



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:	L2LEquities LLC, (John O'Connor Estate)
Project Name:	Dunkin Donuts
Location of Project Site	301 Route 32

Tax Map #:	14-1-43
Tax Map #:	
Tax Map #:	
Local File No.:	2476-14
Size of Parcel*:	172x117'

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

Reason for County Review: ON NYS Route 300 & NYS Route 32

Current Zoning District (include any overlays): B

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan Sq. feet proposed (non-residential only): _____

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

Number of lots proposed: _____

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

Special Use Permit

Lot Line Change

Variance **AREA 7 USE (circle one) (2) FRONT YARD SETBACKS ON STATE HIGHWAYS - Rte 32 & Rte 300**

Other

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

Local board comments or elaboration:

Grace Cardone 1/6/14 Chairperson
Signature of local official Date Zoning Board of Appeals
Title

Municipal Contact Phone Number: 845-566-4901

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

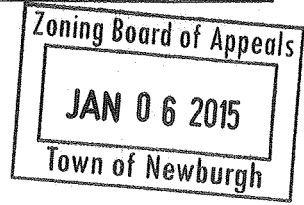
Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com



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: September 3, 2014

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

I (WE) 171 Equities LLC, Dunkin Donuts PRESENTLY

RESIDING AT NUMBER 82 Alize Drive, Kinnelon, NJ 07405

TELEPHONE NUMBER 973-464-4419

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:

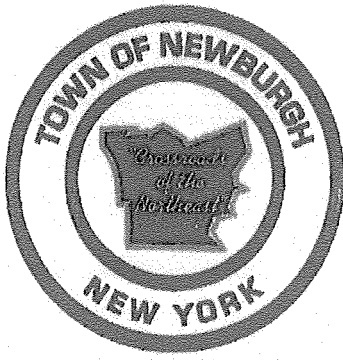
S-B-L: 14-1-43 (TAX MAP DESIGNATION)

301 Route 32 (STREET ADDRESS)

B-Business (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185 Attachment 11:1 Table of use and bulk requirements B District Convenience store with or without gasoline filling stations.



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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: 16 OCTOBER 2014
- 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: Front yard setback
variance for 38.5' +/- and front yard set back variance for 55.10 +/-.

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

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

No.

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

Building exists at the location where we are asking for front and side variance.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

We are not increasing the degree of non-conformity.

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 site exists.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The Commercial site exists.

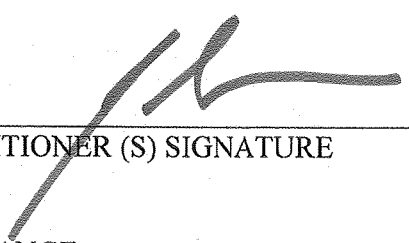


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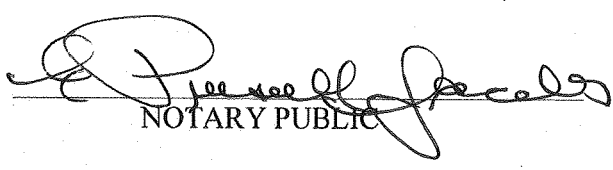
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3RD DAY OF SEPT 2014



NOTARY PUBLIC

EILEEN PIERSALL JACOBS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PI6301479
Qualified in Orange County
My Commission Expires April 14, 2018

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)

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.

Part 1 - Project and Sponsor Information				
Name of Action or Project: LZL EQUITIES/ DUNKIN DONUTS				
Project Location (describe, and attach a location map): 301 ROUTE 32 NEWBURGH, NEW YORK 12550				
Brief Description of Proposed Action: THE EXISTING PROPERTY IS .50 ACRES WITH ONE EXISTING BUILDING, 1,741 SQUARE FEET +/-, ON THE PROPERTY. THE SITE HAS PREVIOUSLY APPROVED AS A RESTAURANT WITH 120 PATRONS PER DAY 10 MARCH 1973, 9 JUNE 1973, 31 AUGUST 1973, AND LOCATED AT THE INTERSECTION OF STATE ROUTE 32 AND STATE ROUTE 300. THERE IS AN EXISTING CURB CUT THAT ACCESSES NYS ROUTE 32. THIS PARCEL IS IN THE B-BUSINESS ZONE. RENOVATE EXISTING BUILDING AS A DUNKIN DONUTS CONVENIENCE STORE, WOOD FRAMING TO BE REMOVED AND NEW MODULAR BUILDING TO BE SET ON EXISTING FOUNDATION.				
Name of Applicant or Sponsor: LZL EQUITIES, LLC		Telephone: (973) 464-4419 E-Mail: mnafash@gmail.com		
Address: 82 ALIZE DRIVE				
City/PO: KINNELON		State: NEW JERSEY	Zip Code: 07405	
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 governmental Agency? If Yes, list agency(s) name and permit or approval: NEW YORK STATE DEPARTMENT OF TRANSPORTATION, TOWN OF NEWBURGH P.B. & Z.B.A., ORANGE COUNTY DEPARTMENT OF HEALTH			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.50 acres		
b. Total acreage to be physically disturbed?		0.36 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.50 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 checked="" type="checkbox"/> Other (specify): MUNICIPAL <input checked="" type="checkbox"/> Parkland				

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>JOSEPH MINUTA, MINUTA ARCHITECTURE PLLC</u>		Date: <u>9.3.14</u>
Signature: _____		

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?"

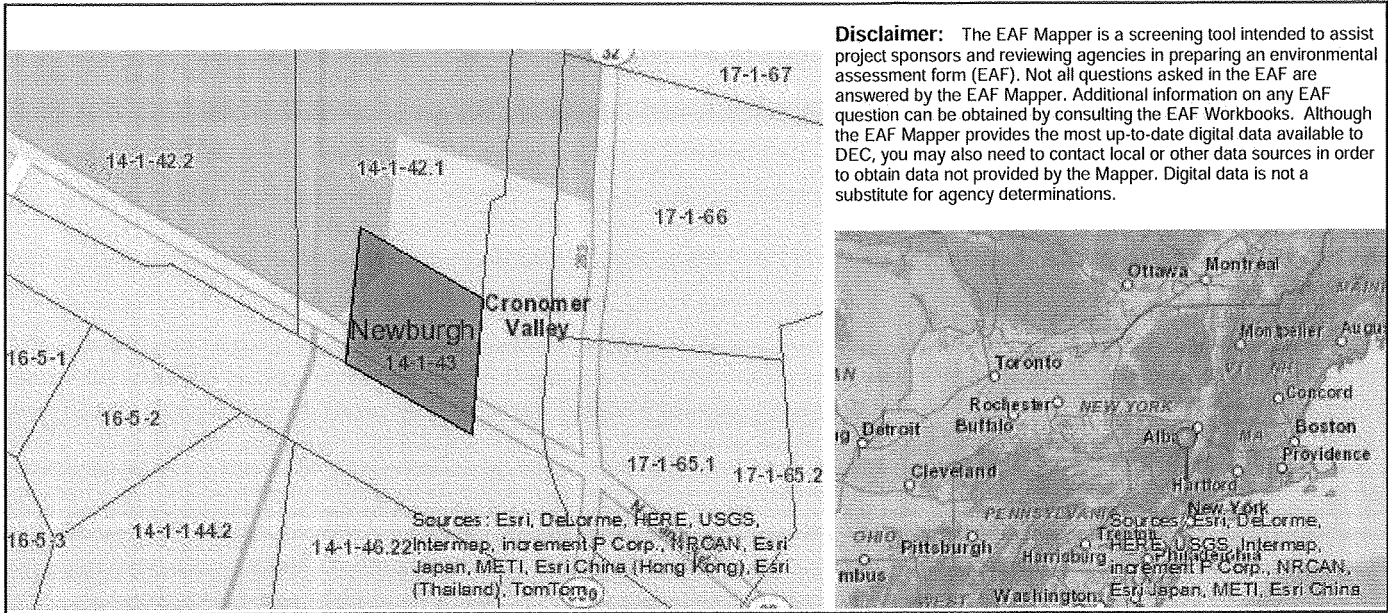
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use 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:	<input type="checkbox"/>	<input type="checkbox"/>
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



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]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Chadwick Lake Reservoir, Reason:Development threat to public health, Agency:Newburgh, Town of, Date:5-21-87
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



W. Trent Steele
Allegra Knopf
John P. LeMaster

10995 SE Federal Highway
Hobe Sound, FL 33455
772.408.6969(O) 772.546.0268(F)
www.trentsteele.com

September 12, 2014

RE: Estate of John J. O'Conner, Jr.

To Whom It May Concern:

This letter is to confirm this office represents Tausha Houck in her capacity as personal representative of the Estate of John J. O'Conner. Mrs. Houck was appointed personal representative of the estate on May 29, 2011, case number 11-000501-CP by Letters of Administration enclosed which remain in full force and effect.

Very truly yours,

W. Trent Steele

WTS/dm
Enclosure



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

Tausha Houck, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 71650 SW Parkway Dr. Stuart, FL
IN THE COUNTY OF Martin AND STATE OF Florida
AND THAT HE/SHE IS THE ^{Personal Representative} OWNER IN FEE OF 301 New York
State Route 32, Newburgh, New York 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Michael Narfash
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/15/14 Tausha M. Houck

OWNER'S SIGNATURE

Deven Gonda
WITNESS SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 15 DAY OF September 20 14

Debbie M. Murphy
NOTARY PUBLIC

*additional deed info
with 6/26/14 ZBA Appl. File*

IN THE CIRCUIT COURT FOR MARTIN COUNTY,
FLORIDA PROBATE DIVISION

IN RE: ESTATE OF

JOHN J. O'CONNOR, JR.

File No. 11-000501CP

Deceased.

FILED FOR RECORD
MARTIN CO., FL
2012 MAY 29 PM 2:47
MARSHA EWING
CLERK OF CIRCUIT COURT
BY *[Signature]* D.C.

**LETTERS OF ADMINISTRATION
(single personal representative)**

TO ALL WHOM IT MAY CONCERN

WHEREAS, JOHN J. O'CONNOR, JR., a resident of MARTIN County, Florida,
died on March 16, 2011, owning assets in the State of Florida, and

WHEREAS, Tausha Houck has been appointed personal representative of the
estate of the decedent and has performed all acts prerequisite to issuance of Letters of
Administration in the estate,

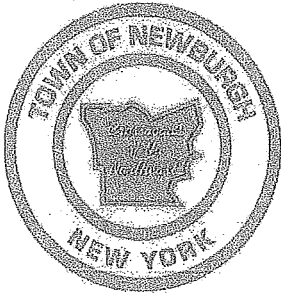
NOW, THEREFORE, I, the undersigned circuit judge, declare Tausha Houck
duly qualified under the laws of the State of Florida to act as personal representative of
the estate of JOHN J. O'CONNOR, JR., deceased, with full power to administer the
estate according to law; to ask, demand, sue for, recover and receive the property of
the decedent; to pay the debts of the decedent as far as the assets of the estate will
permit and the law directs; and to make distribution of the estate according to law.

ORDERED on May 29, 2011.

[Signature]

Circuit Judge

*(Abc) * NOT TO BE USED FOR
SOUTH FLORIDA REAL ESTATE.*



TOWN OF NEWBURGH

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

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

2476-14

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/16/2014

Application No. 14-0127

**To: (Deceased) John Oconnor
5906 SE Congressional Pl
Stewart, FL 34997**

**SBL: 14-1-43
ADDRESS:301 Route 32**

ZONE: B

PLEASE TAKE NOTICE that your application dated 03/10/2014 for permit to create a Dunkin Donuts shop in a vacant building on the premises located at 301 Route 32 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code section:

- 1) 185-18-C-4-(b) Front yards abutting state highways shall be 60' in depth.(Rt. 32)**
- 2) 185-18-C-4-(b) Front yards abutting state highways shall be 60' in depth.(Rt. 300)**


Joseph Mattina

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

Town of Newburgh Code Compliance

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

NAME: JOHN O'CONNER

ADDRESS: 7650 SW Parkway Dr. Stewart Fl. 34997

PROJECT INFORMATION:

TYPE OF STRUCTURE: New Building for a Dunkin Donuts

SBL: 14-1-43 **ZONE:** B

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
FRONT YARD RT. 32	60'	21.50		38.50	64.1%
FRONT YARD RT. 300	60'	4.90		55.10	91.8%
REAR YARD	185-18-C-4-b has an exception for the required 60' setback. The designer was givin the option to supply supporting documents to verify this but chose to go with the 60' requirement.				
SIDE YARD					
MAX. BUILDING HEIGHT	The applicant is aware that once before the planning board therè is a possibility other variances could arise.				
BUILDING COVERAGE					
SURFACE COVERAGE					

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

ACCESSORY STRUCTURE:

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

NOTES: **REMOVING A 58' X 33' X 15' EXISTING BUILDING AND REPLACING WITH A 71' X 32'-81/4" X 22' BUILDING AND FREEZER.**

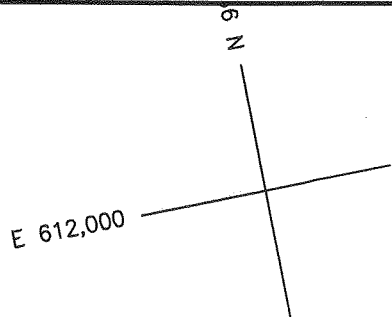
VARIANCE(S) REQUIRED:

- 1 185-18-C-4-b Front yards abutting state highway shall be 60' in depth (Rt. 300)
- 2 185-18-C-4-b Front yards abutting state highway shall be 60' in depth (Rt. 32)
- 3 _____
- 4 _____

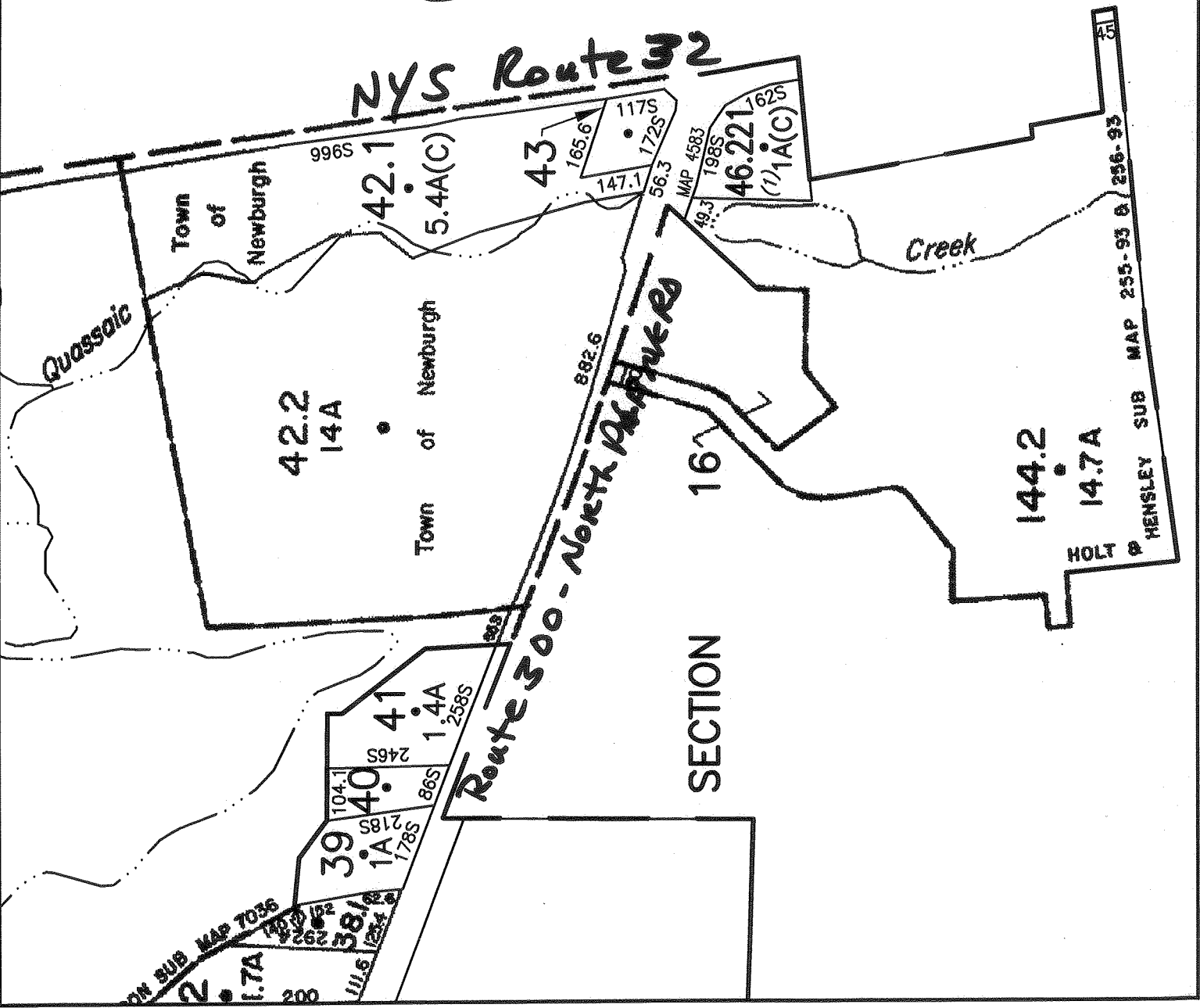
REVIEWED BY: JOSEPH MATTINA **DATE:** 15-Oct-14

L2L Equities LLC
(Sohn & Conover Estate)

301 Route 32
(14-1-43)



NYS Route 32



Quassak

Town of Newburgh

42.2
14A

Town of Newburgh

42.1
5.4A(C)

43

882.6

Route 300 - North Plains Rd

SECTION

16

Creek

144.2
14.7A

HOLT P

HENSLEY SUB MAP 255-93 & 256-93

200
1.7A
38.1
39
40
41
1.4A
2.58S

39
1A

40

41

1.4A

2.58S

117S

165.6

147.1

172S

56.3

MAP 4583

198S

49.3

46.221

162S

(1)1A(C)

45

256-93

255-93

HENSLEY SUB

MAP

255-93 &

256-93