

# 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: 8/19/2024

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

JJSK INC. PRESENTLY

RESIDING AT NUMBER 1 Tantilto Lane, New Paltz, New York 12561

TELEPHONE NUMBER 917-250-9355

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:

60-3-18 (TAX MAP DESIGNATION)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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

Section 185-48.9 (1) – Cannabis – related uses

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:

8/1/2024

4. DESCRIPTION OF VARIANCE SOUGHT:

Lot area: 40,000 square feet required; 26,556 square feet provided;

Lot width: 150 feet required; 137.7 feet provided;

front yard setback: 60 feet required; 31.7 feet provided;

rear yard setback: 60 feet required; 36.7 feet provided;

side yard setback: 50 feet required; 8.9 feet provided;

Both side yards: 100 feet required; 84.4 feet provided;

Parking spaces: 40 required; 31 provided:

Determination by the ZBA as to whether Tarsio Lanes is a facility where the **primary purpose** is to provide recreational opportunities to **children or adolescents**, and if so, whether a variance is required.

If no, no Variance required. If yes, 500 ft required; 450' 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 – no use variance requested

**(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 – no use variance requested

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

N/A – no use variance requested

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

N/A – no use variance requested

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 divided into 3 retail stores. The property as it exists today is a non conforming pre-existing use. The property is located on NYS Route 52 in a fully developed retail corridor. The surrounding properties are used as gas station, laundromat, bowling alley, restaurants, offices and similar commercial uses. The proposed use of one 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

Town of Newburgh Code Section 185-48.9(i) – Cannabis related uses requires a 500 ft separation from a facility whose **primary purpose** is to provide recreational opportunities to children or adolescents. The 500 ft is measured from entrance of the Cannabis retail dispensary to the entrance to the recreational facility.

The entrance to the Tarsio Lanes Bowling Alley is less than 500 ft from the proposed retail cannabis store. The Bowling Alley has a liquor license with an active on premises bar. The Tarsio Building also houses a liquor store. While the Tarsio Bowling Alley does host children's bowling parties, it is a mixed use facility and with a bar its **primary purpose** is not providing recreational opportunities to children or adolescents. The Planning board has referred this matter to the ZBA for a determination on the same.

- 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 retail building with 3 stores. 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 lot area, lot width, lot depth, front yard, rear 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 middle store in the building 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 retail stores 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 add exterior lighting, security cameras, a secured locked dumpster enclosure, landscaping and repave and restripe the existing parking lot. 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

*Sukhwir Singh*

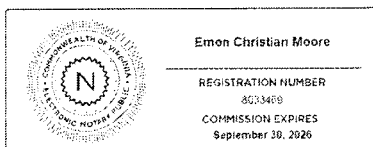
x

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

Commonwealth of Virginia, County of Prince William

~~STATE OF NEW YORK COUNTY OF ORANGE~~

SWORN TO THIS 17th DAY OF August 2024



*Emon Christian Moore*  
\_\_\_\_\_  
NOTARY PUBLIC

Notarized remotely online using communication technology via Proof.

**\* ORIGINALS ARE REQUIRED.**

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).**

## Project Narrative

JJSK, Inc. is a domestic corporation having an address of 1 Tantillo Lane, New Paltz, New York 12561. JJSK, Inc. has received a Certificate of Licensure to operate an Adult-Use Retail Dispensary from the NYS Office of Cannabis Management, License Number OCM-RETL-24-00002, see copy attached.

JJSK, Inc. has entered into a lease with AZB Corporation for the existing store presently occupied by Picture-It-Framed located at 165 South Plank Road, Newburgh, New York. The building presently contains three commercial store tenants. The space to be leased is the center store of the building. The building borders on South Plank Road and Meadow Avenue. The Cannabis Dispensary will occupy the existing, Picture-It-Framed store. 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 and above the store entrance.

**Certificate of Licensure**  
New York State Adult-Use Cannabis Program



**Office of Cannabis  
Management**

License Number : OCM-RETL-24-000092

License Type : Adult-Use Retail Dispensary License

Entity Name : JJSK INC.

DBA :

Date Of Issuance: 13-May-2024

Date Of Expiration : 13-May-2026

Operating Address :

1 Tantiño Ln

New Paltz

NY

12561

STREET

CITY

STATE

ZIP

The Adult-Use Cannabis Licensee must comply with all applicable state and local laws and regulations. This includes but is not limited to the Cannabis Law and its implementing regulations. An Adult-Use Cannabis Licensee's failure to comply with these laws and regulations may result in revocation of the license or permit, and the imposition of civil penalties, or any other enforcement action, as provided for in state and local laws and regulations, including but not limited to, the Cannabis Law and its implementing regulations. This license or permit is not a property or vested right.

# 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: JJSK, Inc., Retail Cannabis Dispensary				
Project Location (describe, and attach a location map): 165 South Plank Road, Newburgh, NY (see attached)				
Brief Description of Proposed Action: Applicant requests approval to occupy a portion of an existing retail building on-site with a adult-use retail dispensary. The exterior of the existing building will not be changed. Wall mounted parking lot lighting will be added to the exterior of the building, a secure, fenced in dumpster area will be provided and the existing parking lot will be re-stripped.				
Name of Applicant or Sponsor: JJSK Inc.		Telephone: 845-562-3500 E-Mail: jsaffioti@saffiotianderson.com		
Address: 1 Tantillo Lane				
City/PO: New Paltz		State: New York	Zip Code: 12561	
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 checked="" 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: <i>Town of Newburgh Planning Board</i>			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.610 acres		
b. Total acreage to be physically disturbed?		N/A acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.00 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				

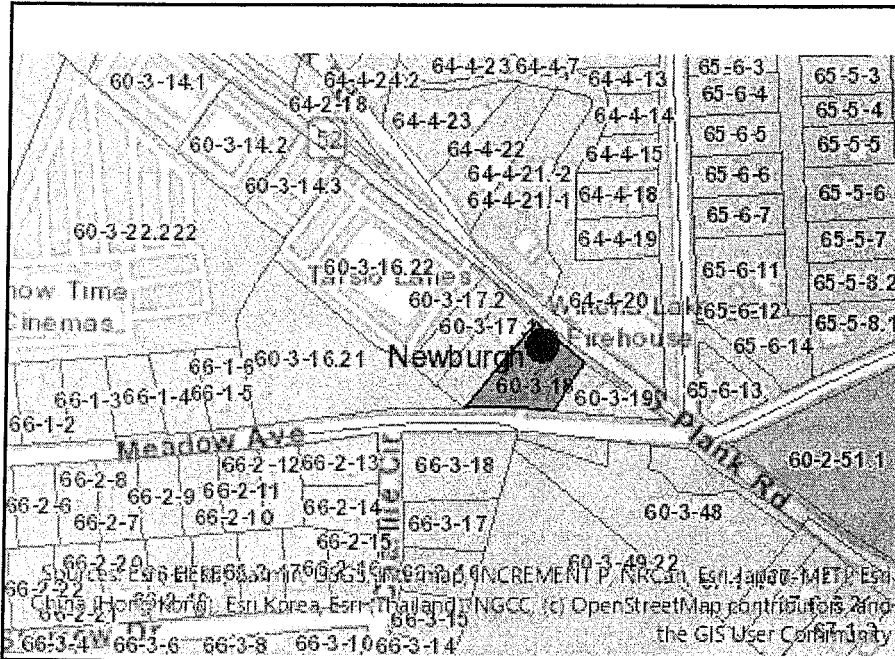


	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>	
	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	
	<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"/>	

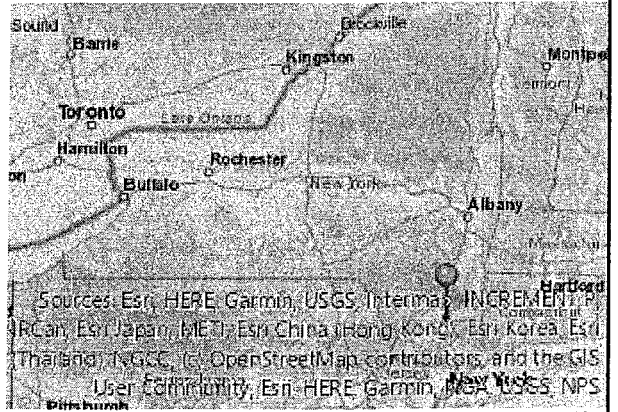
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply. <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" 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	NO	YES		
	<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? If Yes,	NO	YES		
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)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>		
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"/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>				
Applicant/sponsor/name: <u>      Sukhvir Singh      </u> Date: <u>      08/17/2024      </u>				
Signature: <u>      Sukhvir Singh      </u> Title: <u>      President      </u>				

# EAF Mapper Summary Report

Monday, July 15, 2024 3:21 PM



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
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]	No
Part 1 / Question 20 [Remediation Site]	No

TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

Sukhvir Singh

PROXY

SUK-SINGH, President of JJSK, INC. , DEPOSES AND SAYS THAT

JJSK INC. has a business address of 1 Tantillo Lane, New Paltz, New York

IN THE COUNTY OF ULSTER AND STATE OF NEW YORK

AND THAT JJSK, INC. IS THE TENANT OF AZB CORPORATION THE OWNER IS FEE OF

165 South Plank Road, Newburgh, New York

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING

APPLICATION AND THAT JJSK, INC. HAS AUTHORIZED

JOSEPH M. SAFFIOTI, ESQ.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 08/17/2024

x Sukhvir Singh

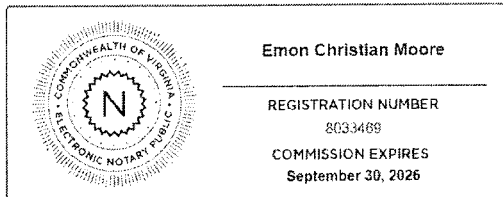
OWNER'S SIGNATURE

[Handwritten Signature]

WITNESS' SIGNATURE

Commonwealth of Virginia, County of Prince William <sup>624</sup>  
~~STATE OF NEW YORK, COUNTY OF ORANGE~~

SWORN TO THIS 17th DAY OF August 20 24



[Handwritten Signature]

NOTARY PUBLIC

Notarized remotely online using communication technology via Proof.

**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY

ANGELA DANOSKY, President of AZB Corporation , DEPOSES AND SAYS THAT  
AZB CORPORATION has a business address of 165 South Plank Road, Newburgh, New York  
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK  
AND THAT AZB CORPORATION IS THE OWNER IN FEE OF  
165 South Plank Road, Newburgh, New York  
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING  
APPLICATION AND THAT AZB CORPORATION HAS AUTHORIZED  
JJSK, INC.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/16/24                      Angela Danosky

OWNER'S SIGNATURE

Michael Mc

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16 DAY OF August 2024

  
NOTARY PUBLIC

JOSEPH M. SAFFIONI  
Notary Public - State of New York  
Registration No. 4163013  
Qualified in Orange County  
My Commission Expires August 5, 2025

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

August 5, 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: JJSK, Inc. - Retail Cannabis Dispensary // ZBA referral  
Planning Board Project No. 2024-23

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's August 1, 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 165 South Plank Road. 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:

- \* Lot area: 40,000 square feet required; 26,556 provided;
- \* Lot width: 150 feet required; 137.7 provided;
- \* Front yard setback: 60 feet required; 31.7 provided;
- \* Rear yard setback: 60 feet required; 36.7 provided;
- \* Side yard setback: 50 feet required; 8.9 feet provided;
- \* Both side yards: 100 feet required; 84.4 foot provided; and
- \* Parking lot landscaping: 5% required; none provided.

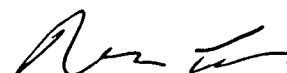
Additionally, the distance from the entrance to the proposed dispensary to the entrance to Tarsio Lanes appears to be less than 500 feet. Section 185-48.9(A)(1) of the Town's Zoning Code requires that:

No approval or permit shall be granted to cannabis on-site consumption premises and cannabis retail dispensaries proposed to be located within 500 feet of ... a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents as measured from the center of the nearest walkway or stairs leading to the entrance of the premises or where it meets the building line or public thoroughfare.

The Planning Board defers to the ZBA as to whether Tarsio Lanes is a facility where the primary purpose is to provide recreational opportunities to children or adolescents, and if so, whether a variance is required.

Lastly, it appears that 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



MY DELI

PICTURE IT FORWARD

APPLE ICE

POULTRY



NY HOME TOWN DELI

ICE  
SOLD HERE  
OPEN  
MADE IN NY  
SALADS  
WINGS & SANDWICHES  
CATERING

ICE  
MADE IN NY  
APPLE ICE

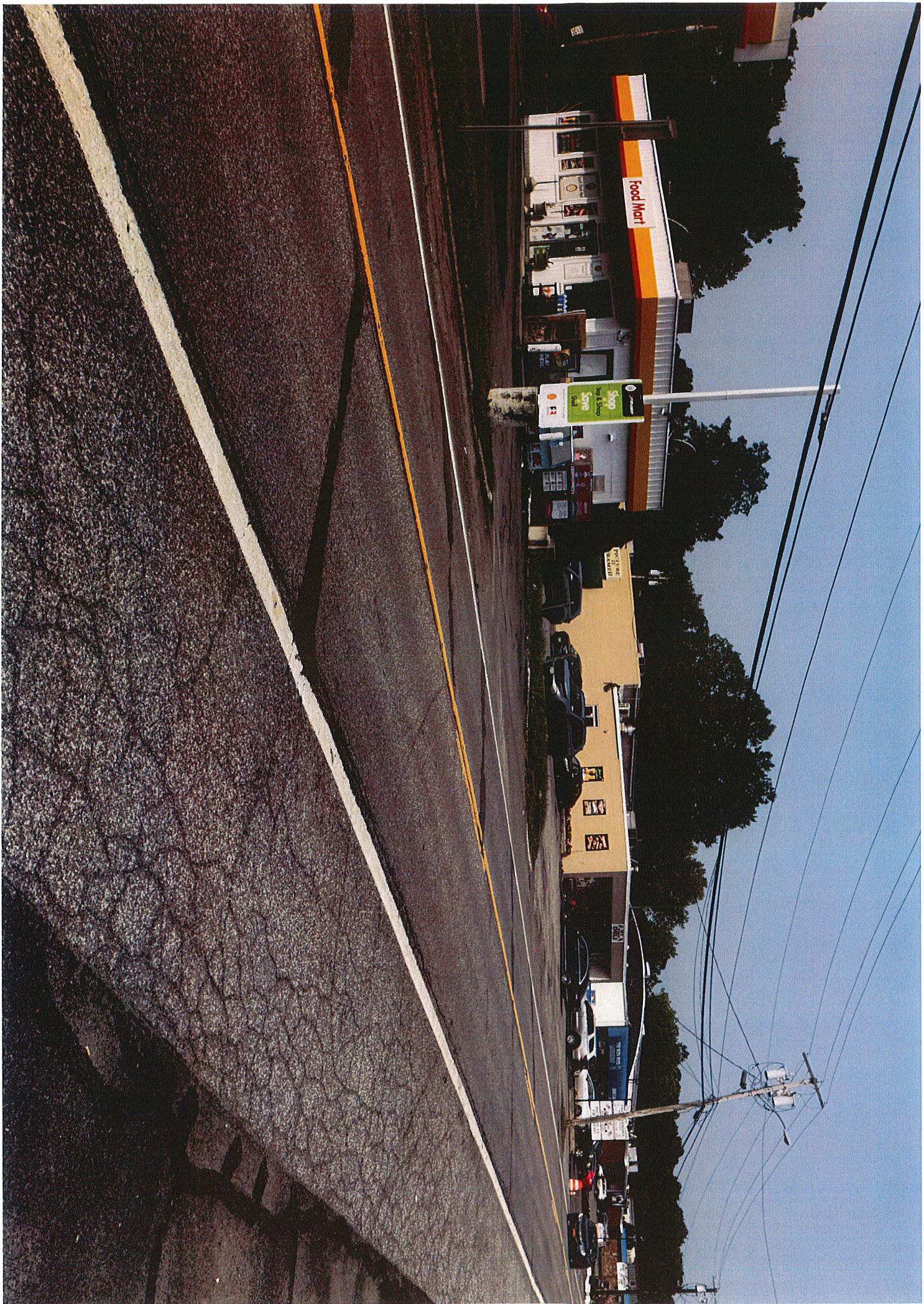












ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

SBI REALTY CORPORATION  
TO  
AZB, INC.

SECTION 60 BLOCK 3 LOT 18

RECORD AND RETURN TO:  
(Name and Address)

DANIEL J. BLOOM, ESQ  
BLOOM & BLOOM PC  
PO BOX 4232  
NEW WINDSOR NY 12553

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

PROPERTY LOCATION

- |                            |  |
|----------------------------|--|
| 2089 BLOOMING GROVE (TN)   | 4289 MONTGOMERY (TN)                                   |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG)                                    |
| 2289 CHESTER (TN)          | 4203 MONTGOMERY (VLG)                                  |
| 2201 CHESTER (VLG)         | 4205 WALDEN (VLG)                                      |
| 2489 CORNWALL (TN)         | 4489 MOUNT HOPE (TN)                                   |
| 2401 CORNWALL (VLG)        | 4401 OTISVILLE (VLG)                                   |
| 2600 CRAWFORD (TN)         | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| 2800 DEERPARK (TN)         | 4800 NEW WINDSOR (TN)                                  |
| 3089 GOSHEN (TN)           | 5089 TUXEDO (TN)                                       |
| 3001 GOSHEN (VLG)          | 5001 TUXEDO PARK (VLG)                                 |
| 3003 FLORIDA (VLG)         | 5200 WALKKILL (TN)                                     |
| 3005 CHESTER (VLG)         | 5489 WARWICK (TN)                                      |
| 3200 GREENVILLE (TN)       | 5401 FLORIDA (VLG)                                     |
| 3489 HAMPTONBURGH (TN)     | 5403 GREENWOOD LAKE (VLG)                              |
| 3401 MAYBROOK (VLG)        | 5405 WARWICK (VLG)                                     |
| 3689 HIGHLANDS (TN)        | 5600 WAWAYANDA (TN)                                    |
| 3601 HIGHLAND FALLS (VLG)  | 5889 WOODBURY (TN)                                     |
| 3889 MINISINK (TN)         | 5801 HARRIMAN (VLG)                                    |
| 3801 UNIONVILLE (VLG)      |  |
| 4089 MONROE (TN)           |  |
| 4001 MONROE (VLG)          |  |
| 4003 HARRIMAN (VLG)        |  |
| 4005 KIRYAS JOEL (VLG)     |  |

NO. PAGES 5 CROSS REF  
CERT. COPY \_\_\_\_\_ ADD'L X-REF \_\_\_\_\_  
MAP # \_\_\_\_\_ PGS. \_\_\_\_\_  
PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_  
CONSIDERATION \$ 600,000<sup>00</sup>  
TAX EXEMPT \_\_\_\_\_

MORTGAGE AMT \$ \_\_\_\_\_  
DATE \_\_\_\_\_

MORTGAGE TAX TYPE:  
\_\_\_\_ (A) COMMERCIAL/FULL 1%  
\_\_\_\_ (B) 1 OR 2 FAMILY  
\_\_\_\_ (C) UNDER \$10,000  
\_\_\_\_ (E) EXEMPT  
\_\_\_\_ (F) 3 TO 6 UNITS  
\_\_\_\_ (I) NAT. PERSON/CR. UNION  
\_\_\_\_ (J) NAT.PER-CR.UN/1 OR 2  
\_\_\_\_ (K) CONDO

CITIES

- 0900 MIDDLETOWN
- 1100 NEWBURGH
- 1300 PORT JERVIS
- 9999 HOLD

*Donna L. Benson*  
DONNA L BENSON  
Orange County Clerk

RECEIVED FROM: *Goshen Sealeders*  
LIBER 5495 PAGE 335

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 04/09/2001 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* 08/09/2001

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS  
ORANGE COUNTY

LIBER 5495 PAGE 335  
ORANGE COUNTY CLERKS OFFICE 20397 MRL  
RECORDED/FILED 04/09/2001 02:11:22 PM  
FEES 50.00 EDUCATION FUND 5.00  
SERIAL NUMBER: 008233  
DEED CNTL NO 54787 RE TAX 2400.00

4822-36184#91633

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

GO 10851

**THIS INDENTURE**, made the 2<sup>nd</sup> day of April, two thousand one  
**BETWEEN**

**SBI REALTY CORPORATION**, a New York corporation having an  
address at P.O. Box 7178, Newburgh, New York 12550

party of the first part, and

**AZB, INC.**, a New York corporation having its principal place of business  
at 165 South Plank Road, Newburgh, New York 12550

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of TEN AND 00/100  
(\$10.00) DOLLARS, 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 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,  
and State of New York, being further bounded and described in Schedule A attached  
hereto.

Being and intended to be the same premises conveyed in a certain deed dated April 10,  
1991 by Phildan Associates to SBI Realty Corporation and recorded on April 24, 1991 in  
the office of the Orange County Clerk in Liber 3436 of deeds at page 158.

This transaction is being made in the usual course of business actually conducted by the  
grantor corporation and does constitute a sale, transfer and alienation of all or  
substantially all of the assets of said corporation. This conveyance is authorized by the  
Board of Directors and shareholders and no other consent are required.

**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.

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

IN PRESENCE OF:

**SBI REALTY CORPORATION**

By: *Philip M. Schulman*  
Philip M. Schulman, President

STATE OF NEW YORK)

..SS:

COUNTY OF ORANGE )

On the 2<sup>nd</sup> day of April, 2001, before me, the undersigned, a notary public in and for said state, personally appeared PHILIP M. SCHULMAN 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.

*Richard J. Drake*  
Notary Public RICHARD J. DRAKE  
A Notary Public State of New York  
Qualified in Orange County  
02DI6096165  
Commission Expires August 31, 2002

Record and Return to:

Daniel J. Bloom, Esq.  
Bloom & Bloom, P.C.  
P.O. Box 4232  
New Windsor, New York 12553

GOSHEN SEARCHERS INC.  
20 SCOTCHTOWN AVENUE  
GOSHEN, NEW YORK 10924  
OFFICE: 914-294-5110  
COUNTY BUILDING: 914-294-8913  
NEWBURGH TIE LINE: 914-564-8150  
FAX 914-294-9581

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 and State of New York, bounded and described as follows:

BEGINNING at a point in the southwesterly side of South Plank Road, which point of beginning is 200 feet on a course North 43 degrees 21 minutes West from a stake located at the intersection of the southwesterly side of the South Plank Road and the northerly line of Meadow Hill Road; thence from the said point of beginning along the southwesterly side of South Plank Road, North 43 degrees 21 minutes West 132.9 feet to a point; thence South 52 degrees 54 minutes West along the line of lands now or formerly of one N.W. Moshier for a distance of 233.0 feet to a point in the northerly line of Meadow Hill Road South 76 degrees 10 minutes East 196.6 feet to a point; thence North 46 degrees 39 minutes East 135 feet to the southerly side or line of South Plank Road and the point of beginning.

THE ABOVE DESCRIBED PREMISES ALSO DESCRIBED PURSUANT TO A SURVEY DATED FEBRUARY 1, 2001 BY VINCENT J. DOCE, LS AND MORE PARTICULARLY DESCRIBED ON PAGE 2 OF THIS SCHEDULE "A".

### SCHEDULE "A"

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Description  
Lands of  
SBI Realty Corporation

All that piece or parcel of land with buildings and improvements thereon, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being bounded and described as follows:

Beginning at a point in the southwesterly line of the existing NYS Route 52, a.k.a. South Plank Road, said point being on the division line between the lands now or formerly of Applebaum on the southeast and the parcel herein described on the northwest; thence, along the last mentioned division line, South 33 degrees 04 minutes 08 seconds West 127.82 feet to a point in the northerly line of the existing Meadow Avenue; thence, along the northerly line of Meadow Avenue, South 87 degrees 53 minutes 25 seconds West 191.02 feet to a point on the division line between the lands now or formerly of Bucklen on the northwest and the parcel herein described on the southeast; thence, along the last mentioned division line, North 38 degrees 46 minutes 36 seconds East 251.76 feet to a point in the aforementioned southwesterly line of NYS Route 52, a.k.a. South Plank Road; thence, along the southwesterly line of NYS Route 52, South 51 degrees 25 minutes 24 seconds East 131.70 feet to the point or place of beginning, containing 0.61 acres of land more or less.

SCHEDULE "A"

Page 2 of 2

LIBER 5495 PAGE 339

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I, Jalinder Singh, being duly sworn, depose and say that I did on or before  
September 12, 2024, post and will thereafter maintain at  
165 S Plank Rd 60-3-18 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.

Jalinder Singh

Sworn to before me this 21<sup>st</sup>  
day of August, 2024.

Lindsay A. Jankovitz

**Lindsay A Jankovitz**  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01JA6368902  
Qualified in Ulster County  
Commission Expires December 26, 2025

