



Steven M. Neuhaus  
County Executive

**Orange County Department of Planning**  
**Submission Form for Mandatory Review of Local Planning Action**  
**as per NYS General Municipal Law §239-l,m, & n**

Referral ID#:  
(County Use Only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:  
Local Referring Board:  
Applicant:  
Project Name:  
Location of Project Site

Town of Newburgh  
Zoning Board of Appeals  
261 North Plank Road LLC  
261 NORTH PLANK ROAD  
(Route 32)

Tax Map #: 34-3-23.2  
Tax Map #:  
Tax Map #:  
Local File No.: PBREF  
Size of Parcel\*: 158X130

\*If more than one parcel, please include sum of all parcels.

Reason for County Review:

ON State Highway Route 32

Current Zoning District (include any overlays): IB

**Type of Review:**

- Comprehensive Plan Update/Adoption
- Zoning Amendment
  - Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_
  - Ordinance Modification (cite section): \_\_\_\_\_
- Local Law
- Site Plan
  - Sq. feet proposed (non-residential only): \_\_\_\_\_
  - Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)
- Subdivision
  - Number of lots proposed: \_\_\_\_\_
  - Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)
- Special Use Permit
- Lot Line Change
- Variance
  - AREA USE (circle one) lot area, lot depth, front yard setback, rear yard setback
  - Other \_\_\_\_\_

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

*Grace Cardone* 8/20/14  
Signature of local official Date

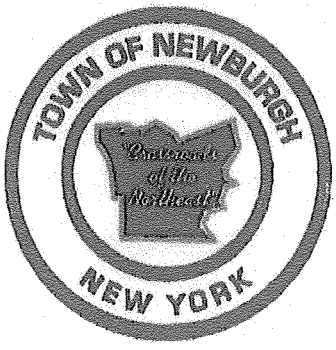
Chairperson  
Zoning Board of Appeals  
Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)





# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

3. IF VARIANCE 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:           N/A
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:           August 15, 2014

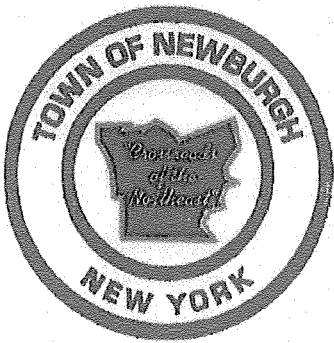
4. DESCRIPTION OF VARIANCE SOUGHT:           changing of use requires            
          variances for existing lot area, front yard and rear yard setbacks            
          and lot depth          

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING 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:  
          N/A            
\_\_\_\_\_

**(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:  
          N/A            
\_\_\_\_\_  
\_\_\_\_\_
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:  
          N/A            
\_\_\_\_\_  
\_\_\_\_\_



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308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

N/A

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6. 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:

See Attachment

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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:

See Attachment

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c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See Attachment

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d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

See Attachment

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e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

See Attachment

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308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):  
See Attachment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

261 NORTH PLANK ROAD LLC

By:

*Stephen J. Gaba*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE  
Stephen J. Gaba

STATE OF NEW YORK: COUNTY OF ORANGE:

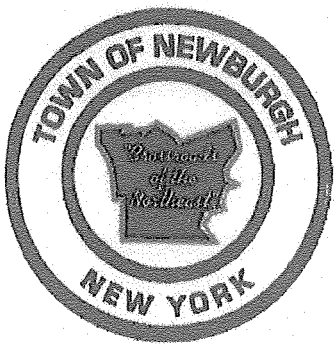
SWORN TO THIS 15<sup>TH</sup> DAY OF August 2014

*Mary Judith Truscello*  
\_\_\_\_\_  
NOTARY PUBLIC

Mary Judith Truscello  
Notary Public, State of NY  
Reg. #01TR5050456  
Appointed in Ulster County  
Commission Expires: October 10, 2017

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.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Stephen J. Gaba, Member of  
261 North Plank Road LLC \_\_\_\_\_, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 2 Rosaline Lane, Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 261 North Plank Road,  
Town of Newburgh, Orange County, New York

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Drake, Loeb

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: August, 2014

Stephen J. Gaba  
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 15<sup>TH</sup> DAY OF August 20 14

  
NOTARY PUBLIC

Mary Judith Truscello  
Notary Public, State of NY  
Reg. #01TR5050456  
Appointed in Ulster County  
Commission Expires: October 10, 2017

## **DESCRIPTION OF THE PROPERTY**

The subject property is located at 261 North Plank Road (a/k/a N.Y.S. Route 32). It is a corner lot, situated at the intersection of North Plank Road and Paffendorf Road. It is located in an "Interchange Business District" (IB) zoning district.

The subject property is slightly less than one acre in size (i.e., 31,958 sq. ft.) and is improved by a 1,700+/- square foot main building, which for many years has housed a retail store called "Whinnies & Knickers." It has a large gravel parking area. It is serviced by municipal water and it has a private septic tank. It is an existing legal nonconforming lot in regard to lot area, lot depth, front yard set-back and rear yard set-back.

The neighborhood in which the subject property is located is a mixture of commercial uses, offices and residential uses, as well as some uses pertaining to motor vehicles that might be termed light industrial. Directly behind the subject property and to either side of it (i.e., adjoining in the west and across Paffendorf Road in the east) are single family dwellings. Directly across North Plank Road is a commercial/light industrial use involving motor vehicles.

## **DESCRIPTION OF THE VARIANCE SOUGHT**

The subject property has been purchased by 261 North Plank Road, LLC., which proposes to change the use of the building on the property from a retail store to a professional office, particularly a law office. Retail stores are permitted uses in the IB District subject to site plan approval, and so are professional offices. No changes in the building are being proposed. It is simply proposed to operate a law office in the building rather than a retail store.

An area variance under Town Code §185-19(c) for the proposed change in use is required. In regard to a change of use of property, under Town Code §185-19(c)(2) provides:

**Change in use. A change of use to a conforming use subject to site plan review of the Planning Board of a building which remains nonconforming as to the district regulations for bulk shall not be permitted without an area variance from the Zoning Board of Appeals and site plan approval by the Planning Board in accordance with the requirements of this chapter.**

Thus, despite the legal nonconforming status of the property, an area variance in regard to the existing legal nonconformities is required under the Town Code for the proposed change in use of the property.

**RESPONSES TO QUESTION "6" IN ZBA APPLICATION FORM.**

**A) The Variance Will Not Produce An Undesirable Change In The Character Of The Neighborhood Or A Detriment To Nearby Properties Because:**

For at least the last twenty (20) years the property has been operated as a retail store. A professional office is a less intense use than a retail store. The Town Code recognizes this fact by imposing greater bulk requirements on retail stores than it does on professional offices.<sup>1</sup> Since no physical change to the property is being proposed, and the proposed use is less intense than the prior existing use of the property, granting the requested variance will clearly not produce any detrimental change to the character of the neighborhood and will not be a detriment to nearby properties.

**B) The Benefit Sought By The Applicant Cannot Be Achieved By Some Method, Feasible For The Applicant To Pursue, Other Than An Area Variance Because:**

An area variance under Town Code §185-19(c)(2) is required for any change of use on the property.

**C) The Requested Area Variance Is Not Substantial Because:**

The change of use proposed is less intense than the existing use. Moreover, although some of the nonconformities to the bulk requirements are numerically (i.e., quantitatively) large, they are not qualitatively "substantial" because the lot and buildings at issue have existed in place for many years and no change in them is being proposed.

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<sup>1</sup> E.g., under the bulk tables for the IB District the required side yard set-back for a retail store is 50'/100', whereas the side yard set-back for a professional office is only 30'/80'.



**D) The Proposed Variance Will Not Have An Adverse Effect Or Impact On The Physical Or Environmental Conditions In The Neighborhood Or District Because:**

As noted above, a professional office is a less intense use than a retail store, so the change in use to professional office should actually decrease the impacts of use of the property. A professional office use will not result in any increased noise, light, rubbish or wastewater. It will also not have any traffic impacts, since there is not much "drive up" business associated with a small professional office.

**E) The Hardship Has Not Been Self Created Because:**

The subject property has been in legal nonconformity with the Town's bulk requirements for many years. In any event, this consideration is not dispositive.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: 261 North Plank Road LLC - Change of Use Site Plan			
Project Location (describe, and attach a location map): 261 North Plank Road (aka NYS Route 32) and Paffendorf Drive			
Brief Description of Proposed Action: The developed property is currently used as commercial retail and contains two (2) existing structures; an 1,800± square foot building used as the retail store and a 400± square foot accessory shed used for additional storage. Site Plan approval for a Change of Use from Retail to Professional Office is being sought, both are permitted uses in the IB Zoning District. No modifications to the existing site or buildings are being proposed with the Change of Use.  Pursuant to Town Code 185-19(c)(2) a change from one use requiring site plan approval to another use requiring site plan approval on a legal nonconforming lot requires an area variance.			
Name of Applicant or Sponsor: 261 North Plank Road LLC		Telephone: 845-458-7310 E-Mail: sgaba@drakeloeb.com	
Address: 2 Rosaline Lane			
City/PO: Newburgh		State: New York	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.734± acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.734± acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>261 North Plank Road, LLC</u> Date: <u>August 15, 2014</u></p> <p>Signature: By: <u><i>Stephen J. [unclear] - member</i></u></p>		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>	<b>YES</b>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>	<b>YES</b>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>	<b>YES</b>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

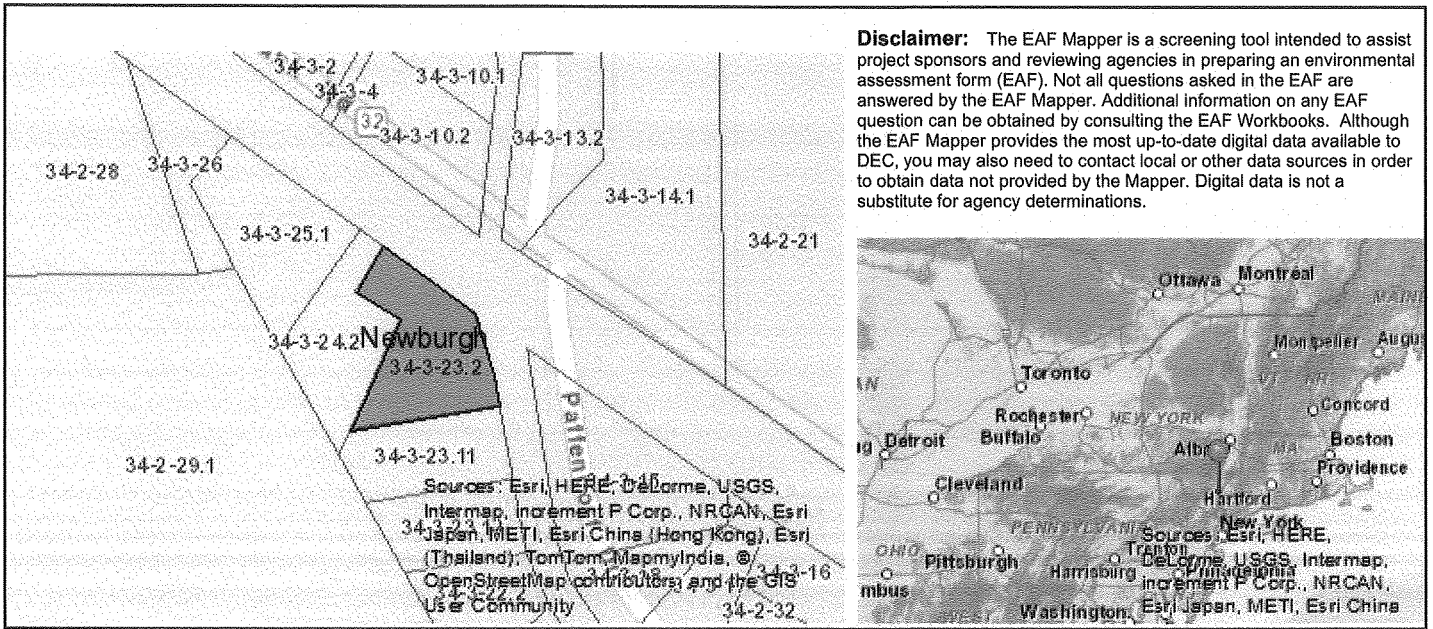
	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

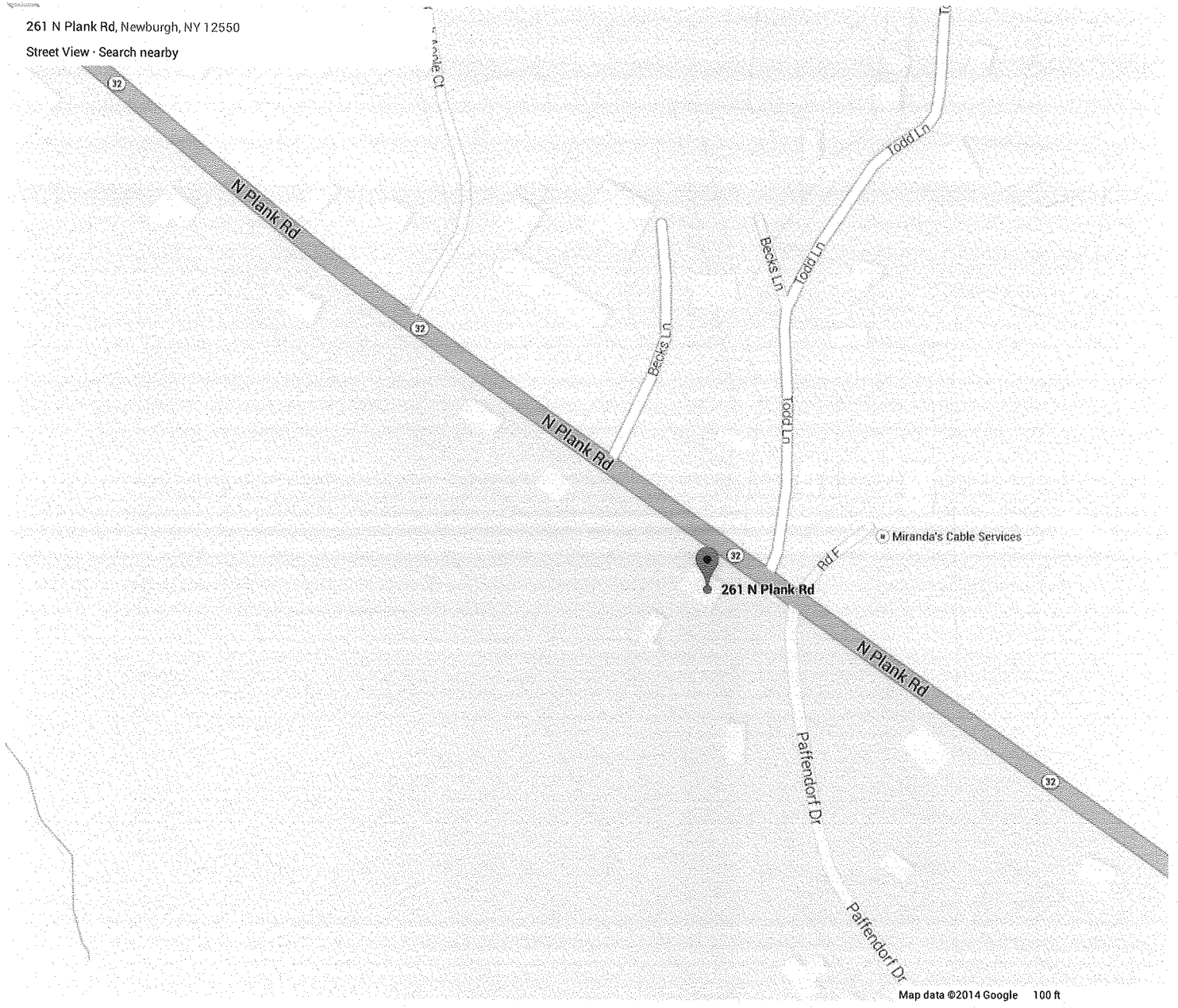
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

261 N Plank Rd, Newburgh, NY 12550

Street View · Search nearby





ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:  
NAME(S) OF PARTY(S) TO DOCUMENT



Kathy Cusper  
F/K/A Kathy Light  
TO  
261 North Park  
Road, LLC

SECTION 34 BLOCK 3 LOT 232

RECORD AND RETURN TO:  
(name and address)

James Loeb, Esq  
555 Hudson Valley Ave  
Ste 100  
New Windsor, NY 12553

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED C MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
- 2001 WASHINGTONVILLE (VLG)
- 2003 SO. BLOOMING GROVE (VLG)
- 2289 CHESTER (TN)
- 2201 CHESTER (VLG)
- 2489 CORNWALL (TN)
- 2401 CORNWALL (VLG)
- 2600 CRAWFORD (TN)
- 2800 DEERPARK (TN)
- 3089 GOSHEN (TN)
- 3001 GOSHEN (VLG)
- 3003 FLORIDA (VLG)
- 3005 CHESTER (VLG)
- 3200 GREENVILLE (TN)
- 3489 HAMPTONBURGH (TN)
- 3401 MAYBROOK (VLG)
- 3689 HIGHLANDS (TN)
- 3601 HIGHLAND FALLS (VLG)
- 3889 MINISINK (TN)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN)
- 4001 MONROE (VLG)
- 4003 HARRIMAN (VLG)
- 4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
- 4201 MAYBROOK (VLG)
- 4203 MONTGOMERY (VLG)
- 4205 WALDEN (VLG)
- 4489 MOUNT HOPE (TN)
- 4401 OTISVILLE (VLG)
- 4600 NEWBURGH (TN)
- 4800 NEW WINDSOR (TN)
- 5089 TUXEDO (TN)
- 5001 TUXEDO PARK (VLG)
- 5200 WALLKILL (TN)
- 5489 WARWICK (TN)
- 5401 FLORIDA (VLG)
- 5403 GREENWOOD LAKE (VLG)
- 5405 WARWICK (VLG)
- 5600 WAWAYANDA (TN)
- 5889 WOODBURY (TN)
- 5801 HARRIMAN (VLG)
- 5809 WOODBURY (VLG)
- CITIES
- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

NO PAGES 5 CROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable  
CONSIDERATION \$ 205,000  
TAX EXEMPT \_\_\_\_\_  
Taxable  
MORTGAGE AMT. \$ \_\_\_\_\_

MORTGAGE TAX TYPE:

- \_\_\_ (A) COMMERCIAL/FULL
- \_\_\_ (B) 1 OR 2 FAMILY
- \_\_\_ (C) UNDER \$10,000
- \_\_\_ (E) EXEMPT
- \_\_\_ (F) 3 TO 6 UNITS
- \_\_\_ (I) NAT.PERSON/CR. UNION
- \_\_\_ (J) NAT.PER-CR.UN/1 OR 2
- \_\_\_ (K) CONDO

*Ann G. Rabbitt*  
ANN G. RABBITT  
ORANGE COUNTY CLERK

Received From Hill & Dale

RECORDED/FILED  
08/05/2014/ 15:30:04  
ANN G. RABBITT  
County Clerk  
ORANGE COUNTY, NY  
FILE#20140066239  
DEED C / BK 13779PG 1867  
RECORDING FEES 320.00  
TTX# 000110 T TAX 820.00  
Receipt#1796069 hals

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
ON 08-05-14 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.  
08-14-14 *Ann G. Rabbitt*  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY



NA 51676

Standard Bargain & Sale Deed  
Individual or Corporate: Single Sheet

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

THIS INDENTURE, made the 28 day of July, 2014

**BETWEEN**

**KATHY CASPER (f/k/a KATHY LIGHT)**, residing at 3189 New Prospect Road, Pine Bush, NY 12566

party of the first part, and

**261 NORTH PLANK ROAD, LLC**, a New York limited liability company with offices located at 2 Rosaline Lane, Newburgh, NY 12550

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars, lawful money of the United States, and other valuable consideration 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 PARCEL OF LAND**, situate in the Town of Newburgh, County of Orange, and State of New York, being bounded and described as follows:

**BEGINNING** at an iron bar found set in blacktop on the southwesterly side of North Plank Road (Route 32), on the division line of the herein described parcel with lands conveyed to Frank and Rose Herman in Deed Liber 1576 at page 412 and running thence along the southwesterly side of said North Plank Road South 42° 06' 00" East 199.85 feet to a spike set in the centerline of the former course of the North Plank Road, thence through the centerline of the former course of the North Plank Road, now known as Paffendorf Drive, South 01° 30' 50" East 101.15 feet to a spike set in the centerline of Paffendorf Drive on the division line with lands conveyed to Richard B. Smith in Deed Liber 2382 at page 347, thence along the division line with said lands of Richard B. Smith, and in part along a stone wall, North 86° 18' 45" (erroneously referred to 36° 18' 45" in prior deeds of record) West 233.38 feet to rod set on the division line with aforementioned lands of Frank and Rose Herman, thence along the division line with said lands of Herman, North 37° 17' 00" East 164.15 feet to a set rod, North 43° 42' 00" West 72.76 feet to a set rod, and North 43° 05' 30" East 69.83 feet to the place of beginning. Containing 0.72 acre parcel.

*Being further described according to a recent survey attached.*  
**GRANTING AND RESERVING** any rights of ways or easements of record.

**SUBJECT** to any rights, title or interests of others in and to that portion of North Plank Road and Paffendorf Drive claimed for road purposes.

**LANC & TULLY**  
ENGINEERING AND SURVEYING, P.C.

---

John J. Lano, P.E., L.S., P.P.  
David E. Higgins, P.E.  
Rodney C. Knowlton, L.S.

Arthur R. Tully, P.E.  
John J. O'Rourke, P.E.  
John D. Russo, P.E.

DESCRIPTION  
LANDS TO BE CONVEYED TO 261 NORTH PLANK ROAD LLC.  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JULY 24, 2014

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

BEGINNING at a point marked by an iron rod lying on the southwesterly line of New York State Route 32 (North Plank Road), said point being the northerly corner of lands herein described and the northeasterly corner of lands now or formerly Oliva;

THENCE running along the southwesterly line of said North Plank Road being the northeasterly line of lands herein described, (1) South 42 degrees 06' 00" East, as per Liber 5329 of Deeds at Page 24, a distance of 199.65 feet, to a point at the approximate center of Paffendorf Drive;

THENCE running along the approximate centerline of said Paffendorf Drive being the easterly line of lands herein described on the following two (2) courses and distances:

- (2) South 03 degrees 05' 30" East, a distance of 76.27 feet; and
- (3) South 03 degrees 19' 30" West, a distance of 25.02 feet, to a point being the southeasterly corner of lands herein described and the northeasterly corner of lands now or formerly Smith;

THENCE running along the northerly line of lands of said Smith being the southerly line of lands herein described, (4) North 86 degrees 18' 43" West, a distance of 233.88 feet, to an iron rod being the northwesterly corner of lands of said Smith, the southwesterly corner of lands herein described and lying on a southeasterly line of lands now or formerly Oliva;

THENCE running along a portion of a southeasterly line of lands of said Oliva being a northwesterly line of lands herein described, (5) North 37 degrees 17' 00" East, a distance of 164.15 feet to an iron rod being an easterly corner of lands of said Oliva;

THENCE running along a northeasterly line of lands of said Oliva being a southwesterly line of lands herein described, (6) North 43 degrees 42' 00" West, a distance of 72.76 feet to a point being a westerly corner of lands herein described;

THENCE running along a southeasterly line of lands of said Oliva, being a northwesterly line of lands herein described, (7) North 43 degrees 05' 00" East, a distance of 69.85 feet to the point or place of BEGINNING.

Page 1 of 2

(845) 294-3700 • P.O. Box 687, Route 207, Goshen, N.Y. 10924 • FAX (845) 294-8609  
[www.lanctully.com](http://www.lanctully.com)

DESCRIPTION - CONTINUED  
LANDS TO BE CONVEYED TO 261 NORTH PLANK ROAD LLC.  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JULY 24, 2014

ALL as shown on a map entitled "Survey Prepared For 261 North Plank Road LLC, Town of Newburgh, Orange County, New York", dated July 22, 2014, prepared by Lanc & Tully Engineering and Surveying, P.C.

Containing 0.734± acres.

Premises herein described being Tax Map Lot No. 23.2, in Block 3, within Section 34, as shown on the Tax Maps of the Town of Newburgh, Orange County, New York, dated 2013.

Premises herein described being the same premises as described in Liber 5329 of Deeds at Page 24, as filed in the Orange County Clerk's Office.

Premises herein described being subject to any easements, rights-of-way, covenants or restrictions of record.

northplankroad.conveyedlands.desc.docx

HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581

Page 2 of 2

***Dickover, Donnelly & Donovan, LLP***  
**Attorneys and Counselors at Law**

**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

James B. Biagi, of Counsel

Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
Ludmerer & Vurno, Esqs., Warwick, N.Y.

**28 Bruen Place**  
**P.O. Box 610**  
**Goshen, NY 10924**  
**Phone (845) 294-9447**  
*mail@dtdblaw.com*  
**Fax (845) 294-6553**  
*(Not for Service of Process)*

August 15, 2014

Town of Newburgh Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, NY 12550

RE: 261 North Plank Road, LLC  
Section 34, Block 3, Lot 23.2  
261 North Plank Road

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Members of the Board:

I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting held on August 7, 2014 seeking site plan approval for a change of use allowing conversion of an existing retail establishment to a professional office building. Both uses are conforming uses in the IB zoning district where this property is located. The lot has present bulk requirement deficiencies. Pursuant to Section 185-19(C)(2) this change of use requires the following variances:

- A lot area variance allowing a lot of 31,958.05 square feet where 40,000 square feet is required;
- A lot depth variance allowing a lot depth of 67.6 feet where 150 feet is required;
- A front yard setback variance allowing a front yard setback of 20 feet where 50 feet is required;
- A rear yard setback variance allowing a rear yard setback of 0.36 feet

where 60 feet is required.

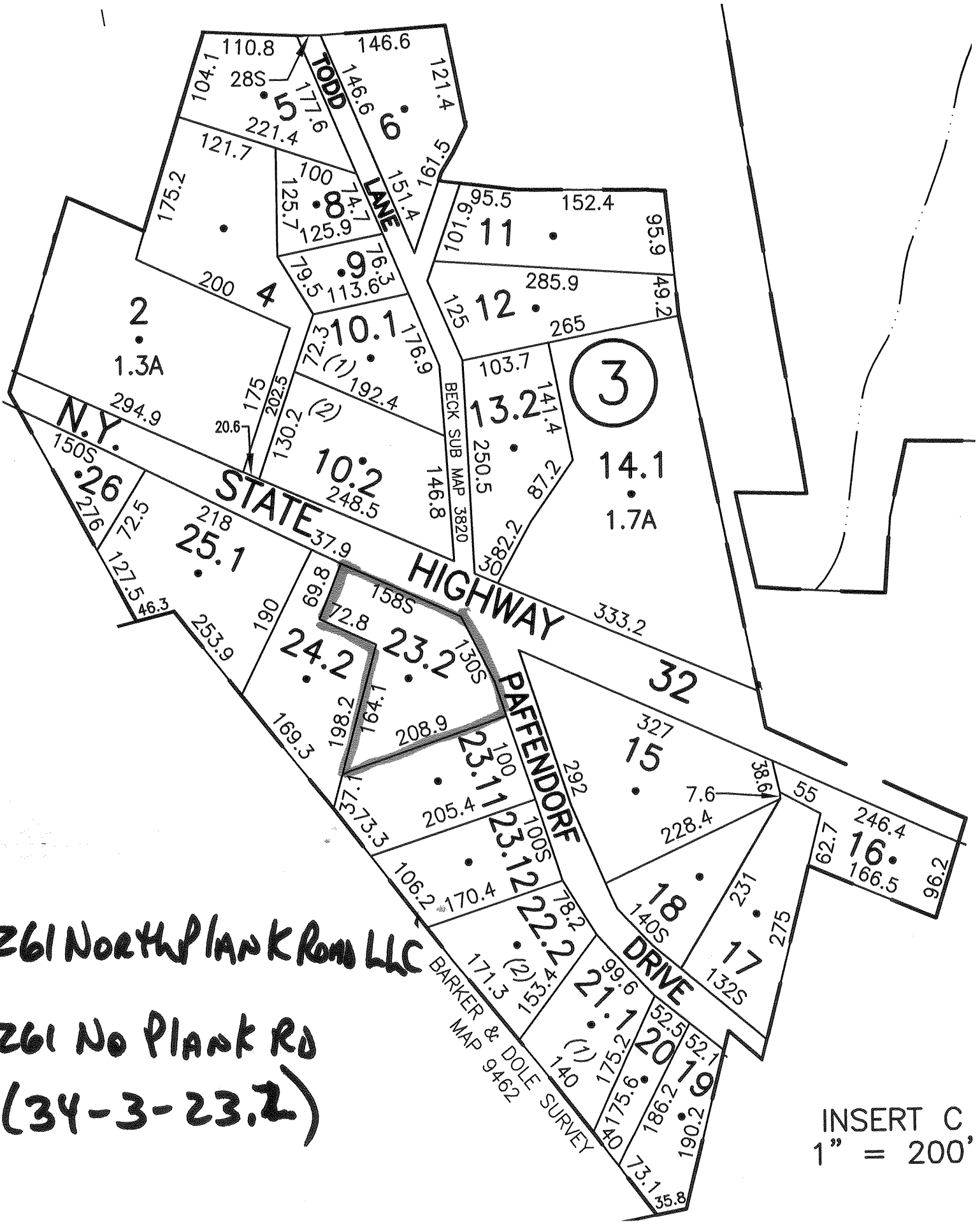
While the planning board has issued a lead agency notice of intent you may wish to process this matter on an uncoordinated review basis. The planning board has no particular issues to bring to your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H D", written in a cursive style.

MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board  
Lanc & Tully Engineering and Land Surveying, P.C.



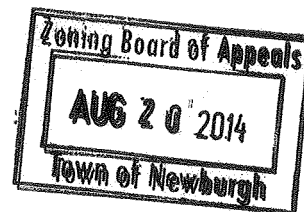
261 North Plank Road LLC  
 261 No Plank Rd  
 (34-3-23.2)

INSERT C  
 1" = 200'





**261 NORTH PLANK ROAD LLC  
2 ROSALINE LANE  
NEWBURGH, NEW YORK 12550**



August 20, 2014

Zoning Board of Appeals  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, New York 12550

Re: Applicant: 261 North Plank Road LLC  
Premises: 261 North Plank Road  
Application for an Area Variance

Dear Board Members:

I am writing to you in connection with the above ZBA application for an area variance. The Secretary of the Zoning Board of Appeals has requested information regarding the 400+ sq. ft. shed located on the map entitled "Site Plan for Change of Use Prepared For 261 North Plank Road LLC" made by Lanc & Tully Engineering and Surveying, P.C. and dated July 23, 2014. The shed, which has received all of the required permits, will be used for storage purposes.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

261 NORTH PLANK ROAD LLC

By: Stephen J. Gaba  
Stephen J. Gaba, Member

A handwritten signature in cursive script, appearing to read "Stephen J. Gaba".