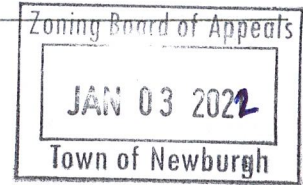




TOWN OF NEWBURGH

Crossroads of the Northeast

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



APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 12-27-2021

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

I (WE) MAG DALINI ZACHARIA PRESENTLY

RESIDING AT NUMBER 140 PUTT LN, KINGSTON, NY 12401

TELEPHONE NUMBER 845 206-7193

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

SBL 80-5-19 (TAX MAP DESIGNATION)

8 NORTH PLANK RD (STREET ADDRESS)

B (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SECTION 185-11 UTILIZATION OF BULK TABLE
TABLE OF USE AND BULK REQUIREMENTS
B DISTRICT - SCHEDULE 7
FRONT YARD SETBACK & LOT SURFACE
COVERAGE



TOWN OF NEWBURGH

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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: DECEMBER 17, 2021

4. DESCRIPTION OF VARIANCE SOUGHT: AREA VARIANCES

FRONT YARD SETBACK (60 FT REQUIRED - 53.8 EXISTS)
LOT SURFACE COVERAGE (85% PERMITTED - 95.4% EXISTS)

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

N.A.

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

N.A.

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

N.A.



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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:

SEE ATTACHED ADDENDUM

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

SEE ATTACHED ADDENDUM

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

SEE ATTACHED ADDENDUM

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

SEE ATTACHED ADDENDUM

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

SEE ATTACHED ADDENDUM



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

M. Zochorn
PETITIONER (S) SIGNATURE

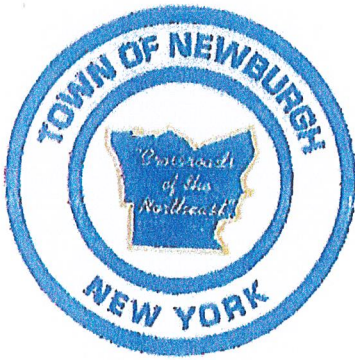
STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17th DAY OF DECEMBER 2021

Eugene A. Wiesbeck
NOTARY PUBLIC
EUGENE A. WIESBECK
Notary Public, State of New York
Reg. #01WI6172461
Qualified in Orange County
Commission Expires 8/13/23

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 10 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)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

MAGDALINI ZACHARIA, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 140 PUTT LN KINGSTON
IN THE COUNTY OF ULSTER AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF TOWN OF
NEWBURGH TAX PARCEL SBL 80-5-19
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED DARREN C. DOCE
VINCENT J DOCE ASSOC.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12/17/2021 M. Zacharia

OWNER'S SIGNATURE

WITNESS' SIGNATURE

Ryan J. Edmunds

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 17th DAY OF DECEMBER 2021

NOTARY PUBLIC

EUGENE A. WIESBECK
Notary Public, State of New York
Reg. #01W16172461
Qualified in Orange County
Commission Expires 8/17/23

Addendum

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 proposal is for a building addition to an existing building in a highly developed part of the Town. There will be no other changes to the site other than the building addition. The variances relate to existing nonconformities associated with the existing building and site. The proposed addition will not increase the degree of the existing nonconformities. Since the building is existing, the site is currently developed and the nonconformities are pre-existing, the overall character of the site will not significantly change. The variances do not cause an undesirable change or detriment to the neighborhood or the neighboring 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 nonconformities are existing. There is no land available to eliminate the existing nonconformities. An area variance is the applicant's only option.

- c. THE REQUESTED AREA VARIANCES ARE NOT SUBSTANTIAL BECAUSE:

The nonconformities are existing and not caused by the proposed building addition. The building addition will not increase the degree of nonconformity. The front yard setback to the existing building is 53.8 feet (60 feet is required – variance needed is 6.2 feet). The existing lot surface coverage is 95.4% (85% is permitted – variance needed is 10.4%). These variances are not numerically substantial.

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

The proposed variances are required for the existing building and site. The proposed addition will not increase the degree of the existing nonconformities. The proposed addition will replace existing impervious surfaces: therefore, stormwater runoff will not be increased. Since existing impervious area (pavement) is being replaced by impervious area (proposed building) the lot surface coverage will remain unchanged. Therefore, the granting of the variances will not adversely affect the physical or environmental conditions in the neighborhood.

e. **THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:**

These nonconformities relate to the existing building and site and existed prior to the applicant owning the property. The proposed building addition does not cause the nonconformities. The building addition will not increase the degree of existing nonconformity. The proposed addition will meet all of the required yard setbacks. The proposed addition will replace existing impervious area; therefore, the percentage of lot surface coverage will remain the same. Since, the nonconformities exist regardless of the proposed addition, the hardship has not been self-created.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

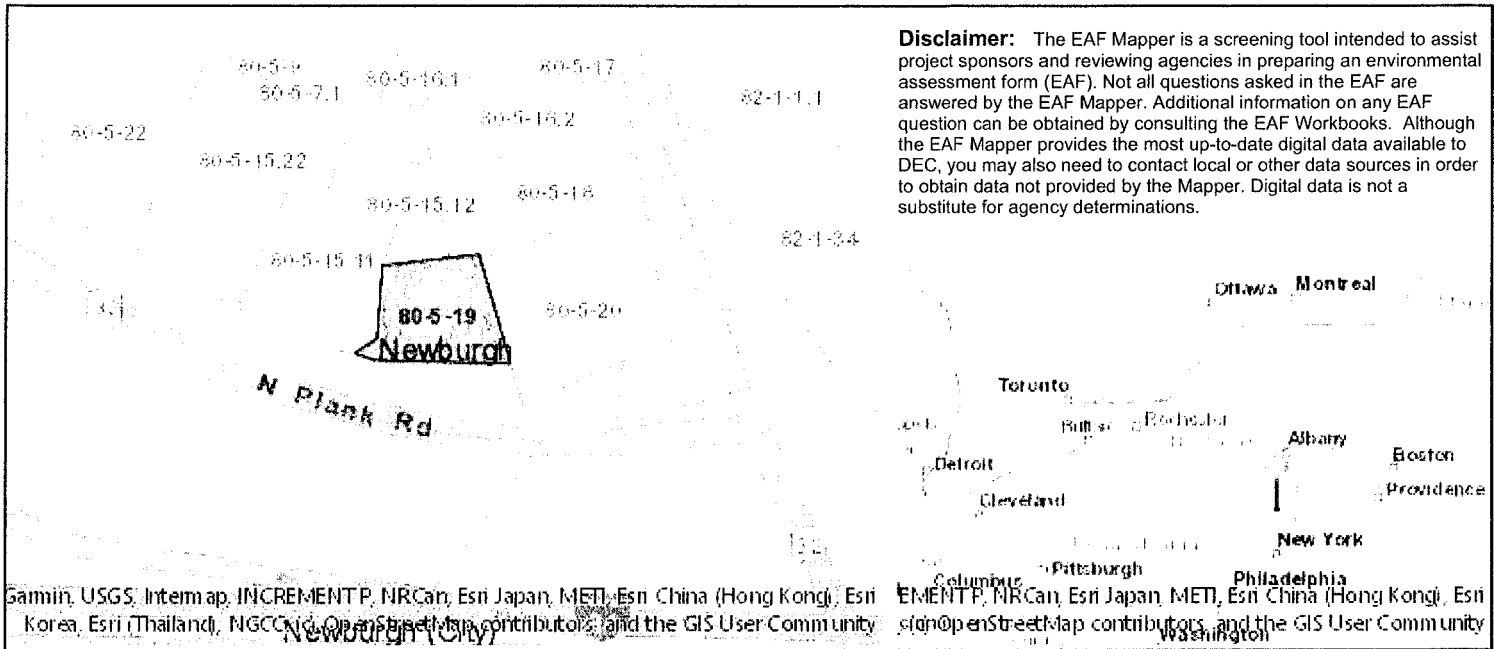
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. 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: Amended Site Plan for Curaleaf of Newburgh - Building Addition				
Project Location (describe, and attach a location map): 8 North Plank Road, Town of Newburgh, Orange County				
Brief Description of Proposed Action: The proposed action consists of a 1727 square foot addition to an existing 1696 square foot building and re-striping the existing paved parking areas. The building is an existing medical marijuana dispensary. The existing building is connected to municipal water and sewer. The parcel has access from North Plank Road (NYS Route 32). There will be no site disturbances other than the construction of the building addition. The site has two existing bulk requirement nonconformities: there is insufficient front yard setback (60 feet is required where 53.8 feet exists) and lot surface coverage is exceeded (85% is permitted where 95.4% exists). These are both existing nonconformities. The proposed building addition will not increase the degree of the existing nonconformities. The building addition will meet all the required yard setbacks. The proposed addition will replace existing paved areas; therefore, the percentage of lot surface coverage will not increase.				
Name of Applicant or Sponsor: Magdalini Zacharia		Telephone: 845 206-7193 E-Mail: jzc1@verizon.net		
Address: 140 Putt Ln				
City/PO: Kingston		State: NY	Zip Code: 12401	
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 government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board site plan approval			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			0.45 +/- acres	
b. Total acreage to be physically disturbed?			0.08 +/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			1.82 +/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" 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				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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 project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<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? 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<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
Bald Eagle	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Existing storm drainage system within NYSDOT right-of-way.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Vincent J. Doce Associates/ Darren C. Doce</u> Date: <u>12/27/2021</u> Signature: _____ Title: <u>PE</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



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: 14793 / 1155
INSTRUMENT #: 20200044682

Receipt#: 2805065
Clerk: KOD
Rec Date: 08/27/2020 09:35:11 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: JOHN J GRECO

Party1: STERGIOS CORP
Party2: ZACHARIA MAGDALINI
Town: NEWBURGH (TN)
80-5-19

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

Comment: _____

Ann G. Rabbitt
Orange County Clerk

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 0.00

Sub Total: 0.00

Total: 315.00
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 720
Commercial Transfer Tax
Consideration: 10.00

Total: 0.00

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 **DEC 10 2021** AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

DEC 10 2021
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY

Record and Return To:

JOHN J GRECO, ESQ
GOVERNOR CLINTON BUILDING
1 ALBANY AVE
KINGSTON, NY 12401

THIS INDENTURE

Made this 6th day of *August, Two Thousand and Twenty;*

Between **STERGIOS CORPORATION**, with offices located at 140 Putt Lane, Kingston, New York, *party of the first part,*

and **MAGDALINI ZACHARIA**, residing at 140 Putt Lane, Kingston, New York, New York, *party of the second part,*

Witnesseth, that the party of the first part, in consideration of ----- **ONE D O L L A R** ----- (**\$1.00**), lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Newburgh, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point set in the southwesterly corner of premises now or formerly of Manischalchi et al by deed recorded in the Orange County Clerk's Office in book 1916 of deeds at page 891 and the southeasterly corner of said premises; thence north 85 degrees 01 minutes 10 seconds west, a distance of 173.69 feet to a point; thence north 67 degrees 35 minutes 10 seconds west, a distance of 27.00 feet to a point; thence north 58 degrees 40 minutes 40 seconds east, a distance of 31.97 feet to a point; thence north 04 degrees 58 minutes 50 seconds east, a distance of 90.16 feet to a point; thence north 85 degrees 13 minutes 50 seconds east, a distance of 123.08 feet to a point; thence south 15 degrees 48 minutes 10 second east, a distance of 147.61 feet to the point or place of beginning.

BEING the same premises as conveyed by Drake Petroleum Company, Inc., to Stergios Corporation, by deed dated May 20, 2008, and thereafter recorded in the Orange County Clerk's Office on May 23, 2008, in liber 12672 of deeds at page 394.

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.


This transaction has been made in the ordinary course of business of the grantor corporation, has been approved by unanimous consent of the shareholders of the grantor corporation and does not constitute all or substantially all of the assets of the grantor corporation.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

In the Presence Of:

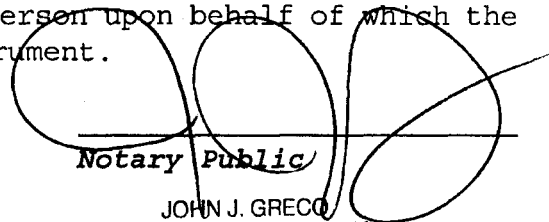
STERGIOS CORPORATION

By: _____


Yiannakis Zacharia

STATE OF NEW YORK)
 : SS.:
COUNTY OF ULSTER)

On this 6th day of August, **Two Thousand Twenty**, before me, the undersigned, a Notary Public in and for said State, personally appeared YIANNAKIS ZACHARIA, personally known 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 he executed the same in his capacity, and that by his signatures on the instrument, the individuals or the person upon behalf of which the individual acted, executed the instrument.


Notary Public
JOHN J. GRECO
Notary Public, State of New York
Qualified in Ulster County
Reg. #4805637
Commission Expires August 31, 2022

SECTION 80
BLOCK 5
LOT 19
COUNTY OR TOWN OF NEWBURGH

Record and Return to:

JOHN J. GRECO, ESQ.
Governor Clinton Building
1 Albany Avenue
Kingston, New York 12401

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. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation

December 17, 2021

BY EMAIL ONLY

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

Re: Curaleaf Newburgh / Planning Board Project No. 21-34

Dear Chairman Scalzo and Board Members:

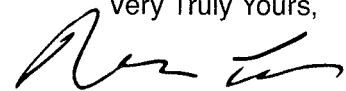
At the Planning Board's December 16, 2021 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals.

The proposed project involves an expansion of the existing Curaleaf medical marijuana dispensary. The existing site has two bulk area nonconformities: there is an insufficient front yard setback (60 feet required where 53.8 exists), and lot surface coverage is exceeded on the site (85% is permitted where 95.4% exists).

There are an existing nonconformities, but consistent with the Town's practice, the prior nonconforming status would be lost due to the proposed expansion of the facility. It should be noted that the proposed expansion will not increase the degree of the existing nonconformity, and no new structures are proposed.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review. Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer









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

STATE OF NEW YORK: COUNTY OF ORANGE:

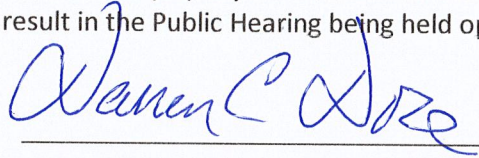
I DARREN C. DOCE, being duly sworn, depose and say that I did on or before

January 13, 2022, post and will thereafter maintain at

8 N Plank Rd 80-5-19 B 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 3

day of January, 2022.





curaleaf

NOTICE OF COMMERCIAL OFFER
The following information is provided for your information only. It is not intended to constitute an offer of any securities or other financial products. The information is provided for your information only and should not be relied upon as a basis for investment decisions. The information is provided for your information only and should not be relied upon as a basis for investment decisions.

XPO Logistics