

ZB# 98-18

**Mid-Valley Oil
(James R. Petro, Jr.)**

14-4-1

#98-18 - Mid Valley Oil -

area variances 14-4-1

Public Hearing
Area Variances

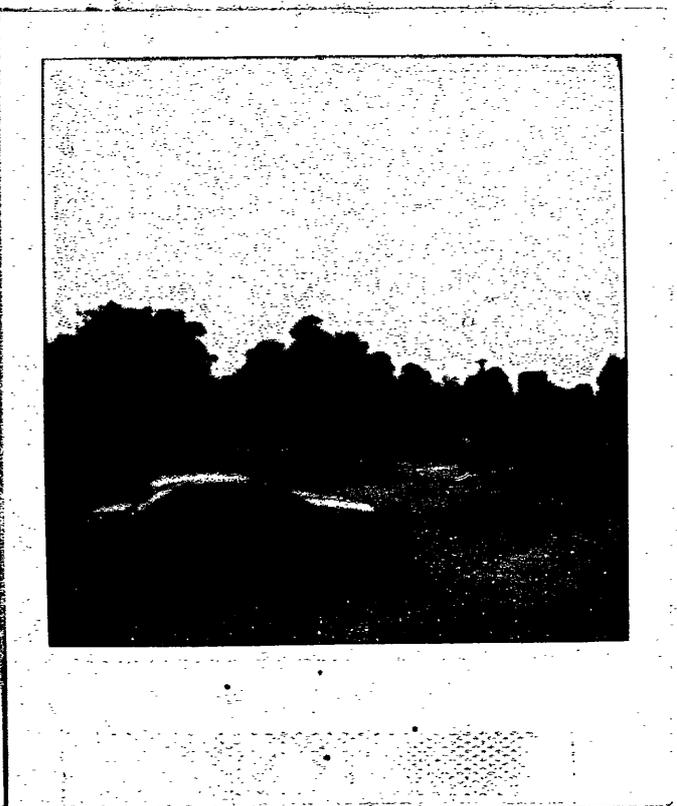
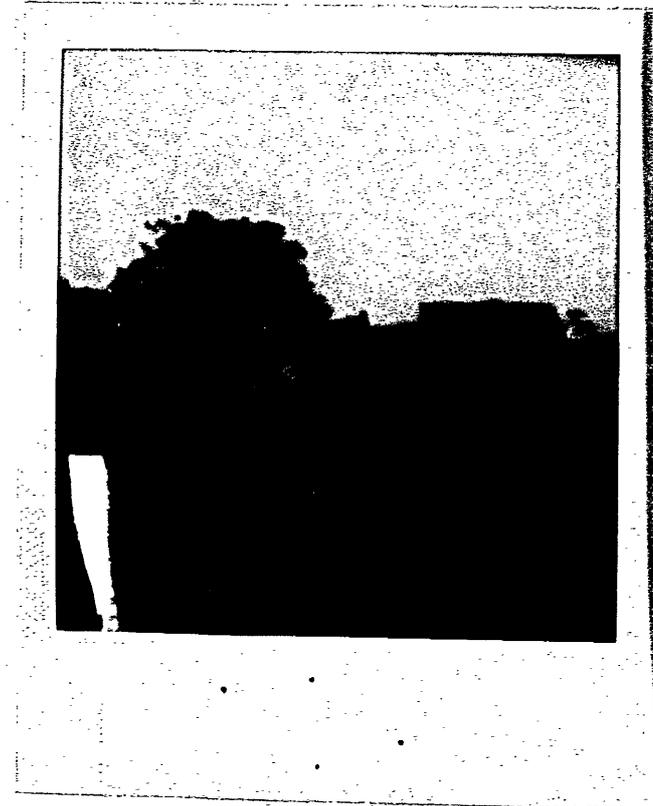
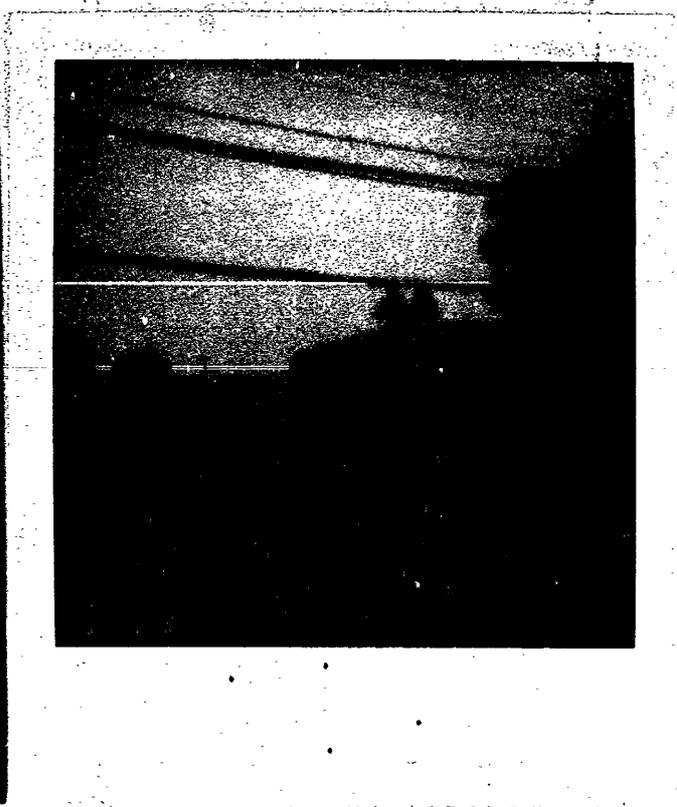
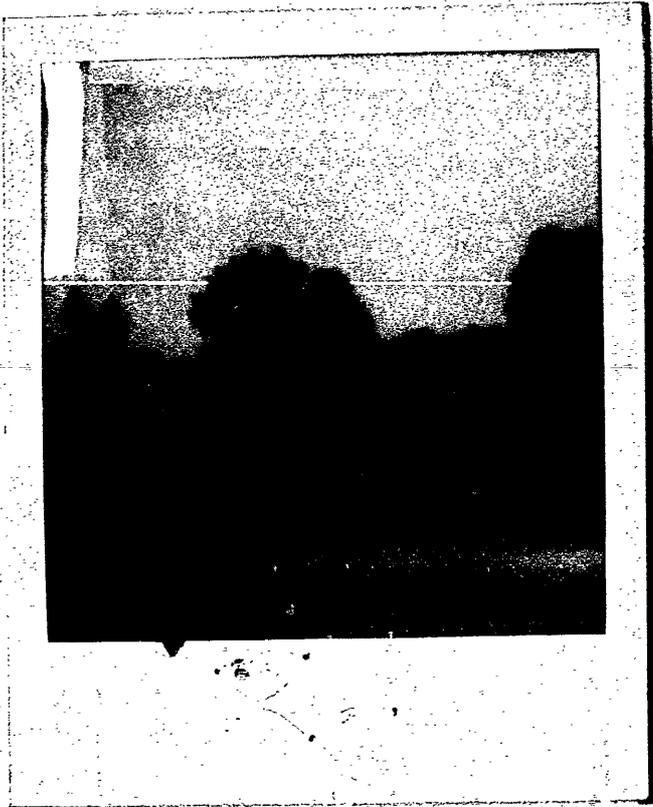
May 11, 1998.
Settlement 7/22/98
Photos sent #
Notice to Settlement 7/22/98.

Public Hearing:

Aug. 10, 1998.

Area
Variance
Approved.

Refund: \$398.50



Canopy (front yard.)

5

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Mid Valley Oil

FILE# 98-18.

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00
INTERPRETATION: \$150.00

AREA USE

APPLICATION FOR VARIANCE FEE \$ 150.00

paid
ck# 19388
7/23/98

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

paid ck.
19389

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/11/98-3 \$ 13.50
2ND PRELIMINARY- PER PAGE 5/19/98-4 \$ 18.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 31.50.

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 5/11/98 \$ 35.00
2ND PRELIM. 8/20/98 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ ~~388.50~~
** 398.50*

Date 8/19....., 1988..

TOWN OF NEW WINDSOR

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

TO Mid-Valley Oil..... DR.
P.O. Box 4092, New Windsor, NY 12553.....

Charge: ZBA

DATE

CLAIMED

ALLOWED

8/19

Refund of Escrow Deposit - # 98-18

\$ 398 50

Approved: Patricia A. Benhat

In the Matter of the Application of
MID-VALLEY OIL/PETRO, JAMES R., JR.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-18.

WHEREAS, JAMES R. PETRO, JR., 238 Maharay Lane, New Windsor, New York 12553, owner, and MID-VALLEY OIL, P. O. Box 4092, New Windsor, New York 12553, lessee, have made application before the Zoning Board of Appeals for a 25 ft. front yard setback variance for construction of a canopy at the BP Station located at the intersection of Route 9W and Route 94 in an NC zone; and

WHEREAS, a public hearing was held on the 10th day of August, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Thomas Michael, Facility Manager for Mid-Valley Oil for this Application; and

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

WHEREAS, no one spoke in favor or 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 commercial property located at the intersection of two (2) busy State highways, in a neighborhood and area containing various non-residential and commercial uses in an NC zone.

(b) The property consists of a gasoline filling and service station located on the corner of State Route 9W and State Route 94. Immediately in front of this property is a veteran's memorial. Behind the property are residential properties. A cemetery borders the property to the

north across Route 94 and various commercial properties including a car dealership are across State Route 9W from the subject property.

(c) The Applicant wishes to renovate the commercial property in accordance with the requirements of the State and Federal Regulations. The Applicant wishes to relocate the gasoline pumps and service island and place a canopy over it.

(d) The proposed canopy will contain a fire suppression system and will provide the persons using the gasoline pumps some shelter from the elements.

(e) In the proposed renovation, the Applicant will remove two existing gasoline pump islands and are reducing the number of gasoline dispensers from six or seven to two. The Applicant also proposes to reduce the number of gasoline tanks on the site from four to two.

(f) The proposed canopy will be located in such a location as not to interfere with the sight of motorists on State Route 94 or State Route 9W as it is 16 feet from the surface of the ground.

(g) The property cannot be located within the required setback because to locate it in such a fashion would be to block the service bay doors.

(h) The proposed canopy will not interfere with the view of or in any way with the residential property behind the existing service station.

(i) The proposed renovation improvement of the property will improve traffic safety of the persons entering the exiting the station.

(j) The renovation will include an electronic detection system for the detection of underground leaks, thus protecting the environment.

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

1. The requested variance 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 variance requested is substantial in relation to the Town regulations (approximately 25%) but nevertheless is warranted.

4. The requested variance 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.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

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

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

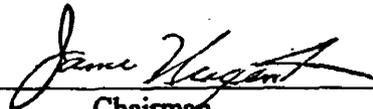
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 25 ft. front yard variance for construction of a canopy at the BP Station located at the intersection of Routes 9W and 94 in an NC 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: October 26, 1998.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-18

Date: 7/15/98

I. ✓ Applicant Information:

- (a) Jim Petro 238 Mahary Ln. New Windsor NY 12553
(Name, address and phone of Applicant) (Owner)
- (b) Mid Valley Oil PO Box 4092 New Windsor NY 561-4019
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. ✓ Property Information:

- (a) NC Rt 9W New Windsor 14-4-1 15,000 S.F. ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? K-4.
- (c) Is a pending sale or lease subject to ZBA approval of this application? No.
- (d) When was property purchased by present owner? 1MK.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No.
If so, when? _____.
- (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:
Trash Dumpster only. It will be enclosed with a fence

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.

(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 X.

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:

See Attached Site plan

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

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>40 ft.</u>	<u>Canopy 15.0 ft.</u>	<u>Canopy 25.0 ft.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
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:

If the area variance is approved the actual intensity of use at the site will decrease, the number of gasoline dispensers will be reduced from 7 to 2 and the number of gasoline tanks will be reduced from 4 to 2.

(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 _____, _____ Regs.

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

(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

(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)

Date 8/11/98, 19.....

TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWED
8/11/98	Zoning Board Mtg	75.00	
	Misc - 3		
	N.W. Partners - 4		
	Kroll + Jasal - 8		
	Wline - Insul sush - 5		
	Vanleeuwen - 13		
	Mashhil, Inc - 10		
	Petrol mid Valley oil - 4 - 18.00		
	Henault - 3		
	Domingues - 3	<u>238.50</u>	
	53	313.50	

PETRO/MID-VALLEY OIL

MR. NUGENT: Request for 25 ft. front yard setback variance for construction of canopy at BP Station located at intersection of Route 9W/94 in NC zone.

Mr. Thomas Michael appeared before the board for this proposal.

MR. NUGENT: Is there anyone here for the Petro/Mid-Valley Oil? Let the record show there's no one here.

MS. BARNHART: I have an affidavit of service by mail stating that on July 22, I sent out 26 addressed envelopes containing the public hearing notice.

MR. MICHAEL: My name is Thomas Michael, I'm facility manager for Mid-Valley Oil and the property I'm here this evening for this evening is on the corner of Route 9W and Route 94 and I'm here tonight for an area variance for front yard setback for a proposed canopy over proposed gasoline islands. We're upgrading the gasoline facilities on this property to meet the state and federal regulations that are due at the end of this year and part of the upgrade will be installation of new underground storage tanks, new mains, new conduits, new islands, new dispensers and new canopy. Variance is for front yard setback of 15 feet, required 40 right here front yard actually abuts the town, I think it's a Veteran's memorial and that is really it.

MR. KANE: The new canopy is going to have the fire system in it?

MR. MICHAEL: Yes, it will.

MR. KANE: Putting it in for the safety and well-being of your customers?

MR. MICHAEL: Exactly.

MR. KRIEGER: There is not now a fire system there?

MR. MICHAEL: There's no fire system, when it was built, they were not required, generally speaking, we find that the fire systems work much more efficiently under a canopy.

MR. KANE: You're not going to be creating water hazards or runoff?

MR. MICHAEL: No, we're repaving the property, we're not going to change the grade of the property at all.

MR. NUGENT: Also eliminating a couple of islands.

MR. MICHAEL: Currently, there are three or possibly four islands and as many as seven gasoline dispensers, we'll do the same number of products with two gasoline dispensers, we're reducing the number of tanks on the site from four to two.

MR. KANE: That is the canopy itself is not going to interfere with any sight lines on either 94 or 9W?

MR. MICHAEL: No, the canopy is 16 feet off the ground and that is required for emergency vehicle access.

MR. TORLEY: Can you speak to why it would be impractical to move it back 15 feet?

MR. MICHAEL: 25 feet, it would be, it would be blocking the service bay doors.

MR. TORLEY: Are you going to maintain this as a service station as well?

MR. MICHAEL: Currently, it will stay as a service station, not to say we won't be back before the board for something in the future. Right now, there's no plans to do anything other than to upgrade gasoline facilities and allow Julians to continue repairing cars without the volume of cars that are on the site, obviously with our investment, we expect to be able to get to the gas pumps to sell gas.

MR. TORLEY: My personal preference if you are going to be coming back to redo the whole site, there are many

other gas stations that go to a little tiny mini-mart setup, if you are redoing, I'll ask you again why you can't move the islands back but for now--

MR. MICHAEL: Well, mainly because of parking.

MR. TORLEY: Think about for your future.

MR. MICHAEL: Okay.

MR. TORLEY: Fire suppression is a good idea.

MR. KRIEGER: And other than being next to the memorial in the neighborhood, there's a couple of used car dealers.

MR. MICHAEL: Across the street there's used car dealership, across the other street is a cemetery, parking park in front of us, there is a residential house behind the property which I won't be doing any work in that general area. I don't think we'll change the view of the property one bit. Obviously, he lives next to a gas station now. He will be actually living next to a less intense gas station. Currently, the gas pumps are over here, actually three islands, so the house back here will have a better view of that, we're actually pulling the use back into the property a little bit trying to make some intelligent traffic flow occur.

MR. TORLEY: Improving the safety of the people entering and exiting the station?

MR. MICHAEL: Definitely improving safety. Right now, gas islands are right on the property line, although the property line is set back quite a ways from 9W. The other thing we're doing at the same time is putting in electronic detection equipment for underground protection for the environment.

MR. KANE: Entertain a motion?

MR. NUGENT: Yes, I will.

MR. KANE: I move that we approve the requested

August 10, 1998

45

variance for Petro/Mid-Valley Oil.

MS. OWEN: I second it.

ROLL CALL

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

Prelim.
May 11, 1998
7:30.
98-14

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: 98-11

DATE: 1 MAY 98

APPLICANT: MID VALLEY OIL

P.O. BOX 4092

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED APRIL 6 1998

FOR (~~SUBDIVISION~~ - SITE PLAN) BP STATION

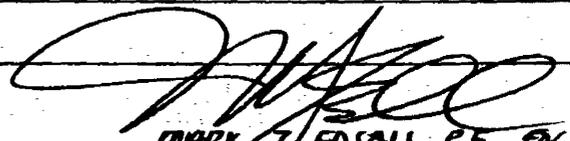
LOCATED AT ROUTE 9W & ROUTE 94

ZONE N.C.

DESCRIPTION OF EXISTING SITE: SEC: 14 BLOCK: 4 LOT: 1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

VARIANCE REQUIRED FOR CANOPY FRONT YARD
SETBACK AND PARKING SPACE DEFICIENCY


MICHAEL J. EDSALL P.E. P.W.
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>	
ZONE <u>NC</u> USE <u>B-7</u>			
MIN. LOT AREA	<u>15 000 SF</u>	<u>14739 SF</u>	<u>*(1)</u>
MIN. LOT WIDTH	<u>125 FT</u>	<u>149.15 FT</u>	<u>—</u>
REQ'D FRONT YD	<u>40 FT</u>	<u>BUILDING 31.4 FT CANOPY 15.0 FT</u>	<u>CANOPY 25.0 FT</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>N/A</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>30 FT</u>	<u>N/A</u>	<u>—</u>
REQ'D REAR YD.	<u>15 FT</u>	<u>0.9 FT</u>	<u>*(1)</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>23 FT</u>	<u>BUILDING 18 FT CANOPY 18 FT</u>	<u>—</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.11</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>13</u>	<u>11</u>	<u>2 N/A</u>

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

POSSIBLE Z.B.A. REFERRALS:

NEW WINDSOR BP (98-11) ROUTE 9W & RT. 94

Mr. Thomas Michael appeared before the board for this proposal.

MR. PETRO: Also for the minutes I want to state that I am the owner of this property, this is being leased to these people. Being this is just a referral to the zoning board, that I will still conduct the meeting but I will not be voting. And again, I have checked with the attorney and the planning board engineer and they see no problem with that. Okay, with that, Mr. Michael, want to show us what you're doing there and we'll take a look?

MR. MICHAEL: While you're opening your maps, I will get started. My name is Thomas Michael, I'm the Facilities Manager for Mid-Valley Oil. Mid-Valley Oil is a New Windsor based company. I do a lot of planning boards, it's just nice to come to one in the town we're based out of. We operate convenient store chain, we also have a series of dealer locations that we supply fuel to and that is where this piece of property comes into our realm of responsibility. This is a BP station on the corner of Route 94 and Route 9W. It was formally an ATI location and I'm sure you're all familiar with the property. There's a town park right in front of it Veteran's Memorial, I believe it is, and location currently has three pump islands, each island has actually two pumps on each island on Route 9W side and three on the Route 94 side. We actually have recently become involved in this property, actually leased it within a year prior to that, we supplied fuel to another dealer who operated it who since had to pull out which leaves us in the responsibility for the property. And as many of you know, this year, 1998 December 22 is the deadline for upgrading of all underground storage tanks for the federal government and New York State DEC so that means we will be doing that. We looked at the property and believe it can do more business than it currently does. So we'd like to also install a new canopy over top of a new island with two gasoline dispensers so we'll be removing three

existing islands and putting in actually two islands, but it's one island line shall we say with two pumps with a 24 x 30 canopy. With the plans that you see in the upper right-hand corner, there's an elevation of the canopy, the location will say BP, the canopy fascia on that is a BP green, I don't believe there are any other BP's in this area. But anyway, the new gasoline dispensers and piping and tanks will all meet the 1998 regulations. There will be double wall fiberglass tanks, flexible double wall piping, with containment electronic monitoring. Part of this job will also be to clean up contamination on site, if there is any. Our preliminary investigations don't show any contamination, but it's my experience any time you have something like this this old, you'll find that. We're not doing any work with the DOT, road cuts I will say that now. Open for questions.

MR. PETRO: Did you have some of the property, I should know, but I don't know some of the property was donated by the state or taken from the state because of the easement line, do you know what I am talking about?

MR. MICHAEL: Well, on the 9W side, I believe you're talking about there was an issue with my surveyor, he had to go back and do some further investigation. There was a piece of property we thought that the property on 9W was not as far away from the road if you look just below where it says US highway, you'll see edge of shoulder, that is the actual edge of the road. So there's a large piece of property between the property line and the actual highway and we thought that that went with the property and it doesn't and the actual, the islands that are on that 9W side are the property line. It's almost right on the property line and the concrete drive mats extends into the state right-of-way at some point it was granted to the state.

MR. LANDER: So, that is the state right-of-way that property line?

MR. MICHAEL: Yes.

MR. LANDER: Is your canopy, is that what you need a variance for?

MR. MICHAEL: We need a front yard setback, I believe.

MR. LUCAS: When we do the referral that we're going to do, can we get ahold of the people that work with the memorial in some way because they maintain that. And I go down there with the fire company a lot. They should be present so if they have any questions, there is a committee that takes care of it.

MR. PETRO: Will they be notified for a public hearing?

MR. LUCAS: Like the American Legion.

MR. KRIEGER: Well, if they are--who owns that property?

MR. LUCAS: Town of New Windsor.

MR. BABCOCK: No, state.

MR. LANDER: What I think Mike's getting at is that as in the past, cars keep getting further and further onto the monument's property or the state's property. There is all grass and they try to maintain that so what we'd be looking for when you come back in is some kind of barrier to keep the cars from encroaching on in.

MR. MICHAEL: That was brought to my attention in the planning conference about the car issue, about the grass area where the blacktop ends and our way of solving that is very simple. Actually, one of two things, first of all, talk to the dealer, the number of cars needs to be reduced, if you are going to put that kind of investment in the gasoline operation, you can't sell gas if you can't get to the pumps, very simple business rule. Second thing we can do we when blacktop the site, we can put a wing curb across the front.

MR. LANDER: Something to keep the cars from encroaching on that property because they try to maintain the lawn, there's ruts and they destroy the grass.

MR. PETRO: Maybe more than just the wing, maybe some

shrubbery so they can't.

MR. LUCAS: Mike it a little bit more cleaner because I know through the fire company and other organizations the Purple Heart Association just put like another monument on there or another plaque and they have been down there maintaining it. So I'd like to really I'm there every Memorial Day and I'd like to see that preserved as best we could.

MR. MICHAEL: I think that is a reasonable request. Part of the process and just so the board's aware of it we inherited ten of these properties, eight are this vintage and this condition. This is one of the better ones and it's time to come in with an excavator, it's time to clean up anything that is there, not supposed to be there is taken out, tanks, transmission, oily drums, anything. And part of the upgrade process is when we stay on the dealers, make sure they keep it clean, not only is it difficult to sell gas when you can't get to the islands, people don't want to come to a dirty station.

MR. STENT: It's not going to be a convenient mart?

MR. MICHAEL: We normally operate the Xtra Mart convenient stores, we have no plans at this time to convert that to a convenient store. I have to come back in front of the board if we wanted to anyway.

MR. KRIEGER: Any plans to upgrade the building?

MR. MICHAEL: I do intend to, I think the service there is undersized for the new gasoline pumps. So as far as renovating the building, we have no plans for renovating the building. It's a service station and that is the operator's responsibilities.

MR. LANDER: Where is the dumpster on this site?

MR. MICHAEL: I don't know that there actually is a dumpster on the site.

MR. PETRO: See parking lot number 7?

MR. LANDER: Parking space number 7.

MR. PETRO: Is where the dumpster is, it's not an enclosure, but I believe that little alcove behind the building is where they slide it in and out see it there?

MR. LANDER: Where it says oil tanks?

MR. PETRO: Just, they are below grade, those tanks?

MR. MICHAEL: I do not know, I think they are above grade.

MR. PETRO: It's an alcove, whether it goes in and out, I can't say, but that is where it goes.

MR. LANDER: We're going to be looking for some type of screening, maybe a gate if they do in fact go back into that little space there. Of course, with all the cars and trucks, you really can't see it anyway. When all this is moved, then it's going to be visible again from 9W.

MR. MICHAEL: When I say that we'll monitor the dealer, make sure that they are keeping the site clean, obviously, it is a repair station and there will be vehicles there. I drove by it tonight and as I was driving by, I lost count.

MR. PETRO: He's here for referral to the zoning board.

MR. STENT: Make a motion that we grant approval.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the new Windsor BP station on Route 94 and Rt. 9W. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO NO

MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. PETRO	ABSTAIN

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for necessary variances. Once you have those variances and they are put on the plan, you may return before this board to seek approval for a site plan.

MR. MICHAEL: Which office do I apply to the zoning board?

MR. KRIEGER: Well, the Zoning Board secretary is also the town attorney's secretary.

MS. MASON: We have to wait until when we get the minutes, takes a week sometimes and then we do the referral over to the Zoning Board secretary. If you contact her now, she won't know anything about it.

MR. MICHAEL: Now, after the zoning board has approved or disapproved the project and I come back here, is there a public hearing required?

MR. PETRO: There's one for zoning board, you'll have it as zoning board and Mr. Krieger is also zoning board attorney, so sometimes we reflect upon him to tell us like if nobody showed up, we're not going to have it and we'll waive it under our discretionary power. To answer your question, not necessarily two public hearings.

MR. KRIEGER: Yes there definitely maybe here.

MR. LUCAS: To save you some time then from my own interests if you and Andy can remember when he comes if front of them, if you can at least contact the American Legion at least American Legion and after they get that letter, then I think any other of the organizations that are involved with that you can say if there's anybody else involved with the monument, please contact them that there's going to be a public hearing.

MR. KRIEGER: What we can do have Pat do is add them to the list for the mailing.

MR. MICHAEL: As the Zoning Board's attorney, is that a two meeting meeting?

MR. KRIEGER: Yes, there's a preliminary and there's a final.

MR. MICHAEL: They meet once a month?

MR. MICHAEL: Twice a month, second and fourth Mondays. The biggest time consuming, most time consuming thing between the preliminary and the final is the notice requirement.

MR. MICHAEL: Will a copy of tonight's minutes be sent to them?

MS. MASON: No.

MR. MICHAEL: So I'm just trying to address all the issues raised tonight. One of them was the area between the parking lot and the park, second one was the dumpster enclosure, those were the two major issues that I heard tonight, I can just incorporate them in the plan be done with it and move forward.

MR. STENT: Shrubbery basically landscaping plan.

MR. LANDER: Now, you're going for a variance for that canopy, you need one for parking also, right?

MR. MICHAEL: Existing non-conforming.

MR. EDSALL: I have got it down as an existing condition, maybe the board should discuss that if you think he needs that, we'll save him the trouble of sending him twice.

MR. KRIEGER: Might as well ask for everything.

MR. LANDER: Parking requirement needs 13, providing 11 and he does have space to stick two more spots, so he

at least conforms to that.

MR. MICHAEL: Parking is based off of square footage of the building, correct?

MR. LANDER: Yes.

MR. MICHAEL: Only question I have you're right, I can put additional parking on there if need be.

MR. KRIEGER: Either put it on the map before you come back here or if it isn't going to fit when you apply to the zoning board, you might as well plan for a parking variance. Now is the time to decide.

MR. MICHAEL: Why don't we--is there a set back from the property line for parking?

MR. BABCOCK: No.

MR. MICHAEL: So I will add, actually I will add two spaces and they'll be horizontal spaces out here along that parking property line, there shall be dumpster enclosures, curb along the park and two more parking spaces.

MR. PETRO: If it's already pre-existing non-conforming and he can't fit them on, why would he need a variance?

MR. EDSALL: Thing is he can fit them on if you have him put them in a location where they are not currently located as approved parking. The board could decide that there has never been more than 11 spaces, therefore, it's pre-existing non-conforming or you can take the other attitude, you're required to have 13, there's room for you to have 13, we want you to have 13.

MR. PETRO: Definitely, if the room is there I don't see why not.

MR. EDSALL: One of the items that is going to come up now we know there's a dumpster and you're going to have to put it someplace that is acceptable, the area behind the building I believe by code would be too loose to

meet the fire state by building code, so you may have to locate the enclosure which may kill space 7 or 11 so take that into consideration when you're looking at it.

MR. MICHAEL: Does the town have a law that says you can't have a dumpster enclosure behind the parking space?

MR. KRIEGER: State Building Code.

MR. EDSALL: Not next to a building behind the parking space.

MR. MICHAEL: I will put it right in front of parking space number two or three off the edge of the blacktop.

MR. BABCOCK: That's fine.

MR. EDSALL: Yeah, I mean--

MR. LANDER: Then you're going to have to enclose it. See, if it's back by the--

MR. MICHAEL: Typically for an operation of this size they probably have a 4 X 4 dumpster.

MR. EDSALL: So you might want to, well, maybe the first thing the board should do is decide which way you want to approach the parking, do you look at it as pre-existing non-conforming or do you want 13 spaces showing or a variance?

MR. LANDER: There's plenty of room for two more spaces on the lot.

MR. STENT: But he may be losing one because of the dumpster.

MR. LANDER: So he gets two along the monument side, all right, they run parallel to the property line.

MR. LUCAS: More than two.

MR. LANDER: Two there and then if he wanted to, you can put the dumpster by number 11, you have got all

this pavement, it's not yours, but they are not going to curb it, you can put it right next to number 11.

MR. PETRO: I agree with that, next to number 11.

MR. MICHAEL: That's fine, there's a little bit of curb there but it's not a big issue.

MR. PETRO: You're got plenty of room for a dumpster.

MR. MICHAEL: If we're talking about the parking problem and it's not considered pre-existing non-conformance, still requires a variance. There's three other items that are pre-existing non-conforming and if you bring the parking up, I'm bringing it up because I don't want to come back just before I get approval, I've got to go back to zoning, it's a sub, square footage of the lot is too small by 200 feet, 250 square feet, the front yard is too small but we're asking for a front yard setback. So that is not a problem. And the minimum rear yard is also non-conforming based on the--

MR. EDSALL: I think the difference Tom is that it's pretty well been documented and accepted that you can't move the building, so we just live with it as being non-conforming. I think what Ron brought up as far as parking was the fact that you could add the parking spaces in, its not a physical limitation.

MR. MICHAEL: As long as it's been thought through, I just don't want to have to come back twice.

MR. EDSALL: There is about 10 foot to 11 foot between spaces one and two and the property line, so a small dumpster enclosure would likely fit there and if the pick up is arranged during hours if those were customer spaces off hours it may work.

MR. PETRO: You know what's bad with that is usually any spot at a station becomes a spot with a car in it so I think a dumpster enclosure behind a space is not a good idea because there is always going to be a car of some kind there as long as it's a service station.

April 22, 1998

13

MR. MICHAEL: There is acceptable room next to number 11.

MR. PETRO: Because see that, all that property goes all the way up to 9W, I don't like that.

MR. EDSALL: No, by 11 is fine.

MR. MICHAEL: The volume of sales at the location does not warrant that we're imposing, so it's our intention to improve the site to increase the sales, so we think the site warrants it. There is enough people in the area.

MR. LUCAS: I get my gas there because I live right across the street, up a little bit, cemetery's across the street.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

July 29, 1998

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Mid Valley Oil
PO Box 4092
New Windsor, NY 12553

Re: Tax Map Parcel # 14-4-1

Dear Sirs:

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 \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook /cmo

LESLIE COOK
Sole Assessor

/cmo
Attachments

~~CONFIDENTIAL~~

Patterson Materials Corp.
20 Haarlem Ave.
White Plains, NY 10603

Johnson, Lance A. & Donna L.
111 Chestnut Drive
New Windsor, NY 12553

Silver, Barry B. & Forrester, Michael J.
& Schisano, Richard & Lesser, Sol
328 Route 9W
New Windsor, NY 12553

Nocilla, Ignazio & Joyce
PO Box 4427
New Windsor, NY 12553

Mans Brothers Realty Inc.
PO Box 247
Vails Gate, NY 12584

Plotkin, David
C/o Steel Style Inc.
401 South Water St
Newburgh, NY 12550

Craig, Warren S. & Edith F.
10 Wintergreen Ave.
Newburgh, NY 12550

State of New York
Office of Mental Retardation & Dev. Dsb
C/o Maureen Lennon, Land Claims
9th Floor, Alfred E. Smith Bldg
Albany, NY 12236

Fraas, George & Ruth C.
115 Quassaick Ave
New Windsor, NY 12553

Central Hudson Gas & Electric
284 South Ave
Poughkeepsie, NY 12602

Kaknis, John & Mary Jane
107 Chestnut Drive
New Windsor, NY 12553

Calvary Cemetery
Church of St. Patrick
55 Grand St
Newburgh, NY 12550

Ward, Donna
PO Box 4072
New Windsor, NY 12553

O'Neill, John Francis Jr. & James H. &
Mennerich, Maureen A.
109 Chestnut Drive
New Windsor, NY 12553

Frank H. Reis Realty Corp.
79 N Front Street
Kingston, NY 12401

Malinowski, Thaddeus P.
101 Chestnut Drive
New Windsor, NY 12553

Macri, Pasquale &
Elledge, Sheri R.
101 Laurel Drive
New Windsor, NY 12553

Grable, Natasha & Lenora
33 Walsh Ave
New Windsor, NY 12553

Antonelli, Stacy Anne
10 Trails Pointe Drive
Campbell Hall, NY 10916

Saffioti Bros. Inc.
61 Quassaick Ave
New Windsor, NY 12553

Sherow, Leroy & Catherine
103 Chestnut Drive
New Windsor, NY 12553

Carey, William
400 E. Randolph St., #3701
Chicago, IL 60601

Ventura, Clayton & Carolann
117 Quassaick Ave
New Windsor, NY 12553

Valentine, Nicholas
3211 NYS Route 9W
New Windsor, NY 12553

Colone, Frank G. & Margaret
106 Chestnut Drive
New Windsor, NY 12553

Mansfield, David A. & Barbara L.
108 Chestnut Drive
New Windsor, NY 12553

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. 18

Request of Petro/Mid-Valley Oil Corp.

for a VARIANCE of the Zoning Local Law to Permit:

Construction of fire suppression canopy w/
insufficient front yard setback;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Col.E

for property situated as follows:

Intersection of Route 9W and 94, New Windsor, N.Y.,

known and designated as tax map Section 14, Blk. 4, Lot 1.

SAID HEARING will take place on the 10th day of August, 1998, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

Date 5/6/98, 19...

TOWN OF NEW WINDSOR

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

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

DATE		CLAIMED	ALLOWED
5/1/98	Zoning Board Mtg	75 00	
	Misc - 2		
	Brpey - 9		
	Waller - 3		
	Mid-Valley Oil - 3 13.50		
	Oakwood Terrace - 3		
	Coloni - 3		
	Ciccione - 4		
	Beddings - 4	139 50	
	31		
		214 50	

MID-VALLEY OIL

Mr. Thomas Michael appeared before the board for this proposal.

MR. NUGENT: Referred by Planning Board for request for 25.0 ft. front yard variance for canopy and two parking spaces at BP station located on Rt. 9W in an NC zone.

MR. MICHAEL: My name is Thomas Michael of Mid-Valley Oil, facility manager, and I am here this evening for the BP Gas Station on the corner of Route 9W and 94. And we're here seeking a front yard setback variance for proposed gasoline island canopy located over the new gasoline dispensers.

MR. NUGENT: This is Julian's?

MR. MICHAEL: Yes. As many of you are aware, in December of 1998, we were required to update all the gasoline storage tanks. The upgrade will be two new tanks, new piping, new conduits, new pumps, new islands and installing a canopy over a single set of islands as opposed to the three islands that are there now and 7 or 9 pumps that are there now.

MR. KANE: So, you're going to be taking out two sets of pumps and putting everything under the canopy?

MR. MICHAEL: Yes.

MR. TORLEY: The boards like to see this plan, obviously, the fire stuff.

MR. MICHAEL: Yeah, fire suppression system will be in the canopy. Currently, there are islands parallel to Route 9W and parallel to Route 94, the proposed islands will be perpendicular to Route 94 and 60 degree angle to Route 9W.

MR. KANE: And the canopy will in no way block any type of view to the road?

MR. BABCOCK: No, canopy is 14 1/2 feet above grade.

MR. NUGENT: Where is that going in front of the station?

MR. MICHAEL: Yes, it's going parallel to the building.

MR. KANE: You have 11 parking spaces?

MR. MICHAEL: Yes, added two more after meeting with the planning board, they are required to have 13 parking spaces for the size lot or for the business that's there, so we made sure there was 13 parking spaces.

MR. KANE: So, you requested a, so your requested variance for two is not needed?

MR. MICHAEL: Right.

MR. KANE: So, we can strike that for the parking spaces.

MR. MICHAEL: Currently, there's probably about 20 cars parked on the lot and that is something we addressed with the planning board regarding cleaning up some of the lot out there.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes, I will.

MR. TORLEY: I move that we set up Mid-Valley Oil for a public hearing on the requested front yard variance.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. MICHAEL: Public hearing date?

MR. NUGENT: When you get your information back.

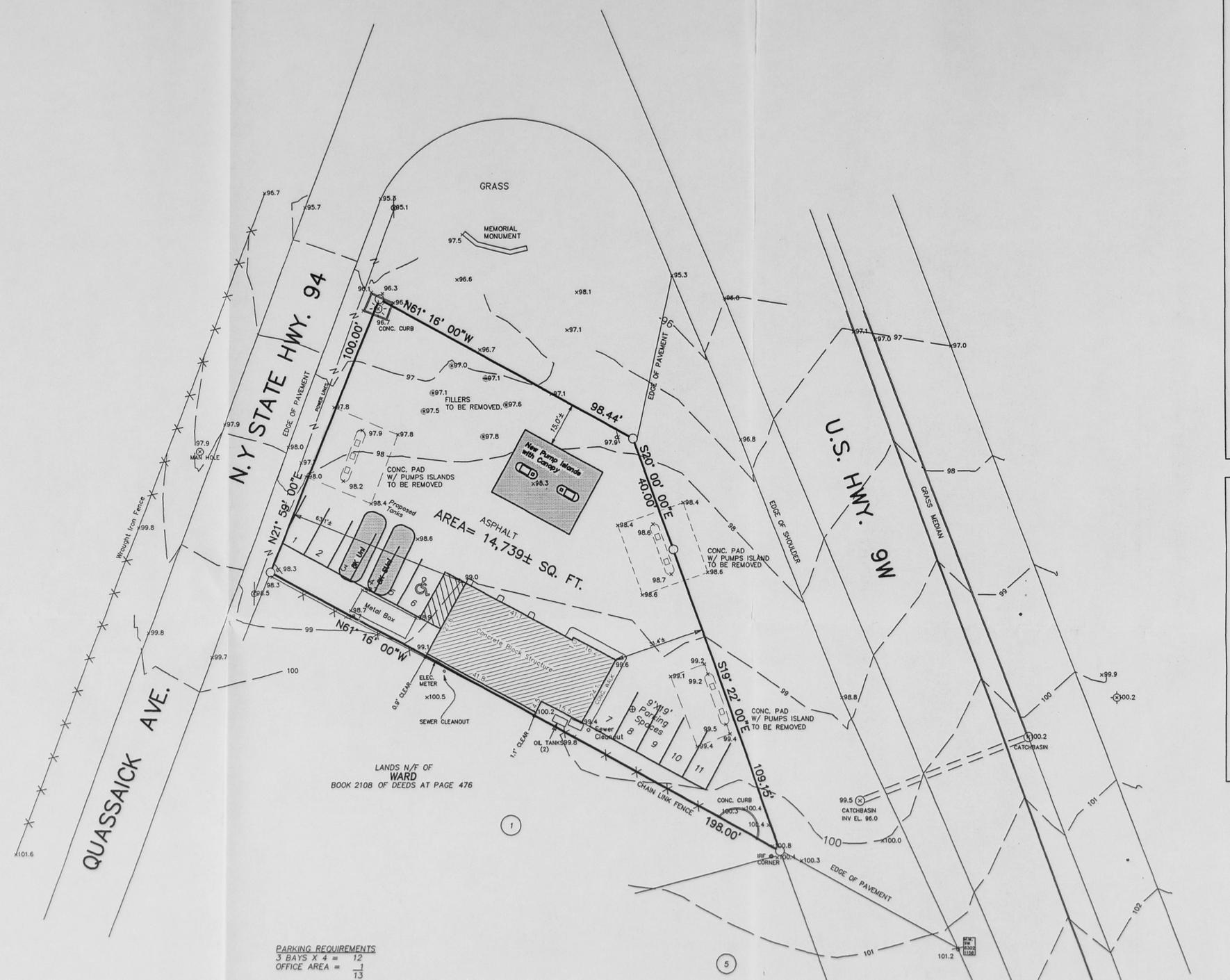
May 11, 1998

16

MS. BARNHART: When you get your paperwork back to me.

MR. KRIEGER: If you would take this, this is the criteria on which the state has mandated the zoning board must decide. So, if you would address yourself to that criteria, those criteria and the board will also want photographs as they exist one from each view generally.

MR. MICHAEL: Okay, thank you.



- LEGEND
- ⊕ FILLER
 - ⊗ LAMP POST
 - ⊙ SIGN
 - ⊕ UTILITY POLE
 - ⊕ HYDRANT

PARKING REQUIREMENTS
 3 BAYS X 4 = 12
 OFFICE AREA = 13
 PROVIDED: 11

ZONING TABLE - NEIGHBORHOOD COMMERCIAL (NC)

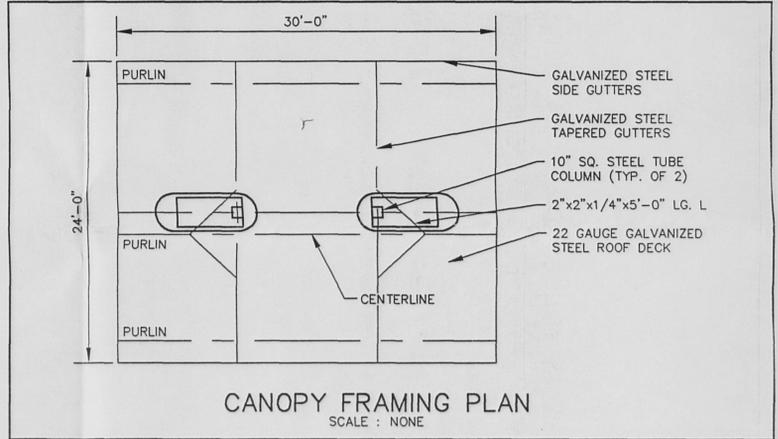
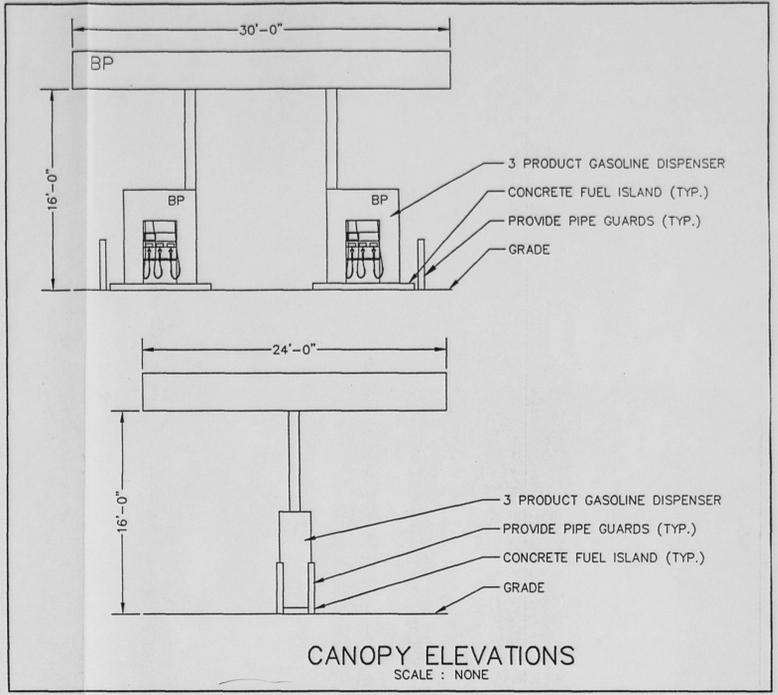
	REQUIRED	EXISTING BUILDING	PROPOSED CANOPY
MIN. LOT SIZE:	15,000± SQ.FT.	14,739± SQ.FT.*	-
MIN. LOT WIDTH:	125'	149.15'	-
MIN. SIDE YARDS:	15'/30'	N/A	-
MIN. FRONT YARD:	40'	31.4'	15'***
MIN. REAR YARD:	15'	0.9'	-
MAX. HEIGHT:	23'	18'±	18'±
FLOOR AREA RATIO:	0.5	0.11	-

* PRE-EXISTING NON-CONFORMING
 ** VARIANCE REQUIRED

- GENERAL NOTES:**
- CONTRACTOR SHALL CHECK AND VERIFY ALL CONDITIONS AT THE SITE PRIOR TO STARTING OF THE WORK AND HE SHALL FAMILIARIZE HIMSELF WITH THE INTENT OF THOSE PLANS AND MAKE WORK AGREE WITH THE SAME.
 - CONTRACTOR SHALL OBTAIN ALL REQUIRED APPROVALS, PERMITS, INSPECTION APPROVALS, ETC. FOR WORK PERFORMED FROM AGENCIES HAVING JURISDICTION THEREOF.
 - ALL WORK SHALL CONFORM TO THE NEW YORK STATE BUILDING CODE.
 - IF IN THE COURSE OF CONSTRUCTION A CONDITION EXISTS WHICH DISAGREES WITH THAT AS INDICATED ON THESE PLANS, THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE ENGINEER. SHOULD HE FAIL TO FOLLOW THIS PROCEDURE AND CONTINUE WITH THE WORK, HE SHALL ASSUME ALL RESPONSIBILITY AND LIABILITY ARISING THEREFROM.

DEED REFERENCES:
 1. CONVEYED TO PETROLI ENTERPRISES, INC BY DEED DATED 5/25/1984 AND RECORDED IN BOOK 2284 OF DEEDS AT PAGE 746.
MAP REFERENCES:
 1. NEW YORK STATE HIGHWAY MAP FOR S.H. 41-2 MAPS #'S 23, 24(R-1), DATED MAY 16, 1941.
 2. NEW YORK STATE HIGHWAY ABANDONMENT MAP FOR S.H. 41-2 MAPS #'S 1-C, DATED JULY 19, 1949.
 3. NEW YORK STATE HIGHWAY MAP FOR S.H. 41-2 MAPS #'S 24(R-1), DATED MAY 16, 1941.
 4. "LACEY FIELD DEVELOPMENT", PREPARED BY CHAV R. WOODHALL, PELS DATED 12/11/1941 AND FILED AS MAP NO. 1942.
 5. BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED FOR MID-VALLEY OIL CO. BY BROADWAY DESIGN GROUP, P.L.L.C., DATED 7/17/97

NOTES:
 1. IRF = IRON ROD FOUND
 2. THIS MAP IS PREPARED FROM AN ACCURATE FIELD SURVEY. VEHICLES PARKED ON THE PREMISES MAY HAVE OBSCURED SOME PHYSICAL FEATURES ON THE SITE.
 3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.
 4. ELEVATION DATUM IS ASSUMED.



BP U.S. ROUTE 9W @ QUASSAICK AVENUE

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
PROPOSED SITE PLAN

Prepared For:
MID VALLEY OIL Co.
 P.O. Box 4092
 New Windsor, NY 12553

AZIMUTH SURVEYING & CARTOGRAPHY
 Box 198 Burnt Hills, NY 12027
 Phone: (518) 399-7901

Drawn by: JJW Date: 2/5/98
 Scale: 1" = 20' Sheet: 1 of 1

Date	Revisions
4/2/98	REVISIONS FROM TOWN