

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
132 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(914) 564-7801

MAY 27, 1993
MEETING

WAL-MART STORES, INC.
Union Avenue
ZONE : I-B
Sect; 95 Blk; 1 Lot; 39.21

Applicants are seeking an Area Variance to erect a sign for the proposed "Wal-Mart" Store with a total square footage of 577.6'. The total allowable square footage of signs is 284' square feet in the Town of Newburgh according to Article V, Section 30.5.3, Paragraph B-1-c, upon premises located on Union Avenue in a I-B Zoning District.

Applicant was represented by Mr. Steve Cleason and Mr. Tom Lucey of the Sear-Brown Group.

All mailings were in order.

Mr. Cleason stated to the board that site plan approval has been granted with a positive recommendation for a sign variance from the Planning Board.

The applicants seek to erect a 577.6' square foot sign rather than the 284' square foot required by the Zoning Law. The existing ordinance is based on frontage and does not consider store size and set back.

The reason for signage is to accomodate a proposed 125,000 square foot retail center.

The property is an odd shaped parcel and the proposed building will sit back from the road (Union Avenue) with a landscape buffer. The screening and distance will minimize the impact of the additional sign area.

Photo's of other area Wal-Mart Stores were submitted to the board as a reference as to the signage proposed.

The applicants are planning to erect a 160' square foot sign at the entrance and several other smaller signs to be located on the store itself. The signage requested will describe services offered and location information and a majority of the signs will be partially screened.

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Mr. Holt asked what the distance was from the front property line back to the building itself.

Mr. Cleason stated a little over one thousand feet.

Mr. Holt said "So, from Union Avenue you could visibilly see about three signs?"

Mr. Cleason stated from the road you cna probably see very little. The signs will be very small, you would have to pull into the entrance to see the signs on the building.

Mr. Holt asked if the shrubbery will remain low.

Mr. Cleason said yes.

There were several spectators in the audience from various Unions (i.e., Carpenters Local Union #255) who were against the actual construction of Wal-Mart by non-union workers from out-of-state (New York) and the following comments were heard :

Joe from Middletown, New York said "Wal-Mart should hire local contractors to erect the signage."

John McCarthy of #16 Brooker Drive, Newburgh had the following concerns :

1. - Taxes will be raised (against)
2. - Construction work should be given to taxpayers.
3. - Against hiring out of state contractors

Steve from Dennis Road, Newburgh had these concerns :

1. - Concerned with salt mixing with the drinking water in the area.
2. - Lloyds Department Store will be affected by this proposed store.

Nina Gemma of Fifth Avenue Newburgh wanted to see the plans submitted and questioned the signage at the entrance and exit and foliage which may obstruct or block views.

Rosemary Zappola had these concerns :

1. - There has to be a certain number of deaths before a traffic light will be installed.

Jim D'Stephano, Orr Avenue, Newburgh asked the hours of illumination of the signs and will it be reflected toward the street.

Hours of illumination will be from seven a.m. to twelve o'clock p.m. and no will not reflect toward street.

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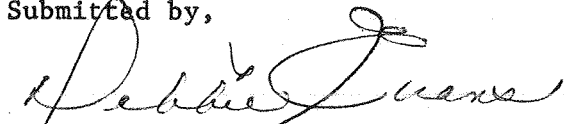
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Jim Kulisek of Memorial Drive, City of Newburgh, asked if this proposed building has gone before the town Planning Board.

Chris O'Bearne of Wallkill, New York stated the signs should read "Hello Newburgh, We are here to put you to work."

There were no further questions, hearing was declared closed.

Submitted by,



Debbie Evans, Secretary
Zoning Board of Appeals

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
105 PLATTEKILL TURNPIKE
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(914) 564-7804

MAY 27, 1993
MEETING

ATTENDANCE

PRESENT

	YES	NO
RALPH L. HOLT, CHAIRMAN	X	
JEFFREY SHAPIRO, ATTORNEY	X	
DEBBIE EVANS, SECRETARY	X	
PAUL BLANCHARD	X	
RUTH EATON	X	
DOUGLAS CARLE	X	
LOUIS SCALFARI	X	
GRACE CARDONE	X	
MICHAEL MAHER	X	

TOWN OF NEWBURGH

ZONING BOARD OF APPEALS

IN THE APPLICATION OF WAL-MART STORES, INC.

Section 95
Block 1
Lot 39.21

DECISION AND RESOLUTION

The application of WAL-MART STORES, INC. seeks an area variance to permit the erection of signs upon premises located at Union Avenue an I-B Zoning District in the Town of Newburgh.

The Applicants, having submitted this application, paid the required fees, provided a true copy of the property description, submitted a plot plan and list of property owners within three hundred feet, the matter having been properly noticed for public hearing and caused to be published by the Chairman of the Board; and the hearing having been conducted, the Board thereupon entered into deliberative session and does find as follows:

1. That the procedural requirements of the General Municipal Law and the Town Law of the State of New York, the Zoning Law of the Town of Newburgh and the regulations of this Board have been compiled with in all respects.

2. The applicant here seeks to erect 577.6 square feet of signs rather than the 284 square feet netted by the Zoning Law. The applicant testified that the parcel in question is unique and that it is oddly shaped. The depth of the of the property is much greater than the total frontage.

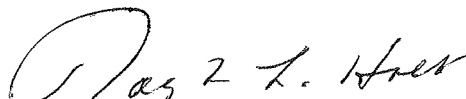
3. The applicant here seeks to erect a 160 square foot sign at

the entrance to the store. In addition, they seek to erect various other signs on the premises itself. Such signs will be less than on the standard Wal-Mart Stores, however. These signs will identify the various departments above the store and thus vacillate the flow of traffic upon the premises. The applicant testified that there will be extensive landscape and none of the additional signs will be visible Union Avenue itself.

4. Based on the foregoing the Board finds that there will be little or no detriment to the health, safety or welfare of the neighborhood.

THERE BEING NO FURTHER FINDINGS, this application is approved.

Dated: June 7, 1993
Newburgh, New York



RALPH L. HOLT, Chairman

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

VOTING ON THE APPLICATION OF

MEMBER	VOTE	
	YES	NO
PAUL BLANCHARD	X	
GRACE CARDONE	X	
DOUGLAS W. CARLE	X	
RUTH EATON	X	
MICHAEL MAHER	X	
LOUIS SCALFARI	X	

Dated: June 7, 1993
Newburgh, New York


RALPH L. HOLT, Chairman

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

-----X
In the matter of the application of:

DECISION AND RESOLUTION

BRIAN BUTTAFUOCO/WAL-MART STORES, INC.

Tax Map #95-1-39.21

for a variance to erect a wall sign for Citizens Bank in Wal-Mart which exceeds the allowable signage for this location Article V, Section 185-14(B)(1)(c), "IB" District

B.I. #1668-05

-----X

The property which is the subject of this application is located at 1201 Route 300 Newburgh, New York and is designated on the tax map as Section 95, Block 1, Lot 39.21. It is located in the "IB" Zone.

Applicant seeks an additional 16.7 square feet of signage in order to advertise the location of a Citizens Bank within the Wal-Mart Shopping Plaza on Route 300. Applicant's proposal requires an area variance as an additional 16.7 square feet exceeds the minimum signage permitted at this site. Article V, Section 185-14(B)(1)(c).

A public hearing on the application was scheduled for October 27, 2005 at the Town Hall, 1496 Route 300, Newburgh, New York. Notice of said public hearing, including the subject, date, place and time, was duly published and mailed. Proper affidavits of publication and mailing have been received from the applicant.

The public hearing on the application was held on October 27, 2005. Mr. Dominick Papparillo appeared on applicant's behalf at the public hearing and testified before the Board. The testimony and exhibits at the Public Hearing established that the applicant requests additional signage of 16.7 square feet. Citizens Bank will be conducting business within the Wal-Mart facility and applicant needs an exterior sign in order to advertise its business to the public. The sign will consist of a logo and a set of letters with an overall height of 1 foot, 7.3 inches and an overall length of 10 feet, 7.8 inches.

The Board determines that the proposed action is a Type II action under SEQRA. The Board determines that this is an application for an area variance and that the criteria which the Board must consider in determining whether or not to grant the variance is the factors set forth in Town Law Section 267-b. In considering the benefit to the applicant if the variance is granted as

weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant, the Board has considered the following five factors.

I. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE VARIANCE?

The variance for additional signage will not produce an undesirable change in the character of the neighborhood as the sign will compliment the existing business and will provide the applicant an opportunity to clearly advertise its bank to customers driving on Route 300.

II. WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

The benefit sought cannot be achieved by some method, feasible for the applicant to pursue other than an area variance as the additional signage is needed in order to inform customers driving along Route 300 of its business.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

The variance requested is substantial. However, this factor alone does not require denial of the requested variance.

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed variance will not have an adverse effect on the physical conditions in the neighborhood considering that the size of the proposed sign fits within the framework of the existing business.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF CREATED?

The applicant's difficulty is self-created. However, when taking into consideration that applicant's premises is an existing business and its proposal has not been objected to by any of their neighbors, this Board declines to place significant emphasis upon this consideration.

RESOLUTION


The Board determines that the applicant has met the requisites of Town Law § 267-b. The Board hereby grants the requested variance to the signage regulations of Town Code §185-14(B)(1)(c) permitting the erection of an additional 16.7 square feet of signage.

The Board finds that such variance is the minimum necessary to address the circumstances of this application.

Present and Voting on motion to grant application:

Grace Cardone	Aye
Ruth Eaton	Aye
Michael Maher	Absent
John McKelvey	Aye
Robert Kunkel	Absent
Ronald Hughes	Aye

Dated: March 30, 2006
Newburgh, New York



GRACE CARDONE Chairwoman
Town of Newburgh, Zoning Board of Appeals

**TOWN OF NEWBURGH:
ZONING BOARD OF APPEALS**

-----X
In the matter of the application of:

WAL-MART STORES, INC. &
MARTIN TERWILLIGER o\b\o
MCDONALD'S RESTAURANT

DECISION
AND
RESOLUTION

for a variance to the maximum
signage requirements of Code Section
185-14(B)(1)(c).
-----X

Tax Map #95-1-39.21
B.I. #1067-96

The property which is the subject of this application is located at 1201 Union Avenue, Newburgh, New York and is designated on the tax map as Section 95, Block 1, Lot 39.21. It is located in the "IB" District.

The applicant seeks to erect additional signage on an existing Building. Particularly, the applicant proposes to place the "Golden Arches" logo of McDonald's Restaurants (about 4' x 4'10") on the left front of the Walmart Building. The total signage on the building is presently 577.6 square feet (about twice the permitted signage).

The applicant's plan requires a variance from the total signage requirements of Town Code §185-14(B)(1)(c).

A public hearing on the application was scheduled for November 21, 1996 at the Town Hall, 20-26 Union Avenue, Newburgh, New York. Notice of said public hearing, including the subject, date, place and time, was duly published and mailed. Proper affidavits of publication and mailing have been received from the applicant.

The public hearing was held on November 21, 1996. The applicant appeared and testified before the Board. The testimony and exhibits at the Public Hearing established that the subject property is improved by a commercial building which presently houses a Walmart store as well as a McDonald's Restaurant. Due to Walmart corporate policy, no provision was made for signage for the McDonald's when the building was constructed. The applicant feels that the modest addition to the existing signage will have no significant deleterious impact on the appearance of the property while, at same time, serving the beneficial purpose of alerting the public to the location of the McDonald's.

The Board determines that the proposed action is a Type II action under SEQRA.

The applicant's plan requires an area variance from the total signage requirements of Town Code §185-14(B)(1)(c). The criteria which the Board has considered is the factors set forth in Town Law Section 267-b. In considering the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood and community by such grant, the Board has considered the following five factors.

I. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE VARIANCE?

The Board is sensitive to the detriment which excessive signage may have upon a neighborhood. However, the subject property is situated in a highly developed commercial area in which the proposed modest increase in signage will have no significant negative impact.

II. WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

The Board finds that removal of existing signage to permit addition of the McDonald's sign is not feasible. Such activity would entail essentially renovating an entire exterior wall of the store and is simply not financially practical. The benefit sought by the applicant can only be achieved by grant of the requested variance.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

The variance requested is substantial due to the fact that Walmart's signage already far exceeds the maximum permitted by the Code. However, on the facts of this case, the Board finds that the proposed 4' x 4'10" sign will not constitute a substantial increase in existing signage.

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

Grant of the requested variance will have no effect on the physical or environmental conditions in the neighborhood.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?

The applicant's difficulties are self-created. However, the Board declines to give significant emphasis to this consideration on the facts of this case.

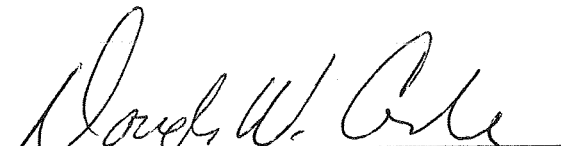
RESOLUTION

The Board determines that the applicant has met the requisites of Town Law §267-b. The Board hereby grants a variance to the signage regulations of Town Code §185-14(B)(1)(c) to permit erection of the proposed McDonald's logo sign on the subject property. The Board finds that this is the minimum variance necessary.

Present and Voting on this decision:

Douglas W. Carle,	AYE
Paul Blanchard,	AYE
Grace Cardone,	AYE
Ruth Eaton,	AYE
Michael Maher,	AYE
Frank Galli,	AYE
John McKelvey,	AYE

Dated: February 18, 1997
Newburgh, New York



 DOUGLAS W. CARLE, Chairman
 Town of Newburgh, Zoning
 Board of Appeals