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**TOWN OF NEWBURGH
PLANNING BOARD
REVIEW COMMENTS**

PROJECT: 261 NORTH PLANK ROAD, LLC
PROJECT NO.: 14-18
PROJECT LOCATION: SECTION 34, BLOCK 3, LOTS 23.2
PROJECT REPRESENTATIVE: LANC & TULLY, PC
REVIEW DATE: 30 JULY 2014
MEETING DATE: 7 AUGUST 2014

1. The Application is before the Board for a change of use from retail (Winnie & Knickers) to a professional office building. Existing site has bulk table compliance issues requiring referral to the Zoning Board of Appeals including lot area, front yard and rear yard.
2. Referral to County Planning and NYSDOT is required.

Respectfully submitted,

***McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.***

Patrick J. Hines
Associate

REGIONAL OFFICES

• 111 Wheatfield Drive • Milford, Pennsylvania 18337 • 570-296-2765 •

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

John J. Lanc, 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.

July 25, 2014

Mr. John Ewasutyn, Chairman
Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550



RE: 261 North Plank Road LLC
Change of Use Site Plan
Tax Parcel: 34 – 3 -23.2
Planning Board No.: 2014-18

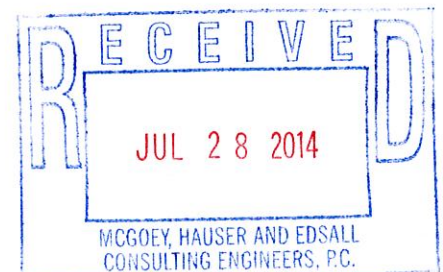
Dear Chairman Ewasutyn and Members of the Planning Board:

On behalf of 261 North Plank Road LLC, we are pleased to submit the enclosed Planning Board application package for Site Plan for Change of Use review for the referenced project. Included in this package are twelve (12) sets of the following:

1. Completed Application Package
2. Project Narrative
3. Check # in the amount of \$1,950.00 for Commercial Site Plan Application Fee
4. Check # in the amount of \$1,360.00 for Site Plan Escrow Fee
5. Short Environmental Assessment Form
6. Site Plan entitled "Site Plan For Change of Use – 261 North Plank Road LLC", Sheet 1 of 1, dated July 23, 2014, prepared by Lanc & Tully Engineering and Surveying, PC

The parcel proposed for the change of use is designated as Tax Lot No. 34-3-23.2, and consists of 0.734± acres located on the south side of NYS Route 32 (North Plank Road) at the intersection of Paffendorf Drive. The parcel is contained in the IB Zoning District and is pre-existing, non-conforming to bulk requirements for lot area, front yard setback and rear yard setback. The site has been commercially developed and was most recently occupied as a retail store (the "Whinnies & Knickers" tack shop – 20± years) 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.

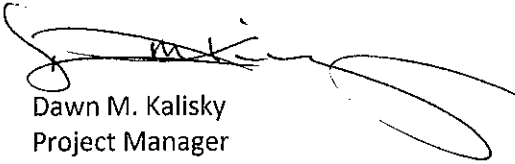
While the site plan requirement for the proposed Change of Use may be waived by the Planning Board since the existing structure is less than 2,500 square feet, the pre-existing, non-conformance appears to require the area variances from the ZBA.



By submission of the enclosed, we respectfully request placement on the next available Planning Board agenda to discuss the proposed change of use. We trust the enclosed satisfies the submission requirements; however, if you have any questions or require any further information, please do not hesitate to contact our office.

Very truly yours,

LANC & TULLY, P.C.



Dawn M. Kalisky
Project Manager

Enc.

cc: Stephen Gaba, Esq. (w/enc)

DMK/

pb-submit-original.doc

PROJECT NARRATIVE

261 NORTH PLANK ROAD CHANGE OF USE SITE PLAN

The subject parcel, known as Tax Lot 34-2-23.2, is a 0.734± acre (31,958.02± square feet) parcel located on the south side of NYS Route 32 (aka North Plank Road) at the westerly intersection of Paffendorf Drive. The commercially developed parcel is located in the IB Zoning District and is pre-existing, non-conforming to bulk requirements for lot area, front yard setback, and rear yard setback.

The property is currently used as a retail store (the "Whinnies & Knickers" tack shop) 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. The site is proposed to be used as a professional office for a law practice (Law Offices of Stephanie J. Donato, PLLC), currently with two (2) employees who practice in commercial collections. Future expansion of the practice may include associate attorneys and additional employees, however, it is not anticipated that the office will have more than five (5) employees. There is no regular client traffic with this type of practice.

Town Zoning Code sets forth that changes in use of existing sites or buildings to a use subject to site plan review by the Planning Board shall not be permitted without site plan approval, except that for buildings or areas under 2,500 square feet, it shall be the Planning Board's determination as to whether a review by the Planning Board is or is not required. However, the Code also sets forth that 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. While the proposed Change of Use structure is less than 2,500 square feet, the pre-existing, non-conformance appears to require the area variances from the ZBA.

As stated above, there are no proposed modifications to the existing site or structures. There is a large gravel parking lot that covers the portions of the property fronting on North Plank Road and Paffendorf Drive that will accommodate parking for fifteen (15) or more vehicles. There is an existing single free-standing sign consisting of a 9 1/2' monopole with a single-side wooden sign of 4' x 7' at the top and a single-side wooden sign of 4'x3' below (which altogether totals to approximately 40 sq. ft. of signage. The sign lettering would change to read something like: "261 North Plank Road, Law Offices Of Stephanie J. Donato, Esq.," but there will be no increase in the size or character of the sign.

The Planning Board's referral to the Zoning Board of Appeals would be requested. Upon granting of the required variances, a Site Plan for Change of Use will be submitted for Planning Board review and approval.

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550**

DATE RECEIVED: _____ **TOWN FILE NO:** 2014-18
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):
261 North Plank Road LLC - site plan

2. Owner of Lands to be reviewed:

Name Kathy Light
Address 3189 New Prospect Road
Pine Bush, NY 12566
Phone 845-255-4600

3. Applicant Information (If different than owner):

Name 261 North Plank Road LLC
Address 2 Rosaline Lane
Newburgh, NY 12550
Representative Dawn Kalisky - Lanc & Tully, P.C.
Phone 845-294-3700
Fax 845-294-8609
Email dmk@lanctully.com

4. Subdivision/Site Plan prepared by:

Name Lanc & Tully, P.C.
Address P. O. Box 687
Goshen, NY 10924
Phone/Fax 845-294-3700/fax 845-294-8609

5. Location of lands to be reviewed:

261 North Plank Road

6. Zone IB **Fire District** Cronomer Valley
Acreage 0.734± **School District** Newburgh

7. Tax Map: Section 34 **Block** 3 **Lot** 23.2

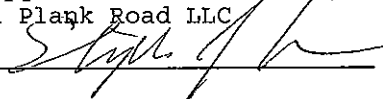
8. Project Description and Purpose of Review:

Number of existing lots 1 Number of proposed lots 1
Lot line change N/A
Site plan review Yes - Change of Use Only
Clearing and grading N/A
Other N/A

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property: None
(Describe generally) _____

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

261 North Plank Road LLC
By: Signature  Title Member
Date: July 23, 2014

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

TOWN OF NEWBURGH PLANNING BOARD

261 North Plank Road LLC

PROJECT NAME

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. Environmental Assessment Form As Required
2. Proxy Statement
3. Application Fees
4. Completed Checklist (Automatic rejection of application without checklist)


II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (if different from applicant)
3. Subdivision or Site Plan and Location
4. Tax Map Data (Section-Block-Lot)
5. Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. N/A Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. Date of plan preparation and/or plan revisions
9. Scale the plan is drawn to (Max 1" = 100')
10. North Arrow pointing generally up

11. Surveyor,s Certification
12. Surveyor's seal and signature
13. Name of adjoining owners
14. N/A Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. N/A Flood plain boundaries
16. N/A Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. Metes and bounds of all lots
18. Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19. N/A Show existing or proposed easements (note restrictions)
20. N/A Right-of-way width and Rights of Access and Utility Placement
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. Lot area (in sq. ft. for each lot less than 2 acres)
23. Number of lots including residual lot
24. N/A Show any existing waterways
25. N/A A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. N/A Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. Show topographical data with 2 or 5 ft. contours on initial submission

30. N/A Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. N/A If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32. N/A Number of acres to be cleared or timber harvested
33. N/A Estimated or known cubic yards of material to be excavated and removed from the site
34. N/A Estimated or known cubic yards of fill required
35. N/A The amount of grading expected or known to be required to bring the site to readiness
36. N/A Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
-
-
37. N/A Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
-
-
38. _____ List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By:  _____
 Licensed Professional
 John O'Rourke, PE

Date: 7-23-14

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date): July 23, 2014

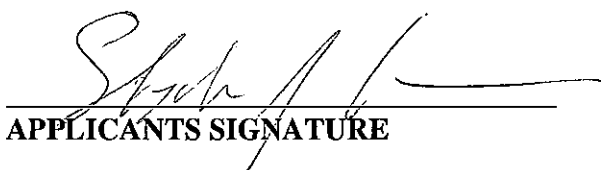
FEE ACKNOWLEDGEMENT

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

261 North Plank Road LLC

by: Stephen J. Gaba

APPLICANT'S NAME (printed)



APPLICANTS SIGNATURE

July 23, 2014

DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

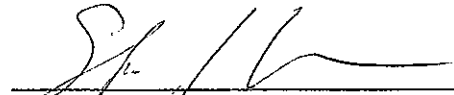
261 North Plank Road LLC

July 23, 2014

by: Stephen J. Gaba

DATED

APPLICANT'S NAME (printed)



APPLICANT'S SIGNATURE

Short Environmental Assessment Form

Part 1 - Project Information

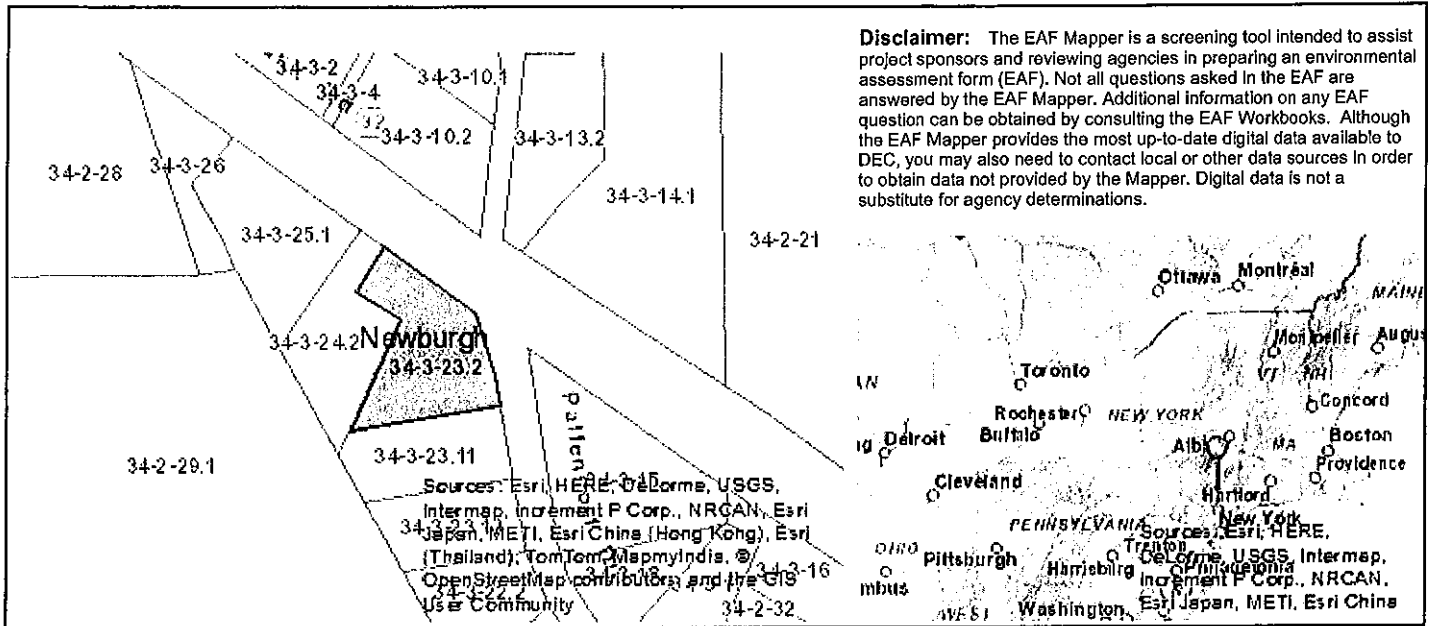
Instructions for Completing

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: 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.			
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 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?		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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" 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>NO</p> <p><input checked="" 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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>261 North Plank Road, LLC</u></p>		<p>Date: <u>7/29/14</u></p>
<p>Signature: <u>Stephen J. White</u></p>		



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

SURVEY NOTES:

- SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
- REFERENCE:
L. 5329 OF DEEDS AT PAGE 24 AS RECORDED IN THE ORANGE COUNTY CLERK'S OFFICE.
TITLE REPORT NO. HN 51676, HAVING AN EFFECTIVE DATE OF JUNE 6, 2014, PREPARED BY HILL-N-DALE ABSTRACTERS, INC.
- CONTOURS SHOWN ARE THE RESULT OF AN ACTUAL FILED SURVEY PERFORMED BY LANC & TULLY ENGINEERING AND SURVEYING, P.C., ON JULY 17, 2014. ELEVATIONS SHOWN ARE BASED ON NAVD 88 DATUM.



LOCATION PLAN
1 INCH = 2000 FEET

GENERAL NOTES:

- SITE PLAN FOR PROPOSED CHANGE OF USE FROM RETAIL STORE (PERMITTED USE) TO PROFESSIONAL OFFICE (PERMITTED USE).
- THERE ARE NO MODIFICATIONS TO THE EXISTING SITE IMPROVEMENTS OR BUILDINGS PROPOSED FOR THE CHANGE OF USE.
- THE EXISTING PARCEL AND IMPROVEMENTS ARE PRE-EXISTING, NON-CONFORMING TO THE BULK REQUIREMENTS OF THE IB ZONING DISTRICT WITH REGARD TO LOT AREA, FRONT YARD SETBACK, AND REAR YARD SETBACK. THE CHANGE OF USE MAY REQUIRE VARIANCES FOR THE PRE-EXISTING, NON-CONFORMING ITEMS.

TABLE OF ZONING REQUIREMENTS
IB DISTRICT (INTERCHANGE BUSINESS)

MINIMUM	REQUIRED	PROVIDED
LOT AREA	40,000 S.F.	31,958.02± S.F.*
LOT DEPTH	150 FT.	207± FT.
LOT WIDTH	150 FT.	156.6± FT.
FRONT YARD	50 FT.	20.0± FT.*
SIDE YARD (ONE)	30 FT.	48.5± FT.
SIDE YARD (BOTH)	80 FT.	N/A
REAR YARD	60 FT.	0.36± FT.*
MAXIMUM		
LOT BUILDING COVERAGE	40%	7.0±%
LOT SURFACE COVERAGE	80%	11.8±%
BUILDING HEIGHT	40 FT.	20± FT.

* DENOTES PRE-EXISTING, NON-CONFORMING CONDITIONS

TABLE OF PARKING REQUIREMENTS:

EXISTING USE	PARKING REQUIRED	PARKING PROVIDED
RETAIL (1,800 SF) 1/150 SF GLFA	12	25+
PROPOSED USE PROFESSIONAL OFFICE (1,800 SF) 1/200 SF GFA	9	25+

APPLICANT:

261 NORTH PLANK ROAD LLC
2 ROSALYN DRIVE
NEWBURGH, NEW YORK 12550

RECORD OWNER:

KATHY LIGHT
3189 NEW PROSPECT ROAD
PINE BUSH, NEW YORK 12566

L. 5329 P. 24
34 - 3 - 23.2

AREA:
0.734± AC.

COPYRIGHT 2014, LANC & TULLY, P.C.

LANC & TULLY ENGINEERING AND SURVEYING, P.C.		P.O. Box 687, Rt. 207 Goshen, N.Y. 10924 (845) 294-3700	
SITE PLAN FOR CHANGE OF USE PREPARED FOR			
261 NORTH PLANK ROAD LLC			
TOWN OF NEWBURGH ORANGE COUNTY, NEW YORK			
Date: JULY 23, 2014 Revisions:	CAD File: 14-009-Site Plan.dwg Layout: sign Sheet No.: 1 OF 1	Drawn By: dmk Checked By: [blank] Scale: 1" = 20' Tax Map No.: 34 - 3 - 23.2 Drawing No.: 8 - 14 - 0069 - 01	Date: [blank] Revisions: [blank] CAD File: [blank] Layout: [blank] Sheet No.: [blank] 1 OF 1

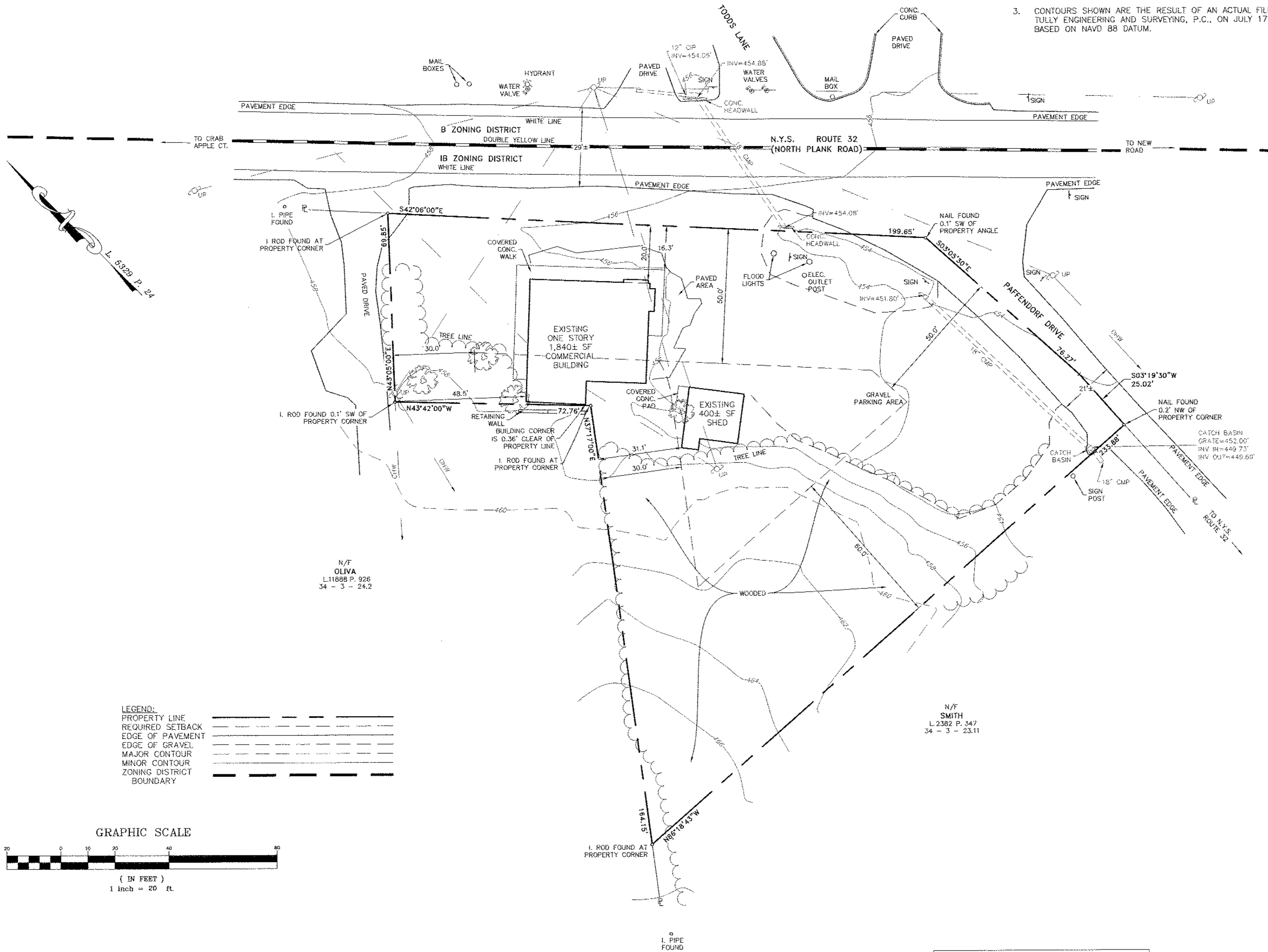
CERTIFICATION:

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY COMPLETED ON JULY 17, 2014.

261 NORTH PLANK ROAD LLC
WESTCOAST LAND TITLE INSURANCE COMPANY
KATHY LIGHT

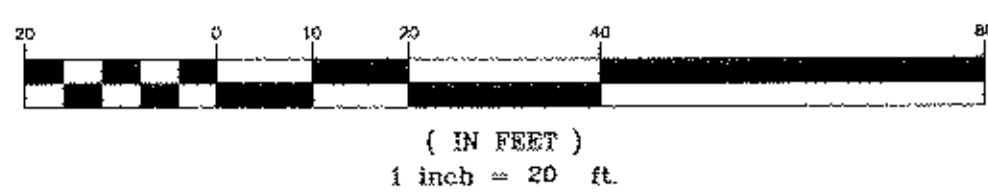
By: *Rodney C. Robertson, L.S.*
RODNEY C. ROBERTSON, L.S.
NEW YORK STATE LICENSE NO. 30276

TOWN OF NEWBURGH
PLANNING BOARD NO. 2014-18



LEGEND:
PROPERTY LINE
REQUIRED SETBACK
EDGE OF PAVEMENT
EDGE OF GRAVEL
MAJOR CONTOUR
MINOR CONTOUR
ZONING DISTRICT
BOUNDARY

GRAPHIC SCALE



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