

Orange County Department of Planning Application for Mandatory County Review of Local Planning Action (Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction. To be signed by Local Official.

TONZBA TOU	on of Newburgh	TAX MAP ID: 95-1-74
MUNICIPALIT	Y: LONING DOARD OF HPPEALS	TAX MAP ID: 70 - 10 / 9 (Section-Block-Lot)
Local File #: 2	297-12 (A,B+C)	Project Name:
		Business Property Corpor RANGE COUNTY Choppers Constitute ND, WA 98052-5048
Attorney, Engine	er, Architect: MA DAY	Engineering PC
Location of Site:	14 CROSSROADS CO (Street, highway, nearest i	unt, Route 17K ORI
Size of Parcel: 3	3 Acres Existing Lots:	Proposed Lots/Units
Present Zoning Di	strict: I/B	, <u>-</u>
TYPE OF REVIE	·	
·	☐ Special Use Permit* (SUP):	
	Variance* USE (VU):	
		Aximum Allowed signage
·	☐ Zone Change* FROM:	то:
	☐ Zoning Amendment** To Sec	tion:
*	☐ Subdivision Major	Minor
DATE: 8/3/12	h Preliminary	Store Cardone
*Cite Section of 2	Chairperson Zon Zoning Regulations where pertinent.	ing Borrs of Appeals
	FOR COUNTY US	SE ONLY
	County ID #	

APPLICATION TO THE ZONING BOARD OF APPEALS, TOWN OF NEWBURGH

			DAT	ED:_	7-24-12		
то:	THE ZONING BOATHE TOWN OF NEV			12550)		
I (WF	GE COMMERCIAL F ORANGE COUNT		•		•		
RESI	DING AT NUMBER	14 CR	eossroads	ET	, NEWBU	RGH, NY 125	50
TELE	PHONE NUMBER _	845	- 497-220	8	(ROBERT	BALY, PLANN	ER,
	EBY MAKE APPLICA FOLLOWING:	ATION T	O THE ZONIN	G BOA	ARD OF APP	EALS FOR	ŕ
			A USE VARIA	ANCE			
			AN AREA VA	RIAN	ICE		
	800-800-8		INTERPRETA	TION	OF THE OR	DINANCE	
		·····	ACCESSORY	APAI	RTMENT		
1.	LOCATION OF THI	E PROPI	ERTY:				
	95-1-7	4	(TAX M	AP DE	ESIGNATION	I)	
	14 CROSSROADS						
			(ZONINC				
2.	PROVISION OF THI SECTION AND SUB NUMBER; DO NOT 185 - 14 - 1 MAXIMUM AI TOTAL STE	SECTIC QUOTE B - 1 - Lowed	NG LAW APPLI ON OF THE ZOI THE LAW). (C) - SIGNAGE	CABI NING	LE, (INDICA LAW APPLI	CABLE BY	
	TOTAL STR	CET !	from hage			*	

3.	IF V.	ARIANCE TO THE ZONING LAW IS REQUESTED:
	a	APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 5-23-12
	b	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
4.	DESC	CRIPTION OF VARIANCE SOUGHT: LOGO DECAL AFFIXED
	TO N	IORTH & EAST GLASS, REPLACEMENT SIGN FOR CAFE
	EXC	sed ordinance.
5.	IFAU	JSE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE
	ZONI	NG LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:
	a)	UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT
		IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:
		(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)
	b)	THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A
	·	SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:
		THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

	d)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:		
_	ID AN			
0.	IF AN	AREA VARIANCE IS REQUESTED:		
	a)	THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE		
		CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A		
		DETRIMENT TO NEARBY PROPERTIES BECAUSE:		
		THERE ARE FEW NEIGHBORS AND ALL ARE		
		COMMERCIAL USES.		
	b)	THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE		
	,	ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT		
		TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE		
		THE SIGN ORDINANCE STRICT APPLICATION		
		WOULD CREATE A SIGN TOO SMALL		
		to be practical given building setback		
	ره	THE DECLIECTED ADEA WADIANCE IC NOT CLIDOT ANTEAT		
	C)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:		
		THE SIGN TO BUILDING RATIO IS LESS		
		THAN 3%.		
		THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE		
		EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL		
		CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:		
		SIGNS ARE BUSINESS IDENTIFICATION IN		
		A Business zone		
	e)	THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:		
	υ,	HARDSHIP IS RESULT OF SIGN STANDARDS		
	•	WHICH ARE IMPRACTICAL FOR A		
	•	BUSINESS DISTRICT APPLICATION		
	•			

7. ADDITIONAL REASONS (IF PERTINENT):	
THE CROSSROADS COURT FRONTAGE (1514) MEETS	
TOWN PLANNING REQUIREMENTS BUT WOULD	
ONLY PROVIDE A SIGN 75-50. FF. FOR A	
92,000 SF BUILDING	
PENTIONER (S) SIGNATURE PAUL TEUTUL	
ORANGE COUNTY CHOPPERS CONSTRUCTION, CL	,
	20
STATE OF NEW YORK: COUNTY OR ORANGE:	
SWORN TO THIS 24th DAY OF July 20 12	
lebra & Hammer	
NOTARY PUBLIC	
DEBRA L. HAMMER Notary Public, State of New York Qualified in Orange County Registration No. 01HA6107190 Commission Expires March 22, 20	<u>6</u>

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

617.20

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by A	Applicant or Project Sponsor)
1. APPLICANT/SPONSOR GE COMMERCIAL AND	2. PROJECT NAME
DRANGE COUNTY CHOPPERS CONSTRUCTION	drange county choppers
3. PROJECT LOCATION:	
Municipality TOWN OF NEWRORGH	County ORANGE
PRECISE LOCATION (Street address and road intersections, prominent	t landmarks, etc., or provide map)
14 CROSSROADS COURT	
40d SOUTH OF NYS ROOTE 17K	
PROPOSED ACTION IS: Whew Expansion Modification/alteration	on
DESCRIBE PROJECT BRIEFLY: REQUEST FOR AND AREA VARIANCE 185-14-8-1-60) - MAXIMUM ALLO FRONTAGE	E UNDER TOWN ZONING SECTION WED SIGNAGE IS 1/2 TOTAL STREET
AMOUNT OF LAND AFFECTED: Initially 3.9 acres Ultimately 3.9	acres
EXISTING AND NEW:	THER EXISTING LAND USE RESTRICTIONS? M. ALLOWED SIGN UNDER LAW IS 75.79 SF STUNGE IS PROPOSED - 1,210 SF 34.21 SFLARGER THAN PERMITHED
Describe: BUILDING IS PERMITTED AND AP	Agriculture Park/Forest/Open Space Other PROVED USE IN THE IB ZONE GARDENS INN AND ORANGE COUNTY
DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NO (FEDERAL, STATE OR LOCAL)? Yes No If Yes, list agency(s) name and per	OW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY mit/approvals:
DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID Yes No If Yes, list agency(s) name and per TOWN OF NEWBURGH PLANNING BOARD APP	millapprovals: But LOING COMPLIANCE AND
AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/AI	PPROVAL REQUIRE MODIFICATION?
Applicant/sponsor name: GF Commercial Finance Bus PROVIDED AFTER COUNTY CHOPPEN Signature:	INESS PROPERTY CORP Date: 0-2-19
If the action is in the Coastal Area, and	you are a state agency, complete the

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PAK	I II - IIVIPACT ASSESSIVENT (TO be completed by Lead	Agency)
A. D	DES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 6 Yes No	17.4? If yes, coordinate the review process and use the FULL EAF.
B. W	ILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UI claration may be superseded by another involved agency. Yes No	NLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative
1	DULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WI 21. Existing air quality, surface or groundwater quality or quantity, noise le potential for erosion, drainage or flooding problems? Explain briefly:	· · · · · · · · · · · · · · · · · · ·
С	Aesthetic, agricultural, archaeological, historic, or other natural or cultu	ral resources; or community or neighborhood character? Explain briefly;
С	3. Vegetation or fauna, fish, shellfish or wildlife species, significant habita	s, or threatened or endangered species? Explain briefly:
C	4. A community's existing plans or goals as officially adopted, or a change in t	se or intensity of use of land or other natural resources? Explain briefly:
C:	5. Growth, subsequent development, or related activities likely to be induc	ed by the proposed action? Explain briefly:
Ce	6. Long term, short term, cumulative, or other effects not identified in C1-C	:5? Explain briefly:
C7	Other impacts (including changes in use of either quantity or type of end	ergy)? Explain briefly:
	L THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHAR /IRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:	ACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL
E. IST	HERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO P Yes No If Yes, explain briefly:	OTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
INST effect geog	at should be assessed in connection with its (a) setting (i.e. urban or graphic scope; and (f) magnitude. If necessary, add attachments signt detail to show that all relevant adverse impacts have been ider	ncy) /hether it is substantial, large, important or otherwise significant. Each r rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) or reference supporting materials. Ensure that explanations contain tified and adequately addressed. If question D of Part II was checked of the proposed action on the environmental characteristics of the CEA.
	EAF and/or prepare a positive declaration.	ficant adverse impacts which MAY occur. Then proceed directly to the FULL
	Check this box if you have determined, based on the information and anal NOT result in any significant adverse environmental impacts AND provides the control of the contro	sis above and any supporting documentation, that the proposed action WILL, e, on attachments as necessary, the reasons supporting this determination.
<u> </u>	Name of Lead Agency	Date
	Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)



ZONING BOARD OF APPEALS

PROXY

DANIEL JAGOE, DEPOSES AND SAYS THAT HE (AS AN OFFICER OF GE COMMERCIAL FINANCE BUSINESS PROPERTY CORPORATION ("OWNER IN FEE")), RESIDES AT GE CAPITAL REAL ESTATE, 280 PARK AVENUE IN THE COUNTY OF NEW YORK AND STATE OF NEW YORK AND THAT HE IS THE VICE PRESIDENT OF THE OWNER IN FEE OF 14 CROSSROADS COURT, NEWBURGH, NEW YORK WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE HAS AUTHORIZED ORANGE COUNTY CHOPPERS CONSTRUCTION LLC TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: July 16, 2012

OWNER'S SIGNATURE:

GE COMMERCIAL FINANCE BUSINESS PROPERTY CORPORATION

DANIEL J JAGOE VICE PRESIDENT

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF NEW YORK

SWORN TO THIS 16TH DAY OF JULY, 2012

NOTARY PUBLIC, State of New York
No. 02HO6153275
Qualified in Kings County
Commission Expires Oct. 2, 2014

NOTARY PUBLIC

TOWN OF NEWBURGH ZONING BOARD OF APPEALS

	IMERCIAL FINANCE BUSINESS PROPERTY CORPORATION
ORANO	TE COUNTY CHAPTERS CONSTRUCTION, LLC, DEPOSES AND SAYS THAT
	HE/SHE RESIDES AT 14 CROSS ROADS COURT, NEWBURGH
	IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
	AND THAT HE/SHE IS THE OWNER IN FEE OF 14 CROSS ROADS
	COURT AND HAS BY PROXY EMPOWERED CHOPPERS CONSTRUCT
	WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
	TION AND THAT HE/SHE HAS AUTHORIZED ROBERT DALY
	TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.
	DATED: AUGUST 2, 2012 Cal Tentel
	for Orange County Choppers Construct OWNER'S SIGNATURE
	Raul Tentol, MEMBER
	WITNESS' SIGNATURE
	STATE OF NEW YORK: COUNTY OF ORANGE:
	SWORN TO THIS 3" DAY OF August 20/2
	DEBRA L. HAMMER Notary Public, State of New York Qualified in Orange County Registration No. 01HA6107190 Commission Expires March 22, 20

NOTARY PUBLIC

Robert Daly

Land Use & Development Planning 130 Twin Arch Rd. Washingtonville, NY 10992 845-497-2208 rdaly@frontiernet.net

Orange County Choppers Café

June 13, 2012

Summary and Narrative for Zoning Board of Appeals Application

Project:

Signs - Orange County Choppers World Headquarters

Location:

Town of Newburgh 14 Crossroads Court 400 feet off NYS Rte 17K

Tax ID:

Section 95 Block 1 Lot 74

Property:

3.3 acres

Road Frontage: 151.58 linear feet

Zoning:

IB – Interchange Business

Site Plan Approval:

Town of Newburgh Planning Board (3-20-12)

Building Permit: Town of Newburgh Permit: File 2297-12 (A) (B) (C)

Denied:

5 - 23 -2012 based upon signage exceeding

the permitted maximum sign size.

Zoning Board of Appeals: Request a Variance under section 185-14-B-1-C Town of Newburgh Zoning Ordinance -Total allowed signage is ½ of the total street frontage.

Type of Variance:

This is an area variance application.

Problem:

Permitted sign size = Road Frontage (151.58') /2 = 75.79 square feet

There are two existing logo decals on the glass walls to the north and east side of the building.

Each decal area is 305 square feet.

There is an existing lighted box sign over the entrance from the north parking lot which will be

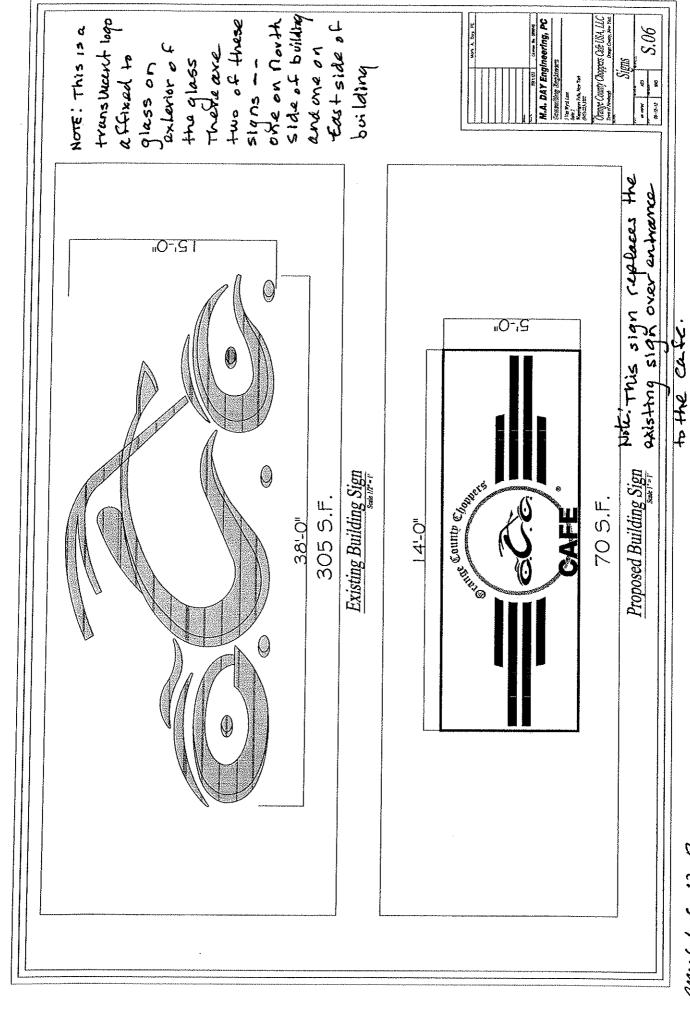
replaced by the Orange County Choppers Café sign. The sign is 70 sf.

The total sign area is 780 sf versus the permitted 75.79 sf.

The OCC logo affixed to the glass on the north and east sides of the building were Explanation: originally to be etched in the glass. The original site plan from 2006 had omitted this due to the timing of the etching process and the construction schedule. The building design and the logo in the glass were originally paired to minimize traditional signage and yet provide adequate visual identity. The property is on a culde-sac off NYS Rte 17K and at a lower elevation than the road. The district in which the building is located is an interchange business district (IB Zone) reflecting the nature of the area as a high volume traffic area. The distance to the NYS Rte 17K necessitates that signs be easily identifiable especially for properties not located directly on the State Route.

The current Town Code has no alternative for such properties except the Zoning Board of

Several alternative signs have been reviewed but were not deemed practical. The lighted box sign for the Café entrance will replace the existing sign which meets the current standard sign standard of 75.79 sf maximum as this sign is only 70 sf.



anald 6-13-12 to Ac, HK7RM

Town of Newburgh Code Compliance OWNER INFORMATION BUILT WITH OUT A PERMIT NAME: ORANGE COUNTY CHOPPERS ADDRESS: 14 CROSSROADS CT NEWBURGH NY 12550 PROJECT INFORMATION: (A) New PRISALL (C) PRISALL (C) TYPE OF STRUCTURE: 3 SIGNS 2 PRIOR BUILT O.C.C. HEADQUARTERS SBL: 95-1-74 ZONE: 1/B TOWN WATER: TOWN SEWER: Y 500 MAXIMUM EXISTING PROPOSED VARIANCE PERCENTAGE ALLOWED SIGNAGE 75.79 S.F. 1134.21 S.F. 1210 S.F. 1497.0% ROAD FRONTAGE 151.58 DIVIDED BY 1/2 = 75.79 S.F. INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / 2 OR MORE FRONT YARDS FOR THIS PROPERTY CORNER LOT - 185-17-A YES / ACCESSORY STRUCTURE: GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / FRONT YARD - 185-15-A YES / STORAGE OF MORE THEN 4 VEHICLES _____YES / 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO NOTES: REQUESTING 1 BUILDING SIGN (CAFÉ) 14' X 5' AND HAS 2 PRIOR BUILT WINDOW ETCHING THAT MEASURE 5' X 38' EACH. **VARIANCE(S) REQUIRED:** 1 185-14-B-1-C TOTAL ALLOWED SIGNAGE IS 1/2 THE TOTAL STREET FRONTAGE.

REVIEWED BY: JOSEPH MATTINA DATE: 16-Apr-12

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No2297-12 (A)	Date:	May 23, 2012		
To: GE COMM. FIN. BUS. PROP. CORP	SBL	95-1-74		
6464 185th AVENUE, NE	ADD:	14 Crossroads Ct, Newbgh		
REDMOND, WA 98052-5048		I/B		
				
PLEASE TAKE NOTICE that you	ur applicatio	n dated <u>April 10,</u>		
20 12 for permit to erect new sign (14' x 5'))			
At the premises located at 14 Crossroads Co	urt, Newbur	gh, NY		
(Orange County Cho	oppers Cafe)		
Is returned herewith and disapproved on the foll	owing grour	nds:		
185 - 14 - B - 1 - (c) - MAXIMUM ALLOWED SIGNAGE IS 1 / 2 OF THE TOTAL STREET FRONTAGE.				
	Joely 1	OSEPH MATTINA		

Cc: Town Clerk & Assessor (300') File

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No	Date:	May 23, 2012		
To: GE COMM. FIN. BUS. I	PROP. CORP SBL ADD:	95-1-74 14 Crossroads Ct, Newbgh		
REDMOND, WA 98052-5048	ZONE			
PLEASE TAKE NOTICE that your application dated April 16, 20 12 for permit to keep Prior Built sign (38' x 15')				
At the premises located at 14 Crossroads Court, Newburgh, NY (Orange County Choppers)				
Is returned herewith and disapproved on the following grounds:				
185 - 14 - B - 1 - (c) - MAXIMUM ALLOWED SIGNAGE	IS 1/2 OF THE TOTAL	STREET FRONTAGE.		
		n m		

Cc: Town Clerk & Assessor (300')

File

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No2297-122(©)	Date:	May 23, 2012		
To: GE COMM. FIN. BUS. PROP. CORP	SBL	95-1-74		
6464 185th AVENUE, NE	ADD:	14 Crossroads Ct, Newbgh		
REDMOND, WA 98052-5048	ZONE	I/B		
PLEASE TAKE NOTICE that your application dated April 16, 20 12 for permit to keep Prior Built sign (38' x 15')				
At the premises located at 14 Crossroads Co	urt, Newbur	gh, NY		
(Orange County C	Choppers)			
Is returned herewith and disapproved on the following grounds:				
185 - 14 - B - 1 - (c) - MAXIMUM ALLOWED SIGNAGE IS 1/2 OF THE TOTAL STREET FRONTAGE.				
	J	OSEPH MATTINA		

Cc: Town Clerk & Assessor (300') File

