



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:	JIN KANJANAKIRITUMRONG-GRABEK
Project Name:	
Location of Project Site	349 MEADOW AVENUE

Tax Map #:	66-2-3
Tax Map #:	
Tax Map #:	
Local File No.:	PB Ref 1
Size of Parcel*:	16,200 SF

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

Reason for County Review: within 500ft Route 300/Union Avenue

Current Zoning District (include any overlays): I/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) Lot AREA, lot width, one side yard, COMBINED SIDE YARDS & 10 foot required setback of Accessory Structures
- Other

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

Local board comments or elaboration:

Signature of local official: *Shane Cardone* Date: 6/5/14 Chairperson Title: Zoning Board of Appeals

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: MAY 29, 2014

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

I (WE) JIN KANSANAKIRITUMRONG GRABEK PRESENTLY

RESIDING AT NUMBER 349 MEADOW AVE, NEWBURGH, NY 12550

TELEPHONE NUMBER 845-857-9985

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:

S/B/L 66-2-3 (TAX MAP DESIGNATION)

349 MEADOW AVE (STREET ADDRESS)

1B (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

SECTION 185-11 BULK REQUIREMENTS  
1B DISTRICT - SCHEDULE 8  
MIN LOT AREA, MIN. LOT WIDTH, MIN SIDE  
YARD, MIN. SIDE YARD BOTH  
AND SECTION 185-15.A.2 MIN. SIDE  
YARD ACCESSORY BUILDING.



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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: MAY 16, 2014

4. DESCRIPTION OF VARIANCE SOUGHT: SEE ATTACHED

ADDENDUM

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

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

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

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

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



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

N/A

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

SEE ATTACHED ADDENDUM

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

SEE ATTACHED ADDENDUM

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

SEE ATTACHED ADDENDUM

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

SEE ATTACHED ADDENDUM

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

SEE ATTACHED ADDENDUM



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7. ADDITIONAL REASONS (IF PERTINENT):

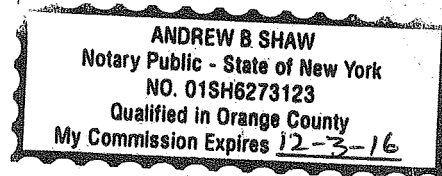
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

X *[Handwritten Signature]*  
\_\_\_\_\_  
PETITIONER(S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 30<sup>th</sup> DAY OF May 20 14

*[Handwritten Signature]*  
\_\_\_\_\_  
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.

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



# TOWN OF NEWBURGH

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## PROXY

JIN KANJANAKRITUMRONG - GRABEL, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 349 MEADOW AVE, NEWBURGH

IN THE COUNTY OF ORANGE AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF TAX PARCEL

SELTON 66 BLOCK 2 LOT 3

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED VINCENT J. DOLE ASSOC.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: May 30 / 2014 X Jin Kanjanakritumrong - Grabel

OWNER'S SIGNATURE

X [Signature]

WITNESS SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 30<sup>th</sup> DAY OF May 20 14

[Signature]  
NOTARY PUBLIC

ANDREW B SHAW  
Notary Public - State of New York  
NO. 01SH6273123  
Qualified in Orange County  
My Commission Expires 12-3-16

## Addendum

### 4. DESCRIPTION OF VARIANCE SOUGHT:

The applicant proposes to convert an existing single-family home located in an IB zone into a proposed hair salon. The applicant is requesting area variances for lot area, lot width, side yard setback, side yard setback (both) and side yard setback for an accessory building because the existing lot and/or building does not meet the minimum requirements for said items.

### 6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIREABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The existing deficiencies are existing and a majority of the lots and buildings located on Meadow Avenue have similar deficiencies. The building is situated between an existing convenience store and an insurance office, and an office building is located across the street from the parcel.

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 adjacent parcels are existing non-conforming lots and have no land available that could be obtained without creating new non-conformities. All other uses subject to site plan review would have similar problems meeting the minimum bulk requirements resulting in the need for area variances.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The requested variances sought are all existing deficiencies related to an existing building. The variances produce no undesirable change to the neighborhood and are in character with the rest of lots/buildings in the neighborhood.

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

The non-conformities are existing and similar to the non-conformities of a majority of the building along Meadow Avenue. The proposed hair salon will also be between and opposite existing commercial uses.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

This is an existing lot and building, and the non-conformities to the zoning bulk regulations are pre-existing.

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**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: Site Plan Lands of Jin Kanjanakiritumrong - Grabek			
Project Location (describe, and attach a location map): 349 Meadow Avenue, Town of Newburgh, Orange County - Tax Parcel Section 66 Block 2 Lot 3			
Brief Description of Proposed Action: Conversion of an existing single-family dwelling located in an IB zone into a hair salon. Construction of a 2100 +/- square foot parking area.			
Name of Applicant or Sponsor: Jin Kanjanakiritumrong		Telephone: 845 857-9985	
		E-Mail:	
Address: 349 Meadow Avenue			
City/PO: Newburgh		State: NY	Zip Code: 12550
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 governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Zoning Board of Appeals			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.37 +/- acres	
b. Total acreage to be physically disturbed?		0.05 +/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.37 +/- acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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,	<b>NO</b>	<b>YES</b>	<b>N/A</b>
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	<input type="checkbox"/>	<b>NO</b>	<b>YES</b>
	<input type="checkbox"/>	<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?	<b>NO</b>	<b>YES</b>	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	<b>NO</b>	<b>YES</b>	
If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	<b>NO</b>	<b>YES</b>	
If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Individual well			
11. Will the proposed action connect to existing wastewater utilities?	<b>NO</b>	<b>YES</b>	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parcel is connected to town sewer			
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
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?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	<b>NO</b>	<b>YES</b>	
If Yes,			
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?			
If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES			
Storm water is currently directed to a drainage swale along the rear property line eventually connecting to a drainage system in Charlie Circle.			

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>Vincent J. Doce Associates</u>		Date: <u>May 5, 2014</u>
Signature: <u>Dan C Doce</u>		

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT**

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

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

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

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

May 16, 2014

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

RE: Kanjanakiritumrong Site Plan  
66-2-3 (Zone IB)  
349 Meadow Avenue (14.08)

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Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of May 15, 2014. The applicant proposes to convert an existing single family dwelling into a hair salon. Such a personal service business is not permitted in the IB zone where this property is located. Additionally, the site does meet several bulk area requirements as follows:

- Lot Area:<sup>1</sup> 40,000 square feet required; 16,200 square feet provided;
- Lot Width:<sup>2</sup> 150 feet required; 90 feet provided;
- Side Yard: 50 feet required; 6 feet provided;
- Combined Side Yard: 100 feet required; 45 feet provided; and
- Accessory Structure Setback: 10 feet required; 1.7 feet provided.

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<sup>1</sup> Newburgh Code § 185-18 [Exceptions to district regulations] (A) [Nonconforming lots of record] (1) [Existing lots] provides that "[n]othing shall prohibit the use of a lot of less than the prescribed area... when such lot is owned individually and separate from any adjoining tract at the time of enactment of this chapter, provided that all other provisions of this chapter are met." Thus, if a use variance is granted by your board, no area variance for lot area will be required.

<sup>2</sup> Newburgh Code § 185-18 [Exceptions to district regulations] (A) [Nonconforming lots of record] (1) [Existing lots] provides that "[n]othing shall prohibit the use of a lot of less than the prescribed... width when such lot is owned individually and separate from any adjoining tract at the time of enactment of this chapter, provided that all other provisions of this chapter are met. Thus, if a use variance is granted by your board, no area variance for lot width will be required.

The planning board therefore refers this matter to you for consideration of granting a use and area variances.

The planning board suggests that you conduct your SEQRA review of this application on an uncoordinated review basis. The planning board has no particular matters or concerns to bring to your attention.

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  
Vincent J. Doce Associates

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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

Bonnie G. Tezzi  
and  
Judith Brotten-Davis  
  
TO  
  
Jin Grabek

SECTION 66 BLOCK 2 LOT 3

RECORD AND RETURN TO:  
(name and address)

Legend Abstract Corp.  
11 Third Street  
New City, NY 10956



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)  
2001 WASHINGTONVILLE (VLG)  
2003 SO. BLOOMING GROVE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2600 CRAWFORD (TN)  
2800 DEERPARK (TN)  
3089 GOSHEN (TN)  
3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
3489 HAMPTONBURGH (TN)  
3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3601 HIGHLAND FALLS (VLG)  
3889 MINISINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
4401 OTISVILLE (VLG)  
4600 NEWBURGH (TN)  
4800 NEW WINDSOR (TN)  
5089 TUXEDO (TN)  
5001 TUXEDO PARK (VLG)  
5200 WALLKILL (TN)  
5489 WARWICK (TN)  
5401 FLORIDA (VLG)  
5403 GREENWOOD LAKE (VLG)  
5405 WARWICK (VLG)  
5600 WAWAYANDA (TN)  
5889 WOODBURY (TN)  
5801 HARRIMAN (VLG)  
5809 WOODBURY (VLG)  
  
CITIES  
0900 MIDDLETOWN  
1100 NEWBURGH  
1300 PORT JERVIS  
  
9999 HOLD

NO PAGES 4 CROSS REF. \_\_\_\_\_  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable CONSIDERATION \$ 190,000.-  
TAX EXEMPT \_\_\_\_\_  
Taxable MORTGAGE AMT. \$ \_\_\_\_\_

**MORTGAGE TAX TYPE:**  
\_\_\_ (A) COMMERCIAL/FULL  
\_\_\_ (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

*Ann G. Rabbitt*  
ANN G. RABBITT  
ORANGE COUNTY CLERK

Received From Legend Abstract

RECORDED/FILED  
04/18/2014/ 14:46:36  
ANN G. RABBITT  
County Clerk  
ORANGE COUNTY, NY  
FILE#20140033176  
DEED R / BK 13740PG 0731  
RECORDING FEES 190.00  
TTX# 005576 T TAX 760.00  
Receipt#1748398 lindar

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 04/18/14 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 MAY 27, 2014



THIS INDENTURE, made the 5<sup>th</sup> day of March, 2014

BETWEEN **BONNIE G. TEZZI**, residing at 37 W. Woods, Yarmouth Port, MA 02675 and  
**JUDITH BROTTEN-DAVIS**, residing at 5 Creek Circle, Rhinebeck, NY 12572

party of the first part,

-and-

**JIN GRABEK**, residing at 102 Old S. Plank Road, Newburgh, NY 12550

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,

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, more particularly bound and described as follows:

**SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF**

BEING AND INTENDED to be the same premises conveyed to the Party of the First Part by deed dated May 28, 2006 and recorded June 6, 2006 in the Orange County Clerk's Office in Book 12170 Page 1613.

TOGETHER with all right, title and interest, if any, of the party of the first part of, 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:

Bonnie G. Tezzi  
BONNIE G. TEZZI

Judith Botten-Davis  
JUDITH BROTTEN-DAVIS

**SCHEDULE A**

**LEGAL DESCRIPTION**

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 an iron pipe in the southerly line of the Meadow Hill Road at the northwest corner of land of Morgan and running;

**THENCE** South 5 degrees 50 minutes West along the westerly line of lands of Morgan 180 feet to an iron pipe;

**THENCE** westerly along the northerly line of land of Watford 90 feet to an iron pipe;

**THENCE** North 5 degrees 50 minutes East 180 feet to an iron pipe in the southerly side of Meadow Hill Road; and

**THENCE** easterly along the southerly line of Meadow Hill Road 90 feet to the point or place of **BEGINNING**.



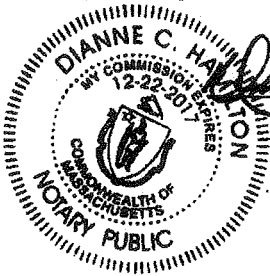
STATE OF MASSACHUSETTS, COUNTY OF Barnstable:

On the 5<sup>th</sup> day of March, 2014, before me the undersigned, personally appeared

**Bonnie G. Tezzi**

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their own capacity and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted, executed this instrument, and that such individual made such appearance before the undersigned in the

Yarmouth Port MA 02675  
(insert the city or other political subdivision and the state or country or other place the acknowledgment was taken).



Dianne C. Hamilton  
Notary Public

**BARGAIN AND SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS**

Bonnie G. Tezzi and Judith Brotten-Davis

to

Jin Grabek

STATE OF NEW YORK, COUNTY OF Dutchess s.s.:

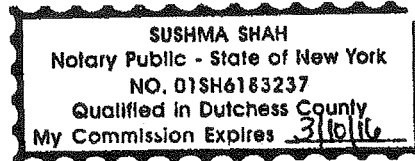
On the 7 day of March, 2014, before me the undersigned, personally appeared

**Judith Brotten-Davis**

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same in his/her/their own capacity and that by his/her/their signature(s) on the instrument, the individual(s) or the person on behalf of which the individual(s) acted, executed this instrument.

Judith Brotten-Davis

Notary Public



Section: 66  
Block: 2  
Lot: 3  
County: Orange  
Town: Newburgh  
Address: 349 Meadow Avenue  
Newburgh, NY 12550

**Record and Return To:**

R. Spencer Lauterbach, Esq.  
151 N. Main Street, 4th Floor  
New City, NY 10956

L:\RB\Tezzi, Bonnie and Brotten-Davis, Judith\_deed\wpd

**Jin Kanjanakiritumrong Grabek**

**349 Meadow Avenue**

**66-2-3**

