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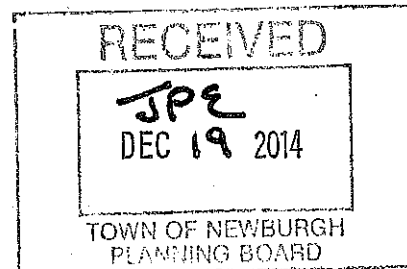
**Bloom & Bloom, P.C.**  
ATTORNEYS AND COUNSELORS AT LAW

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October 23, 2014

Town of Newburgh Building Dept.  
Attn: Gerald Canfield – Code Enforcement Officer  
308 Gardnertown Road  
Newburgh, New York 12550



**RE: APPLICATION OF LAXMI ESTATES II, LLC**  
**Tax Map Designation: S/B/L: 20-2-40**  
**Street Address: 5277 Route 9W, Newburgh, New York**  
**Zoning District (B): Business District**  
**Our File No.: G-2181 (Patel)**

Dear Mr. Canfield:

This office has been retained by Amish Patel (managing member of the above-referenced LLC), to submit all necessary and appropriate applications to the Town of Newburgh for the purpose of securing an "Interpretation" from the Zoning Board of Appeals. Your records will indicate that there have been several applications to both the Planning Board and the Zoning Board of Appeals by our client since 2004. I believe the most recent application and appearance before the Zoning Board of Appeals took place on June 26, 2014. I am advised by James Gillespie, PE (of Bohler Engineering) that prior to that meeting, a letter was submitted on behalf of our client withdrawing the application for a Use Variance for the drive through portion of the premises. The application proceeded with a simple request for a front yard variance only for the existing non-conforming building. I am further informed that the Zoning Board of Appeals could not grant the area variance, because of the "non-conforming use". The indication to our client was that the premises consisted of a "food preparation shop". The Board further concluded that this use would be permitted in the zone only as an "accessory use". Accordingly, our client was directed to revise his plan and re-submit it, before the Board could consider granting such area variance.

After discussing the history of these applications with my client and his engineer, I suggested that a new application be made to the Zoning Board of Appeals seeking an "Interpretation", which would support the site plan based upon its designation as a "convenience store".

Before proceeding with any specific application, I now write for your counsel, as to whether

*Bloom & Bloom, P.C.*

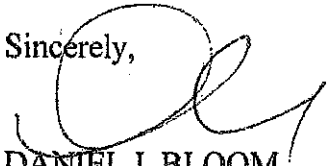
*October 23, 2014*

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an application may be made at this time directly to the Zoning Board of Appeals for such an "Interpretation" or must a new site plan be presented to the Planning Board from which an appeal would be taken to the Zoning Board of Appeals.

Thank you in advance for your anticipated prompt reply.

Sincerely,



DANIEL J. BLOOM

DJB/sm

- cc: Mr. John P. Ewasutyn, Planning Board Chairman  
Town of Newburgh Planning Dept.  
308 Gardnertown Road  
Newburgh, New York 12550
- cc: Bohler Engineering  
Attn: James Gillespie, P.E.  
(via email)
- cc: Mr. Amish G. Patel  
c/o Laxmi Estates II, LLC  
(via email)

## John Ewasutyn

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**From:** Gerald Canfield <codecompliance@townofnewburgh.org>  
**Sent:** Thursday, December 18, 2014 11:14 AM  
**To:** planningboard@Townofnewburgh.org  
**Cc:** zoningboard@townofnewburgh.org  
**Subject:** 5277 Rte. 9W  
**Attachments:** DOC121814.pdf

Grace & John,

Attached please find correspondence I have received from Dan Bloom regarding the Laxmi application 5277 Rte. 9W Dunkin Doughnuts. My response to Mr. Bloom has been to resubmit any new proposals to the Planning Board.

Any necessary referrals or interpretations can be made by the Planning Board. I believe that this approach will afford both boards the opportunity to review the same plan.

Jerry