



Steven M. Neuhaus  
County Executive

Orange County Department of Planning  
Submittal Form for Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l,m, & n

Referral ID#  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:

Town of Newburgh

Local Referring Board:

Zoning Board of Appeals

Applicant:

GARAGE SALES Unlimited LLC

Project Name:

Location of Project Site

440 South Plank Road

Tax Map #: 52-7-1

Tax Map #:

Tax Map #:

Local File No.: 2631-11 A

Size of Parcel\*: 235 X 133

\*If more than one parcel, please include sum of all parcels.

Reason for County Review:

ON NYS Route 52

Current Zoning District (include any overlays):

B

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan

Sq. feet proposed (non-residential only): \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision

Number of lots proposed: \_\_\_\_\_

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

AREA / USE (circle one) front yard setback on state rd,

Other

side yard setback

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

Signature of local official

8/18/17

Date

Chairperson  
Zoning Board of Appeals

Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# 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: 18 August 2017

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

I (WE) GARAGE Sales Unlimited PRESENTLY \_\_\_\_\_

RESIDING AT NUMBER 440 South Plank Road

TELEPHONE NUMBER 845-561-4685

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:

52-7-1 (TAX MAP DESIGNATION)

440 South Plank Road (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).

185-18-C-4-b



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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: 31 May 2017
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: CONVERT EATING AND DRINKING establishment into a RETAIL BUSINESS.

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:

\_\_\_\_\_  
\_\_\_\_\_

**(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:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_



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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 building has been at current  
location for over 67 years  
\_\_\_\_\_  
\_\_\_\_\_

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:

Building can not be moved or  
relocated.  
\_\_\_\_\_  
\_\_\_\_\_

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

No change in building or neighboring  
buildings is required  
\_\_\_\_\_  
\_\_\_\_\_

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

No change in building, no environmental  
impact to surrounding area  
\_\_\_\_\_  
\_\_\_\_\_

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

Building, road and neighboring building  
has been at current location for  
25 years  
\_\_\_\_\_  
\_\_\_\_\_



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

OFFICE OF ZONING BOARD  
(845) 566-4901

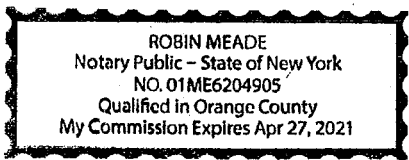
### 7. ADDITIONAL REASONS (IF PERTINENT):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18 DAY OF August 2017



Robin Meade  
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)

## Short Environmental Assessment Form

### Part 1 - Project Information

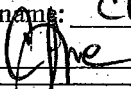
#### Instructions for Completing

**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.

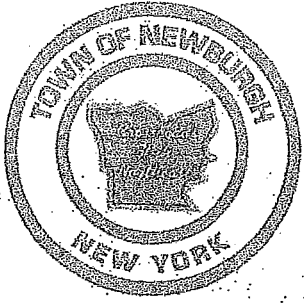
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <b>GARAGE SALES Unlimited</b>			
Project Location (describe, and attach a location map): <b>440 South PLANK ROAD</b>			
Brief Description of Proposed Action: <b>To convert AN EATING AND DRINKING establishment into A RETAIL business.</b>			
Name of Applicant or Sponsor: <b>CHRISTOPHER AND SUSAN TAGUE</b>		Telephone: <b>845-561-4685</b>	
		E-Mail: <b>CHRISTOPHER.TAGUE@USMA.EDU</b>	
Address: <b>2 NANCY LANE</b>			
City/PO: <b>NEWBAGH</b>		State: <b>NY</b>	Zip Code: <b>12550</b>
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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>1</u> acres	
b. Total acreage to be physically disturbed?		<u>.50</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" 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			



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	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"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>CHRISTOPHER TAGUE</u>		Date: <u>18 August 2017</u>
Signature: <u></u>		





**TOWN OF NEWBURGH**

*~Crossroads of the Northeast~*

**CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550**

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

2631-07 A

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 05/31/2017**

**Application No. 17-0437**

**To: Garage Sales Unlimited LLC  
440 S Plank Rd  
Newburgh, NY 12550**

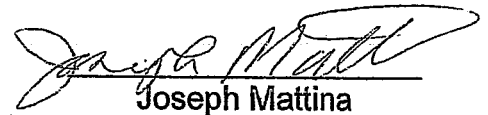
**SBL: 52-7-1  
ADDRESS: 440 S Plank Rd**

**ZONE: B**

**PLEASE TAKE NOTICE** that your application dated 05/26/2017 for permit to convert an eating and drinking business into a retail business on the premises located at 440 S Plank Rd is returned herewith and disapproved on the following grounds:

**Town of Newburgh Municipal Code sections:**

- 1) 185-18-C-4-b Front yards on state roads shall be 60'.**
- 2) Bulk table schedule 7 Requires a 15' minimum side yard setback.**

  
**Joseph Mattina**

**Cc: Town Clerk & Assessor (500')  
File**

# Town of Newburgh Code Compliance

OWNER INFORMATION **BUILT WITH OUT A PERMIT** YES / NO

NAME: Garage Sales Unlimited Building Application # 17-0437

ADDRESS: 2 Nancy Lane Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: Change of Use @ 440 South Plank Rd.

SBL: 52-7-1 ZONE: B

TOWN WATER: YES / NO TOWN SEWER: YES / NO

2631-07A

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	60'	23.4'		36.6'	61.00%
REAR YARD					
SIDE YARD	15'	8.30		6.7'	44.66%
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

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

**ACCESSORY STRUCTURE:**

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

NOTES: Changing from a eating and drinking place to a retail store. Stop Work Order issued.

**VARIANCE(S) REQUIRED:**

- 1 185-18-C-4-b- Front yards along state roads shall be 60'
- 2 Bulk table schedule 7-requires a side yard of 15' minimum.
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: Joseph Mattina DATE: 31-May-17



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

*Joanne 8/18/17*

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



BOOK/PAGE: 14131 / 231  
INSTRUMENT #: 20160071719  
Receipt#: 2220104  
Clerk: HS  
Rec Date: 11/01/2016 02:52:21 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 4  
Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: LEASE JOHN  
Party2: GARAGE SALES UNLIMITED LLC  
Town: NEWBURGH (TN)  
52-7-1

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 568.00

Sub Total: 568.00

Total: 883.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 2878  
Commercial Transfer Tax  
Consideration: 142000.00

Transfer Tax - State 568.00

Total: 568.00

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

*Ann G. Rabbitt*

Ann G. Rabbitt  
Orange County Clerk

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 *Nov 1, 2016* AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbitt*

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

*July 7, 2017*

Record and Return To:

BLOOM & BLOOM, PC  
PO BOX 4323  
NEW WINDSOR, NY 12553

HN 56382

**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 27th day of October, 2016,

**BETWEEN**

John J. Lease, III, of 5020 Route 9W, Newburgh, New York 12550,  
party of the first part, and

Garage Sales Unlimited LLC of 2 Nancy Lane, 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) 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;

**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 bound and described in Schedule 'A' attached hereto and made a part hereof;

**BEING AND INTENDED** to be the same premises conveyed to JOHN J. LEASE, III who acquired title by deed from GUS KALEVAS dated April 12, 1996 and recorded on April 18, 1996 in the Orange County Clerk's Office in Liber 4370 page 318.

**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.

1-6-85

HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581

**DESCRIPTION  
LANDS TO BE CONVEYED TO  
CHRISTOPHER TAGUE & SUSAN TAGUE  
And GARAGE SALES UNLIMITED  
440 SOUTH PLANK ROAD,  
TOWN OF NEWBURGH,  
COUNTY OF ORANGE, STATE OF NEW YORK,**

**ALL THAT PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF  
NEWBURGH, COUNTY OF ORANGE, STATE OF NEW YORK, BEING DESCRIBED  
AS FOLLOWS:**

Beginning at a found iron pipe in a tree root in the Southwesterly line of Old South Plank Road, said point also being the Easterly most corner of lands now or formerly Johnson, Liber 2257, Page 936, said point being the Northerly most corner of the herein described parcel, said point also being located South 66°55'00" East 108.00' from a found iron pipe;

Thence along the Southwesterly line of said Old Plank Road, South Sixty-Six Degrees, Fifty-Five Minutes, Zero Seconds East One Hundred Thirty-Three and Twenty-Five Hundredths Feet (S 66°55'00" E 133.25') to a ¾" iron pipe set;

Thence along lands now or formerly Calaluca, Liber 3087, Page 302, the following two (2) courses and distances:

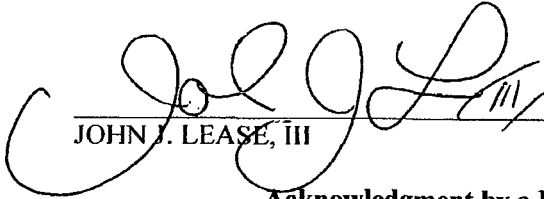
1. South Twenty-Three Degrees, Six Minutes, Zero Seconds West One Hundred Eight and Seventy Hundredths Feet (S 23°06'00" W 108.70') to a rail road spike set in pavement;
2. South Eight Degrees, Thirty-Three Minutes, Zero Seconds West Sixty-Seven and Ninety-Eight Hundredths Feet (S 08°33'00" W 67.98') to a rail road spike set in pavement;

Thence along the Northerly line of South Plank Road (N.Y.S. Route 52), South Eighty-Two Degrees, Thirty Minutes, Thirty Seconds West One Hundred Three and Nine Hundredths Feet (S 82°30'30" W 103.09') to a ½" iron rod set;

Thence along lands now or formerly Valley Contracting Inc., Liber 13700, Page 1450, and lands now or formerly Johnson, Liber 2257, Page 936, North Seven Degrees, Fifty-Five Minutes, Zero Seconds East Two Hundred Thirty-Five and Thirteen Hundredths Feet (N 07°55'00" E 235.13') to the point or place of beginning and containing 0.5138 Acres of land more or less, as surveyed by Margaret M. Hillriegel, L.S.

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

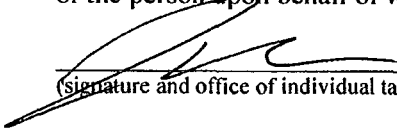
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

  
\_\_\_\_\_  
JOHN J. LEASE, III

**Acknowledgment by a Person Within New York State (RPL § 309-a)**

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

On the 27th day of October in the year 2016, before me, the undersigned, personally appeared **John J. Lease, III**, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

**JOSEPH M. SAFFIOTI**  
Notary Public, State of New York  
No. 4985013  
Qualified in Orange County  
Commission Expires August 5, 2017

*Att: Daniel Blom Esq.*  
*PO Box 4323*  
*NEW WINOSOR, NY 12553*

**Garage Sales  
Unlimited LLC  
4405. Plank Rd  
(52-7-1)**

