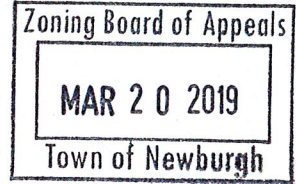




TOWN OF NEWBURGH

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: _____

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

I (WE) Farrell Building Company PRESENTLY

RESIDING AT NUMBER P.O. Box 14, 2317 Main Street, Bridgehampton, NY 11931

TELEPHONE NUMBER (631) 766-0023

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

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

1. LOCATION OF THE PROPERTY:

64-2-8.21 (TAX MAP DESIGNATION)

182 South Plank Road (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Town Code Chapter 185 Attachment 11, Table of Use and Bulk Requirements for the B District - Schedule 7



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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 response.

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 response.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

See attached response.

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 response.

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

See attached response.



TOWN OF NEWBURGH

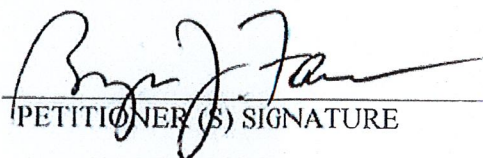
Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

See attached Site Plan for the project.

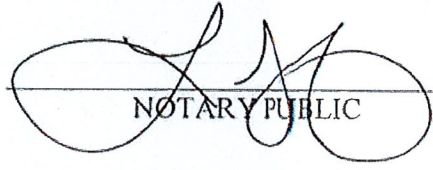


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 14th DAY OF March 2019

LYNN SPRUFERA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SP6330543
Qualified in Suffolk County
My Commission Expires September 14, 2019



NOTARY PUBLIC

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

Hudson Place Office, LLC, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 2317 Montauk Highway, Bridgehampton
IN THE COUNTY OF Suffolk AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF Tax lot 64-2-8.21

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Farrel Building Company and
Maser Consulting, P.A.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/14/19

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK; COUNTY OF ORANGE:

SWORN TO THIS 14th DAY OF March 20 19

LYNN SPRUFERA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SP6330543
Qualified in Suffolk County
Commission Expires September 14, 2019

NOTARY PUBLIC

6. If an Area Variance is requested:

- a.) The area variances being sought by the applicant are all pre-existing, non-conforming conditions. The lot depth is a product of the dimensions of the existing tax lot and its location between two (2) roadways. The required front yard setbacks are required based on the existing location of the structure. The applicant is proposing some changes to the structure but those do not require variances. Therefore, the current location of the footprint of the building would remain as it appears on the site and will not be altered if these variances were to be granted. Based on this, the adjacent property owners and neighborhood character will not be negatively impacted. It will occupy a currently vacant structure.
- b.) Each of the variances are a product of the current existing condition of the parcel and structure. Seeking additional property from an adjoining parcel and/or altering the location of the existing structure to comply with the setbacks are not feasible explorations to achieve the required variances or an approval for the project. The benefit sought by the applicant cannot be achieved by any other method.
- c.) There will be no change to the existing conditions of the site associated with the variances. These variances are required based on the existing parcel dimensions and building location and the current Town Zoning Code and bulk requirements of the B (Business) Zoning district. The deviation from compliance (as presented below) may be substantial in percentage but are due to existing conditions and a requirement of the construction of a new structure on the subject parcel. These variances will not create a significant change, and therefore, if granted, would not be substantial.

| Bulk Item | Required | Provided | Previous Variance Granted | Total Deviation | Deviation From Previous Variance |
|---------------------------------------|----------|-----------|---------------------------|-----------------|----------------------------------|
| Front Yard Setback (Rt. 52) | 60 Feet | 14.1 Feet | 15.5 Feet | 76.5% | 9.0% |
| Front Yard Setback (Old S. Plank Rd.) | 40 Feet | 20.5 Feet | 20.7 Feet | 48.8% | 1.0% |
| Lot Depth | 125 Feet | 71 Feet | 71 Feet | 43% | 0% |

- d.) Each variance being sought is based on the current conditions of the project site. There will be no physical changes to the site which are associated with the variances. The site design as previously approved by the Planning Board will substantially remain the same. Minor changes to the site improvements and building (as mentioned in the project narrative) are proposed based on the change of use. These changes, however, would not compromise the area and will remain in-kind to the neighborhood. These variances will have no adverse environmental or physical impacts on the neighborhood or district. If not granted, the use of the site will be compromised, and an unoccupied building will remain.
- e.) All conditions of the site are previously existing and predate the current owner. The Town Code requires this review and approval process for the subject property to be utilized by the applicant.



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
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F: 845.567.1025
www.maserconsulting.com

**182 SOUTH PLANK ROAD (PB# 2019-08)
NARRATIVE SUMMARY
MARCH 12, 2019**

**FARRELL BUILDING COMPANY
TAX LOT 64-2-8.21
TOWN OF NEWBURGH, ORANGE COUNTY, NY
MC PROJECT NO. 06001329B**

Maser Consulting, P.A. has developed the attached Amended Site Plan for the above referenced tax lot which is a ±0.65-acre lot located on the north side of NYS Route 52, approximately 800 feet east of NYS Route 300. This parcel received site plan approval from the Town of Newburgh Planning Board on June 14, 2010 (PB# 2007-28) for a 3,000 sq. ft. eating and drinking establishment with a 20-space parking area, access to Old South Plank Road & NYS Route 52, among other pertinent site improvements. The construction of the approved project was started by the prior owner but stopped. The current site was cleared, a substantially completed building currently exists, and the site was rough graded.

Farrell Building Company is now the owner of the site and is the applicant which is seeking to change the use of the building from the previously approved eating and drinking establishment to an office use building. The site is in the Town's B (Business) zoning district and an office facility is a permitted use subject to site plan review by the Planning Board.

The site plan and design remain largely unchanged relative to the previously approved plans, however there are minor changes to the site plan. They are as follows:

- 1- Minor adjustments to the grading have been made to meet the as-built finished floor elevation of the building;
- 2- A sidewalk has been added to the southern side of the building for new entrances to the building (see attached architectural plans);
- 3- The bulk table has been updated to reflect the as-built building coverage and the added surface coverage from the new sidewalk (+507 sq. ft.).
- 4- The building is proposed to have two (2) floors (prior building was approved as 1-story) with a total usable floor space of 3,890 sq. ft. and requires 20 parking spaces, which is the same total parking as the previously approved establishment.

The amended site plans include a revised layout plan and a revised grading plan reflecting the changes outlined above, with references to the previously approved plan set for the construction details, landscaping, lighting, and erosion & sediment control plans.

Our updated survey for the project site has also identified that the as-built location of the building does not comply with the front yard setbacks established under the prior approval. Based on the linear, narrow nature of the parcel the development of the site is not feasible with the required front yard setbacks in the B (Business) zoning district.



182 South Plank Road
March 12, 2019
MC Project No. 06001329B
Page 2 of 2

The required front yard setback for along NYS Route 52 is 60 feet, while along Old South Plank Road is 40 feet. The existing building currently has a minimum setback of 14.1 feet along NYS Route 52 and 20.5 feet along Old South Plank Road. Previous variances of 15.5 feet (from NYS Route 52) and 20.7 feet (from Old South Plank Road) were granted by the Zoning Board of Appeals (ZBA). A previous variance from the minimum lot depth (125 feet required, 71 feet provided) was also granted by the ZBA. These area variances are required for the change of use and amended site plans.

JED/cdr

R:\Projects\2006\06001329B - 182 South Plank Road\Correspondence\OUT\190312_Narrative Summary_ZBA.docx

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

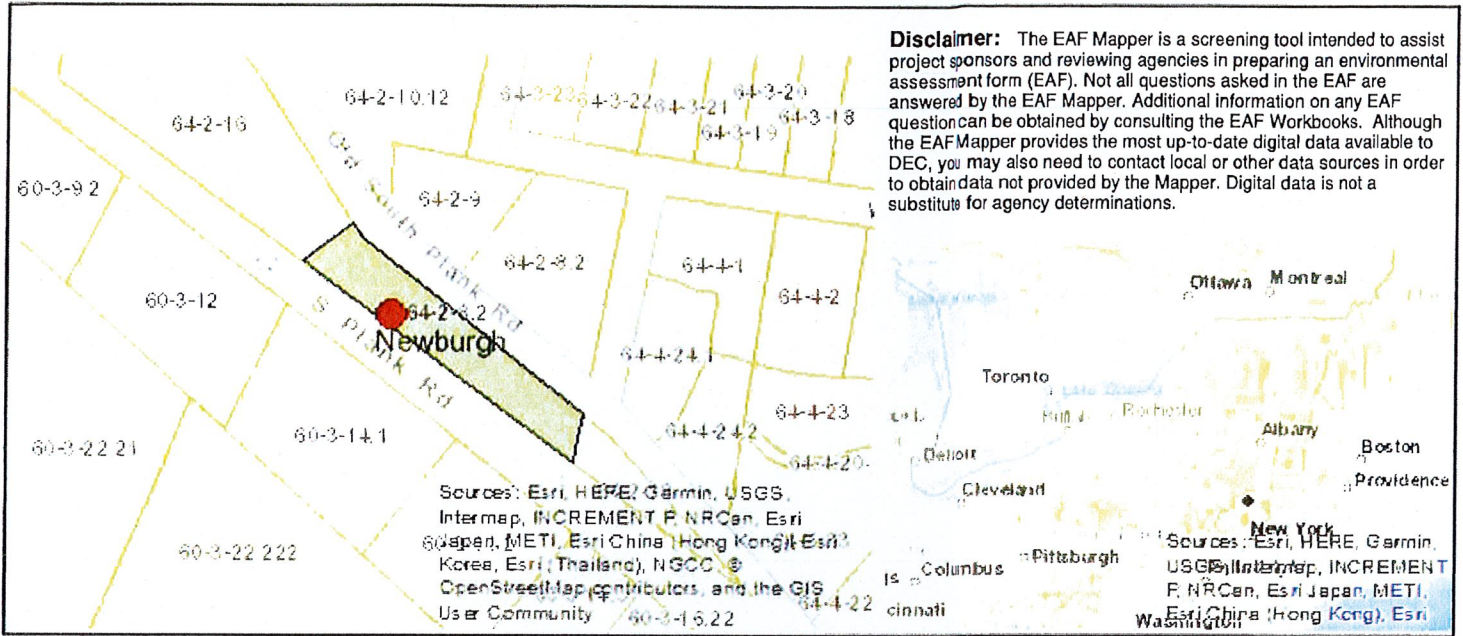
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: 182 South Plank Road | | | | |
| Project Location (describe, and attach a location map): 182 South Plank Road - north of South Plank Road (NYS Route-52) approx. 800' east of the intersection of NY-52 & NY-300 | | | | |
| Brief Description of Proposed Action: See attached narrative. | | | | |
| Name of Applicant or Sponsor: Farrell Building Company (attn. Stephen Zagoren) | | Telephone: (613) 766-0023 E-Mail: zags1413@gmail.com | | |
| Address: P.O. Box 14, 2137 Main Street | | | | |
| City/PO: Birdgehampton | | State: NY | Zip Code: 11931 | |
| 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: <small>Town of Newburgh Planning Board-Amended Site Plan Approval; Town of Newburgh ZBA-Area Variances; Orange Co. Planning-GML 239 Referral; Town of Newburgh Highway Department-Driveway Permit; NYSDOT-Highway Permit</small> | | | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | ±0.65 8.8 acres | | |
| b. Total acreage to be physically disturbed? | | ±0.56 acres | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | ±0.65 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 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 | | | | |

| | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 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? 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 type="checkbox"/> | <input checked="" 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: The project will meet all applicable NYS energy code requirements. | 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? Indiana Bat (The site plan does not propose any tree removal.) | NO | YES |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO | YES |
| a. Will storm water discharges flow to adjacent properties? | <input type="checkbox"/> | <input checked="" 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: A portion of the southwest side of the site sheet flows to a roadside swale on the north side of NYS Route 52 and discharges to the Town's roadside drainage system. The majority of the site sheet flows to a proposed swale on the northeast side of the property which leads to a hydrodynamic separator unit and a subsurface infiltration chamber from which the overflow discharges to the Town's drainage system just outside the eastern corner of the property. | | |
| 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)? If Yes, explain the purpose and size of the impoundment: | NO | YES |
| | <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? If Yes, describe: | NO | YES |
| | <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? If Yes, describe: | NO | YES |
| | <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: Justin E. Dates, R.L.A. Date: 3/15/19 Signature:  Title: ASSOCIATE | | |



| | |
|---|---|
| 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] | 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] | Indiana Bat |
| Part 1 / Question 16 [100 Year Flood Plain] | Yes |
| Part 1 / Question 20 [Remediation Site] | No |



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
T: 845.564.4495
F: 845.567.1025
www.maserconsulting.com

**182 SOUTH PLANK ROAD (PB# 2019-08)
NARRATIVE SUMMARY
MARCH 12, 2019**

**FARRELL BUILDING COMPANY
TAX LOT 64-2-8.21
TOWN OF NEWBURGH, ORANGE COUNTY, NY
MC PROJECT NO. 06001329B**

Maser Consulting, P.A. has developed the attached Amended Site Plan for the above referenced tax lot which is a ±0.65-acre lot located on the north side of NYS Route 52, approximately 800 feet east of NYS Route 300. This parcel received site plan approval from the Town of Newburgh Planning Board on June 14, 2010 (PB# 2007-28) for a 3,000 sq. ft. eating and drinking establishment with a 20-space parking area, access to Old South Plank Road & NYS Route 52, among other pertinent site improvements. The construction of the approved project was started by the prior owner but stopped. The current site was cleared, a substantially completed building currently exists, and the site was rough graded.

Farrell Building Company is now the owner of the site and is the applicant which is seeking to change the use of the building from the previously approved eating and drinking establishment to an office use building. The site is in the Town's B (Business) zoning district and an office facility is a permitted use subject to site plan review by the Planning Board.

The site plan and design remain largely unchanged relative to the previously approved plans, however there are minor changes to the site plan. They are as follows:

- 1- Minor adjustments to the grading have been made to meet the as-built finished floor elevation of the building;
- 2- A sidewalk has been added to the southern side of the building for new entrances to the building (see attached architectural plans);
- 3- The bulk table has been updated to reflect the as-built building coverage and the added surface coverage from the new sidewalk (+507 sq. ft.).
- 4- The building is proposed to have two (2) floors (prior building was approved as 1-story) with a total usable floor space of 3,890 sq. ft. and requires 20 parking spaces, which is the same total parking as the previously approved establishment.

The amended site plans include a revised layout plan and a revised grading plan reflecting the changes outlined above, with references to the previously approved plan set for the construction details, landscaping, lighting, and erosion & sediment control plans.

Our updated survey for the project site has also identified that the as-built location of the building does not comply with the front yard setbacks established under the prior approval. Based on the linear, narrow nature of the parcel the development of the site is not feasible with the required front yard setbacks in the B (Business) zoning district.



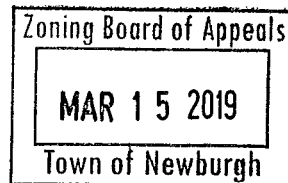
182 South Plank Road
March 12, 2019
MC Project No. 06001329B
Page 2 of 2

The required front yard setback for along NYS Route 52 is 60 feet, while along Old South Plank Road is 40 feet. The existing building currently has a minimum setback of 14.1 feet along NYS Route 52 and 20.5 feet along Old South Plank Road. Previous variances of 15.5 feet (from NYS Route 52) and 20.7 feet (from Old South Plank Road) were granted by the Zoning Board of Appeals (ZBA). A previous variance from the minimum lot depth (125 feet required, 71 feet provided) was also granted by the ZBA. These area variances are required for the change of use and amended site plans.

JED/cdr

R:\Projects\2006\06001329B - 182 South Plank Road\Correspondence\OUT\190312_Narrative Summary_ZBA.docx

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



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

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

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

2712-19

March 14, 2019

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

RE: 182 South Plank Road Amended Site Plan 19.08
182 South Plank Road
64-2-8.21 (Zone B)

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of March 7, 2019 requesting amended site plan approval to utilize the as office space. This property received site plan approval (and area variances) to operate as an eating and drinking establishment on October 14, 2010. Construction thereafter began but an as-built plan shows that construction does not comply with the previously granted variances or site plan. The applicant's current proposal will require the following variances:

- Grant of a variance allowing a Route ⁵²~~32~~ front yard setback of 14.1 feet where 60 feet is required (a variance for 15.5 feet was previously granted);
- Grant of a variance allowing a South Plank Road front yard setback of 20.5 feet where 40 feet is required (a variance for 20.7 feet was previously granted);
- Grant of a variance allowing lot depth of 71 feet where 125 feet is required;

The planning board has no particular matters to bring to your attention. It is suggested

that you conduct your review of this matter on an uncoordinated review basis.

Very truly yours,

A handwritten signature in black ink, appearing to read "MHD", with a large, stylized flourish extending downwards and to the right.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Maser Consulting, P.A.



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

Orig
scn
3/20/19

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14437 / 592
INSTRUMENT #: 20180054592

Receipt#: 2526064
Clerk: DB
Rec Date: 07/26/2018 01:58:31 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: EQUITY SETTLEMENT SERVICES INC.

Party1: NOTO KRISTOPHER
Party2: HUDSON PLACE OFFICE LLC
Town: NEWBURGH (TN)
64-2-8.21

| | |
|---------------------------|--------|
| 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 | 1060.00 |

Sub Total: 1060.00

| | |
|--------|---------|
| Total: | 1375.00 |
|--------|---------|

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

***** Transfer Tax *****
Transfer Tax #: 11718
Commercial Transfer Tax
Consideration: 265000.00

| | |
|----------------------|---------|
| Transfer Tax - State | 1060.00 |
|----------------------|---------|

Total: 1060.00

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 COURT OF THE COUNTY OF ORANGE COUNTY, DO
HEREBY CERTIFY THAT THE ABOVE COPY WITH
THE ORIGINAL INSTRUMENT FILED IN MY OFFICE
ON 7/24/18 IS A CORRECT
TRUE AND ACCURATE COPY OF THE INSTRUMENT. I HAVE
FILED TO SET ON FILE AND I HAVE FILED MY OFFICIAL SEAL.
3/9/19 *Ann G. Rabbitt*
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURT
ORANGE COUNTY

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

02-45617

Section 64 Block 2 Lot 8.21

Bargain and Sale Deed with Covenant against Grantor's Acts

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made this 28th day of June, Two Thousand Eighteen

BETWEEN Kristopher Noto, residing at 1 Waring Road, Newburgh, New York 12550

party of the first part,

and

Hudson Place Office, LLC, a New York limited liability company having an address of c/o Farrell Building, 2317 Montauk Highway, Bridgehampton, New York 11932

party of the second part

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

SEE ATTACHED SCHEDULE A

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.

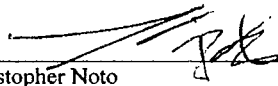
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

This transfer is made in the regular course of business of the grantor and does not constitute all or substantially all of the assets of the grantor.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

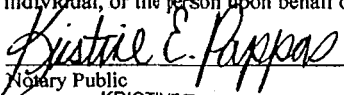
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


Kristopher Noto

STATE OF NEW YORK)
 ss:
COUNTY OF ULSTER)

On the 28th day of June, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Kristopher Noto, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public
KRISTINE E. PAPPAS
Notary Public, State of New York
No. 01PA6094719
Qualified in Orange County
Commission Expires June 23, 2019

R & R:
Stanley A. Schutzman, Esq.
61 South Main Street, Suite 1
New City, NY 10954

SCHEDULE "A"

2-00043923

Parcel One

All that certain plot, piece or parcel of land lying in the Town of Newburgh, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point, said point being the intersection of the westerly line of Waring Road and the northerly line of Old South Plank Road; running thence,

Along the road line of Waring Road North 23 degrees 35 minutes 00 seconds East 254.19 feet to a point; thence,

Continuing along Waring Road North 66 degrees 25 minutes 00 seconds West 121.21 feet to a point; thence,

Leaving the road lines and along lands of Disciglio South 49 degrees 52 minutes 00 seconds West 168.57 feet to a point on the northerly line of the Old South Plank Road; thence,

Along the road line of Old South Plank Road South 38 degrees 40 minutes 00 seconds East 221.31 feet to a point or place of BEGINNING.

Parcel Two

All that certain plot, piece or parcel of land lying in the Town of Newburgh, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point, said point being North 39 degrees 53 minutes 10 seconds West 11.39 feet and North 40 degrees 47 minutes 00 seconds West 285.20 feet from the intersection of the northerly line of the New York State Route 52 and the southerly line of the Old South Plank Road; running thence,

Along the lands of Kuprych North 24 degrees 17 minutes 00 seconds East 65.52 feet to a point on the southerly line of the Old South Plank Road; thence,

Along the road line of the Old South Plank Road North 38 degrees 40 minutes 00 seconds West 373.90 feet and North 23 degrees 31 minutes 00 seconds West 25.54 feet to a point; thence,

Along the lands of Algonquin Realty LLC South 66 degrees 29



View East from Old South Plank Road



View of End of Building from Tax Lot 64-2-16



View East from
NYS Route 52



View West from
NYS Route 52

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

STATE OF NEW YORK: COUNTY OF ORANGE:

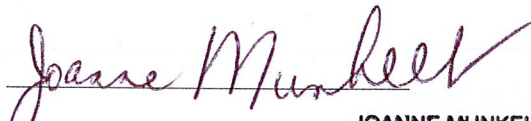
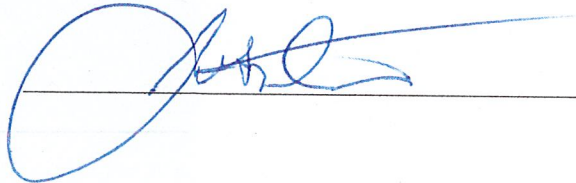
I JUSTIN E. DATES, being duly sworn, depose and say that I did on or before
April 11, 2019, post and will thereafter maintain at

182 South Plank Rd 64-2-8.21 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 21
day of March, 2019.

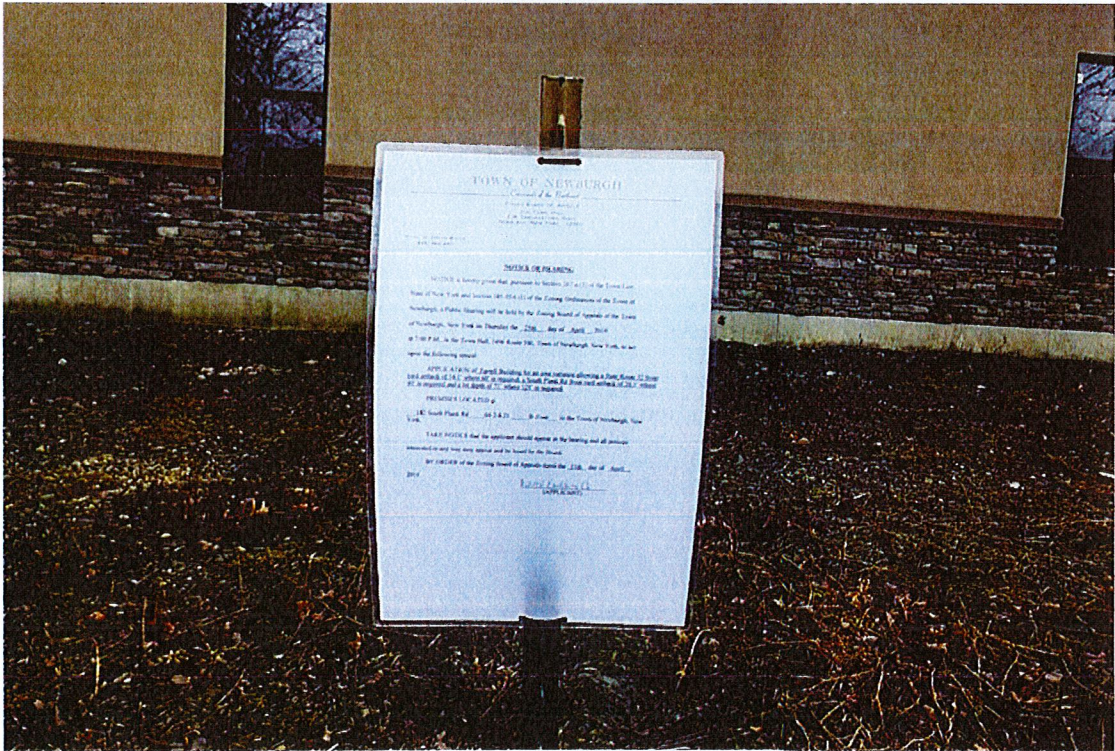


Notary Public

JOANNE MUNKELT
Notary Public, State of New York
No. 01MU6295421
Qualified in Orange County
Commission Expires Jan. 6, 2022

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this
affidavit.]

Route NY-52



Old South Plank Road

