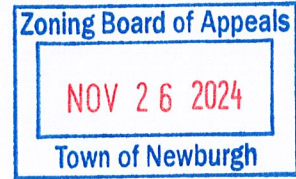


TOWN OF NEWBURGH

Crossroads of the Northeast

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



OFFICE OF ZONING BOARD
DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 11/26/2024

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

CBD 420 LLC

PRESENTLY RESIDING AT NUMBER 14 Almond St, Staten Island, NY 10312

TELEPHONE NUMBER 917-771-2396

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:

95-1-63.1 (TAX MAP DESIGNATION)

142 Route 17K (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185 Attachment 13 Table of Use & Bulk Requirements Schedule 8 IB Zone side yards

Section 185-18 (4) (c) NYS Route 17k front yard, landscaping and parking setback

Section 185-13 C (1) (b) Parking

Section 185-15.1 Cargo Container

Section 15-14 Sign Regulations

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:

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

November 21, 2024

4. DESCRIPTION OF VARIANCE SOUGHT:

side yard setback: 50 feet required; 20.2 feet provided;

Both side yards: 100 feet required; 49.6 feet provided;

front yard, landscaping and parking setback: 35 feet required; 0 feet provided;

Parking 27 spaces required, 25 spaces provided

Existing Cargo Containers, 1 permitted, 2 existing

Existing free standing sign setback, 18'8" required, 2' provided

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

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

N/A

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:

The property is located in the IB Zoning District and a cannabis retail dispensary is a permitted use in the IB zone. The existing structure on the property consists of a building with a retail store in front, office\warehouse in rear. The property as it exists today is a non conforming pre-existing use. The property is located on NYS Route 17K in a fully developed commercial corridor. The surrounding properties are used as Auto repair shop, warehousing, bar\restaurant, airport. The proposed use of the stores in the building as a retail cannabis dispensary will not produce an undesirable change in the character of the neighborhood or a detriment to the nearby properties.

- 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:

The property currently exists as a non conforming pre-existing building with 1 store in the front and an office\warehouse in the rear. The Town of Newburgh Zoning Code, Section 185 attachment 13 Table of Use and Bulk requirements IB Section 8, has the identical requirements for retail stores and cannabis retail dispensaries for front yard, 1 side yard and both side yards. The same variances being applied for would be required for a new retail store as the variances sought for the proposed use of the store as a cannabis retail dispensary. The variances requested cannot be achieved by any other means due to the existing nature of the property. The site as an existing non conforming use currently exists and no expansion of the existing conditions are proposed.

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

Substantiality is determined by a consideration of the facts and circumstances surrounding the impact of the variances if granted. Substantiality is not limited to mathematical calculations. None of the variances requested are substantial, whether analyzed mathematically or in consideration of the facts and circumstances surrounding the impact if granted. The store, building and site improvements are all existing as a non conforming pre-existing use. The variances requested are required as a cannabis retail store in the Town of Newburgh under the code is a change of use. The premises are currently being utilized as a retail store in the front and an Office\Warehouse in rear and no changes to the building are proposed

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

There will be no adverse effects or impacts on the physical or environmental conditions in the neighborhood or district. As a pre-existing site, the impact is identical to its present use. The


applicant plans to restripe parking lot, add exterior lighting and a locked dumpster. The site will be identical to its present use.

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

The need for the variances applied for is based on the existing size/layout and location of the property. The variance is not self-created but merely requested as the Town's Zoning Code classifies a retail cannabis dispensary as a special use. The existing use as a retail store is identical to the proposed use as a cannabis retail dispensary. The difficulties are not self-created as the applicant merely seeks to re-purpose a portion of the existing retail store as a retail cannabis dispensary.

7. ADDITIONAL REASONS (IF PERTINENT):

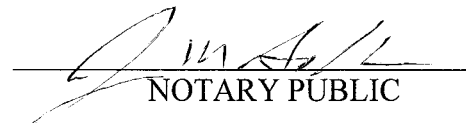
SEE PROJECT NARRATIVE ATTACHED



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 26 DAY OF November 2024



NOTARY PUBLIC

JOSEPH M. SAFFIOTI Notary Public - State of New York Registration No. 4985013 Qualified in Orange County My Commission Expires: August 5, 2025
--

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.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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

Project Narrative

CBD 420 LLC is a domestic Limited Liability Company having an address of 14 Almond Street, Staten Island, New York 10312. CBD 420 LLC has received a Provisional Approval to operate an Adult-Use Cannabis Retail Dispensary from the NYS Office of Cannabis Management, see copy attached.

CBD 420 LLC has entered into a lease with 142 Route 17K LLC for the existing store presently occupied by JOHN HERBERT COMPANY located at 142 Route 17K, Newburgh, New York. The building presently contains a commercial store and office/warehouse. The space to be leased is the front store of the building. The building is located on NYS Route 17K. The Retail Cannabis Dispensary will occupy the existing, store front. Minor renovations will be made to the interior of the premises including:

- Security entrance – internal
- Counters
- Secured storage area
- Office

The exterior of the existing building will not be changed. Wall mounted parking lot lighting will be added to the exterior of the building to provide parking lot lighting. A secure, fenced in dumpster area will be provided for a dumpster. The existing parking lot will be restriped – see site plan.

The store hours of operation will be 9 A.M. to 9 P.M. There will be an on-site security guard at the entrance to check ID's and the counter sales staff will also check ID's prior to any sale to confirm customer is at least 21 years old. All products are bar coded. There will be security cameras in the store. The store will use existing signage on the pylon road sign.

: OCM CLS License Provisional Approval - OCMCAURD-2022-000076

essage

<bigartsiny@gmail.com>
"ari133@gmail.com" <Ari133@gmail.com>

Wed, Oct 16, 2024 at 5:1

n Wed, Jul 19, 2023, 12:28 PM <noreply@ocm.ny.gov> wrote:

**New York State
Office of Cannabis Management**

Application #: OCMCAURD-2022-000076

Business Entity/Legal Name: Cbd 420 llc

License or Permit Type: Adult-Use Conditional Retail Dispensary License

Fee Paid: \$2000.00

Your New York State Adult-Use Conditional Retail Dispensary License application has been selected for provisional approval status. The Office will be sharing information with the Primary Contact listed on the application including additional details and next steps to complete the application for final licensure..

If you need assistance or have any questions, please contact the Adult-use Cannabis Program by phone at 1-888-OCM-5151 (1-888-626-5151) or by e-mail at AULicensing@ocm.ny.gov.

Sincerely,

Office of Cannabis Management
Website: <https://ocannabis.ny.gov>
Email: AULicensing@ocm.ny.gov
Phone: 1-888-OCM-5151 (1-888-626-5151)

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

PAUL HOFFNER, Member of 142 Route 17K LLC, DEPOSES AND SAYS THAT 142 ROUTE 17K LLC has a business address of 142 Route 17K, Newburgh, New York

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT 142 ROUTE 17K LLC IS THE OWNER IN FEE OF

142 Route 17K, Newburgh, New York

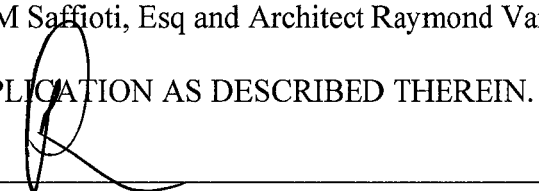
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING

APPLICATION AND THAT 142 ROUTE 17K LLC HAS AUTHORIZED


CBD 420 LLC, its Attorney Joseph M Saffioti, Esq and Architect Raymond VanVoorhis

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 11/21/2024



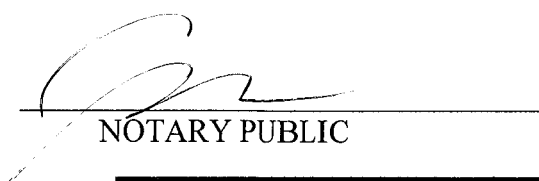
OWNER'S SIGNATURE



WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 21st DAY OF November 2024



NOTARY PUBLIC

JOSEPH M. SAFFIOTI
Notary Public - State of New York
Registration No. 4985013
Qualified in Orange County
My Commission Expires: August 5, 2025

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				
CBD 420 LLC				
Name of Action or Project: RETAIL CANNABIS DISPENSARY				
Project Location (describe, and attach a location map): 142 Route 17K, Newburgh, NY 12550				
Brief Description of Proposed Action: Repurpose existing Retail store space to Cannabis Dispensary				
Name of Applicant or Sponsor: CBD 420 LLC		Telephone:		
		E-Mail:		
Address: 14 Almond Street				
City/PO: STATEN ISLAND		State: NY	Zip Code: 10312	
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 checked="" 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: NYS office of Cannabis Management, Town of Newburgh Planning Board, Zoning Board and Building Permit			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.13 acres		
b. Total acreage to be physically disturbed?		NONE acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.13 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 checked="" 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): <u>Airport</u>				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>

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

Applicant/sponsor name: ARI McLOVINNY Date: 11/26/24

Signature: _____

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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input 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 CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

Elinor C. Sandler
TO
142 Route 17 K property, LLC

SECTION 95 BLOCK 1 LOT 63.1

RECORD AND RETURN TO:
(Name and Address)

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

Joseph Saffioti, Esq.
5031 Rte. 9W
Newburgh, NY 12530

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION		NO. PAGES	CROSS REF
<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)	<u>5</u>	<u>1</u>
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)	CERT. COPY _____	ADD'L. X-REF _____
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)	MAP # _____	PGS. <u>1</u>
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4205 WALDEN (VLG)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>	CASH _____
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)	CHARGE _____	NO FEE _____
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input checked="" type="checkbox"/> 4401 OTISVILLE (VLG)	CONSIDERATION \$ <u>1,750,000</u>	TAX EXEMPT _____
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input checked="" type="checkbox"/> 4600 NEWBURGH (TN)	MORTGAGE AMT \$ _____	DATE _____
<input type="checkbox"/> 2800 DEERPARK (TN)	<input type="checkbox"/> 4800 NEW WINDSOR (TN)	MORTGAGE TAX TYPE:	
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)	<input type="checkbox"/> (A) COMMERCIAL/FULL 1%	<input type="checkbox"/> (B) 1 OR 2 FAMILY
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)	<input type="checkbox"/> (C) UNDER \$10,000	<input type="checkbox"/> (E) EXEMPT
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5200 WALKKILL (TN)	<input type="checkbox"/> (F) 3 TO 6 UNITS	<input type="checkbox"/> (1) NAT. PERSON/CR. UNION
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)	<input type="checkbox"/> (J) NAT. PER-CR. UN/1 OR 2	<input type="checkbox"/> (K) CONDO
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5401 FLORIDA (VLG)	CITIES	
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)	<input type="checkbox"/> 0900 MIDDLETOWN	<input type="checkbox"/> 1100 NEWBURGH
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5405 WARWICK (VLG)	<input type="checkbox"/> 1300 PORT JERVIS	<input type="checkbox"/> 9999 HOLD
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5600 WAWAYANDA (TN)		
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5889 WOODBURY (TN)		
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5801 HARRIMAN (VLG)		
<input type="checkbox"/> 3801 UNIONVILLE (VLG)			
<input type="checkbox"/> 4089 MONROE (TN)			
<input type="checkbox"/> 4001 MONROE (VLG)			
<input type="checkbox"/> 4003 HARRIMAN (VLG)			
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)			

Donna L. Benson
DONNA L. BENSON
Orange County Clerk

RECEIVED FROM: River City

RECORDED/FILED
02/07/2008/ 16:34:25
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE # 20080015210
DEED C / BK 12614 PG 0467
RECORDING FEES 210.50
TTX# 004964 T TAX 7,000.00
Receipt#045764 ffk

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, KELLY A. ESKEW, 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 2/7/2008 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
Kelly A. Eskew 11/14/2024
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



RCA LT 40557

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 31 day of January, 2008,

BETWEEN

Elinor C. Sandler, of 11360 SW Aspen Lane, Port St. Lucie, Florida 34987
party of the first part, and

142 Route 17K Property LLC of 142 Route 17K, Newburgh, New York 12550,
party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, 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, State of New York and being more particularly bounded and described in Schedule 'A' attached hereto and made a part hereof.;

BEING AND INTENDED to be the same premises conveyed to ELINOR C. SANDLER who acquired title by deed from ELINOR C. SANDLER and HERBERT SANDLER, as Co-Trustees of the Elinor C. Sandler Revocable Trust dated April 9, 1997 and recorded on April 15, 1997 in the Office of the Orange County Clerk in Liber 4554 page 325.

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,

THIS CONVEYENCE is made and accepted subject to an indebtedness secured by a mortgage upon said premises held by Key Corp. Real Estate Capital markets, Inc. dated 1/26/98, recorded on 1/28/98 in the Orange County Clerk's Office in Liber 6456 at Page 313 on which there is an unpaid principal amount of \$ 930,284.31 with interest from 1/31/08 * which said mortgage debt the parties of the second part hereby assume and agree to pay as part of the purchase price of the * assigned to JPMorgan Chase Bank as trustee recorded 8/29/06 L12245 CP176.

above described premises, and the parties of the second part hereby separately execute and acknowledge this instrument for the purposes of complying with the provisions of Section 5-705 of the New York General Obligations Law.

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.

Elinor C. Sandler
Elinor C. Sandler

Paul Hoffner
By: Paul Hoffner - Sole Member

Acknowledgment by a Person Outside New York State (RPL § 309-b)

STATE OF FLORIDA)
COUNTY OF Santa Fe) ss.:

On the 30 day of January, 2008, before me, the undersigned, personally appeared ELINOR C. SANDLER personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

Port St. Lucie Florida
(insert city or political subdivision and state or county or other place acknowledgment taken).

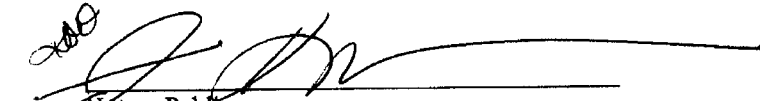
Raymond G. Magno
(signature and office of individual taking acknowledgment)



ACKNOWLEDGMENT IN NEW YORK STATE

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

On the 31st day of January, 2008 before me, the undersigned, personally appeared PAUL HOFFNER personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

KRISTINA M. DeBERARDINIS
NOTARY PUBLIC, State of New York
No. 5010397
Qualified in Dutchess County 2011
Commission Expires March 29, 2011

TITLE NO. RCA-LT-40557

REVISED SCHEDULE A

ALL that certain plot, piece, or parcel of land 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 a point on the northerly line of NYS Highway Route #17K, said point being the southwest corner of the herein described parcel and the southeast corner of lands now or formerly of 144 17K, LLC; **running thence** along the said lands now or formerly of 144 17K, LLC North 17° 20' 36" East 255.00 feet, thence South 75° 09' 24" East 33.00 feet, thence North 18° 20' 36" East 112.79 feet, thence North 16° 32' 36" East 196.00 feet to a point; **running thence** along lands now or formerly of JKC 700, LLC South 73° 44' 24" East 150.00 feet to a point; **running thence** along lands now or formerly of Grainger and lands now or formerly of Finamo, LLC South 17° 01' 36" West 559.95 feet to a point; **running thence** along the said northerly line of NYS Highway Route #17K North 75° 09' 24" West 185.43 feet to the point or place of **BEGINNING**.

For conveyancing only,
to be conveyed

Together with all right, title if intended and interest of, in and to any streets and road abutting the above described premises, to the center line thereof.

Certificate and Report of Title - New York
FORM 2215-5

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglione, Jr.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield **
Adam M. Tack
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation
**Member NY & NJ Bar

November 21, 2024

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh Town Hall
1496 Route 300
Newburgh, New York 12550

Re: CBD 420 Retail Cannabis Dispensary // ZBA referral
Planning Board Project No. 2024-32

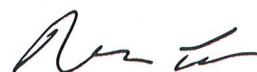
Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's November 7, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for the proposed change in use of the existing building located at 142 Route 17K (formerly the location of Nature's Pantry). The applicant proposes to convert the existing structure into a retail cannabis dispensary. The property is located in the Town's IB zoning district. The proposed project does not meet the zoning requirements, as follows:

- * Side yard setback: 50 feet required; 20.2 feet provided;
- * Both side yards: 100 feet required; 49.6 feet provided;
- * Front yard landscaping and parking setback along Route 17k: 35 feet required; none provided;
- * Parking: 27 spaces required; 25 spaces provided;
- * Cargo containers: 1 allowed; 2 existing; and
- * Existing freestanding sign setback: 18'-8" setback required; 2 feet provided.

This matter is a Type II action under SEQRA, and thus no coordinated review will be required. Thank you for your consideration.

Very Truly Yours,



Dominic Cordisco











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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Paul Hoffner, being duly sworn, depose and say that I did on or before


December 12, 2024, post and will thereafter maintain at

142 Route 17k 95-1-63.1 IB 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

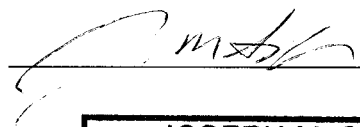
notice was in the form attached hereto.

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 2

day of December, 2024.



JOSEPH M. SAFFIOTI
Notary Public - State of New York
Registration No. 4985013
Qualified in Orange County
My Commission Expires: August 5, 2025

