



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	Tax Map #:	80-6-7
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	MAHO Bay Realty LLC	Tax Map #:	
Project Name:		Local File No.:	PB Refl
Location of Project Site	1 Powelton Road	Size of Parcel*:	75 X 150

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

Reason for County Review:	ON NYS Route 32 / North Plank Road	Current Zoning District (include any overlays):	B
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**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 / USE (circle one)      Two Front Yards setbacks, one side yard setback  
min lot area, min lot width

Other

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

Local board comments or elaboration:	
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*Shane Cardone*      8/26/15      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:

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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: 8/18/15

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

I (WE) MAHO BAY REALTY LLC,  
DR. JENNIFER BLAIR-PAYAMI PRESENTLY  
RESIDING AT NUMBER 4 MARTINE AVENUE, #406, WHITE PLAINS, NY  
TELEPHONE NUMBER 914.414.7371

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:80, B:6, L:7 (TAX MAP DESIGNATION)  
1 POWELTON ROAD (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).

TABLE OF USE AND BULK REQUIREMENTS  
B DISTRICT - SCHEDULE 7.



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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: AUGUST 6, 2015

4. DESCRIPTION OF VARIANCE SOUGHT: LOT AREA, LOT WIDTH, FRONT YARD (BOTH-CORNER LOT), SIDE YARD.

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:

THE TOTAL HEIGHT OF THE BUILDING WILL BE LESS THAN THE ORDINANCE REQUIREMENT AND THE ARCHITECTURE WILL BE SIMILAR TO THE NEARBY BUILDINGS.

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 FOOTPRINT OF THE EXISTING BUILDING CURRENTLY ENCRACHES ON 2 OF THE SETBACK REQUIREMENTS AND SEVERAL PARKING SPACES ARE OFF OF THE SUBJECT PROPERTY.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE FOOTPRINT OF THE BUILDING IS ONLY BEING INCREASED BY 400 S.F. AND THE PROPOSED PARKING WILL ALL BE ON THE SUBJECT PROPERTY.

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 TOTAL HEIGHT WILL BE LESS THAN THE VARIANCE REQUIREMENT AND THE ARCHITECTURE WILL BE SIMILAR TO NEAR BY BUILDINGS.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

THE EXISTING BUILDING CURRENTLY ENCRACHES ON 2 OF THE SETBACKS AND SEVERAL EXISTING PARKING SPACES ARE OFF OF THE SUBJECT PROPERTY.



# TOWN OF NEWBURGH

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7. ADDITIONAL REASONS (IF PERTINENT):

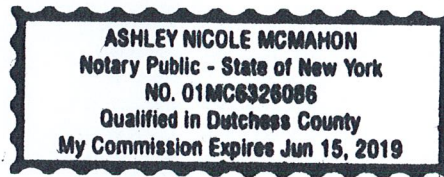
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Ashley Nicole McMahon*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12 DAY OF August 2015

*Ashley Nicole McMahon*  
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)

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <b>NEW PEDIATRIC DENTAL OFFICE</b>			
Project Location (describe, and attach a location map): <b>1 POWELTON ROAD, NEWBURGH, NY 12550</b>			
Brief Description of Proposed Action: <b>DESIGN AND CONSTRUCT SEVERAL ADDITIONS AND RENOVATE THE EXISTING BUILDING ON THE SITE TO BECOME A PEDIATRIC DENTAL OFFICE. ADDITIONS INCLUDE A 326 S.F. ELEVATOR, STAIR &amp; LOBBY ADDITION ON THE SOUTH SIDE, 1EA S.F. STAIR TOWER ADDITION ON THE NORTH SIDE, 1,500 S.F. 2ND FLOOR ADDITION. SITE IMPROVEMENTS: NEW SIDEWALKS, RENOVATED PARKING LOTS, <sup>NEW</sup> LANDSCAPING.</b>			
Name of Applicant or Sponsor: <b>DR. ALI FATAMI / MADD BAY REALTY LLC</b>		Telephone: <b>914.414.7371</b>	
Address: <b>4 MARTINE AVENUE, #406</b>		E-Mail:	
City/PO: <b>WHITE PLAINS</b>		State: <b>NY</b>	Zip Code: <b>10606</b>
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 checked="" 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:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<b>ZONING BOARD OF APPEALS, PLANNING BOARD, BUILDING DEPARTMENT.</b>			
3.a. Total acreage of the site of the proposed action?		<u>.25</u> acres	
b. Total acreage to be physically disturbed?		<u>.10</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>.25</u> 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" 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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <u>STORM WATER TO BE DIRECTED TOWARDS EXISTING CONVEYANCE SYSTEMS.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<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><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>STEPHEN A. WHALEN, RA, LEEDAP</u></p>		<p>Date: <u>8/17/15</u></p>
<p>Signature: <u>[Handwritten Signature]</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 checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" 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.

<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 checked="" 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.
<u>HIGHLANDS ARCHITECTURE, PLLC</u>	<u>8/17/15</u>
Name of Lead Agency	Date
<u>STEPHEN A. WHALEN, RA, LEED AP</u>	<u>PARTNER / ARCHITECT.</u>
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  
ANN G. RABBITT, 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: 13883 / 648  
INSTRUMENT #: 20150026384

Receipt#: 1926930  
Clerk: RB  
Rec Date: 04/23/2015 11:28:13 AM  
Doc Grp: D  
Descrip: DEED C  
Num Pgs: 4  
Rec'd Frm: STATEWIDE ABSTRACT

Party1: 2 CATS HOLDING LLC  
Party2: MAHO BAY REALTY LLC  
Town: NEWBURGH (TN)

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 1420.00

Sub Total: 1420.00

Total: 1735.00

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

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 5967  
Commercial Transfer Tax  
Consideration: 355000.00

Transfer Tax - State 1420.00

Total: 1420.00

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

Ann G. Rabbitt  
Orange County Clerk

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 April 23, 2015 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,  
ORANGE COUNTY

Record and Return To:

RICHARD SARCONI ESQ  
9 ORIOLE LN  
CORTLANDT MANOR, NY 10567

SA-114020

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

**FORM 8002 (short version), FORM 8007 (long version)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

*THIS INDENTURE*, made the 14th day of April, 2015,

**BETWEEN**

2 CATS HOLDING, LLC, of PO Box 10701, Newburgh, New York 12550,  
party of the first part, and

MAHO BAY REALTY, LLC of 4 Martine Avenue, <sup>Unit 406</sup> White Plains, New York 10506,  
party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) 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 and being more particularly bound and described in Schedule 'A' attached hereto and made a part hereof;

**BEING AND INTENDED** to be the same premises conveyed to 2 CATS HOLDING, LLC who acquired title by deed from C&G HOLDING COR., dated January 7, 2005 and recorded on February 28, 2005 in the orange County Clerk's Office in Liber 11762 page 1538.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

2 CATS HOLDING, LLC

By: FRANCIS CATANIA, Member

By: STEPHEN CATANIA, Member

Section: 80  
Block: 6  
Lot: 7

FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK

File No. SA-114020

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 4 in Block B on a certain map entitled, "Powelton Farms Corporation" made by Hugh Findlay, Architect, dated 1/30/1931, being bounded and described as follow:

BEGINNING in the northeasterly line of the North Plank Road distant 445 feet on a course of South 48 degrees 21' East from the center of Winding Lane and runs;

THENCE along the northeasterly line of the North Plank Road, South 48 degrees 21' East 75 feet to the northwesterly line of Meadow Street;

THENCE along the northwesterly line of Meadow Street being at right angles to the North Plank Road, North 41 degrees 39' East 150 feet;

THENCE at right angles to Meadow Street, North 48 degrees 21' West 75 feet;

THENCE parallel with Meadow Street, South 41 degrees 39' West 150 feet to the place of BEGINNING.

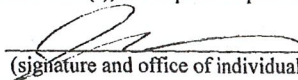
EXCEPTING a portion of the premises, 0.004 acres more or less, heretofore acquired by the State of New York by Notice of Taking dated 4/19/1962 and recorded 9/20/1962 in Liber 1625 page 620 in the Orange County Clerk's Office, New York. Project Interstate Route 503-1-72; Thruway to existing Route 9-W, Orange County Map No. 161, Parcel 210.

L  
E  
G  
A  
L  
  
D  
E  
S  
C  
R  
I  
P  
T  
I  
O  
N

**Acknowledgment by a Person Within New York State (RPL § 309-a)**

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

On the 14th day of April in the year 2015, before me, the undersigned, personally appeared FRANCIS CATANIA, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

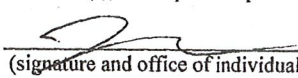
  
(signature and office of individual taking acknowledgment)

JOSEPH M. SAFFIOTI  
Notary Public, State of New York  
No. 4985013  
Qualified in Orange County  
Commission Expires August 5, 2017

**Acknowledgment by a Person Within New York State (RPL § 309-a)**

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

On the 14th day of April in the year 2015, before me, the undersigned, personally appeared STEPHEN CATANIA, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(signature and office of individual taking acknowledgment)

JOSEPH M. SAFFIOTI  
Notary Public, State of New York  
No. 4985013  
Qualified in Orange County  
Commission Expires August 5, 2017

***Bargain and Sale Deed***

Title No. SA-114020-OF

2 CATS HOLDING, LLC

To

MAHO BAY REALTY, LLC

Section 80  
Block 6  
Lot 7  
County or Town Town of Newburgh  
Street Address 1 Powelton Road  
Newburgh, New York 12550

**Return By Mail To:**

Richard Sarcone, Esq.  
9 Oriole Lane  
Cortlandt Manor, New York 10567



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

## PROXY

Jennifer Blaw-Payami, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 4 Martine Ave unit 406 White Plains NY 10606  
IN THE COUNTY OF Westchester AND STATE OF New York.  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

ONE POWELTON ROAD

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED Stephen Whalen, RA  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/12/15

Jennifer Blaw-Payami  
OWNER'S SIGNATURE

Stephen Whalen

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 12 DAY OF August 2015

**ASHLEY NICOLE MCMAHON**  
Notary Public - State of New York  
NO. 01MC6326086  
Qualified in Dutchess County  
My Commission Expires Jun 15, 2019

Ashley McMahon  
NOTARY PUBLIC



## **Maho Bay Realty. LLC**

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August 23, 2015

To Whom It May Concern,

This letter is being written to inform you that Jennifer R. Blair-Payami is affiliated with Maho Bay Realty, LLC as an owner. She has authority to make decisions and sign any documents regarding this property.

Sincerely,

Ali Payami



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

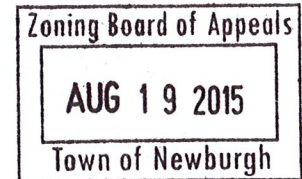
**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

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

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

August 19, 2015

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



RE: One Powelton Road Site Plan  
80-6-7 (Zone B)  
1 Powelton Road (15.19)

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Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of August 6, 2015 requesting site plan approval for additions and renovations to its existing building. These renovations and additions will result in deficiencies in some of the bulk area requirements. Therefore, the planning board has asked me to refer this matter to you for consideration of the following variances:

- An area variance allowing a front yard setback of 23 feet where 40 feet is required;
- An area variance allowing a front yard setback of 14 feet, 10.5 inches where 40 feet is required;
- An area variance allowing a side yard setback of 14 feet, 5.5 inches where 15 feet is required;
- An area variance allowing a lot area of 11,250 square feet where 15,000 square feet is required;
- An area variance allowing a lot width of 75 feet where 100 feet is required; and
- A possible parking variance

The planning board has no particular matters to bring to your attention. Your review of this matter appears to be a Type II action under the New York State Environmental Quality Review Act and should be reviewed on an uncoordinated review basis.

Very truly yours,

A handwritten signature in black ink, appearing to read "MHD", written in a cursive style.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
Stephen A. Whalen, Highland Architecture, PLLC



US Hwy 9 W

POWELLTON Circle

POWELLTON ROAD

WINDING Lane

MEADOW

STREET

STATE RD

North Anank Rd

Maho Bay Realty, LLC.  
1 Powellton Rd

80-6-7

NYS Route 32

BANQUET PLACE

SECTION

SECTION

82

SECTION

82

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82