

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza
Newburgh, NY 12550



OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: October 25, 2022

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

I (WE) Masterji, LLC, c/o Milan Kumar PRESENTLY

RESIDING AT NUMBER 2944 Route 17K, Bullville, NY 10915

TELEPHONE NUMBER (845) 649-6932

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:

60-3-14.3 (TAX MAP DESIGNATION)

177 South Plank Road (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

§ 185-14 - Sign Regulations

§ 185-14(g)

§ 185-14(j)(5)

§ 185-14(m)

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:

_____ X _____

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: variance to alter/re-face
non-conforming sign

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:

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 subject sign has existed for many years to advertise previous restaurant businesses. Applicant only seeks to update the sign for the new restaurant.

- 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 sign allows visibility of the restaurant business to people on the road, whereas a sign only on the building wouldn't have this visibility based on the position of the building in relation to the road.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The free-standing sign already exists - applicant only seeks to alter it.

- 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 sign has been in existence for many years, it is not a hazard nor does it have any adverse impact to the neighborhood whatsoever.

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

Applicant purchased the property and the sign was installed years ago by a former owner/proprietor.

7. ADDITIONAL REASONS (IF PERTINENT):

Milan Kramer

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25th DAY OF October 2022

Wayne Kramer

NOTARY PUBLIC

Wayne Kramer
Notary Public, State of New York
Notary Public No. 01KR6316803
Appointed in Orange County
Commission Expires December 22, 2022

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).

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

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

MASTER J I, LLC, c/o Milan Kumar, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 2944 Route 17k, Bullville, NY 10915
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF 177 South Plank Rd.
Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Christopher J. Smith Esq.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: Oct. 25, 2022 Milan Kumar

Milan Kumar OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:
SWORN TO THIS 25th DAY OF October 2022

Wayne Kramer
NOTARY PUBLIC

Wayne Kramer
Notary Public, State of New York
Notary Public No. 01KR6316803
Appointed in Orange County
Commission Expires December 22, 2022

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part I - Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center; font-size: 1.2em;">DESI DHABA INDIAN RESTAURANT</p>			
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">177 South Park Road, Newburgh NY 12550</p>			
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">Alteration of pre-existing free-standing sign in front of premises.</p>			
Name of Applicant or Sponsor: <p style="font-size: 1.2em;">Masterji LLC, c/o Milan Kumar</p>		Telephone: 	
Address: <p style="font-size: 1.2em;">2944 Route 17K</p>		E-Mail: 	
City/PO: <p style="font-size: 1.2em;">Bullville</p>		State: <p style="font-size: 1.2em;">NY</p>	Zip Code: <p style="font-size: 1.2em;">10915</p>
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"/>
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: <p style="font-size: 1.2em; margin-left: 20px;">Tom of Newburgh Code Compliance Dept. Permit to re-face existing sign</p>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
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	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
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	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
b. Is the proposed action located in an archeological sensitive area?			
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?	NO	YES	
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: _____			
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 type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES			

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Masterji, LLC, c/o Milan Kumar</u> Date: <u>10/25/2022</u></p> <p>Signature: <u>Milan Kumar</u></p>		

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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"/>
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"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

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.

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.

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

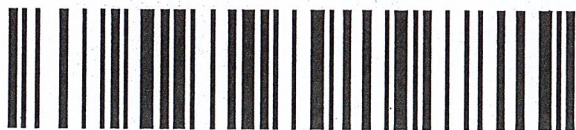
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



ORANGE COUNTY – STATE OF NEW YORK
 KELLY A. ESKEW, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

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



BOOK/PAGE: 15304 / 1382
 INSTRUMENT #: 20220065531

Receipt#: 3076823
 Clerk: BR
 Rec Date: 09/08/2022 01:25:08 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: JMSW INVESTORS LLC
 Party2: MASTERJI LLC
 Town: NEWBURGH (TN)
 60-3-14.3

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 2400.00

Sub Total: 2400.00

Total: 2715.00

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

***** Transfer Tax *****
 Transfer Tax #: 1378
 Commercial Transfer Tax
 Consideration: 600000.00

Transfer Tax - State 2400.00

Total: 2400.00

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

Comment: _____

Kelly A. Eskew
 Orange County Clerk

Record and Return To:

CHRISTOPHER J SMITH, ESQ
 PO BOX 3016
 MIDDLETOWN, NY 10940

60-3-14.3

HN73366

BARGAIN & SALE DEED
(WITH COVENANT AGAINST GRANTOR'S ACTS)

SECTION 60 BLOCK 3 LOT 14.3

THIS INDENTURE, made the 19th day of August, 2022

BETWEEN

JMSV INVESTORS, LLC, of 6 Kathleens Heights, Newburgh, NY 12550,

party of the first part, and

MASTERJI LLC, of 86 Cottage Street, Middletown, NY 10940,

party of the second part

WITNESSETH, that the party of the first part, in consideration of \$100.00 dollars and other valuable consideration paid by the party of the second part, does hereby grant, convey 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, commonly known as 177 South Plank Road, Newburgh, NY 12550, and further described in Schedule A annexed hereto.

BEING the same premises as described in a deed dated Sept. 11, 2017 by Ioannis Angelis and Ekaterini Angelis to JMSV Investors, LLC, recorded in the Orange County Clerk's office on Sept. 19, 2017 in Liber 14292 at page 1308.

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 line 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.

This conveyance is made with the unanimous consent of all members of the grantor.

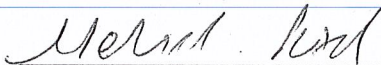
AND the party of the first part, in compliance with Section 13 of the Lien law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

JMSV INVESTORS, LLC



Mehul Patel - Member

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

On the 19th day of August, 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared MEHUL PATEL, 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.

CHRISTOPHER J SMITH
Notary Public, State of New York
No.02SM6302226
Qualified in Orange County
Commission Expires May 05, 2026



Notary Public

Record & return to:
Christopher J. Smith, Esq.
P.O. Box 3016
Middletown, NY 10940

Schedule A Description

Title Number **HN 73366**

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 being designated as Lot No. 1 on a map entitled "Proposed Subdivision - Site Plan lands of C.F.K.S. Associates" dated 7/28/81, last revised 12/23/81 and filed in the Office of the Orange county Clerk 1/15/82 as Map No. 5831, being more particularly bounded and described as follows:

BEGINNING at a point in the southwesterly line of the existing N.Y.S. Route 52, said point being on the division line between the lands now or formerly of Newburgh Alogonquin Lanes, Inc., on the southeast and southwest and the parcel herein described on the northwest and northeast; thence, along the last mentioned division line the following two (2) courses (1) S 38° 17' 57" W 218.90 feet and (2) N 47° 31' 23" W 117.33 feet to a point on the division line between the lands now or formerly of Morgano on the northwest and the parcel herein described on the southeast; thence, along the last mentioned division line N 38° 17' 57" E 210.06 feet to a point on the aforementioned southwesterly line of N.Y.S. Route 52, thence, along the southwesterly line of N.Y.S. Route 52 S 51° 50' 40" E 117.02 feet to the point or place of beginning, containing 0.58 acres of land more or less.

HILL N DALE ABSTRACTERS, INC.
PO BOX 547
GOSHEN, NEW YORK 10924
845-294-5110
845-294-9581 FAX

**CHRISTOPHER J. SMITH, ESQ.
ATTORNEY AT LAW**

Mailing Address

P.O. Box 3016
Middletown, NY 10940

Street Address

37 Cedar Court
Middletown, NY 10940

Telephone/Fax

Tel.(845) 820-3806
Fax (845) 261-0284
csmith88law@yahoo.com

October 25, 2022

Town of Newburgh
Zoning Board of Appeals
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

**Re: 177 S. Plank Road, Newburgh, NY 12550, Town of Newburgh [SBL 60-3-14.3]
Masterji LLC - Area variance application (re-facing of sign)
Desi Dhaba Indian Restaurant**

Dear Sir/Ma'm,

On behalf of property owner Masterji LLC, I'm respectfully submitting an application for an area variance for the above property. The property owner intends to open a new restaurant business and therefore needs to re-face/alter the existing free-standing sign situated in the front of the property to advertise the new business - the Desi Dhaba Indian Restaurant. The current sign sets forth the name of a restaurant that went out of business many years ago.

We respectfully request to have the matter scheduled for the November 22, 2022 hearing date.

Please don't hesitate to contact me if you need any additional information. Thank you in advance.

Sincerely,



Christopher J. Smith, Esq.

Encl.

Documents list
177 South Plank Road - area variance (sign alteration)

1. ZBA area variance application and proxy
2. Short-form EAF
3. Code Compliance Dept. Notice of Disapproval letter dated 10/7/2022
4. Assessor list - property owners within 500' of subject property
5. Fee receipt - Town of Newburgh clerk (10/25/2022)
6. Original deed dated 8/19/2022, recorded 9/8/2022 - JMSV Investors, LLC to Masterji, LLC
7. Four (4) photos of subject property
8. One (1) photo of free-standing sign
9. Survey map of 177 S. Plank Road property dated 10/12/2021 (11 copies) [*Note - there's a typo at the bottom right of the survey map - it incorrectly states the property address as "179 South Plank Road."]

SUMMARY OF AREA VARIANCE REQUEST
177 South Plank Road - area variance (sign alteration)

Applicant: Masterji, LLC, c/o Milan Kumar
dba Desi Dhaba Indian Restaurant

Subject property: 177 South Plank Road, Newburgh, NY 12550
Town of Newburgh [SBL 60-3-14.3]
Zoning District "B"

1. The property owner Masterji LLC ("Owner") desires to obtain an area variance for the sole purpose of re-facing an existing free-standing sign located in the front of the property. The Owner previously submitted a permit application to re-face the sign, and it was disapproved (see attached letter) because the pre-existing sign is apparently non-conforming to the current Newburgh sign regulations set forth in Newburgh Zoning Code §185-14.

2. Under Town Law Sec. 267-b(3), in considering an area variance the Zoning Board of Appeals is to consider the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Furthermore, the ZBA is to consider whether the sought-after variance will create any undesirable change to the character of the neighborhood or result in any detriment to nearby properties.

3. In the present case, there is a significant benefit to the applicant in granting the variance. The owner intends to open a new Indian restaurant (Desi Dhaba Indian Restaurant) at the premises, and the sign provides visibility to traffic on South Plank Road, whereas a sign on the building wouldn't have this visibility due to its position in relation to the street. The current sign sets forth the name of a previous restaurant establishment at the property, "Table 52 Family Restaurant," which as I understand it went out of business many years ago. The Owner has invested substantial sums of money in this new business, which would be deleteriously affected if they weren't allowed to update the existing sign. The sign dimensions (approx. 4' x 6') and sign height (approx. 14') comply with the sign regulations for free-standing signs.

4. Granting the area variance will result in no detriment to the health, safety or welfare of the neighborhood or community. The sign has been in existence since the 1980s and the minor act of altering the sign to reflect the name of the new restaurant business will not create any undesirable change to the character of the neighborhood. The sign is unobtrusive, doesn't impede car or foot traffic in any way, and poses no danger to persons or property.

Based on the foregoing, we respectfully request the ZBA grant the area variance to re-face the sign.

Date: October 25, 2022



Christopher J. Smith, Esq.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

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

3007-22

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/07/2022

Application No. 22-0948

To: JMSV Investors, LLC
6 Kathleen Heights
Newburgh, NY 12550

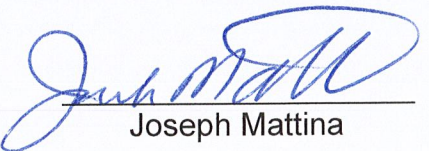
SBL: 60-3-14.3
ADDRESS: 177 S Plank Rd

ZONE: B

PLEASE TAKE NOTICE that your application dated 08/31/2022 for permit to re-face the existing free-standing sign on the premises located at 177 S Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-14-G-1-(a): A non-conforming sign shall not be altered.
- 2) 185-14-M-2-(a): A free standing sign is not allowed if the building is less than 35' from the front property line.
- 3) 185-14-J-5-(a): The sign shall set 15' from a side property line. (If permitted)
- 4) 185-14-J-5-(a) : The sign shall setback 15' from the front street line. (If permitted)
- 5) 185-14-J-5-(f): All signage must be protected from vehicles.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

177 SOUTH PLANK ROAD - PHOTO #1 [10/20/2022]



177 SOUTH PLANK ROAD - PHOTO #2 [10/20/2022]



177 SOUTH PLANK ROAD - PHOTO #3 [10/20/2022]



177 SOUTH PLANK ROAD - PHOTO #4 [10/20/2022]



177 SOUTH PLANK ROAD - SIGN [10/20/2022]



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Milankumar, being duly sworn, depose and say that I did on or before
November 8, 2022, post and will thereafter maintain at
177 S Plank Rd 60-3-14.3 B Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Milankumar

Sworn to before me this 28th

day of October, 2022.

CHRISTOPHER J SMITH
Notary Public, State of New York
No.02SM6302226
Qualified in Orange County
Commission Expires May 05, 2022





TOWN OF NEWBURGH

OFFICE OF THE TOWN ENGINEER
27 Hudson Street Professional Plaza
Newburgh, NY 12550

NOTICE OF PUBLIC HEARING

To all persons who are interested in the following:

NOTICE OF HEARING

NOTICE is hereby given that pursuant to Section 267-A(1) of the Town Law, the Board of Zoning Appeals will be held by the Town Board of the Town of Newburgh, New York on Tuesday, the 22nd day of November, 2021 at 7:00 P.M. in the Town Hall, 40th Street 200, Town of Newburgh, New York, to all:

with the following appeal:

APPLICATION OF **2020 DEVELOPMENT LLC** for a conditional use of a building, 2020, located on the backside of the Town Hall property.

PROPERTY LOCATED AT: 227 S. Pearl St., 68 S. 111 St. in the Town of Newburgh, New York.

PLEASE NOTE that the applicant should appear at the hearing and all persons who wish to be heard should appear and be heard by the Board.

BY ORDER of the Town Board of Newburgh, New York: *[Signature]*
2021





RESTAURANT
Come Taste The Love

NOTICE
The following information is being provided to you for your information only. It is not intended to constitute an offer of insurance or any other financial product. Please contact your insurance agent for more information.

117

