

**ZB# 98-24**

**Franklin Associates  
(Destinta Theater)**

**23-1-53.1**

#98-24 - Destinta Theatres

(Sign)

23-1-53.1

Relev.

June 22, 1998.

Applicant to recalculate  
Sign size:

Notice to Open - 6/30/98.

Public Hearing:

July 13, 1998.

Granted

Sign area

Variance

262 sq. ft.

Refund:

\$ 353.50

RECEIPT 297886

DATE: 7/10/81

TO: REPLACEMENT

ONE HUNDRED AND NO/100

200 \* 18 21 00

ACCOUNT	AMOUNT	TOTAL
		200.00
		18.21
		218.21

Town Clerk  
David A. Hanger

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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(new lease)

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Destinta Theatres

FILE# 98-24

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA

Sign

USE

APPLICATION FOR VARIANCE FEE ..... \$ 150.00 *paid ck # 4904 7/7/98*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 500.00 *paid ck # 4905 7/7/98*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE *4/13/98 - 11 pages* \$ 49.50  
 2ND PRELIMINARY- PER PAGE *7/13/98 - 6 pages* \$ 27.00  
 3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
 PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
 PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
 TOTAL ..... \$ 76.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM MEETING: ..... *6/13/98* ..... \$ 35.00  
 2ND PRELIM. .... *7/13/98* ..... \$ 35.00  
 3RD PRELIM. .... \$ \_\_\_\_\_  
 PUBLIC HEARING. .... \$ \_\_\_\_\_  
 PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
 TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
 TOTAL ..... \$ 146.50

LESS ESCROW DEPOSIT ..... \$ 500.00  
 (ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
 REFUND DUE TO APPLICANT .. \$ 353.50



RJP CREATIONS, INC.  
24 LAKE DR., BLDG. B-2  
STANHOPE, NJ 07874

4904

55-7233/2212

June 30 19 98

PAY TO THE ORDER OF TOWN OF NEW WINDSOR

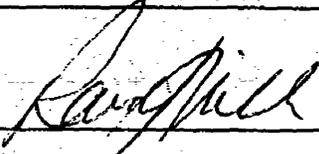
\$ 150.00

ONE HUNDRED FIFTY & 00/100

DOLLARS  Security features included. Details on back.

SOVEREIGN BANK, FSB

FOR "Destinta" VARIANCE APP #98-24



⑆004904⑆ ⑆221272332⑆000 1481019082⑆

DESIGNER CHECKS - GOLD SAFETY DESIGN

RJP CREATIONS, INC.  
24 LAKE DR., BLDG. B-2  
STANHOPE, NJ 07874

4905

55-7233/2212

June 30 19 98

PAY TO THE ORDER OF TOWN OF NEW WINDSOR

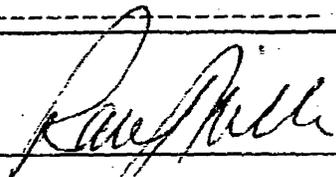
\$ 500.00

FIVE HUNDRED & 00/100

DOLLARS  Security features included. Details on back.

SOVEREIGN BANK, FSB

FOR "Destinta" VARIANCE APP #98-24



⑆004905⑆ ⑆221272332⑆000 1481019082⑆

DESIGNER CHECKS - GOLD SAFETY DESIGN

In the Matter of the Application of

**FRANKLIN ASSOCS./DESTINTA THEATRES**

**MEMORANDUM OF  
DECISION GRANTING  
SIGN AREA VARIANCE**

#98-24.

**WHEREAS, FRANKLIN ASSOCIATES, % Offices of the Undersigned, a general partnership with a location at 1 Garret Mountain Plaza, Paterson, N.J. 07505 (owner), and DESTINTA THEATRES, a corporation with offices located at 125 E. 71st Street, New York, N. Y. 10021, (lessee) have made application before the Zoning Board of Appeals for a 19 ft. height and 1,636 sq. ft. sign variance for a pole sign at proposed theatre complex at 217 Quassaick Avenue (Squire Village Shopping Plaza), New Windsor, N. Y. 12553, in an NC zone; and**

**WHEREAS, a public hearing was held on the 13th day of July, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, Joseph D. Angelotti, Principal of Destinta Theatres appeared and by proxy on behalf of Franklin Associates; and**

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

**WHEREAS, no one spoke in favor of 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 consisting of a shopping center with numerous tenants. It is located in a mixed residential and commercial neighborhood, fronting on a busy commercial state highway.
  - (b) Destinta Theatres proposes to be the lessee of a large amount of the space in the

shopping center.

(c) The shopping center is also occupied by a number of office tenants and two commercial tenants.

(d) There are a number of vacant stores in the shopping center.

(e) The sign that presently serves the shopping center is a large sign not conforming to the present Town of New Windsor Sign Local Law. This large sign contains the names of the existing tenants at the shopping center.

(f) Destinta Theatres proposes replacing this sign with a new sign which, while it will not conform to the present Town local law, will actually be smaller in size than the present sign. The proposed sign will also have the shopping center's tenants on it.

(g) The sign which is proposed will be, if allowed, constructed on the same structure as the present sign but will advertise the theatres and have six (6) oval signs below it for the other tenants, including the present tenants of the shopping center.

(h) The proposed sign will have a considerable amount of open space in the sign and will not be solid, as was the previous sign.

(i) This applicant had already obtained a variance for the construction of a new sign but since the tenant now plans on adding two movie screens to its occupied space, it is applying for a new sign variance to allow the display of all fourteen (14) movies showing at the tenants place.

(j) The prior sign provided for eight (8) small, oval signs below the theatre sign for the use of the other tenants of the shopping center. Since the tenant now proposes to take a larger portion of the space available in the shopping center, it proposes only six (6) signs for the use of other tenants, including the present tenants of the shopping center.

(k) The sign proposed now will be no higher than the sign for which a variance was already received. The proposed sign will be slightly wider than the sign for which the previous variance was received, however.

(l) The proposed sign, if allowed, will be the only sign on which the theatre will advertise the movies then playing. There will be additional signs for it and some of the tenants on the building. There will be additional signs for it and some of the tenants on the building, but the building is set back a considerable distance from the roadway. There is no building signage proposed for the present office tenants whose signs will, therefore, appear on the proposed freestanding sign.

(m) The applicant proposed, and the Board reviewed, a design for the proposed sign and that design provides for considerable open space within it.

**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, since there has been a sign on the premises for a long time which this sign will replace.
2. There is no other feasible method available to the applicant which can produce the benefits sought. The present sign will not accommodate the movie theatre use while the proposed sign will accommodate both the movie theatre and the other existing tenants of the shopping center.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted. The needs of this commercial property are unique and the proposed sign will accommodate both the new user and the existing tenants.
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 for the reasons previously set forth.
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 variances are appropriate and are 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 variance.

**NOW, THEREFORE, BE IT**

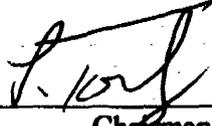
**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 19 ft. height and 1,636 sq. ft. sign variance for a pole sign at proposed theatre complex located at 217 Quassaick Avenue (Squire Village Shopping Center) in an NC zone, as sought by the applicant in accordance 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: September 28, 1998.

A handwritten signature in black ink, appearing to be "P. King", is written over a horizontal line.

Chairman



PUBLIC HEARING:

FRANKLIN ASSOCIATES/DESTINTA THEATRES

Mr. Joseph Angelotti appeared before the board for this proposal.

MR. NUGENT: Request for 19 ft. height and 1,636 sq. ft. sign variance for pole sign at proposed theatre complex at 217 Quassaick Avenue in an NC zone.

MR. ANGELOTTI: I think that we had forwarded everything that indicates based on the last visit that in fact the sign is two-faced for both copy and as well as tenant signs. And I think now the indication is clear as to the change from where we were from 12 to 14, 928 to 1034 on total square foot calculation. We talked about the open air structure which really isn't as much sign, really just 14 boxes. This reduced from eight to six.

MR. KRIEGER: All right. So you have reduced the tenant signs from eight in number to 6 in number?

MR. ANGELOTTI: That's correct.

MR. KRIEGER: How much taller is this proposed sign than the sign for which you got the variance?

MR. ANGELOTTI: Well, again the actual poles that we're using with the substructure --

MR. TORLEY: Remain the same.

MR. ANGELOTTI: That's correct.

MR. KRIEGER: Is this sign proposed to project above the poles?

MR. ANGELOTTI: You're on like a sliding elevation so there might be a tiny from the -- and tiny piece of the grid work, two feet, a foot.

MR. KRIEGER: Two foot higher. This proposed sign, if allowed would be two feet higher than the sign for which you previously got the variance?

MR. ANGELOTTI: No, for the substructure poles.

MR. KRIEGER: So then if I understand you, this

proposed sign will not be any higher than the other proposed sign?

MR. ANGELOTTI: That's correct.

MR. KRIEGER: Not sign area for the number of tenants, or how it's maybe the total sign width?

MR. ANGELOTTI: Yeah, we picked up about 100 square feet of visibility old verses new and that's mainly because of the fact that now we went from four boards to three boards.

MR. KRIEGER: So 100 square feet but divided by two, so it means it's 50 square feet?

MR. ANGELOTTI: That's correct.

MR. KRIEGER: The structure full?

MR. ANGELOTTI: Well, again, going from four boxes from where we were -- the way it's set up verses the old sign, so what happened the 100 square feet is little bit wider based on the two additional signs because going out a little bit wider because two from four --

MR. KRIEGER: So it's no taller, just a little bit wider?

MR. ANGELOTTI: That's correct, just about 100 square feet.

MR. KRIEGER: I just mention that, Mr. Chairman, to try to set the stage so that the board will be able to make a decision.

MS. BARNHART: I have you down for 1,636 square foot sign variance, Joe, has that number changed? I don't have the new number.

MR. ANGELOTTI: No, it's 628 plus 1024.

MR. KRIEGER: And these numbers are calculated based on the allowed signage and not taking into account whatever the previous variance was because it doesn't exist.

MR. ANGELOTTI: The existing sign that's there, the height is not in conformity.

MR. KRIEGER: I understand that. .But what I'm getting at your variance request here is between what's allowed and what you want, it doesn't take into account, if we look at the prior variance that was granted as sort of a middle ground, it ignores that.

MR. ANGELOTTI: Well, if you look at what was approved as 12, 12 changeable copy titles, really what has changed here is just to accommodate the existing two or proposed two, 13 and 14, that we've been approved for from the screen count, we have BUM with Capricorn, so we trimmed and built the sign knowing that at least in we're going to take place because to rip it down would have been massive.

MR. KRIEGER: So you might as well do it.

MR. ANGELOTTI: Exactly.

MR. KRIEGER: The reason I ask is simply, again, so the members of the board can get a feeling. Because that variance request, while it seems like a great deal, if trying to compare between what was already granted to you and what you've asked now, the difference is much less than what would appear to be between allowed and these variances.

MR. NUGENT: What we gave them a variance on was a 19 foot sign height and 1,336 sign area. And we're looking at 300 square feet.

MR. KRIEGER: More.

MS. BARNHART: 316. Also remember we talked about the fact that they're not squared. There's a lot of holes.

MR. NUGENT: It's not a solid sign.

MS. BARNHART: So he's going for more than what he needs.

MR. ANGELOTTI: When you get the visible and readable, actually it's 1,608 square footage which is the 574 plus the 1034, that's readable plus the structure.

MR. TORLEY: So the actual variance request is as described is 1636. And that's from, this is a bear ground structure --

MR. KRIEGER: Ground zero.

MR.. BABCOCK: That's correct.

MS. BARNHART: What is it?

MR. NUGENT: 262 square feet extra. That's all he's going for. He already has a variance for 1,300.

MR. TORLEY: Yeah, I know.

MR. NUGENT: The actual variance request is for 262 square feet.

MR. TORLEY: It's kind of obvious that none of your neighbors felt strongly adverse to this structure.

MR. ANGELOTTI: There really isn't much difference from the 12 that was there. The sign is really going to be esthetically pleasing.

MS. BARNHART: In that vein, I did send out 21 notices to adjacent property owners 10 days before the meeting. I can't find the notice right here, but I just had it a minute ago.

MR. TORLEY: Andy, you had previously mentioned --

MS. BARNHART: On July 1, 1998.

MR. TORLEY: Andy.

MR. KRIEGER: Yes.

MR. TORLEY: As you had quite properly done earlier, you mentioned that you had a tenant relationship.

MR. KRIEGER: Yes. One of those tenant signs as it presently exists will have my name on it. But other than being a tenant in the shopping center, I have no financial interest or personal interest in this in any way.

MR. TORLEY: If you deem it appropriate to take off your attorney hat for our board for a moment, do you have anything that you'd like to say as a tenant in the site as to whether the appropriateness of the sign?

MR. KRIEGER: Yes, a couple of things. The sign as proposed provides much more open air space in between it in the sign than the present sign which is solid in appearance. Speaking as a tenant, the sign as

proposed, I anticipate is going to be more attractive to my clients than the present sign and also more readable. The present sign provides for one tenant in particular receiving the bulk of the signage and more signage being devoted to identifying the shopping center than it is devoted to identifying any tenant. And as a result, I think as a tenant, this proposed sign is going to provide me with better standing in the eyes of those who are looking at it than the current sign and I find it in approval.

MR. TORLEY: Thank you.

MR. NUGENT: Any further questions? I'll accept a motion.

MR. TORLEY: Mr. Chairman, I move we grant Franklin Associates/Destinta Theatres their requested variances for the signage.

MS. BARNHART: Spell it out.

MR. TORLEY: Request for 19 foot height and 1,636 --

MS. BARNHART: No, it's 262 square foot sign area variance.

MR. TORLEY: 262 square foot sign area variance. There's no height variance request?

MR. NUGENT: No, not really.

MR. KRIEGER: No, it exists under the variance he already has so he doesn't need any additional. The 262 is additional area --

MR. TORLEY: Let me rephrase it. I move that we grant Franklin Associates/Destinta Theatres their request for an additional 262 square foot sign area variance over and above their previously granted variances.

MS. OWEN: I second.

MR. NUGENT: Let the record also show that there is no one in the audience.

MR. KRIEGER: And I assume, Larry, that your motion is based on the sign that is presented in the facts before the board as they exist now?

July 13, 1998

37

MR. TORLEY: Correct.

ROLL CALL

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

**Check issued by Franklin Associates for the following items:**

**Building Dept. -**

**B.P. #8633 - Alteration/Addition            \$1,550.**

**B.P. #8500 - Demolition                        50.**

**B.P. #8614 - Sign                                50.**

**B.P. #8756 - Sign                                50.**

**Total    \$1,700.**

**Checks issued by Joseph D. Angelotti for following items:**

**ZBA -**

**Ck. #201 - Escrow Deposit-Sign variance   \$500.**

**Ck. #202-ZBA Application "                    150.**

**Total    \$650.**

**Refund of unused escrow deposit            \$356.42**

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

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

DATE: May 14, 1998

APPLICANT: ~~Destina~~ Theaters *Destinta*  
C/O Sign Specialist  
24 Lake Drive B-2  
Stanhope, New Jersey 07874

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 14, 1998

FOR : Pole Sign

LOCATED AT: 217-219 Quassaick Avenue

ZONE: NC

DESCRIPTION OF EXISTING SITE: 23-1-53.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed pole sign exceeds maximum height, size.

*Richard L. Lee*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: NC    USE: 48-14-H-1-A-2

SIGN:

FREESTANDING:

HEIGHT:    15'

34'

19'

WIDTH:

WALL SIGNS: 64 sq. ft.

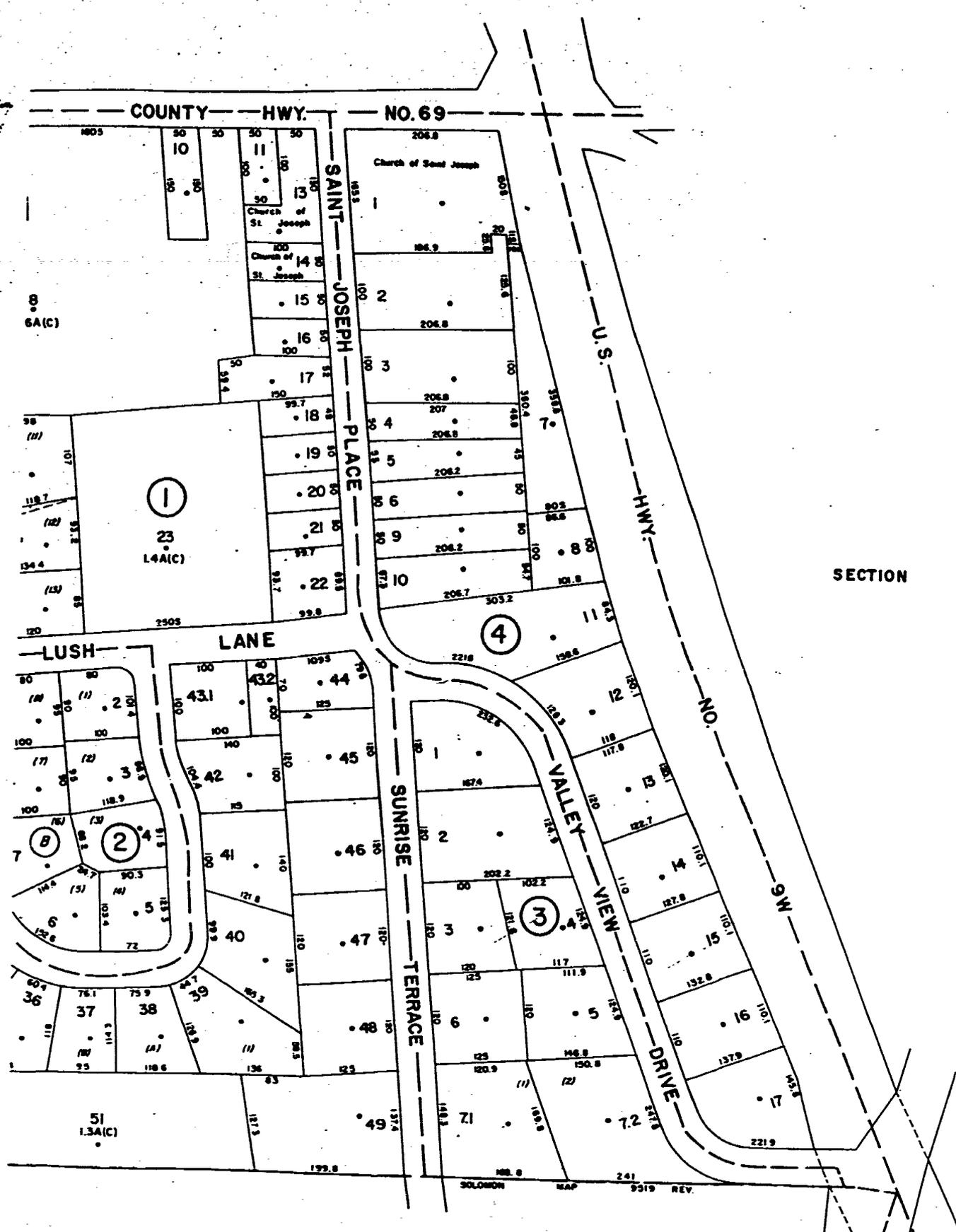
1700Sq. Ft.

1636 Sq. Ft.

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

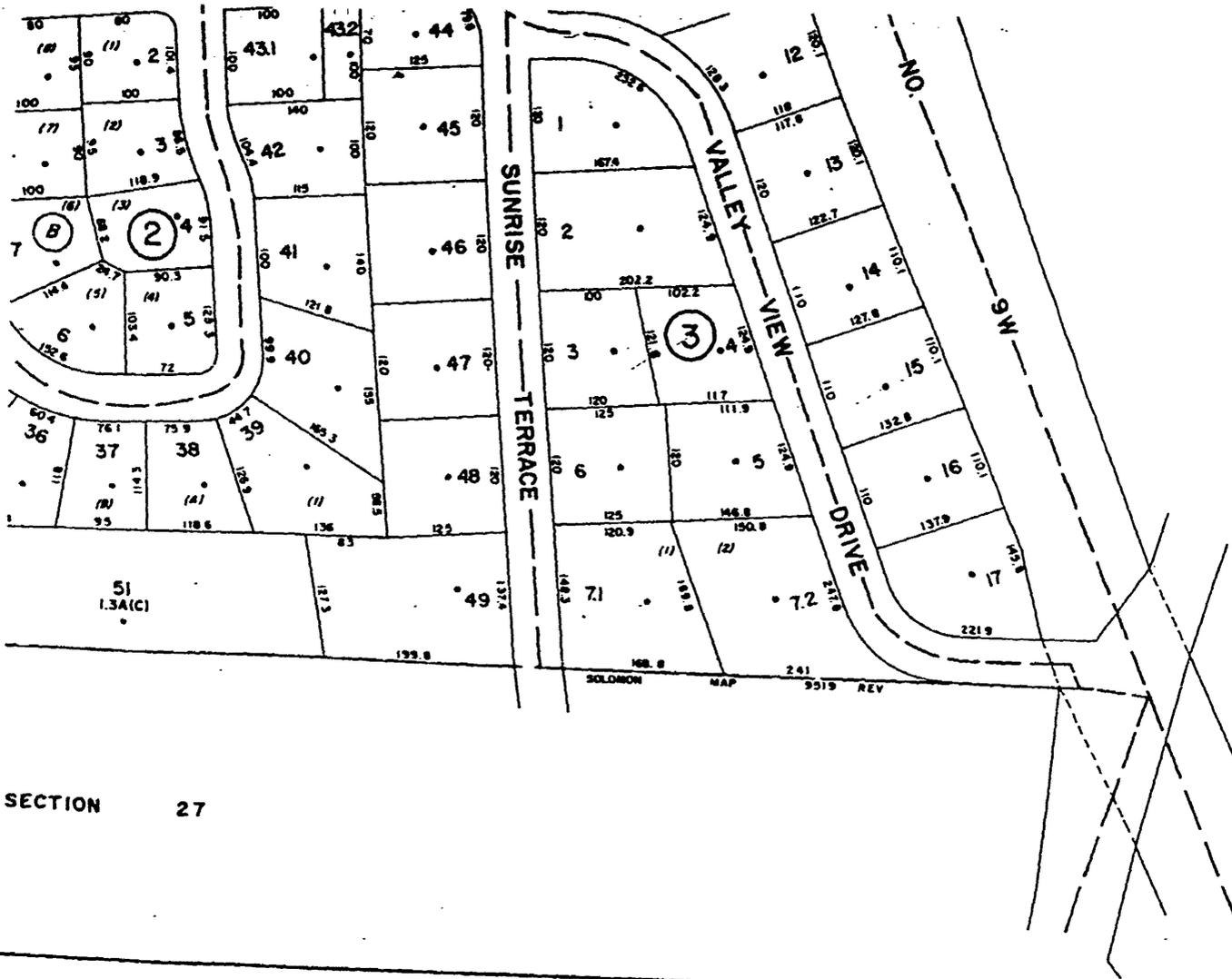
cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP



SECTION 9

SECTION 27

ALL NEWBURGH SCHOOL DISTRICT  
 ALL QUASSACK BRIDGE FIRE DISTRICT



SECTION 27

ALL NEWBURGH SCHOOL DIST  
ALL QUASSACK BRIDGE FIRE

FILED PLAN BLOCK NO.	2	2
FILED PLAN LOT NO.	1121	
STATE HIGHWAYS	N.Y. STATE HWY NO. 17	
COUNTY HIGHWAYS	COUNTY HWY NO. 0	
TOWN ROADS	TOWN NO. 1	

# ORANGE COUNTY-NEW YORK

Photo No: 8-496,497

Date of Map: 9-24-67

Date of Photo: 3-1-65

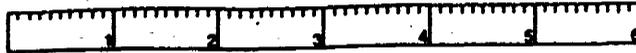
Date of Revision: 3-1-93

Scale: 1" = 100'

TOWN OF NEW WINDS

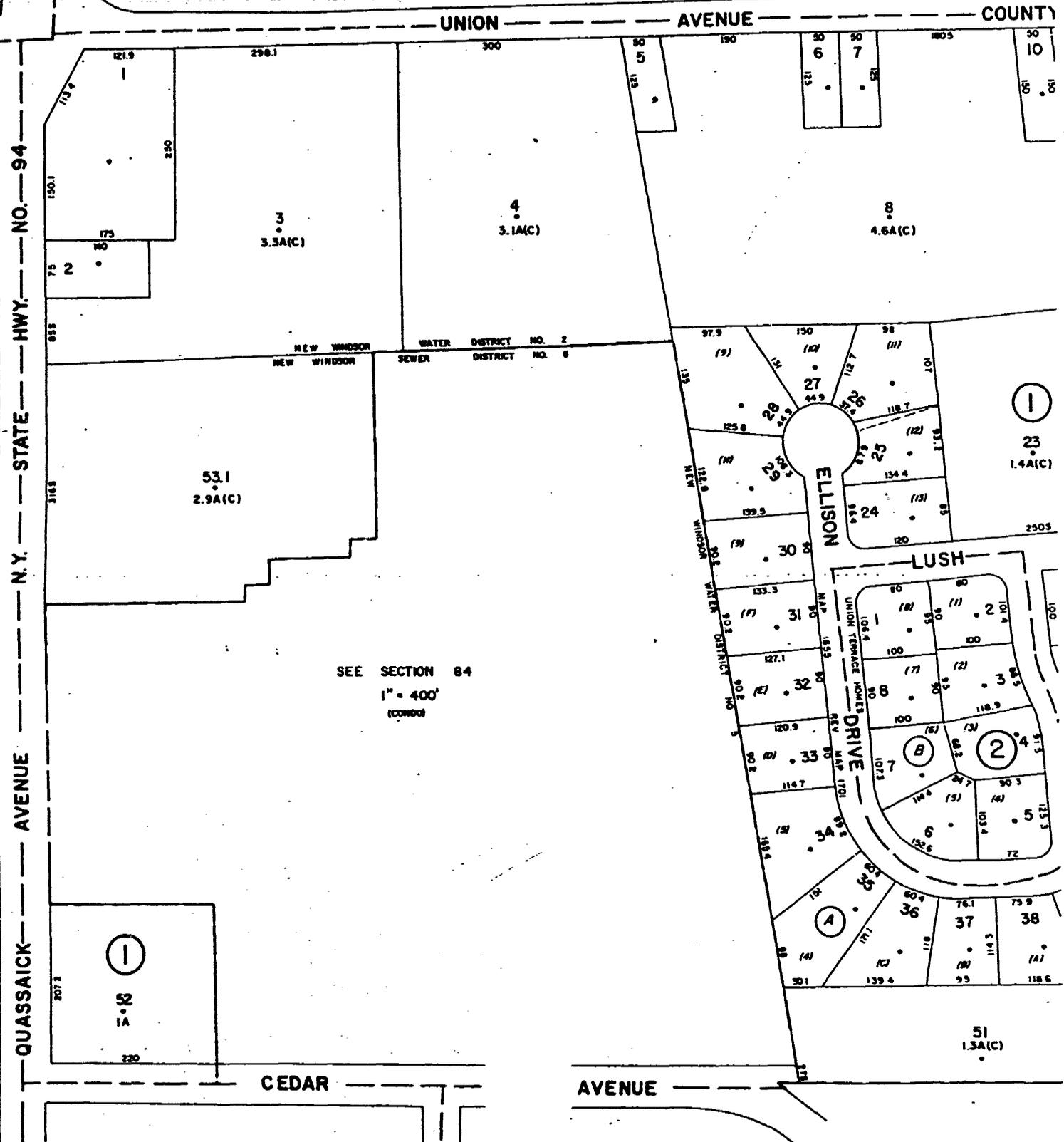
Section No. 23

SCALE IN 1/10 OF AN INCH



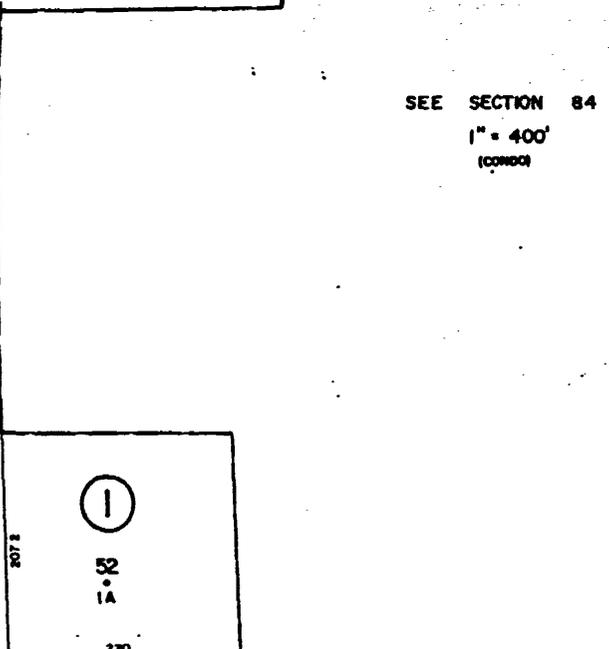
1-800-345-7334

SECTION 20



SEE SECTION 84  
1" = 400'  
(CONDO)

QUASSAICK AVENUE



CEDAR AVENUE

AVENUE



SECTION 27

UNION SCHOOL  
ACK BRIDGE PLE  
DEPT.  
ST. 10924  
23  
ONLY  
CONVEYANCE

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO	FILED PLAN BLOCK NO
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO	FILED PLAN LOT NO
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Deed) 11 10, (Contracted) 11 6 (MC)	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) 00 (Sched) 700	COUNTY HIGHWAYS
PROPERTY LINE	GRID COORDINATE CENTROID		TOWN ROADS



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 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: n/a

(a) Area 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>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
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

n/a

(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)

n/a  
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:

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

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Supplemental Sign Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1-Wall:Height-	<u>2 ft. 6 in.</u>	<u>8 in.</u>	<u>5 ft. 6 in.</u>
Sign " Width-	<u>10 ft.</u>	<u>18 ft.</u>	<u>8 ft.</u>
Sign -Freestanding:	<u></u>	<u></u>	<u></u>
Sign " Height-	<u>15 ft.</u>	<u>34 ft.</u>	<u>19 ft.</u>
Sign " Area -	<u>64 s.f.</u>	<u>1410 s.f.</u>	<u>1346 s.f.</u>

(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.

Applicant will utilize the existing sign as far as size is concerned; but sign will be lower. Applicant proposes a double-faced, freestanding sign at the roadway with directory logos for each store in the complex. Wall sign will be single-faced. Both signs will be constructed with aluminum framing with neon illumination from within, with open back with a halo effect. (See signage plans attached).  
Recitation continued on page 3A.

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

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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:

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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



Page 3a.

Applicant, DESTINTA THEATRES, 125 East 71st Street, New York, New York 10021, has made an application before the Zoning Board of Appeals for a facade sign which will require a height variance of 5 ft. 6 in., plus an 8 ft. sign width variance; the Applicant has also made an application for a 19 ft. sign height variance, plus 1,346 sq. ft. of area for a double-faced, freestanding sign for a proposed theatre complex located at 217-219 Quassaick Avenue in an NC zone in the Town of New Windsor.

The subject parcel is located within a shopping complex which contains a building which formerly housed a Foodtown Store. The store has remained vacant for a number of years. Although Franklin Associates, the owners of the complex, have made great attempts to lease the vacant building, a suitable tenant has not been found.

Destinta Theatres is proposing to locate within this vacant store an 8 complex theatre and, since this is a new venture for the area, signs advertising the location of the theatre and other store tenants must be constructed both at the roadway entrance and on the building.

The proposed signs will have neon interior illumination as are most of the commercial signs in the area. The proposed double-faced, freestanding sign will be placed at the same location as the existing sign and will not interfere with traffic sight lines or the safety of the motoring public either on the adjacent road or in the parking lot.

The proposed signs, while larger than what is allowed in Section 48-18, Supplemental Sign Regulations, they appear to be in proportion appropriate to the building and to the area.

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

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

The variances requested are substantial but nevertheless should be granted for the reasons stated above.

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

The difficulty the applicant faces in conforming to the bulk regulations is self-created in that the construction is proposed, but should nevertheless be granted.

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.

The requested variances are appropriate and are 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.

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

*Pls. publish immediately. Send bill to: Destinta Theatres.  
125 E. 71st St.  
New York, NY 10021*

**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. 34**

**Request of FRANKLIN ASSOCS./DESTINTA THEATRES**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Replacement of existing double-faced, free-standing sign with directory; and a facade sign, both signs having more than the allowable total sign area and height;**

**being a VARIANCE of Section 48-18 of the Supplementary Sign Regulations**

**for property situated as follows:**

**217-219 Quassaick Avenue, (formerly Foodtown-Squire Village Shopping Center), New Windsor, New York, known as tax lot Section 23, Blk.1, Lot 53.1.**

**SAID HEARING will take place on the 27th day of October, 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**

*By: Patricia A. Barnhart,  
Secy.*

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

**THIS INDENTURE**, made the 29th day of December , nineteen hundred and Eighty-two  
**BETWEEN** Barclay Manor, Inc., a New York Corporation, having offices at  
100 Hamilton Plaza, Suite 400, Paterson, New Jersey. 07505

party of the first part, and Isabel Kenwood, individually, and Martin S. Kenwood, Harold  
Schatz, and Isabel Kenwood, Trustees under the Last Will and Testament of Merle  
B. Kenwood, Trading as Franklin Associates, having its offices at 100 Hamilton  
Plaza, Suite 400, Paterson, New Jersey 07505

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of **NINE HUNDRED FORTY THOUSAND**  
**(\$940,000.00)** ----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the see Schedule "A" attached.

SCHEDULE "A"

PARCEL "A":

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Union Avenue distant the following courses and distances from the corner formed by the intersection of the easterly side of Quassaick Avenue (Route No. 94) a 60 foot street, with the northerly side of Cedar Lane, a 50 foot street;

1. North 40 degrees 35 minutes 30 seconds East 1077.52 feet along the easterly side of Quassaick Avenue to its point of intersection with the southerly boundary line of lands now or formerly belonging to Shell Oil Company;

2. South 49 degrees 32 minutes 37 seconds East 175 feet along said lands of Shell Oil Company to a corner in said lands;

3. North 40 degrees 35 minutes 30 seconds East 250 feet still along said lands to the southerly side of Union Avenue;

4. South 49 degrees 32 minutes 37 seconds East along the southerly side of Union Avenue 110.48 feet; and

5. South 51 degrees 06 minutes 10 seconds East still along the southerly side of Union Avenue 187.65 feet to the point or place of beginning, running thence from said point of beginning along the southerly side of Union Avenue South 51 degrees 06 minutes 10 seconds East 300.00 feet to a corner, thence South 31 degrees 21 minutes 06 seconds West 407.81 feet; thence North 51 degrees 06 minutes 10 seconds West 361.51 feet to the point; thence North 40 degrees 01 minutes 30 seconds East 404.36 feet to the point or place of Beginning.

BEING the same premises described in a deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated March 30, 1970 and recorded April 15, 1970, in the office of the Orange County Clerk in Liber 1844 at Page 316.

DESCRIBED on the records of the City School District of the City of Newburgh, New York as Account No. 78652 (23-1-4, Res. 3.1 acre, S. Union Ave.).

SCHEDULE "A"  
(Continued)

PARCEL "B":

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at an angle point in the Southerly side line of Union Avenue, distant 110.48 feet on a bearing of South 49 degrees 32 minutes 37 seconds East from the northeasterly corner of lands now or formerly Shell Oil Company and from thence:

1. Along the southerly side line of Union Avenue South 51 degrees 06 minutes 10 seconds East, a distance of 100.99 feet to a corner and from thence;
2. South 40 degrees 01 minutes 30 seconds West, a distance of 404.36 feet to a corner and from thence;
3. North 51 degrees 06 minutes 10 seconds West, a distance of 56.78 feet to a bend and from thence;
4. North 52 degrees 29 minutes 00 seconds West, a distance of 15.25 feet to a corner and from thence;
5. North 40 degrees 01 minutes 30 seconds East, a distance of 93.93 feet to a corner and from thence;
6. North 49 degrees 58 minutes 30 seconds West, a distance of 40.00 feet to a corner and from thence;

7. North 42 degrees 03 minutes 39 seconds East, a distance of 310.42 feet to the southerly side of Union Avenue and the above described point or place of beginning.

BEING part of the premises described as Parcel IV in deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated December 6, 1967, and recorded December 13, 1967, in Liber 1783 of Deeds at Page 1070.

SAID premises being included on the records of the City School District of the City of Newburgh as Account No. 78650 (23-1-3, 23-1-53.1, 3.3 A, 3.1A, Shopping Center, E. Rte. 94).

**SCHEDULE "A"**  
**(Continued)**

**PARCEL "C":**

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Quassaick Avenue (Route #94) a 60 feet street, distant 1002.52 feet on a bearing of North 40 degrees 35 minutes 30 seconds East, from the northerly line of Cedar Lane, a 50 feet street and from thence;

1. Continuing along the easterly line of Quassaick Avenue (Route #94) North 40 degrees 35 minutes 30 seconds East 75.00 feet to land now or formerly of Shell Oil Company; thence

2. South 49 degrees 32 minutes 37 seconds East, along said lands of Shell Oil Company, 140.00 feet; thence

3. South 40 degrees 35 minutes 30 seconds West, along other lands of Squire Village, Inc., 75 feet; thence

4. Still along lands of Squire Village Inc. North 49 degrees 32 minutes 37 seconds West, 140.0 feet to the easterly side of Quassaick Avenue (Route #94) the point or place of beginning.

BEING the same premises described as Parcel VI in deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated December 6, 1967, and recorded December 13, 1967 in Liber 1783 of Deeds at Page 1070.

SAID premises being described on the records of the City School District of the City of Newburgh, New York, as Account No. 78651 (23-1-2, Bank, 75 x 140 E. Rte. 94).

SCHEDULE "A"  
(Continued)

PARCEL "D":

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

BEGINNING at a point on the easterly side of Quassaick Avenue (Route #94) a 60 foot street, distant 594.13 feet on a bearing of North 40 degrees 35 minutes 20 seconds East, from the northerly side line of Cedar Lane, a 50 foot street and from thence (1) along the easterly sideline of Quassaick Avenue (Route #94) North 40 degrees 35 minutes 30 seconds East a distance of 408.39 feet to a point; thence (2) North 49 degrees 32 minutes 37 seconds East, a distance of 140 feet, thence (3) North 40 degrees 35 minutes 30 seconds East 75.00 feet to the lands now or formerly of Shell Oil Company; thence (4) along the lands of Shell Oil Company North 49 degrees 32 minutes 37 seconds East 35 feet (5) along the last mentioned lands North 40 degrees 35 minutes 30 seconds East 250.00 feet to the Southerly side line of Union Avenue, thence (6) along the said last mentioned Union Avenue South 49 degrees 32 minutes 37 seconds East a distance of 110.48 feet to a corner; thence (7) South 42 degrees 03 minutes 39 seconds West 310.42 feet to a corner; thence (8) South 49 degrees 50 minutes 30 seconds East 40 feet to a corner; thence (9) South 40 degrees 01 minutes 30 seconds West 93.93 feet to a corner; thence (10) South 52 degrees 29 minutes 00 seconds East 15.25 feet to a point; thence (11) South 51 degrees 06 minutes 10 seconds East 56.78 feet to a corner; thence (12) North 40 degrees 01 minutes 30 seconds East 404.36 feet to the southerly side of Union Avenue; thence (13) South 51 degrees 06 minutes 10 seconds East along said southerly side of Union Avenue 86.66 feet to a corner; thence (14) South 40 degrees 01 minutes 30 seconds West, a distance of 404.36 feet to a corner; thence (15) North 51 degrees 06 minutes 10 seconds West, a distance of 27.06 feet to a corner; thence (16) South 40 degrees 35 minutes 30 seconds West a distance of 274.48 feet to a corner; thence (17) North 49 degrees 24 minutes 30 seconds West, a distance of 145.00 feet to a corner; thence (18) South 40 degrees 35 minutes 30 seconds West a distance of 60.00 feet to a corner; thence (19) North 49 degrees 24 minutes 30 seconds West, a distance of 305.00 feet to the easterly sideline of Quassaick Avenue (Route #94) to the above described point or place of beginning.

BEING a portion of Parcel IV as described in deed from Squire Village, Inc., to Tri Harda Realty, Inc., dated December 6, 1967, and recorded December 13, 1967, in Liber 1783 of Deeds at Page 1070.

SAID premises being included on the records of the City School District of the City of Newburgh as Account No. 78650 (23-1-3, 23-1-53.1, 3.3A, 3.1A, Shopping Center, E. Rte. 94).

Parcels "A" through "D" inclusive are subject to easements and mortgages of record.

Schedule "A"-Pg. 4

SCHEDULE "A"  
(Continued)

PARCEL "E":

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying, and being in the

TOWN OF NEW WINDSOR designated on the Orange County Tax Map as

Section 27, Block 5, Lot 2

Section 27, Block 5, Lot 4

Section 27, Block 5, Lot 5

BEING a portion of the same premises conveyed to Barclay Manor, Inc., by Deed dated March 13, 1974, and recorded in the Orange County Clerk's Office in Liber 1972 of Deeds at Page 660.

PARCEL "F":

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying, and being in the

TOWN OF NEW WINDSOR designated on the Orange County Tax Map as

Section 27, Block 3, Lot 11

Section 27, Block 3, Lot 12

BEING a portion of the same premises conveyed to Barclay Manor, Inc., by Deed dated March 13, 1974, and recorded in the Orange County Clerk's Office in Liber 1972 of Deeds at Page 660.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

RECORDED AND INDEXED FOR \$5.00  
RECORDS SECTION OF THE STATE  
OFFICE OF THE CLERK

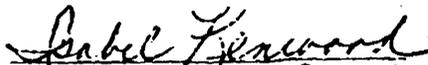
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

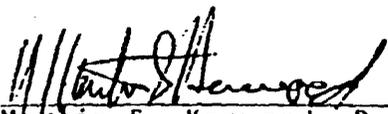
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
Isabel Kenwood, Secretary

BARCLAY MANOR, INC.

  
Martin S. Kenwood, President

Dated: December 29, 1982



PRELIMINARY MEETING:

DESTINTA THEATRES

MR. TORLEY: Request for 19 ft. height and 1,636 sq. ft. sign variance for pole sign at proposed theatre complex at 217 Quassaick Avenue in an NC zone.

Joseph Angelotti, Esq. appeared before the board for this proposal.

MR. KANE: So, what did you change?

MR. ANGELOTTI: Well, we ran into a situation where we tried every way to figure out how we can stay with the existing sign. We went to 14, it just didn't work out and in my haste to get up here, I don't have my original.

MS. OWEN: I have the old one, the original sign area 19 feet high, 134.6.

MR. ANGELOTTI: Okay.

MR. TORLEY: So you were previously granted the height variance, were you not?

MR. ANGELOTTI: Yes, we are.

MR. TORLEY: Really, this is having a 19 foot height variance, 1,636 square foot variance is actually 200 and some foot increase over the previously granted variance.

MR. KANE: For sign area only.

MR. ANGELOTTI: I'm sorry.

MS. OWEN: 290 extra square feet.

MR. ANGELOTTI: Also, our sign guy was going to make it, Monday is a bad day for him. The really big problem trying to get the last two lines of copy on the existing sign that we had just didn't work so what we did was we inverted the tenants' signs and brought

copies of the signs for the board, the aesthetics of the sign haven't changed in terms of the grid, the lighting, the actual boxes, nothing really has changed, the letters are 8 inch which we even thought about trying to go to 6 but the readability is so bad at six inches coming off the highway would have been a nightmare, this is kind of the best.

MR. TORLEY: This is such a uniquely shaped sign, you're changing basically the width?

MR. ANGELOTTI: Really, it was more the height to incorporate the extra box. So as you can see, the box is now based on only having four titles per cube round up shorter on the two and the other ones are only three so the actual boxes are going to have the changeable, copies have changed dramatically in length as well as height.

MR. KANE: So instead of six inch on the letters, you're going to?

MR. ANGELOTTI: Well, the letters are eight inches but that isn't change. As a matter of fact, what wound up happening is the amount of boxes that house the titles has increased to really to four boxes.

MR. TORLEY: I see the tenant sign says single face, you're only going to have writing on the one side of the single face?

MR. ANGELOTTI: Yes, that is correct.

MR. TORLEY: If you only have writing on one side of the sign, does it still count both sides for area?

MR. BABCOCK: No.

MR. KRIEGER: Let me get this straight, even though the sign, there's only one, there is only going to be writing on one side.

MR. TORLEY: So somebody coming from the other direction wouldn't be able to see it?

June 22, 1998

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MR. ANGELOTTI: That is correct, coming from the bank side, the other way, that is correct.

MR. TORLEY: Are these going to be one side?

MR. ANGELOTTI: That is correct.

MR. TORLEY: How does that change the sign area, all the writing is on one face of the sign, we have always counted both sides because most pole signs have text on both sides, but if the writing is only on one side, do we only count the text side for area?

MR. BABCOCK: Right.

MR. KRIEGER: Let me ask you why did you figure on putting writing only on one side if it faces the highway in two directions?

MR. ANGELOTTI: Because we thought we might be in a situation where we'd be stuck in coming back for a change so we are trying to figure out how we can contribute to make it less arduous.

MR. TORLEY: If you count this as one side.

MR. ANGELOTTI: Which is not the way we really want it.

MR. TORLEY: Let's start from scratch, as if this is a brand new sign, this side is going to be a total of 34 feet high?

MR. ANGELOTTI: Yeah, our space is only--

MR. TORLEY: Well, the whole side?

MR. ANGELOTTI: Yes, that's correct.

MR. TORLEY: And the area that you gave me here of 1636, was that counting both sides of the sign or one side?

MR. ANGELOTTI: I want to say on the original version that is both sides.

MR. TORLEY: So if he's only on one side now Mike please help me if I am wrong, if he's only putting text on one side of the sign, and we only count that so we don't double the area, he doesn't need the area variance, does he?

MR. BABCOCK: Well, I think it was calculated quite honestly I think his architect calculated the square footage.

MR. ANGELOTTI: That's correct.

MR. KRIEGER: Is the text on both sides of the movie signs?

MR. ANGELOTTI: The movie signs were originally expected to be double sided.

MR. KRIEGER: As it is now proposed?

MR. ANGELOTTI: That is correct.

MR. KRIEGER: They are double, the other ones are single?

MR. ANGELOTTI: When we originally spec'd everything was going to be double sided but as--

MR. KRIEGER: As you're now proposing, movie is double sided and everybody else's single sided?

MR. ANGELOTTI: No, make everything single sided, against the way we'd like it to be, though.

MR. TORLEY: If you had 1,400 square feet before?

MS. OWEN: Originally, they had 1,346.

MS. BARNHART: That was granted.

MR. TORLEY: As long as he doesn't exceed the height of 19 feet or the total of 19 feet five foot six, so you are not going any higher than you were previously granted?

MR. ANGELOTTI: This is five foot six inch here, it says 19 foot high.

MR. ANGELOTTI: Well, there is two signs, building sign as well as the pole sign.

MR. TORLEY: 19 foot, okay, sorry. My fault. So, Mike, if he's only going to single face the sign as long as he single faces one side of the sign, the text area or both sides of the sign area where he's double faced it as long as that does not exceed 1346, he doesn't have to come back, right?

MR. ANGELOTTI: The question I have though before we go further is the rendering that he sent you though where he did the math on it based on the data, it's old, was originally calculated as double face, so I guess I would ask before the board if using those specs we have the ability to get that variance, that is the way we'd prefer to stay.

MS. BARNHART: You mean the 1336?

MR. ANGELOTTI: If that is the number, it's been a while that I saw his letter.

MR. KANE: Doesn't make sense as a business you'd want to put this up as a one-sided sign.

MR. KRIEGER: For the record, Mr. Chairman, let me point out since I have my office there, I have no financial interest in this in of any kind, however, one of the signs will be mine as it's presently constituted.

MR. TORLEY: The question if the applicant wishes and by using combination of single faced text and double sided text, he reduces his total variance, total sign area to his previously granted variance, he doesn't have to be here at all.

MS. BARNHART: He doesn't want to do that.

MR. ANGELOTTI: It wasn't what we wanted to do.

MR. TORLEY: I'm giving you that option.

MR. KANE: In other words, he's asking for 290 more feet and you'd be able to do double side on the movie theater sign.

MR. ANGELOTTI: That sounds about right.

MR. TORLEY: But 280 square feet or 290, that buys you double sided on the movie theater and single faced on the tenant signs?

MR. ANGELOTTI: That is correct.

MR. TORLEY: That is your choice.

MR. ANGELOTTI: No, our choice would be to do everything double faced, but I remember when I first came here, what was existing out there was already in violation and I didn't feel, we want to come in under good circumstances.

MS. OWEN: But the sign will still be the same size whether you use only one side.

MR. ANGELOTTI: Just readable copy on the tenants' side.

MR. KRIEGER: The signs would all be interior lighted signs anyway, right?

MR. ANGELOTTI: That is correct. The only difference is here, there is two poles on each side of the larger part from Central Hudson that just so happened to shoot directly light onto that but these cans are all tubes.

MR. KRIEGER: All fluorescent?

MS. BARNHART: There is so much of the sign isn't really a sign, it's just air, doesn't really--

MR. KANE: It makes no sense to have that kind of sign going up in a place that is going, that's been vacant for years.

MR. TORLEY: Just let the applicant know if he had made that modification, he can walk away and start the sign just so you have that option.

MR. ANGELOTTI: And again, I know this isn't a place for workshop type of commentary.

MR. KANE: It is, that is why we do a preliminary.

MR. ANGELOTTI: It was unfortunate, it was good that we were approved to go to 14, but the biggest worry was having to come back and ask you for something we knew was a stretch to begin with. But I think it would serve in everybody's best interest to have it all double faced because it's a highway location.

MR. KRIEGER: Even if there's a text writing on the other side since it's going to have the fluorescent shield there it's going to be, appear to be a sign so.

MR. TORLEY: If the code says if there's no light.

MR. KRIEGER: As a matter of fact, it will look kind of silly in my opinion.

MR. BABCOCK: One thing also Mr. Chairman in the applicant's benefit, when they calculated the signs they squared everything. So I think if you really took the square footage exactly how they are, all of the signs instead of being square or rectangle and continued together, there is quite a few areas that aren't signs that are calculated.

MR. TORLEY: This is largely open space, I have no problem with the applicant doing this, as I said, I just want to make sure that he is aware of what options he had.

MR. ANGELOTTI: We'd rather go, which is more expense to us and make it double sided all the way around.

MR. TORLEY: Entertain a motion.

MS. OWEN: A motion to have him come back for a public hearing but wouldn't he have to refigure his amount

there?

MR. KANE: What you can do is have him take a look at the square footage of visible sign, not the open space that is in between and give us the actual square footage of the sign cause you may save yourself 150 square feet.

MR. KRIEGER: It's certainly at the very least is a persuasive argument, might as well make the application for everything double sided, everything, and if the, when you make the application at the public hearing, the board decides that they don't want to give you that, it's the practice of this board to make its wishes known.

MR. ANGELOTTI: His calculation that he sent through was the number that Mike has there is the assumption of the movie signs being double sided, the only thing in his calculation that is showing single sided are the ovals?

MR. TORLEY: In calculating the areas of the sign, did he take the perimeter of the sign or did he actually add up all the spaces?

MR. ANGELOTTI: I think he just did where there's going to be copy, but I can verify that.

MR. BABCOCK: On the old denial, there was 8 tenant signs, on the new denial, there's only 6.

MR. ANGELOTTI: We took those spaces.

MR. BABCOCK: So actually you're close.

MR. KRIEGER: If I understand what you're saying, the application as it presently exists is for double sided for the movie and single sided for the tenants?

MR. ANGELOTTI: That is correct.

MR. KRIEGER: And what the building inspector's telling you because there was 8 tenants signs previously--

MR. ANGELOTTI: No, but his number that he sent to Mike shows it as 6 that he wrote, I think he has at the bottom of that submittal what does he have 1,400 something on the new versus the old.

MR. BABCOCK: I don't see that, Joe, this is what I can do. The tenant signs, just to make it simpler for everybody, the tenant signs are three foot by six foot 18 square feet, there is six of them, if we go six times 18 and add that to the amount that allows him to do double face.

MR. KRIEGER: And add that to the application.

MR. BABCOCK: Exactly what this sign is.

MR. TORLEY: Okay.

MR. ANGELOTTI: So--

MR. BABCOCK: I think what they are saying they are willing to give you the variance for double face signs all around.

MR. KANE: I'd rather have a better looking sign out there than something that is going to fall within the limits and be ugly and detrimental to the neighborhood.

MR. BABCOCK: So, if I had 108 square feet, he's more than covered because he has open areas here.

MS. BARNHART: That is to the 1636?

MR. BABCOCK: That is to the 1636, correct.

MR. KRIEGER: More than covered for two sided for everything.

MR. BABCOCK: That is correct, plus he's got some open space that we'd count because we'd add everything.

MR. TORLEY: I'd like, I would appreciate when you come back for the public hearing that your sign gives the actual obscuring spot that you've got.

MR. ANGELOTTI: Even where it's just the beams, nothing in between versus readable copy?

MR. TORLEY: What if you cut out all the sign, how much area would just what I have cut out be, forget the caps?

MR. KRIEGER: Basically, there are two questions, even if that, that is legally the way you calculate it because every variance stands on its own and because they are going to consider this particular sign, the amount of open space to use a term for it, this sign provides is relevant in their decision, it may be a factor that they take into consideration and in deciding whether to grant a variance for this particular sign.

MR. ANGELOTTI: When is the next available meeting?

MS. BARNHART: We do have a meeting scheduled the second Monday in July. Mike, will you want to change the number on here?

MR. BABCOCK: I think the chairman is saying that he wants new numbers.

MR. TORLEY: The numbers for this sign is double faced, that can be the formal.

MR. BABCOCK: He needs to send me that, I will make up a new denial and get it to the board.

MR. TORLEY: When you come in the actual area.

MR. ANGELOTTI: Just so I'm clear, double side for everything that exists here in terms of readable and then just the whole sign.

MR. TORLEY: How much space.

MR. ANGELOTTI: So, it is two numbers you're looking for?

MR. KRIEGER: One to meet the legal criteria and one to meet the factual criteria, so the board can consider

this particular sign, it's two separate questions.

MR. TORLEY: If the applicant wishes with the variance he has in hand now.

MR. BABCOCK: He wanted to put up the whole sign except for the tenant signs, he could cause he's got his height variance already so he can still do that. It's not changing the height and the theater signs all of them could go up and just leave the tenant signs down until--

MR. KRIEGER: Or put the tenant signs up cause they are there and the theater isn't there.

MS. OWEN: I will make the motion that we set up Destinta Theatres.

MR. KANE: Second the motion.

ROLL CALL

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

MR. KRIEGER: You probably have seen the criteria before.

MR. KANE: Still needs to be in the paper?

MS. BARNHART: Yes.

MR. TORLEY: That clock is going to start running pretty fast.

MR. ANGELOTTI: Okay, we'll take care of it, thank you very much.

*Pls. publish immediately. Send bill to: Destinta Theatres.  
125 E. 71st St.  
New York, NY 10021*

**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. 34**

**Request of FRANKLIN ASSOCS./DESTINTA THEATRES**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Replacement of existing double-faced, free-standing sign with directory; and a facade sign, both signs having more than the allowable total sign area and height;**

**being a VARIANCE of Section 48-18 of the Supplementary Sign Regulations**

**for property situated as follows:**

**217-219 Quassaick Avenue, (formerly Foodtown-Squire Village Shopping Center), New Windsor, New York, known as tax lot Section 23, Blk.1, Lot 53.1.**

**SAID HEARING will take place on the 27th day of October, 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**

*By: Patricia A. Barnhart,  
Secy.*



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4630  
Fax: (914) 563-4693

## Office of Assessor for the Town

July 1 1998

Joseph D. Angelotti  
125 East 71st Street  
New York, N. Y. 10021

**Re: Tax Parcel: 23-1-53.1**

Dear Mr. Angelotti:

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 \$25.00. Please remit to the Town Clerk at the above address.

Sincerely,

LESLIE COOK  
Sole Assessor

/pab  
Attachment

cc: Pat Barnhart, ZBA

Haralambos Kostopoulos  
% Chevron Auto Repairs  
267 N. Main Street  
Spring Valley, N. Y. 10977

JMR Associates LLC  
1 Garrett Mountain Plaza-8th Floor  
West Patterson, N. J. 07424-3327

Stanley J. & Martha J. Fornal  
205 Quassaick Avenue  
New Windsor, N. Y. 12553

Salvatore J. & Eleanor M. DiCesare  
33 Ellison Drive  
New Windsor, N. Y. 12553  
«Next Record»

Albert Minnick Jr.  
57B Kenwood Drive  
New Windsor, N. Y. 12553

21  
45.00

James & Dolores Mannix  
31 Ellison Drive  
New Windsor, N. Y. 12553«Next Record»

Francis J. Sylvester  
Hudson Bluff Drive  
Marlboro, N. Y. 12542

William C. & Dorothy Masten  
29 Ellison Drive  
New Windsor, N. Y. 12553«Next Record»

John A. & Mary A. Meenaugh  
99 Carter Street  
Newburgh, N. Y. 12550

William C. & Marion R. Noller  
27 Ellison Drive  
New Windsor, N. Y. 12553«Next Record»

V.S.H. Realty  
777 Dedham Street  
Canton, MA 02021

Peter Chomanczuk  
Jennifer Moores  
25 Ellison Drive  
New Windsor, N. Y. 12553«Next Record»

Richard & Linda Ostner  
66 Union Avenue  
New Windsor, N. Y. 12553

Anthony Cracolici  
Umberto Delfini«Next Record»  
239 Quassaick Avenue  
New Windsor, N. Y. 12553

Lee C. & Christine Stout  
70 Union Avenue  
New Windsor, N. Y. 12553

Newburgh Woodlawn Cemetery Assn.  
93 Union Avenue  
New Windsor, N. Y. 12553  
«Next Record»

Michael A. & Rosemarie Callan  
76 Union Avenue  
New Windsor, N. Y. 12553

Resource Services  
367 Windsor Highway«Next Record»  
New Windsor, N. Y. 12553

Salvador & Irene Maria Paratore  
640 Corwin Avenue  
Glendale, CA 91206

USSI  
1A on the Green  
New Windsor, N. Y. 12553

Cathy D. McQuiston  
82 Union Avenue  
New Windsor, N. Y. 12553

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Franklin Assocs./Destinta Theatre,  
Applicant.

# 98-24.

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**

) **SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

**That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.**

**That on 7/1/98, I compared the 20 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.**

Patricia A. Barnhart

**Patricia A. Barnhart**

**Sworn to before me this**

**1<sup>st</sup> day of July, 1998.**

Deborah Green  
**Notary Public**

**DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1999**

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 98-24

Date: 6/30/98

I. Applicant Information:

- (a) JMR Assoc., L.L.C 1 Garret Mountain Plz. Suite 800, N.J. 07424 W. Paterson,  
(Name, address and phone of Applicant) (Owner)
- (b) Destinta Theatres, 125 E. 71st St., New York, NY 10022  
(Name, address and phone of purchaser or lessee) 101 Eisenhower Pkwy
- (c) Orloff, Lowenbach, Stifeleman, & Siegel, P.A., Roseland, NJ 07068  
(Name, address and phone of attorney)
- (d) RJP Creations, Inc. 24 Lake Dr. B-2, Stanhope, NJ 07874  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- Use Variance  Sign Variance
- Area Variance  Interpretation

III. Property Information:

- (a) NC 217-219 Quassaick Ave. 23-1-53.1  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 3/16/98
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes  
If so, when? 1998
- (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: 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) \_\_\_\_\_ On record \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(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.

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(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: N/A

(a) Area 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>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
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:

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

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Supplemental Sign        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.

Applicant proposes a double-faced, freestanding sign at the roadway with directory logs for each tenant in the complex. Wall sign will be single-faced. Both signs will be constructed with aluminum framing with neon illumination from within, open back with halo effect. Signage plans are attached.

(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:

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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.)

On record

IX. Attachments required: On record

- 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: June 30, 1998

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.

*[Signature]*  
\_\_\_\_\_  
(Applicant)

Sworn to before me this

1 day of July, 1998.

*Mary Valenti*  
MARY VALENTI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 15, 1999

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

(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)

Application for Sign Variances: #98-24 - (Continued)

Page 3a.

Applicant, DESTINTA THEATRES, 125 East 71st Street, New York, New York 10021, has made an application before the Zoning Board of Appeals for a free-standing, double-faced, pole sign which will require a height variance of 19 ft., plus           sq. ft. of sign area for a proposed theatre complex located at 217-219 Quassaick Avenue in an NC zone in the Town of New Windsor. ←

The subject parcel is located within a shopping complex which contains a building which formerly housed a Foodtown Store. The store has remained vacant for a number of years. Although Franklin Associates, the owners of the complex, have made great attempts to lease the vacant building, a suitable tenant has not been found.

Destinta Theatres is proposing to locate within this vacant store an 8 complex theatre and, since this is a new venture for the area, signs advertising the location of the theatre and other store tenants must be constructed both at the roadway entrance and on the building.

The proposed signs will have neon interior illumination as are most of the commercial signs in the area. The proposed double-faced, freestanding sign will be placed at the same location as the existing sign and will not interfere with traffic sight lines or the safety of the motoring public either on the adjacent road or in the parking lot.

The proposed signs, while larger than what is allowed in Section 48-18, Supplemental Sign Regulations, they appear to be in proportion appropriate to the building and to the area.

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

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

The variances requested are substantial but nevertheless should be granted for the reasons stated above.

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

The difficulty the applicant faces in conforming to the bulk regulations is self-created in that the construction is proposed, but should nevertheless be granted.

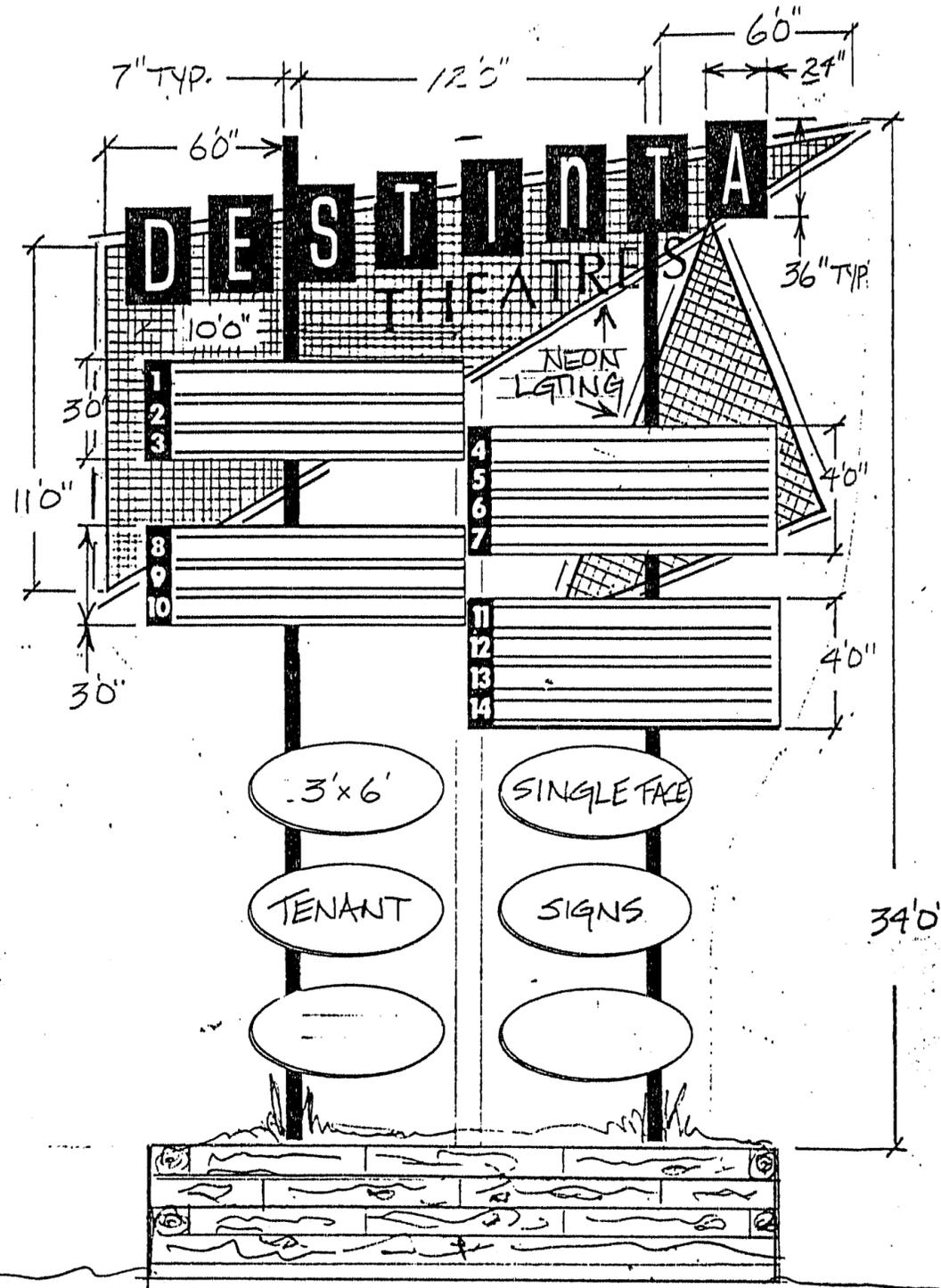
The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

The requested variances are appropriate and are 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.

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

REVISIONS TO 14 SCREENS



EAST ELEVATION

DOUBLE FACE DYLON SIGN, AS SHOWN, WITH USE OF EXISTING I-BEAM STRUCTURE.

SPECIFICATIONS:

- GRIDWORK - 1/2" WELDED STEEL ROD - 4" CENTERS
- 2" STEEL BORDER - ALL PAINTED.
- DESTINTA PANELS - WELDED ALUMINUM FRAMING WITH .090 REMOVABLE FACES, HOUSE ALL ELECTRICAL COMPONENTS - PAINTED
- DESTINTA LETTERS - .090 WELDED ALUMINUM FACES AND RETURNS, 4" DEEP, STUD MNTED. NEON ILLUMINATION FOR HALO EFFECT, PLEXI BACKERS PAINTED.
- THEATRES LETTERS - 14" H x 1" D FABRICATED ALUM, INLUM - .060 FACES AND RETURNS - STUD MNTED PAINTED.
- MARQUEE BOXES - AS SHOWN WITH 8" CHANGEABLE COPY, INTERIOR ILLUMINATED, WHITE FACES ALUMINUM FRAMING, CASINGS AND MOLDINGS.
- 3x6' TENANT SIGNS - ALL ALUMINUM CASING, MOLDINGS AND FRAMING, INTERIOR ILLUMINATED, WHITE FACES.

SQUARE FOOTAGE CALCULATIONS

OLD STRUCTURE - READABLE	NEW STRUCTURE
SQUIRE VILLAGE SC - 628 SQFT	DESTINTA THEATRES
BANK OF NY	CHANGEABLE COPY
TENANT SIGNS - 574 SQFT	TENANT SIGNS
928 SQFT.	TOTAL VISIBLE - INCL. BACKGROUND - 1034 SQFT.

DESTINTA THEATRES

SCALE: 3/16" = 1'0"	APPROVED BY:	DRAWN BY: JH
DATE: MAY 8, 98		REVISED: JUNE 20, 98
RJP CREATIONS, INC.		
(973) 347-5201		DRAWING NUMBER 627-B



OLD  
SIGNAGE

**APPROVALS.**

**23-1-53 FRANKLIN ASSOCIATES USE VARIANCE GRANTED**  
**SQUIRE VILLAGE #85-6 NC ZONE 02/11/85**

**REQUEST FOR USE VARIANCE TO CONVERT FORMER A&P STRUCTURE TO ENGINEERING AND DESIGN PROFESSIONAL OFFICE WITH SMALL MODEL SHOP AND COMPUTER ROOM TO BE LEASED TO KOLLMORGEN CORP.**

**23-1-53.1 FRANKLIN ASSOCIATES/DESTINTA THEATRES GRANTED**  
**SQUIRE VILLAGE #97-34 NCZONE 10/27/97**

**REQUEST FOR 5 FT. 6 IN. SIGN HEIGHT AND 8 FT. SIGN WIDTH VARIANCES FOR WALL SIGN; PLUS A 19 FT. SIGN HEIGHT AND 1,346 S.F. SIGN AREA VARIANCE FOR DOUBLE-FACED, FREESTANDING/DIRECTORY SIGN FOR SQUIRE VILLAGE CENTER AND THEATRE.**

**24-4-8 OLSEN, WALTER USE VARIANCE GRANTED**  
**227 PINE STREET R-4 ZONE #95-37 11/28/95**

**REQUEST FOR USE VARIANCE TO CONVERT SINGLE FAMILY RESIDENCE TO TWO FAMILY RESIDENCE LOCATED AT 227 PINE STREET IN R-4 ZONE**

**24-5-12 SHARMA, SURENDRA & RITA USE VARIANCE DENIED**  
**261 UNION AVENUE #81-20 R-4 ZONE 05/13/82**

**REQUEST FOR USE VARIANCE FOR PROFESSIONAL OFFICE IN R-4 ZONE.**

**24-5-25 ANTONELLI, NICK AREA VARIANCE GRANTED**  
**225 GARDEN STREET SIDE YARD 11/18/74**

**24-9-8 HANRETTA, RUTH AREA VARIANCE GRANTED**  
**231 LESLIE AVENUE R-4 ZONE #93-39 10/25/93**

**REQUEST FOR 5 FT. TOTAL SIDE YARD VARIANCE FOR CONSTRUCTION OF AN ADDITION AND RAMP AT LESLIE AVENUE RESIDENCE IN R-4 ZONE.**

**25-1-7 DAVIDSON, RANDY & FLANAGAN, ROSE AREA VARIANCE GRANTED**  
**62 BIRCHWOOD DRIVE #95-16 R-4 ZONE 05/08/95**

**REQUEST FOR 10 FT. SIDE YARD VARIANCE TO CONSTRUCT ADDITION TO RESIDENTIAL DWELLING AT 62 BIRCHWOOD DRIVE.**

**25-2-6 SCIAMANNA, DINO AREA VARIANCE GRANTED**  
**73 HUDSON DRIVE R-4 ZONE #87-36 06/22/87**

**REQUEST FOR 8 FT. SIDE YARD VARIANCE TO CONSTRUCT TWO-CAR GARAGE AT ABOVE RESIDENCE.**

**#91-32 - REQUEST FOR 5 FT. REAR YARD VARIANCE TO OBTAIN CERTIFICATE OF COMPLIANCE FOR AN EXISTING SCREENED-IN PORCH AT HUDSON DRIVE RESIDENCE.**

**25-4-3 DRENNEN, MARY ANN AREA VARIANCE GRANTED**  
**104 GLENDALE DRIVE R-4 ZONE #92-19 07/13/92**

**REQUEST FOR 1. 1 FT. SIDE YARD VARIANCE FOR AN EXISTING RESIDENCE AND A 12 FT. REAR YARD VARIANCE IN ORDER TO CONSTRUCT A DECK AT GLENDALE DRIVE RESIDENCE IN R-4 ZONE.**

**25-5-2 CICCARELLI, ADELIN & THOMAS/DURSO, FRANK & MARIA INTERP.**  
**101 GLENDALE DRIVE R-4 ZONE #95-3 04/24/95**

**REQUEST FOR INTERPRETATION AND/OR USE VARIANCE AS TO WHETHER THE RESIDENCE AT 101 GLENDALE DRIVE WAS A ONE-FAMILY OR TWO-FAMILY RESIDENCE. IF DETERMINED THAT IT**