



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: May 20, 2021

TO: **THE ZONING BOARD OF APPEALS**
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) 275 Route 17K, LLC (c/o GreenAcre Abstract, LLC) PRESENTLY

RESIDING AT NUMBER 275 Route 17K, Newburgh, New York 12550

TELEPHONE NUMBER (845) 591-6384

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

90-1-2 (TAX MAP DESIGNATION)

275 Route 17K, Newburgh (STREET ADDRESS)

R1 (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

We are seeking an interpretation and continuation of the previous owner's use variance, as the use of the building has not changed. Certificate of Occupancy lists property as "Model Home/Office" and "addition to Office Building". Previous decision by the board on May 22, 2008 was that "use of 1985 was office & new owner will use as offices. If sold new owner subject to review of change of use." There is no change of use, as the owner's use will be consistent with the use for which the use variance was granted in 1985 and 2008.

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:
04/28/2021
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Interpretation/continuation of use variance to allow use of existing office building in R1 zone

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:~~
The "model home" portion of the building has never been occupied as a single family house. The owner wishes that it remain an office building as per the Town's Certificate of Occupancy dated 09/10/1987. The property was bought to use as office space for existing business.
(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 existing occupancy is B-Business, Offices.
This occupancy is to remain B-Business, Offices.

- c) ~~THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:~~
The existing building would not change use or overall appearance.
The existing properties surrounding the existing building sit on an intersection of Route 17k and are all commercial buildings/uses (see attached pictures and plan, Exhibit A)

- d) ~~THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:~~
The Model House has never been occupied as a single family home.
It was preserved originally for a variance on January 18, 1985 (see Exhibit B) .
The variance was continued as granted by the board on May 22, 2008 (see Exhibit C).
The property was purchased by current owner with the Town's Certificate of Occupancy of 05/21/1987 for "Model Home/Office" and 09/10/1987 stating "for an addition to an existing office building" (see Exhibit D).

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:

N/A

- 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:

N/A

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

N/A

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

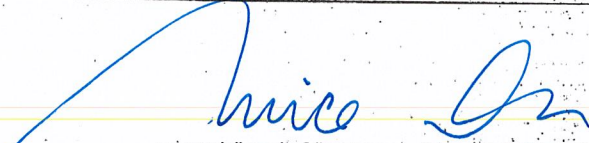
N/A

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

N/A

7. ADDITIONAL REASONS (IF PERTINENT):

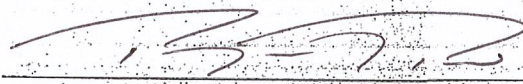
See attached Exhibit E



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20 DAY OF May 2021



RYAN J. REID

NOTARY PUBLIC

Notary Public, State of New York
No. 01RE6314838

Qualified in Ulster County

Commission Expires November 17, 2022

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

MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR
EW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE
T OF THE MEETING).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Derrick Saunders, sole member of 275 Route 17K, LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 275 Route 17K, Newburgh, New York 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF

275 Route 17K, Newburgh, New York 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Roland Bloomer

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 05/20/2021

Roland Bloomer

OWNER'S SIGNATURE

[Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 20th DAY OF May 20 21

RYAN J. REID
Notary Public, State of New York
No. 01RE6314838
Qualified in Ulster County
Commission Expires November 17, 20 22

[Signature]
NOTARY PUBLIC

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 275 Route 17K, Newburgh, New York 12550			
Project Location (describe, and attach a location map): 275 Route 17K, Newburgh, New York 12550			
Brief Description of Proposed Action: Continued use variance for existing office building - interpretation by ZBA			
Name of Applicant or Sponsor: 275 Route 17K, LLC		Telephone: (845) 591-6384	
Address: c/o GreenAcre Abstract, LLC, 275 Route 17K		E-Mail:	
City/PO: Newburgh		State: NY	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 type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 type="checkbox"/> Commercial <input 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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</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?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: 275 Route 17K, LLC

Date: 05/20/2021

Signature: *Mica Or*

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

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?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

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)



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 14795 / 1906
 INSTRUMENT #: 20200045592

Receipt#: 2806739
 Clerk: MP
 Rec Date: 09/01/2020 12:37:40 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: SEGALI PHILIP E
 Party2: 275 ROUTE 17K LLC
 Town: NEWBURGH (TN)
 90-1-2

Recording:

Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total: 315.00

Transfer Tax	
Transfer Tax - State	1640.00

Sub Total: 1640.00

Total: 1955.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax #: 851
 Commercial Transfer Tax
 Consideration: 410000.00

Transfer Tax - State	1640.00
----------------------	---------

Total: 1640.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

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 September 1, 2020
 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

May 12, 2021

Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY INGENIO

S-B-L: 90-1-2

Bargain and Sale Deed with Covenants Against Grantor's Acts

THIS INDENTURE, made this 27th day of August, 2020

BETWEEN Philip E. Segali and Elaine J. Segali with a principle address of 11 Doral Drive, New Windsor, New York 12553, party of the first part, and

275 Route 17K, LLC with a principle address of 400 Stony Brook Court, Suite 2N, Newburgh, New York 12550, party of the second part,

Witnesseth, that the party of the first part, in consideration of ten (\$10.00) dollars 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 Town of Newburgh, County of Orange and State of New York, being more particularly bounded and described on Schedule "A" annexed hereto and incorporated herein by this reference.

BEING AND INTENDED TO BE the same premises conveyed by John Steinberg, Jr., to the Grantor herein by deed dated March 21, 2008 and recorded with the Office of the Clerk of Orange County on March 27, 2008 in Liber 12638 cp 1162.

The premises are improved by Office Building.

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; 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 encumbered in any way whatever, except as aforesaid; and

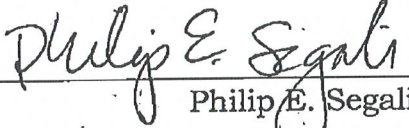
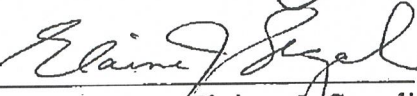
The party of the first part in compliance with Section 13 of the Lien Law covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement 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:


Philip E. Segali

Elaine J. Segali

STATE OF NEW YORK
COUNTY OF ORANGE ss:

On August 26, 2020, before me the undersigned, a Notary Public in and for said State, personally appeared **Philip E. Segali and Elaine J. Segali**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

TINA M. FASSNACHT
Notary Public, State of New York
Qualified in Orange County
Registration No. 02FA6046769
Commission Expires August 21, 2022

Bargain And Sale Deed With Covenant Against Grantors Acts

Section/Block/Lot: 90-1-2
Street Address: 275 Route 17K
Municipality: Town of Newburgh

RETURN BY MAIL TO:
Saffioti & Anderson
5031 Route 9W
Newburgh, NY 12550

Attn: Joseph M. Saffioti, Esq.

Stewart Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE A

LEGAL DESCRIPTION

Title No.: GA-208357-O

Policy No.: 894664600

REVISED: AUGUST 25, 2020

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

BEGINNING at the intersection of the southerly side of New York State Route 17K with the westerly side of Arbor Drive;

RUNNING THENCE from said point or place of beginning the following two (2) courses and distances along the westerly side of said Arbor Drive:

- 1) On a curve concave to the West having a radius of 150.00 feet and an arc length of 88.57 feet;
- 2) South 28 degrees 19 minutes 00 seconds West a distance of 70.00 feet, being 200.15 feet northeasterly from a railroad spike found;

THENCE along the lands reputedly of Simmons (Liber 1649 Page 598), North 61 degrees 41 minutes 00 seconds West a distance of 150.00 feet to an iron pin found;

THENCE along the lands reputedly of 291 Route 17K Partners, LLC (Liber 14341 Page 171), North 28 degrees 19 minutes 00 seconds East a distance of 155.00 feet;

THENCE along the southerly side of said New York State Route 17K, South 61 degrees 00 minutes 00 seconds East a distance of 124.61 feet to the point or place of BEGINNING, as surveyed by Howard W. Weeden, P.L.S., P.C. on June 23, 2020.

For Information Only:
Said Premise being known as 275 Route 17K, Newburgh, NY.

Section: 90 Block: 1 Lot: 2



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

2915-21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 04/28/2021

Application No. 21-0389

To:

**275 Route 17K, LLC c/o Green Acre Abstract
LLC**

**275 Route 17K
Newburgh, NY 12550**

SBL: 90-1-2

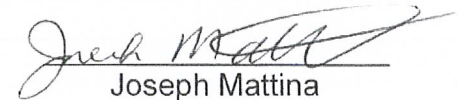
ADDRESS: 275 Route 17K

ZONE: R1

PLEASE TAKE NOTICE that your application dated 04/15/2021 for permit to keep prior built offices in a building located in an R-1 zone on the premises located at 275 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) Bulk table schedule 3: does not permit offices in an R-1 zone


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / **NO**

NAME: 275 RT. 17K LLC

Application # 21-0389

ADDRESS: 275 RT. 17K NEWBURGH NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE: OFFICE USE IN AN R-1 ZONE

SBL: 90-1-2 ZONE: R-1 ZBA Application # 2915-21

TOWN WATER: **YES** / **NO** TOWN SEWER: **YES** / **NO** N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 _____ YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY _____ YES / NO
 CORNER LOT - 185-17-A _____ YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 _____ YES / NO
 FRONT YARD - 185-15-A _____ YES / NO
 STORAGE OF MORE THEN 4 VEHICLES _____ YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 _____ YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 _____ YES / NO

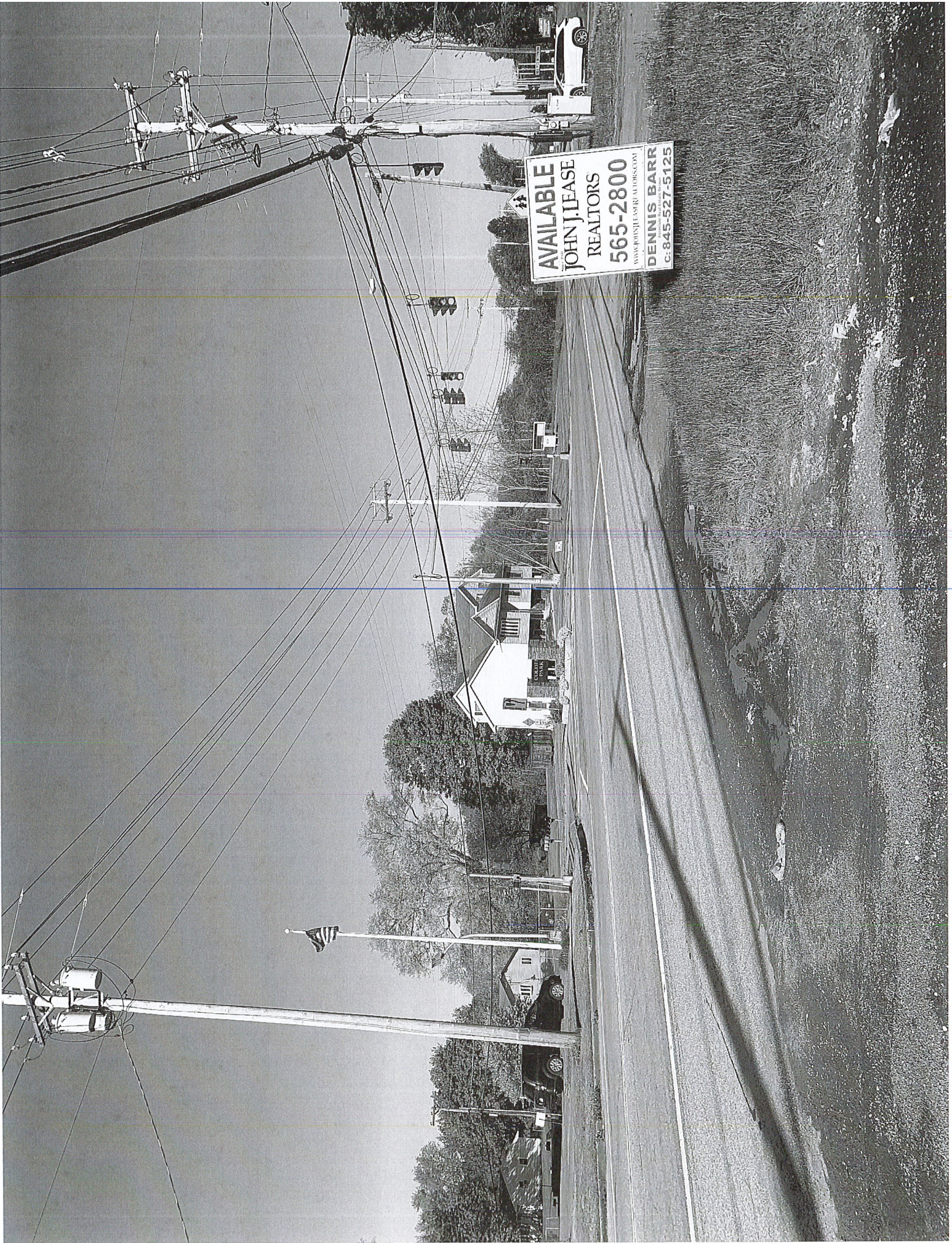
NOTES:

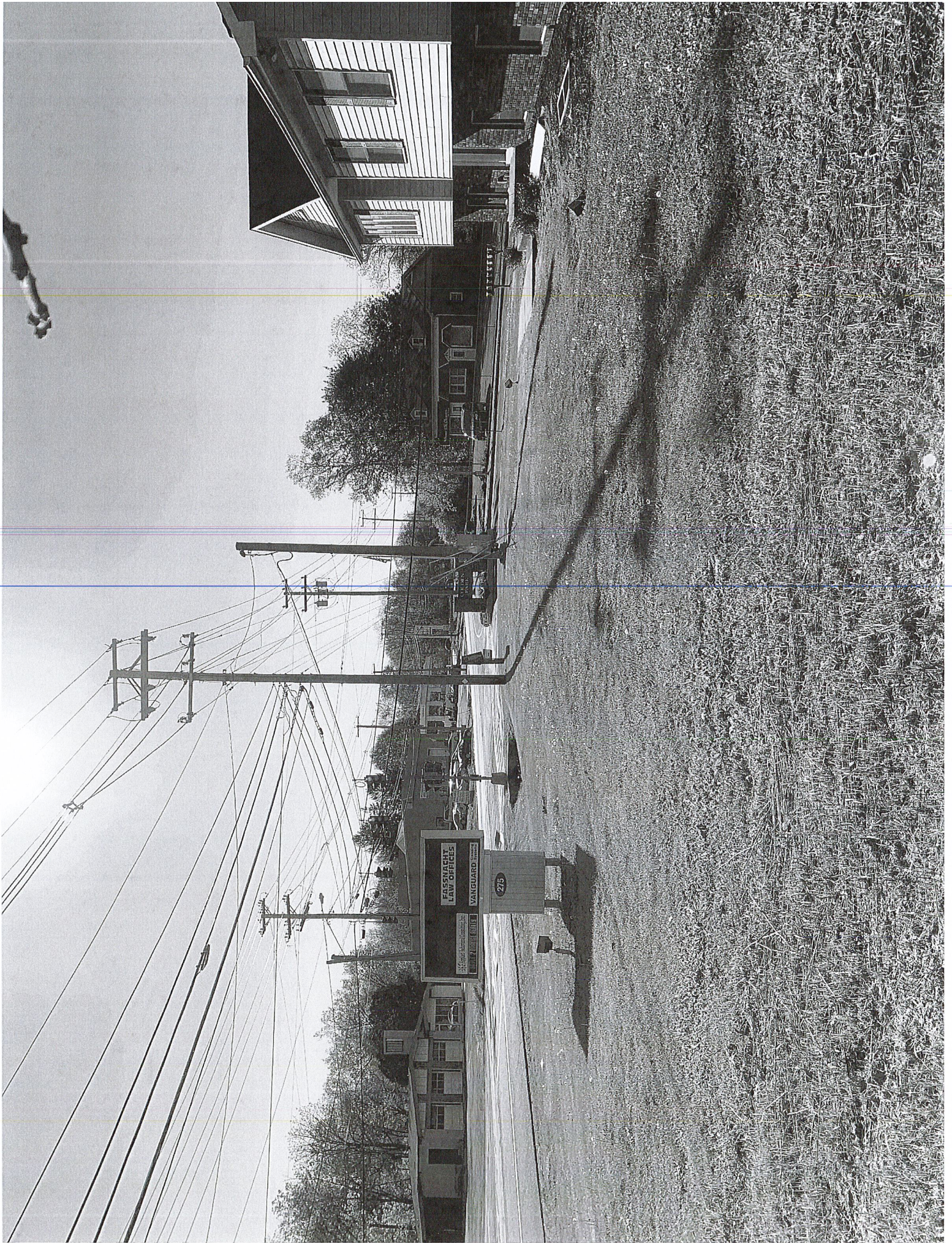
**1985 USE PERMIT GRANTED IN 1985 FOR MODLE HOME WITH OFFICE
 THERE HAVE BEEN NO PERMITS OR CERTIFICATE OF OCCUPANCIES ISSUED FOR ANY
 OTHER TENANTS SINCE THE ORIGINAL CO IN 1986**

REVIEWED BY: Joseph Mattina

DATE: 28-Apr-21

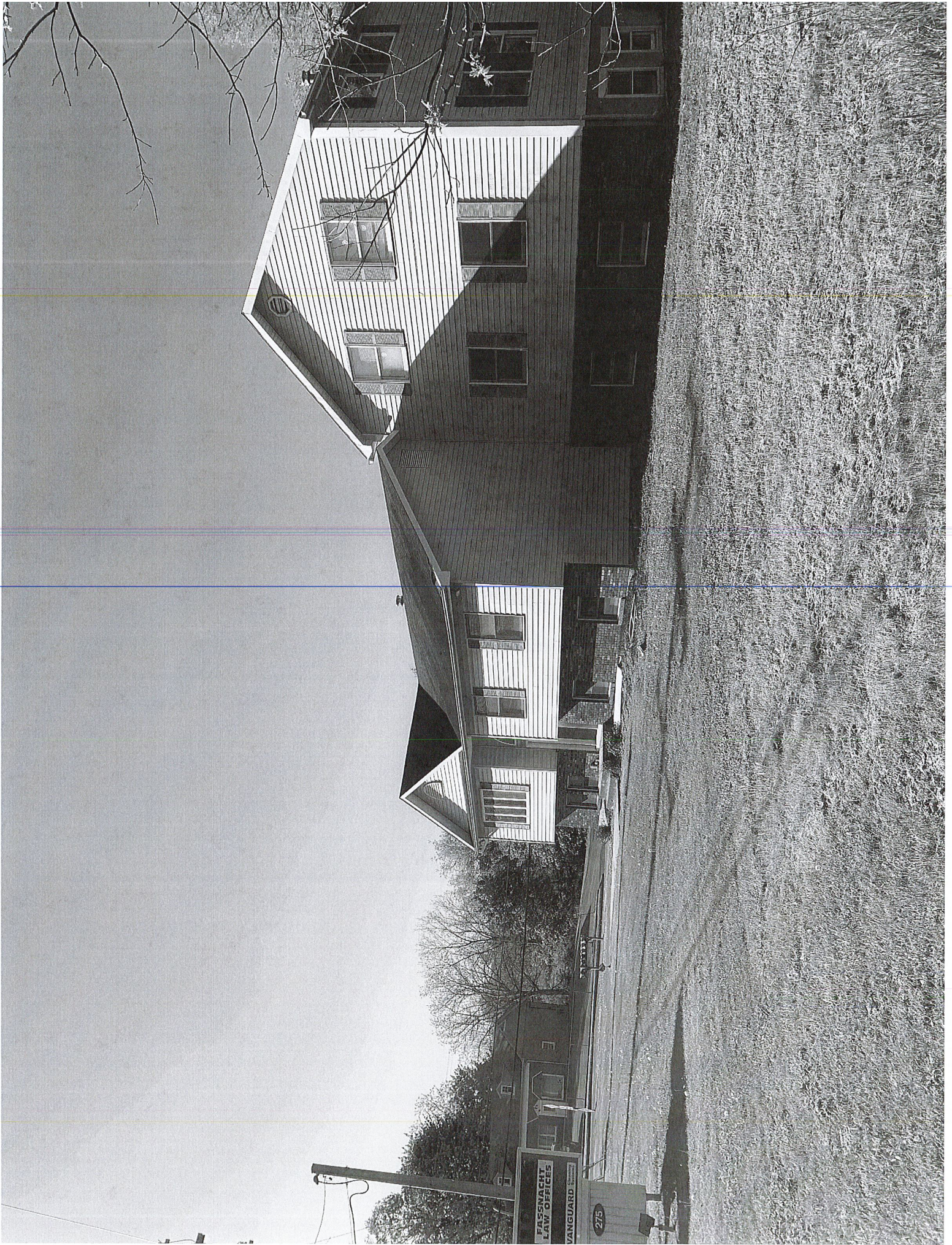
AVAILABLE
JOHN J. LEASE
REALTORS
565-2800
WWW.JOHNJLEASE.COM
DENNIS BARR
C: 845-527-5125



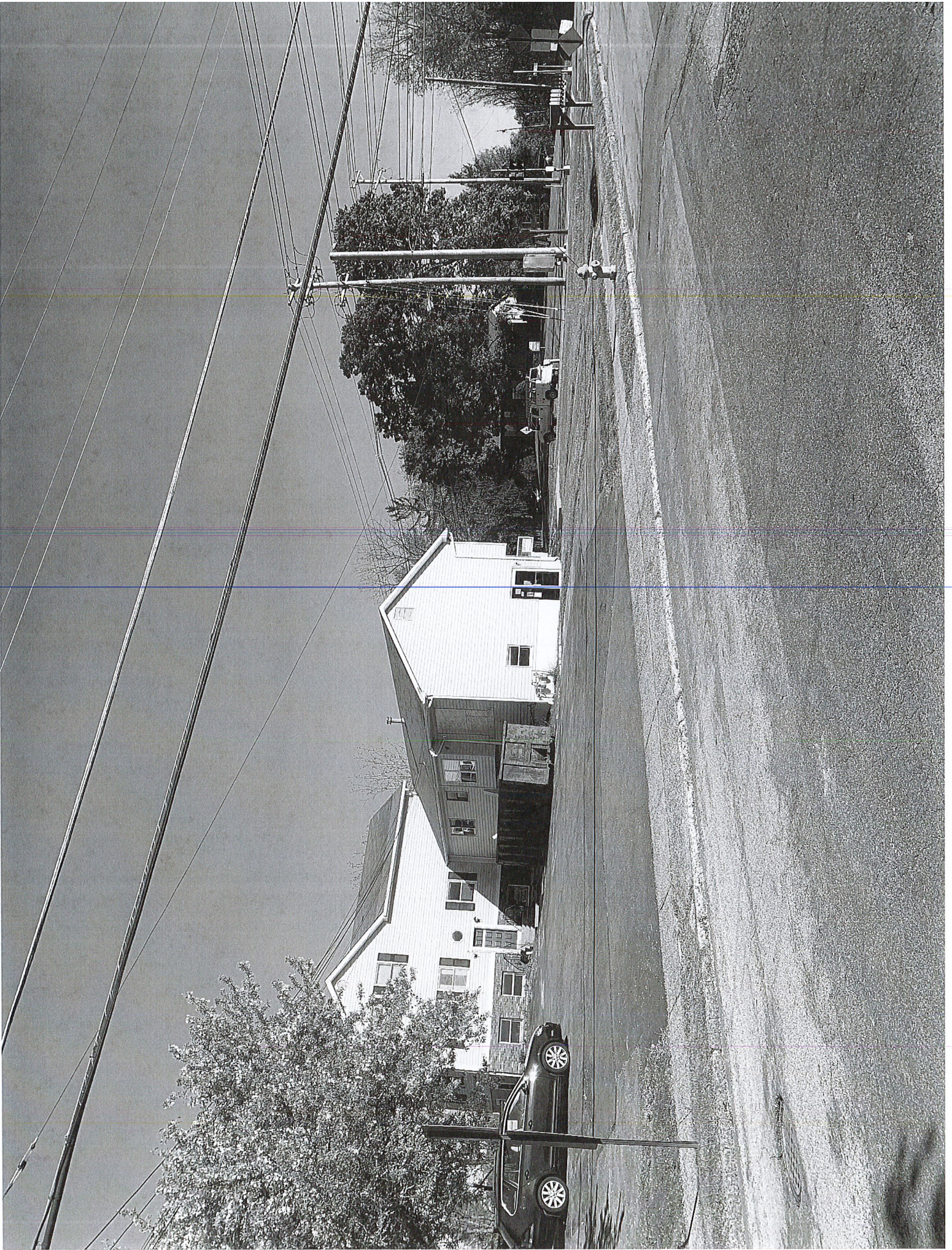


FASKNACHY
LAW OFFICES
VAINGUARD

275









**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I, ROLAND Bloomer, being duly sworn, depose and say that I did on or before

June 10, 2021, post and will thereafter maintain at

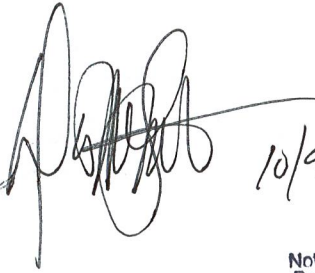

275 Route 17k 90-1-2 R1 Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Sworn to before me this 21

day of MAY, 2021.



10/9/22

Donna M. Smith
Notary Public State of New York
Registration No. 01SM6381566
Qualified in Ulster County
Commission Expires October 9, 20 22



TOWN OF NEWBURGH
Crossroads of the Northeast
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-566-4901
FAX LINE 845-564-7802

Notice of Public Hearing

PLEASE TAKE NOTICE that due to the current COVID-19 pandemic, the Zoning Board of Appeals meeting of the Town of Newburgh scheduled for June 24, 2021 at 7:00 p.m. at the Town Hall, 1496 Route 300, Newburgh, NY 12550 will be conducted in accordance with the applicable Executive Orders heretofore issued by New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meetings Law. Accordingly, physical attendance by the public at the meeting will not be permitted. All Board Members and Applicants will be required to appear in person unless prior arrangements have been made.

PLEASE TAKE FURTHER NOTICE that the public may view the meeting live using the Zoom platform at the following link:

Topic: ZBA Meeting

Time: Jun 24, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87190711223?pwd=UFRlWkRYYVhFOZZzvb1BldXpGWkFclT09>

Meeting ID: 871 9071 1223

Passcode: 960220

One tap mobile

+16468769923, 87190711223#...+960220# US (New York)

+13126266799, 87190711223#...+960220# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

Meeting ID: 871 9071 1223

Passcode: 960220

Find your local number: <https://us02web.zoom.us/j/87190711223?pwd=UFRlWkRYYVhFOZZzvb1BldXpGWkFclT09>

Application of 275 Route 17k LLC seeking an Interpretation of the Ordinance and Use Variance to keep the prior built offices in a building located in an R1 Zone.

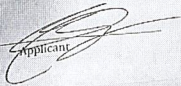
Location 275 Route 17k 90-1-2 R1 Zone

After each hearing scheduled for June 24, 2021 is opened, the public will be able to make comments through the Zoom livestream or by telephone through the Zoom teleconference option. Written comments will be accepted prior to the meeting. Such comments may be submitted by email to zoningboard@townofnewburgh.org or by regular First Class mail to Town of Newburgh ZBA 21 Hudson Valley Professional Plaza Newburgh, NY 12550. Meeting materials may be viewed on the Town of Newburgh web site at: <http://www.townofnewburgh.org/en/Meetings?pkid=4723>. As permitted by

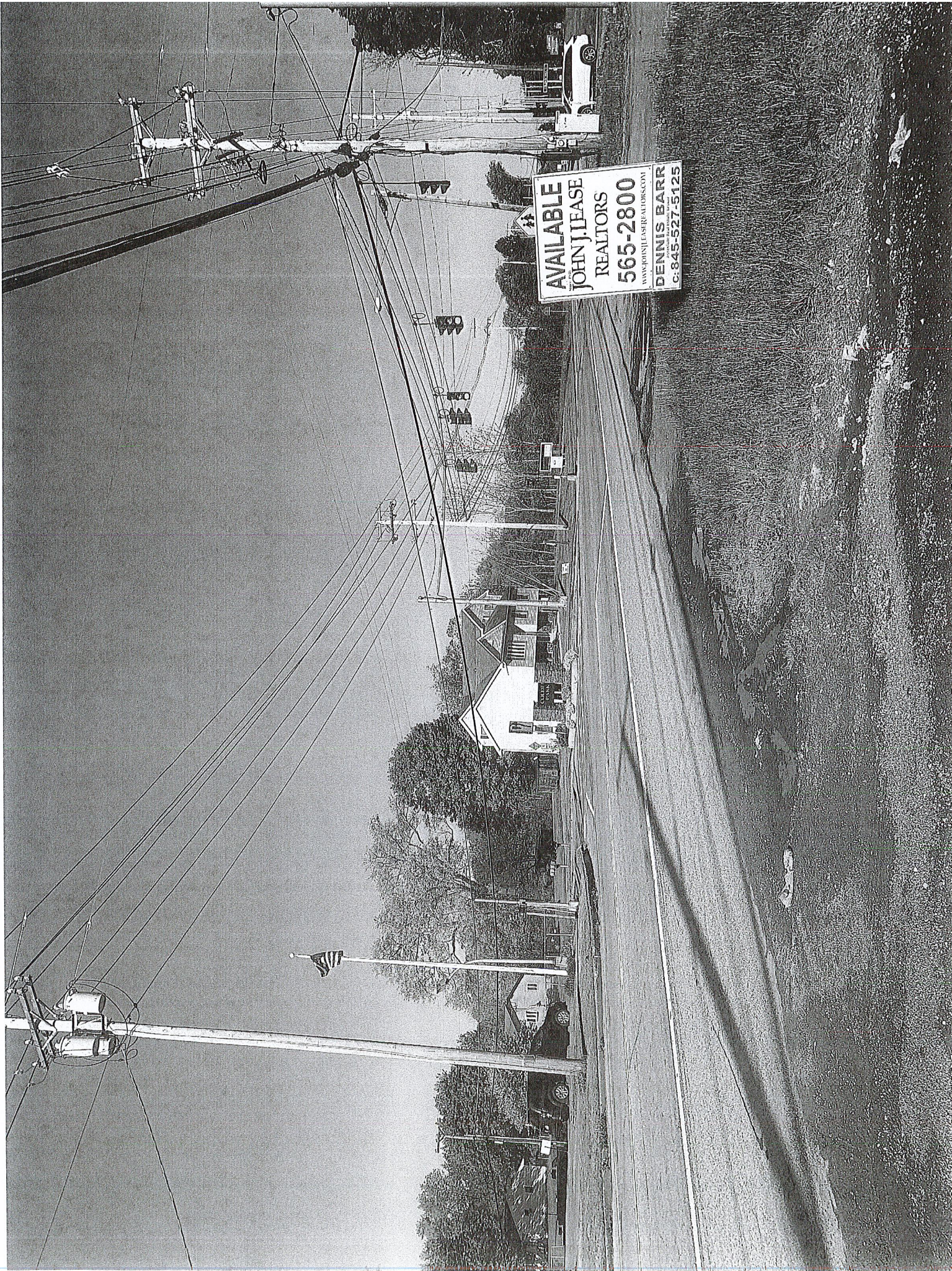
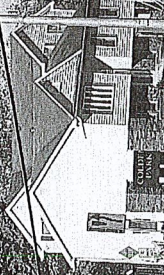
Section 104 of the Public Officers Law and the Governor's Executive Orders, the ZBA Board Chairman and individual board members may participate from remote locations. Consistent with the aforementioned Executive Orders, physical attendance at said remote locations shall not be permitted.

BY ORDER OF THE ZONING BOARD OF APPEALS TOWN OF NEWBURGH

Dated: June 10, 2021
Newburgh, New York


Applicant

AVAILABLE
JOHN J. LEASE
REALTORS
565-2800
WWW.JOHNJLEASEREALTORS.COM
DENNIS BARR
C: 845-527-5125



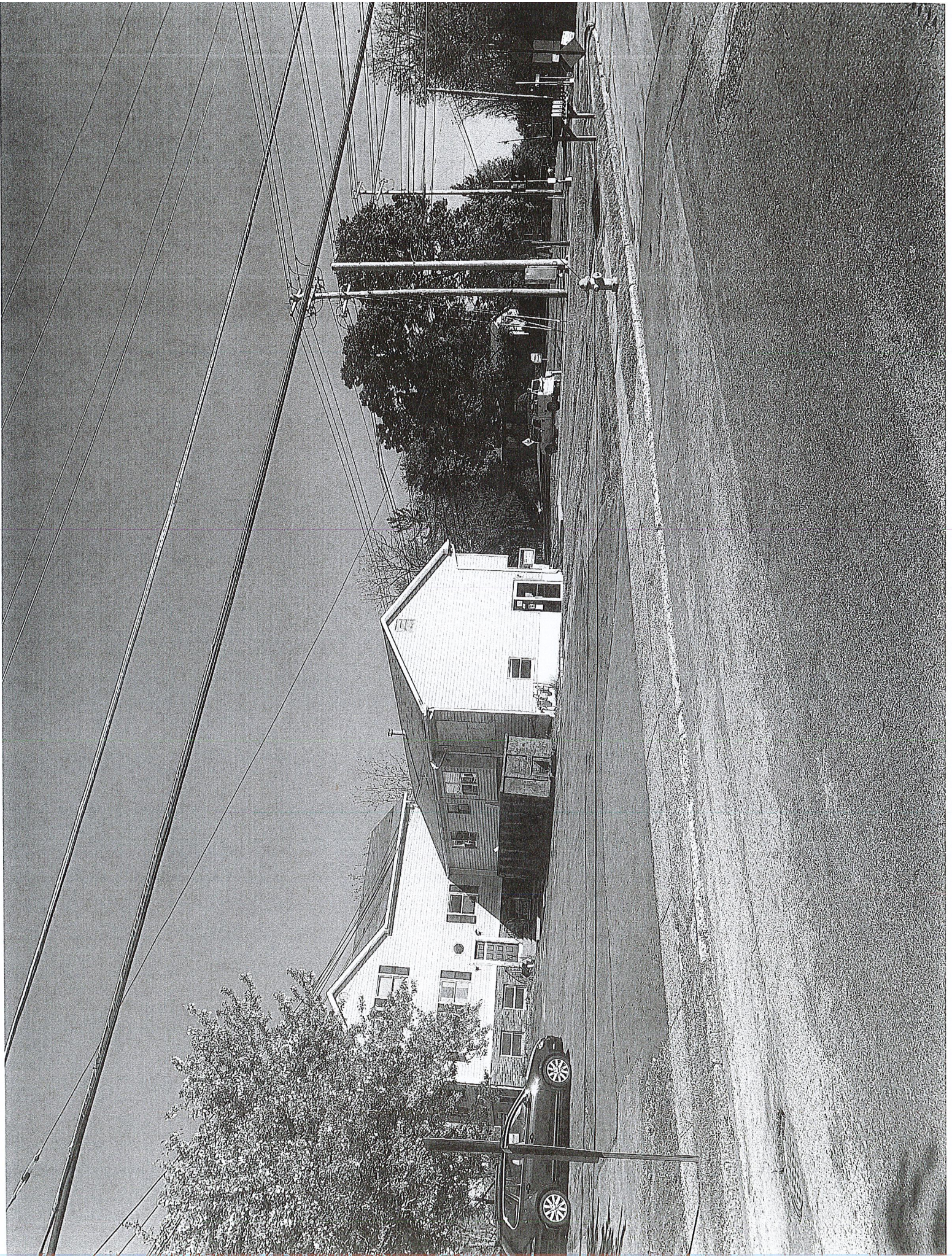


FASSWACKY
LAW OFFICES
VANGUARD

275









NOTES:

SUBJECT to any easements, rights-of-ways, and/or agreements that the utility companies may have.
 SUBJECT to such facts disclosed by an accurate, up-to-date title search.
 OFFSETS shown hereon are not to be used for construction purposes and/or fence installation.

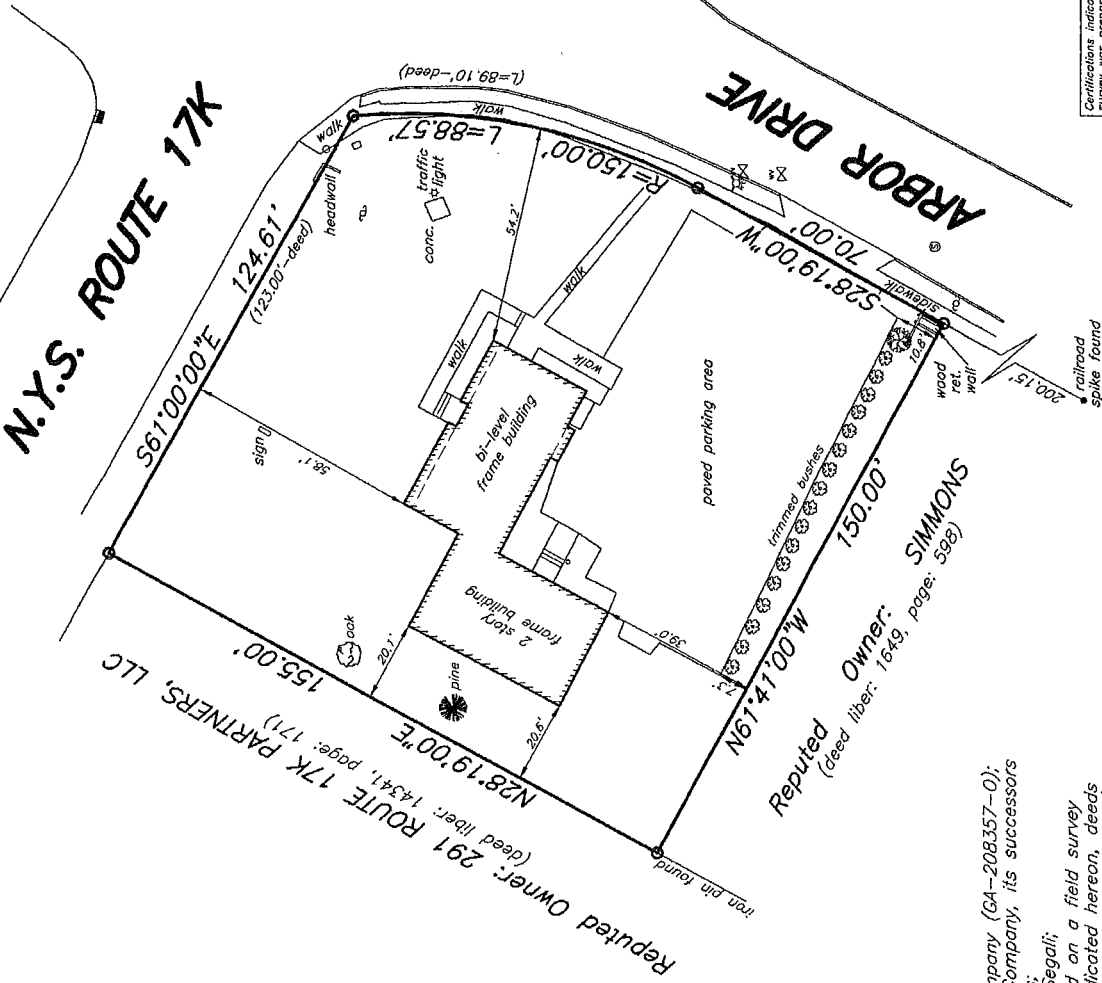
AREA= 22,438 S.F.
 = 0.515± acres

REFERENCES:

TAX MAP DATA: 90
 Section: 1
 Block: 1
 Lot: 2

Deed Liber: 12638 Page: 1162

**Survey of Property for
 SAUNDERS**
 located in the
Town of Newburgh
Orange County - New York



I hereby certify to:
 -Derrick Saunders;
 -Stewart Title Insurance Company (CA-208357-0);
 -Salisbury Bank and Trust Company, its successors and/or assigns;
 -Philip E. Segali; Elaine J. Segali;
 that this mapping is based on a field survey performed on the date indicated hereon, deeds and/or maps obtained from the County Clerk's office, and is correct and accurate to the best of my knowledge.

Howard W. Weeden
 Howard W. Weeden, P.L.S., P.C. NYS Lic. No. 049987

Certifications indicated hereon signify that the survey was prepared in accordance with the existing Code of Practice for Land Surveys of the State of New York. Said certifications shall run only to the person(s) for whom the survey is prepared, and on his/her behalf to the leading institution listed hereon, and to the assignees of the leading institution. Certifications are not transferable to additional institutions or their successors.

(Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 2209, sub-division 2, of the State Education Law.)

scale: 1" = 30' | date: 23 June 2020 | file no.: 20-230
 rev.: 29 July 2020
HOWARD W. WEEDEN, P.L.S., P.C.
PROFESSIONAL LAND SURVEYING
 62 Main Street, Walden, N.Y. 12586
 tel.: (845) 778-7643
 © copyright by Howard W. Weeden, P.L.S., P.C. Walden, New York

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

In the Application of

DECISION AND RESOLUTION

SCHOONMAKER HOMES -
JOHN STEINBERG, INC.

The application of Schoonmaker Homes - John Steinberg, Inc, seeks a use variance to permit the construction of a model home/office upon premises located at the intersection of Arbor Drive and Route 17K, an R-3 Zoning district in the Town of Newburgh.

The applicant having submitted his application, paid the required fee, provided a true copy of the property description, submitted a plot plan and list of property owners within three hundred feet, the matter was noticed for public hearing and notice thereof was mailed by the applicant to said owners and caused to be published by the Chairman of the Board, and the hearing being conducted, the Board thereupon entered into executive session and, does find as follows:

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

2. The applicant is the owner of an unimproved parcel, approximately 150 ft. by 150 ft. located at the intersection of Route 17K and Arbor Drive in the Town of Newburgh, an area zoned R-3, being in title to the same since January 19, 1984.

It is here noted that an application for the same relief as is herein requested was brought by the former owners of subject premises, Vincent A. Kazzie, by application dated October 7, 1983 and heard by this board on October 27, 1983.

3. The applicant proposes construction of a bi-level home type structure of two section, one 26 foot by 40 foot attached to a second section 26 foot by 40 foot to be utilized as a model home/administrative office, to be residential in appearance.

It has been demonstrated to this board that the parcel, vacant and unimproved, had been on the market for a number of years as a residential property and could not be sold as such. Additionally, the applicant points out the numerous commercial establishments located and existing on Route 17K, a very busy state highway, in close proximity to the subject parcel.

The applicant urges that the improvement of this site as a model home commercial use would serve as a buffer to the highly residential, Golden Park, and the commercial aspects of Route 17K as well as providing an esthetic blend between the commercial and residential uses.

The site plan with setbacks, proposed off street parking, screening and landscaping were carefully reviewed with the applicant.

THERE BEING NO FURTHER FINDINGS REQUIRED of this Board, the application of John Steinberg, for a use variance to permit the construction of a model home/office at the intersection of Route 17K and Arbor Drive be, and the same hereby is GRANTED, subject to the following terms and conditions:

1. that the landscaping, screening, as set forth in the site plan prepared by Vincent J. Doce Associates and dated December 7, 1984 be strictly adhered to and enforced, with special attention to the establishment of a buffer of green along the southerly property line, and
2. that the proposed sidewalk installation set forth on said site plan be extended as shown to provide some sidewalk area along Route 17K, and
3. that the said model home/office shall be allowed two identification signs, illuminated, not to exceed 2 ft. by 4 ft., each, and no higher than 3 ft. from ground level, and
4. that any change to such use shall be subject to the further review and approval of this Board.

DATED: Newburgh, New York
January 18, 1985



RALPH L. HOLT, CHAIRMAN



COUNTY OF ORANGE

DEPARTMENT OF PLANNING

EDWARD A. DIANA
COUNTY EXECUTIVE

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecountygov.com/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING
239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: Town of Newburgh ZBA

Reference/County ID No.: NBT 29-08M

Applicant: Philip and Elaine Segali

County Tax ID: 90-1-2

Local File No.: not provided

Proposed Action: Use Variance to allow office use in R3 zone

Reason for Review: Within 500 feet of NYS Route 17K

Date of Full Statement: May 15, 2008

Comments:


1. **Community Considerations:** In determining whether to grant the requested use variance, consideration should be given to the added benefit afforded the applicant if the variance is granted versus the potential detriment to the health, safety and welfare of the community or neighborhood by such an approval. When deliberating whether to grant the requested variance, consideration should be given to:
 - Whether the proposed use variance, if granted, will produce an undesirable change in the community or surrounding neighborhood;
 - Whether the relief sought can be achieved by some other means other than the variance requested;
 - Whether the requested variance is substantial;
 - Whether the variance, if granted, will have a adverse effect on physical or environmental conditions of the neighborhood or district; and
 - Whether the alleged difficulty was self-created.
2. **Conclusion:** In this case, the proposed action to use the existing structure, formerly and model home and sales office, as an office will not have any impact on State or County facilities nor does it cause any inter-municipal concerns.

County Recommendation:

Local Determination

Date: May 19, 2008

Prepared by: Megan Tennermann, Planner


David Church, AICP
Commissioner of Planning

See reverse side



Monday, February 4, 2008

Town of Newburgh Building Department
308 Gardnertown Road
Newburgh, NY 12550
Attn: Tilford Stiteler



PROJECT: : Schoonmaker Homes-Route 17K & Arbor Drive

Dear Tilford: \

As per my review of the Town's Certificate of Occupancy dated 09/10/1987, the building's existing occupancy is an office (B-Business). The office use is pre-existing non-conforming in the R3 Zoning District. However, it is our understanding that the existing use may continue indefinitely. This building has always been used as an office and never been used as a residence. The office use continues today.

We ask for your confirmation in writing at your earliest convenience. Please contact my office if you have any questions.

Very Truly Yours,

Anthony J. Coppola, R.A.

ZBA MEETING -- MAY 22, 2008 (Resumption for decision: 9:55 PM)

PHILIP E. & ELAINE J. SEGALI

275 ROUTE 17K, NBGH
(90-1-2) R-3 ZONE

Applicant is seeking an interpretation of the decision and resolution dated January 18, 1985 for a use variance to permit the construction of a model home/office in an R-3 District.

Chairperson Cardone: On the application of Philip E. and Elaine J. Segali, 275 Route 17K, seeking an interpretation of the decision and resolution dated January 18, 1985 for a use variance to permit the construction of a model home/office in an R-3 District. This is Type II Action under SEQRA. Do we have discussion on this application?

Ms. Eaton: Mr. Segali said that he will continue to use it for business. He's only going to continue the use as Schoonmakers did, Mr. Steinberg. I think he will limit who his tenants are.

Mr. Donovan: If the Board is inclined I think that the motion would be that the application submitted and the testimony elicited this evening indicates that the use proposed is consistent with the use for which the use variance was granted in 1985.

Ms. Drake: I'll make a motion to state everything you just said.

Chairperson Cardone: Do I have a second?

Ms. Eaton: I'll second.

Ms. Gennarelli: Roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ruth Eaton: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
BRENDA DRAKE
RUTH EATON
RONALD HUGHES
MICHAEL MAHER
JAMES MANLEY

DAVID A. DONOVAN, ESQ.

(Time Noted – 9:56 PM)

AS 6/12/08



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From: *TONZBA*

Date: *5/23/08*

Subject: GML 239 Referral ID# NBT29-08M
Name of project: *Segali UV*

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

FAVORABLE INTERPRETATION

Favorable Interpretation Our local board approved this action on *BOARD AGREES USE OF 1985 WAS OFFICE*
& New owner will use as office

Our local board approved this action with modifications on *5/22/08 - IR sold Newowner*
Briefly, the modifications consisted of: *subject to review of change of use*

Our local board disapproved this action on _____
Briefly, the reasons for disapproving this action were:

The proposal was withdrawn.

Additional space for comments on actions:



Property Description Report For: 275 Route 17K, Municipality of Newburgh

No Photo Available

Status: Active
Roll Section: Taxable
Swis: 334600
Tax Map ID #: 90-1-2
Property Class: 464 - Office bldg.
Site: COM 1
In Ag. District: No
Site Property Class: 464 - Office bldg.
Zoning Code: -
Neighborhood Code: 11043
School District: Valley Central
Total Assessment: 2021 - Tentative
 \$160,000
Property Desc: Pt 1 Colden Park
Deed Page: 1906
Grid North: 0

Total Acreage/Size: 158.6 x 150
Land Assessment: 2021 - Tentative
 \$26,100
Full Market Value: 2021 - Tentative
 \$566,400
Equalization Rate: ----
Deed Book: 14795
Grid East: 0

Owners

275 Route 17K, LLC
 275 Route 17K
 Newburgh NY 12550

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Addl. Parcels	Deed Book and Page
8/27/2020	\$410,000	464 - Office bldg.	Land & Building	Segali, Philip E	Yes	Yes	No	14795/1906
3/21/2008	\$545,000	464 - Office bldg.	Land & Building	Steinberg, John	No	No	No	12638/1162
12/30/2002	\$410,000	464 - Office bldg.	Land & Building	Schoonmaker, Homes	Yes	Yes	No	11007/113

Utilities

Sewer Type: Comm/public
Utilities: Electric
Water Supply: Comm/public

Inventory

Overall Eff Year Built:
Overall Grade: Good
Overall Condition: Good
Overall Desirability: 4

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Eff Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
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Site Uses

Use	Rentable Area (sqft)	Total Units
Walk-up off	5,564	0

Improvements

Structure	Size	Grade	Condition	Year
Porch-open/deck	24.00 sq ft	Average	Good	1986

Land Types

Type	Size
Primary	19,000.00 sq ft

Special Districts for 2021 (Tentative)

Description	Units	Percent	Type	Value
FD007-Coldenham fire	0	0%		0
LT003-Colden pk lt	0	0%		0
WD001-Consol wtr 1	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
------	-------------	--------	----------	----------	--------	--------	--------	-------

Taxes

Year	Description	Amount
2021	County	\$5,699.85
2020	County	\$5,589.22
2020	School	\$11,435.82

*** Taxes reflect exemptions, but may not include recent changes in assessment.**

Town of Newburgh
Code Compliance Department
308 Gardnertown Road
Newburgh, NY 12550
(845) 564-7801

06/18/2020

GreenAcre Abstract
400 Stony Brook Court
Newburgh, NY 12550

Owner: Amcrete Products
Address: 275 Route 17K
SBL# 90-1-2
Title# GA-208357-0

To Whom it May Concern:

This letter is in answer to your inquiry regarding the above mentioned parcel. Enclosed please find a copy of the Certificate of Occupancy that was issued for this structure

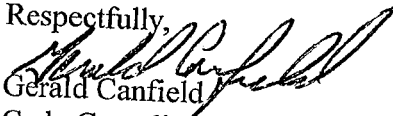
Please be advised that the above named road is State Road, which is not maintained by the Town.

In searching our records we find no other open violations against the property. No inspection of the premises has been performed and the statement concerning our records should not be relied upon as meaning no violations in fact exist.

Also enclosed is a certificate for an Addition of an Office. The last Fire Inspection was done on 6/12/19 and Passed.

If there are any further question or concerns regarding this matter, please contact our office at the number above.

Respectfully,


Gerald Canfield
Code Compliance Department

Abstract# AB-2020-283
Code # COSTRNOVI

Application N. 3093 Permit No. 6148-85

Building Department

(CITY, TOWN OR VILLAGE) OF NEWBURGH
(Address and Telephone Number)

County of: ORANGE

Location: Route 17K & Arbor Drive

Map No.: _____ Section: 90 Block: 1 Lot: 2

Certificate of Occupancy

No. 3093

Date May 21st, 1987

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated July 18th, 1985, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is _____

Model Home/office

This certificate is issued to Schoonmaker Homes
(owner, lessee or tenant)
of the aforesaid building.

Walter W Davidson
Superintendent of Buildings

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

Application No. 3165

Permit No. 6347-86

Building Department
(CITY, TOWN OR VILLAGE) OF Newburgh
(Address and Telephone Number)

County of Orange

Location: Arbor Drive & Route 17K

Map No.: Section: 90 Block: 1 Lot: 2

Certificate of Occupancy

No. 3165

Date September 10th, 1987

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated January 15th, 1986, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is for an addition to an existing office building

This certificate is issued to Schoonmaker Homes
(owner, lessee or tenant)
of the aforesaid building.

Walter W. Davidson Jr.
Superintendent of Buildings

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

275 Route 17K, LLC
c/o GreenAcre Abstract, LLC
275 Route 17K
Newburgh, New York 12550

Town of Newburgh
Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, New York 12550

Re: 275 Route 17K, Newburgh, New York 12550
90-1-2 ; R1 Zone

Dear Zoning Board of Appeals:

I write this letter to better explain the current situation that is placed before you for an interpretation and decision.

On January 18, 1985 a variance was issued to build a "model home/office" on 275 Route 17K, Newburgh, New York 12550 (hereinafter the "Property"). A "model home/office" was constructed and a Certificate of Occupancy No. 3092 was issued May 21, 1987 for a "Model Home/Office", and an additional Certificate of Occupancy No. 3165 was issued on September 10, 1987 "for an addition to an existing office building" (see Attached Exhibit D).

The owner that constructed the building used the Property solely as an office building. The previous owner to myself (hereinafter "Segali") also used the property solely as an office building.

In fact, this same matter requesting an interpretation and decision on the Property for use as an office building was brought before the Zoning Board of Appeals and the Orange County Department of Planning in 2008 by Segali. The Orange County Department of Planning made a determination that "the proposed action to use the existing structure, formerly and model home and sale office, as an office will not have any impact on State or County Facilities nor does it cause any inter-municipal concerns", and recommended a local determination. The Zoning Board of Appeals determined unanimously on May 22, 2008, that the use of the Property in 1985 was that as an office building, and the new owner (Segali) will use as offices (see attached Exhibit C).

I purchased this Property in order to move my business into the Property. I based my purchase on the fact that I knew the Property was being used as an office building, and the results conducted from the municipal search. Not being granted a favorable determination that the Property can be continued to be used as an office building, as it has always been used, will cause significant financial hardship, as I would no longer have a location to run my business and would have purchased the Property for no reason.

If further discussion would help provide further explanation, I am available to meet with the board at your convenience.

Sincerely,



Derrick Saunders, Member

Encls.