED GRADE |
| 220 --- 10' CONTOUR | --- WALL-PAK LIGHTING |
| --- BOUNDARY | |
| --- ADJ. PROPERTY LINE | |
| CB GATCH BASIN | |
| FB FLUSHING BASIN | |
| U UTILITY POLE | |
| MH SANITARY MANHOLE | |
| H HYDRANT | |
| V VALVE | |
| --- 20" H --- WATER MAIN | |
| --- 8" S --- SANITARY SEWER | |
| --- 30" S --- STORM SEWER | |
| --- 0-0 --- LIGHT POLE | |



ZONING SCHEDULE

ZONE C - DESIGN SHOPPING USE: A-1 - RETAIL STORE A-3 - OFFICE	A-1 / A-3 / GARAGE	
	REQUIRED	PROVIDED
MIN. LOT AREA	40,000 S.F.	12,145 S.F.
MIN. LOT WIDTH	200 FT.	324 FT.
MIN. FRONT YARD DEPTH	60 FT.	46 FT. (GARAGE)
MIN. SIDE YARD - ONE	30 FT.	21 FT. (OFFICE)
MIN. SIDE YARD - BOTH	70 FT.	N/A
MIN. REAR YARD DEPTH	30 FT.	N/A
MIN. STREET FRONTAGE	N/A	306 FT.
MAX. BUILDING HEIGHT (4' / FT. OF DISTANCE TO NEAREST LOT LINE)		
- RETAIL BLDG.	17'-0"	24'-0" (OFFICE)
- OFFICE BLDG.	7'-0"	32'-0" (OFFICE)
- NEW GARAGE / WAREHOUSE	15'-4"	18'-0" (OFFICE)
MAX. FLOOR AREA RATIO	0.50	0.3

COVERAGES:	REQUIRED	PROVIDED
BUILDING COVERAGE % OF TOTAL AREA		10,020 S.F. 15.2 %
PAVEMENT COVERAGE % OF TOTAL AREA		3,363 S.F. 43.1 %
OPEN SPACE COVERAGE % OF TOTAL AREA		3,363 S.F. 43.1 %

OFFSTREET PARKING:	REQUIRED	PROVIDED
RETAIL BUILDINGS		
1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE	23 SPACES	
- (3,375 S.F. / 150 S.F. PER SPACE)		
OFFICE BUILDINGS		
1 SPACE PER 200 S.F. OF GROSS FLOOR AREA	22 SPACES	
- (4,500 S.F. / 200 S.F. PER SPACE)		
WAREHOUSE		
1 SPACE PER 1,000 S.F. OF FLOOR AREA	2 SPACES	
- (1,200 S.F. / 1,000 S.F. PER SPACE)	47 SPACES	53 SPACES

OVERFLOW PARKING:	REQUIRED	PROVIDED
	47 SPACES	11 SPACES
		64 SPACES

(1) IN DETERMINING THE "PROVIDED" MIN. SIDE YARD - ONE, MIN. SIDE YARD - BOTH, AND MAX. BUILDING HEIGHT, THE SETBACK TO THE LANDS OF CONRAIL CORP. HAS BEEN IGNORED.
 (2) DENOTES VARIANCE OBTAINED FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS ON FEBRUARY 5, 1996.
 (3) DENOTES VARIANCE REQUIRED BY THE ZONING BOARD OF APPEALS.

TOWN OF NEW WINDSOR PLANNING BOARD
STAMP OF APPROVAL

TOWN OF NEW WINDSOR
PLAN REVIEWED AT: MEETING
AND APPROVAL AVAILABLE FOR REVIEW TO Z.B.A.

Shaw Engineering
Consulting Engineers

744 Broadway Newburgh N.Y. 12550

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ISSUE	REVISION	DATE

Drawn By: J.R.J. Drawing: SITE PLAN

Checked By: G.J.S. Project: NEW GARAGE / WAREHOUSE FOR PETRO METALS, INC.

Scale: 1"=20'

Date: 2-21-1997 Windsor Highway New Windsor, New York

Project No. 9518