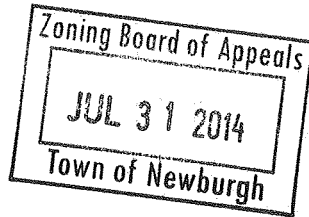


# Bloom & Bloom, P.C.

ATTORNEYS AND COUNSELORS AT LAW

DANIEL J. BLOOM  
PETER E. BLOOM  
KEVIN D. BLOOM \*  
KATHLEEN L. BLOOM  
\*ALSO ADMITTED IN FLORIDA



530 BLOOMING GROVE TURNPIKE  
P.O. BOX 4323  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE (845) 561-6920  
FAX: (845) 561-0978  
E-MAIL: [BLOOMBLOOM@hvc.rr.com](mailto:BLOOMBLOOM@hvc.rr.com)

July 30, 2014

Hon. Grace Cardone, Chairperson  
Zoning Board of Appeals of the Town of Newburgh  
1496 Route 300  
Newburgh, New York 12550

*Via FedEx Overnight Delivery*

**RE: APPLICATION OF MICHAEL NAFASH**  
**Variance of construction of Dunkin Donuts Franchise**  
**S/B/L: 14-1-43; 301 Route 32; Zone B**  
**Our File No.: RE-2230**

Dear Madam Chairperson:

Enclosed herewith please find a fully executed Affidavit of our client, Michael Nafash in the above matter, duly notarized on July 30, 2014. Please note that my client made a single change to the copy that I delivered to the Board at our last public hearing. It appears at paragraph "3." and consists of the last word in the paragraph "newspapers". Accordingly, I am enclosing herewith an additional six copies of the same for your distribution to the other members of the Board.

Thank you for your continuing consideration.

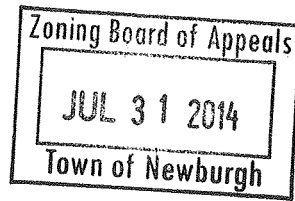
Sincerely,

A handwritten signature in cursive script that reads "Daniel J. Bloom".

DANIEL J. BLOOM  
DJB/sm (encs.)

- cc: Minuta Architecture (*via email*)  
Attn: Joseph J. Minuta, R.A. and  
Eileen Jacobs
- cc: Dickover, Donnelly & Donovan  
Attn: David A. Donovan, Esq.  
28 Bruen Place  
Post Office Box 610  
Goshen, New York 10924  
(*with enclosure*)
- cc: Town of Newburgh Office of Code Compliance  
Attn: Gerald Canfield – Inspector  
Old Town Hall  
308 Gardnertown Road  
(*with enclosure*)  
Newburgh, New York 12550
- cc: Mr. Michael Nafash  
(*via email*)

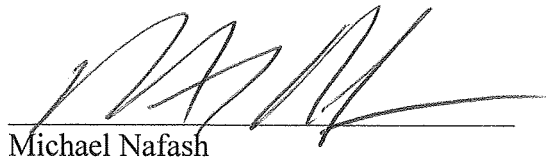
AFFIDAVIT

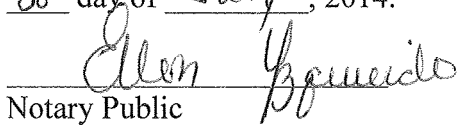


STATE OF NEW YORK)  
  )ss.:  
COUNTY OF ORANGE)

MICHAEL NAFASH, being duly sworn deposes and says:

- 1.) I am the Applicant in a pending “Application for Interpretation” before this Board.
- 2.) At the initial public hearing held in this matter on June 26, 2014, my attorney submitted to the Board that my prospective use of the premises would be analogous to the operation of a “convenience store” (without gasoline fueling stations), as a permitted accessory use in the current zone.
- 3.) By way of supplementing the comments of my attorney at that meeting, I submit herewith and attach hereto, literature from Dunkin Donuts, confirming that it has negotiated with the Wrigley Company “front counter merchandising”, which would include a display for k-cups, fresh produce, mints, gum and newspapers.
- 4.) I submit this Affidavit and offer this information not to suggest that my proposed use of the premises will be exactly the same as that of a “convenience store”, but to provide this Board with information sufficient to form an opinion with respect to the analogy my attorney was suggesting exists between the operation of a “convenience store” (with or without fuel pumps) and my proposed use of the premises, as a Dunkin Donuts franchise.
- 5.) Moreover, there will be no baking done on the premises. The product arrives in a frozen state and is re-heated on the premises.
- 6.) Also attached hereto, are copies of the Town of Newburgh Tax Map, with indications of the locations of existing similar operations to the proposed use on the subject Application.
- 7.) Thank you for your consideration.

  
Michael Nafash

Sworn to before me this  
30<sup>th</sup> day of July, 2014.  
  
Notary Public

**ELLEN YZQUIERDO**  
**Notary Public, State of New York**  
**Residing in Orange County**  
**#01YZ5009112**  
**Commission Expires 03/08/2015**