



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:	MARTIN MILANO
Project Name:	HAMPTON INN & SUITES
Location of Project Site:	1 CROSSROADS COURT / Route 17K

Tax Map #:	95-1-45.12
Tax Map #:	
Tax Map #:	
Local File No.:	PLBd repl
Size of Parcel*:	5.9 acres

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

Reason for County Review: ON Route 17K & ADJACENT to NYS THRUWAY

Current Zoning District (include any overlays): IB

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) MAXIMUM HEIGHT; MAXIMUM LOT SURFACE COVERAGE

Other & 185-18-C-4(c) - FRONT YARD SETBACK REQUIREMENTS ON Pte 17K

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

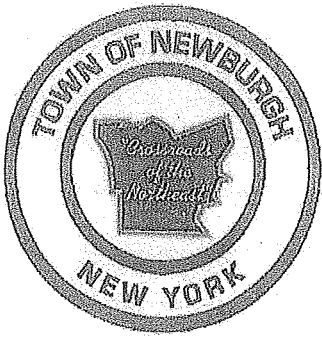
Local board comments or elaboration:

Grace Cardone 9/23/14 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

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: September 19,2014

4. DESCRIPTION OF VARIANCE SOUGHT: See Attachment "1" Narrative

Summary dated September 8, 2014 prepared by Maser Consulting

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 Attachment "2"

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 Attachment "2"

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

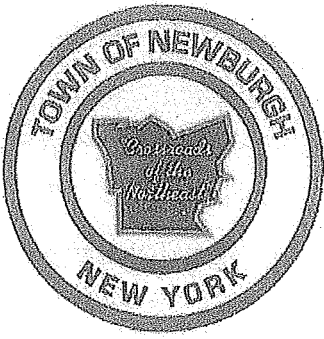
See Attachment "2"

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 Attachment "2"

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

See Attachment "2"



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NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):

Mark Mule
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

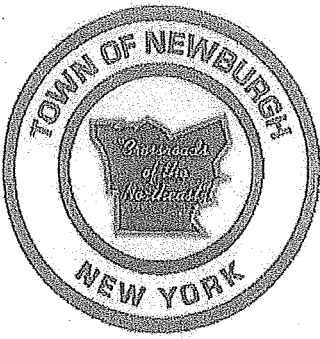
SWORN TO THIS 22 DAY OF September 2017

[Signature]
NOTARY PUBLIC

CHARLES T. BAZYDLO
Notary Public, State of New York
No. 02BA5087182
Qualified in Orange County
Commission Expires 10-27-2017

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

Crossroads of the Northeast

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

PROXY

Martin Milano, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT Town of Newburgh

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

S/B/L 95-1-45.12

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Law Office of Charles T. Bazydlo, P.C.
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 9/22/14 Martin Milano

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22 DAY OF September 20 14

NOTARY PUBLIC

CHARLES T. BAZYDLO
Notary Public, State of New York
No. 02BA5087182
Qualified in Orange County
Commission Expires 10-27-2017



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

ATTACHMENT "1"

1607 Route 300, Suite 101
Newburgh, NY 12550
T: 845.564.4495
F: 845.564.0278
www.maserconsulting.com

**NARRATIVE SUMMARY
SEPTEMBER 8, 2014
HAMPTON INN & SUITES
SITE PLAN
TAX LOT 95-1-45.12
TOWN OF NEWBURGH, ORANGE COUNTY
PB#2014-16
MC PROJECT NO. 12000031B**

The existing parcel is substantially undeveloped and approximately 5.9 acres in size. The parcel includes the existing Crossroads Court roadway. The parcel has frontage on N.Y.S. Route 17K to the north and Crossroads Court to the west. The eastern boundary abuts the N.Y.S. Thruway. Existing businesses adjacent to the site are Orange County Choppers and the Hilton Garden Inn. The site is located within the Town's IB (Interchange Business) zoning district which permits, subject to site plan review by the planning board, Restaurants and Hotels.

The applicant proposes the construction of a 6,500 square foot restaurant and a five (5)-story, 139 room, 84,700 square foot (includes a 600 square foot conference room) Hampton Inn & Suites Hotel with an indoor pool, outdoor amenity space, associated parking, subsurface stormwater management areas and other pertinent site improvements. We have provided a total of 240 parking spaces which includes 12 handicapped spaces and 18 land-banked spaces which meets the zoning requirement.

The site is within the Town's Consolidated Water District and Crossroad Sewer District. The project proposes connection to the municipal systems for the new facility which are located in Crossroads Court. On-site stormwater facilities are proposed to mitigate site run-off from the development, utilizing both green infrastructure practices and subsurface detention as necessary prior to discharging from the developed site; all in accordance with Town and State regulations.

The proposed project meets the IB zoning bulk requirements with the exception of the maximum allowable building height and lot surface coverage. A variance will be requested from the maximum building height requirement and lot surface coverage. The zoning permits a maximum building height of 50 feet and the maximum height for the proposed hotel structure at the building sign panel cornice is 62'-9", while the majority of the building parapet is at 54 feet. Also, the IB zoning district permits a maximum lot surface coverage of 60%, the project proposes a lot surface coverage of 63%.

The updated Sketch Site Plan also includes the proposed signage for the Hampton Inn & Suites hotel. There are two (2) proposed signs on the building; one on the eastern building façade and the other on the western building façade. Each of these signs are 218.19 square feet in size. A pylon sign is proposed on the eastern side of the site along the NYS Thruway. This pylon sign is proposed at a height of 40' and 359.20 square feet in size. Total sign area for the site is proposed at 795.58 square feet. The existing frontage on Route 17K and Crossroads Court totals 899 linear feet, allowing a



total of 449.50 square feet of signage for the site. Based on the proposed Hampton Inn & Suites sign package, a variance of 346.08 square feet is required.

Lastly, the applicant is seeking a variance from the required 35 foot setback from Route 17K for landscape improvements.

JED/jjs

\\NBCAD\Projects\2012\12000031B - Hampton Inn Hotel\Applications-Permits\Municipal\140908 ZBA\140908JED_Narrative HIS.docx

ATTACHMENT "2"

- 6a. *THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:*

The IB Zoning District allows a maximum building height of 50 feet. The hotel is proposed to be constructed with the majority of the building parapet at a height of 54 feet which will assist in hiding the HVAC equipment located on the roof. In addition a portion of the building sign panel cornice will have a maximum height of 62'-9". The building sign panel is in keeping with the architectural features typically associated with a Hampton Inn & Suites facility and is designed to both hide rooftop mechanical equipment while producing a pleasant building elevation.

The IB Zoning Districts allow for maximum lot surface coverage of 60%. The applicant proposes a lot coverage of 63% which primarily results from the fact that the lot area includes the paved Crossroads Court roadway / common ROW within its boundary.

The Hampton Inn & Suites facility is proposed to be constructed with signs on the eastern and western façade as well as a pylon sign to be located along the NYS Thruway property line. Total sign area for the hotel is proposed at 795.58 square feet consisting of 436.38 square feet of building façade signage and 359.20 for the pylon sign where the Zoning Law would allow for 449.5 total square feet. The additional signage area for the pylon sign is requested due to the hotel's unique location next to the NYS Thruway and the need to identify its presence to drivers on the Thruway.

The Zoning Law requires that all new projects located along NYS Rt 17K have a 35 – 45 foot landscape front yard. The applicant proposed that a portion of the parking area and drive aisle would be located within this required landscape area. As can be seen on the sketch plan provided with the application the property line for the hotel facility and proposed restaurant is already located in excess of 75-95 feet from the edge of pavement for NYS Rt 17K. As such the requirement of an additional 35-45 landscape buffer is not

necessary to provide a transition from the paved roadway to the parking areas of the proposed development.

The site of the proposed Hampton Inn & Suites facility is adjacent to an existing Hilton Gardens hotel and the Orange County Choppers facility. In addition a gas station and other commercial buildings make up the immediate surrounding area. Considering the existing commercial development nature of the area the granting of the requested variances will not produce any undesirable change in the character of the neighborhood or be a detriment to any nearby properties.

6b. *THE BENEFIT SOUGHT BY THE APPLICANT CANNOT BE ACHIEVED BY SOME OTHER METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN THE AREA VARIANCE, BECAUSE:*

The Zoning Law requires that the roof top mechanicals be screened from view. The top of the proposed roof structure is in compliance with the 50' height requirement for the IB Zoning District. The addition height for the building parapets and sign panel serve to both screen the roof top mechanical equipment as well as provide for a building elevation that is consistent with the established design protocols for the Hampton Inn & Suites.

The exceedance of the 60% lot coverage requirement only comes about as a result of the unique arrangement of Crossroads Court serving as a common ROW / driveway for both the Hilton Garden Inn as well as the Orange County Choppers facilities. Applying a strict adherence to the allowed lot coverage resulting from this common ROW / driveway would unfairly burden the Hampton Inn & Suites lot.

The additional signage area for the pylon sign is requested due to the hotels unique location next to the NYS Thruway. As is the case with the Hilton Gardens facility, the proposed location of the pylon sign along the NYS Thruway property line is the only feasible way to identify the presence of the Hampton Inn and Suites to drivers on the Thruway.

Strict adherence to the requirement for a 35-45 foot landscaped area along the NYS Rt. 17K front yard area would require a significant reduction in the size of the parking field and would result in the hotel facility not being able to provide the number of parking spaces called for in the Zoning Law.

6c. *THE AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:*

The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the Zoning Law. Rather the overall effect of granting the relief is the appropriate inquiry. Here the proposed Hampton Inn and Suites facility is proposed to be located adjacent to an existing hotel facility with access provided by a common ROW / driveway with an existing entrance onto a State roadway. The hotels roof height is consistent with the maximum height allowed in the Zoning Law and the proposed exceedance allows for the roof top mechanical equipment to be screened from view while providing for a building elevation that is consistent with the established design protocols for the Hampton Inn & Suites. Several of the other requested variances result from the particular location of the proposed hotel lot. The additional lot coverage arises from the property boundary arrangements established when the properties we subdivided. The requested additional signage area from the need to inform drivers along the NYS Thruway of the business. And finally the property line for the lot on which the hotel and restaurant is to be located is already setback in excess of 75-95 feet from the edge of pavement and no additional benefit is to gained by requiring an addition transitional landscaped area. As such when the overall effect of granting the requested variances is properly considered the variance are not considered to be substantial.

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

As discussed above the proposed location and design of the Hampton Inn & Suites and the proposed restaurant will be accordance with the nature and character of the other

commercial facilities that are located adjacent to and in the immediate area. The proposed development will be designed to satisfy the Town's site development plan requirements as well as all applicable State and Federal environmental programs. The granting of the requested variances will not result in any different or increased environmental or physical impact than that of a facility fully compliant with the Town Zoning Law.

6e. *THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:*

While the difficulty the applicant has encountered in the potential development of the site for a hotel facility may be considered to be self-created, in the case of an area variance the statute states that it shall not necessarily preclude the granting of an area variance. Here it is important to note that many of the requested variances come about as a result of the unique location of the proposed development lot. In considering that the proposed development is fully compatible with the surrounding neighborhood character, that the variances are not substantial in nature and that the development as proposed would not result in any significant adverse environmental impact, the fact that the property may have been purchased with knowledge of the applicable zoning restrictions, is not grounds for denial of the requested variances.

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: Hampton Inns & Suites			
Project Location (describe, and attach a location map): Tax Lot 95-1-45.12, South of Route 17K, West of I-87, on Crossroad Court			
Brief Description of Proposed Action: See attached narrative.			
Name of Applicant or Sponsor: Martin Milano		Telephone: 845.567.9500	
		E-Mail: mm92ny@aol.com	
Address: PO Box 7417			
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 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: Town of Newburgh - Planning Board (Site Plan Approval) and Zoning Board of Appeals (Area Variance) NYSDEC - SPDES Permit for Stormwater, Municipal Law 239M			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 5.9 acres	
b. Total acreage to be physically disturbed?		_____ +/- 4.9 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 11.5 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 checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input 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: _____ Adjacent Site: Stewart Airport State Superfund Program 1 Militia Way Newburgh	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Martin Milano</u>	Date: <u>7/3/2014</u>	
Signature: <u>Mat Milano</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?"

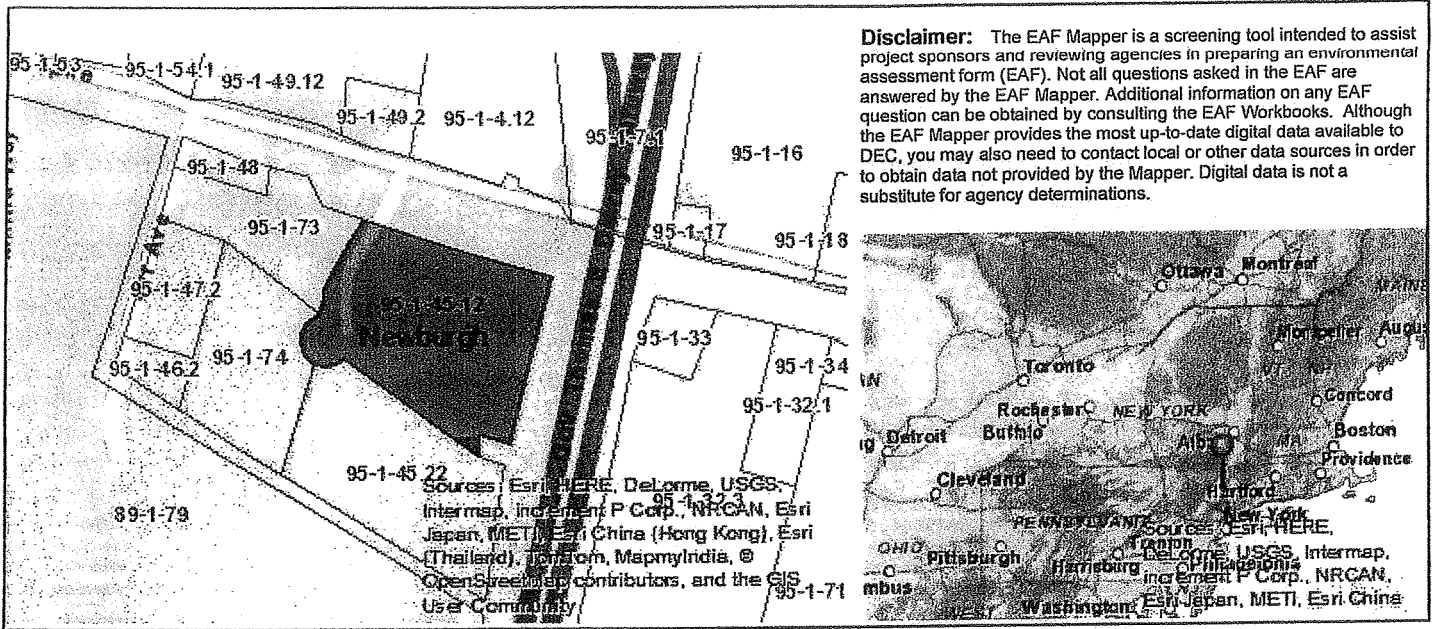
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use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



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]	No
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]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

LAW OFFICE
CHARLES T. BAZYDLO
ATTORNEY AND COUNSELOR AT LAW

5 HOWARD SEELY ROAD
THOMPSON RIDGE, N.Y. 10985

(845) 361-3668
FACSIMILE (845) 361-3669

September 22, 2014

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

Re: Application of Martin Milano for Area Variances


Dear Sirs:

On behalf of our client Martin Milano please find enclosed the following information comprising the application for Area Variances relating to the proposed development of a Hampton Inn & Suites hotel and pad restaurant facility on NYS Rt. 17K:

- Receipt for application fee issued by the Town Clerk
- Referral Letter from Town Planning Board
- Eleven (11) copies of the Sketch Plan / Floor Plans / Building Elevations
- Original of the Certified Copy of the deed for the property that is the subject of the application
- Original Copy of List of Surrounding Properties as provided by the Town Assessors Office
- Photographs of the subject property taken from different angles
- Completed application to the Zoning Board of Appeals with two attachments
- Short Form EAF
- Executed Proxy Statement included in ZBA application

We asked that the application be placed on the September Zoning Board of Appeals agenda.

Sincerely,



CHARLES T. BAZYDLO

Enclosures

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

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

James B. Biagi, of Counsel

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)

September 19, 2014

Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

RE: Hampton Inn 14.16
Section 95, Block 1, Lot 45.12
Route 17K/Crossroads Court

Members of the Board:

I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting held on July 17, 2014 seeking site plan approval to construct a hotel and restaurant facility. In order to accomplish this, certain variances will be required. I wrote to you on August 7, 2014 outlining the need for building height and a 35-foot setback from a state highway variances. Since that time the applicant has discovered that additional variances are required. The full list of the required variances is as follows:

- A height variance allowing a maximum building height of 62 feet, 9 inches where 50 feet is the maximum height allowed;
- A lot surface coverage of 63% where 60% is the maximum allowed;
- A variance permitting a total sign area of 795.58 square feet where 449.50 feet is the maximum allowed;

- A variance from the required 35-foot setback¹ from a state highway as required by Section 185-18(C)(4)(c).

While the planning board has issued a lead agency notice of intent you may wish to process this matter on an uncoordinated review basis.

Very truly yours,



MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board
Masur Consulting, P.A.
Charles Bazydlo, Esq.

\\dddsr\USERDOCS\lrm\Land Use\Newburgh letters\Hampton Inn ZBA referral letter2.docx

¹ It is possible that the 45-foot setback applies here given that the front yard in question appears to be located within 350 feet of an intersection.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

JAMES, 2 PATZALOS
TRENOR L HUFFARD
TO
MARTIN J. MILANO

SECTION 95 BLOCK 1 LOT 45.1
95 1 45.2
95 1 76 -

RECORD AND RETURN TO:
(Name and Address)

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

Paul SUPPLE Esp
PO Box 227
Beacon NY 12508

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|---|--|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN) | <input type="checkbox"/> 4289 MONTGOMERY (TN) |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 MAYBROOK (VLG) |
| <input type="checkbox"/> 2289 CHESTER (TN) | <input type="checkbox"/> 4203 MONTGOMERY (VLG) |
| <input type="checkbox"/> 2201 CHESTER (VLG) | <input type="checkbox"/> 4205 WALDEN (VLG) |
| <input type="checkbox"/> 2489 CORNWALL (TN) | <input type="checkbox"/> 4489 MOUNT HOPE (TN) |
| <input type="checkbox"/> 2401 CORNWALL (VLG) | <input type="checkbox"/> 4401 OTISVILLE (VLG) |
| <input type="checkbox"/> 2800 CRAWFORD (TN) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| <input type="checkbox"/> 2800 DEERPARK (TN) | <input type="checkbox"/> 4800 NEW WINDSOR (TN) |
| <input type="checkbox"/> 3089 GOSHEN (TN) | <input type="checkbox"/> 5089 TUXEDO (TN) |
| <input type="checkbox"/> 3001 GOSHEN (VLG) | <input type="checkbox"/> 5001 TUXEDO PARK (VLG) |
| <input type="checkbox"/> 3003 FLORIDA (VLG) | <input type="checkbox"/> 5200 WALLKILL (TN) |
| <input type="checkbox"/> 3005 CHESTER (VLG) | <input type="checkbox"/> 5489 WARWICK (TN) |
| <input type="checkbox"/> 3200 GREENVILLE (TN) | <input type="checkbox"/> 5401 FLORIDA (VLG) |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN) | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG) |
| <input type="checkbox"/> 3401 MAYBROOK (VLG) | <input type="checkbox"/> 5405 WARWICK (VLG) |
| <input type="checkbox"/> 3689 HIGHLANDS (TN) | <input type="checkbox"/> 5800 WAWAYANDA (TN) |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG) | <input type="checkbox"/> 5889 WOODBURY (TN) |
| <input type="checkbox"/> 3889 MINISINK (TN) | <input type="checkbox"/> 5801 HARRIMAN (VLG) |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG) | |
| <input type="checkbox"/> 4089 MONROE (TN) | |

CITIES

- | |
|---|
| <input type="checkbox"/> 0900 MIDDLETOWN |
| <input type="checkbox"/> 1100 NEWBURGH |
| <input type="checkbox"/> 1300 PORT JERVIS |
| <input type="checkbox"/> 9999 HOLD |

NO. PAGES 5 CROSS REF _____
CERT. COPY _____ AFFT. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$200,000.00
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

- MORTGAGE TYPE:
- (A) COMMERCIAL
 - (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.UNI/ OR 2
 - (K) CONDO

Donna J. Benson

RECEIVED FROM: *Rombard Abstract*

STATE OF NEW YORK DONNA J. BENSON (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 03-06-00 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

LIBER 5254 PAGE 302

08-19-14 Ann G. Rabbit
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY

LIBER 5254 PAGE 302

ORANGE COUNTY CLERKS OFFICE 12687 NAN
RECORDED/FILED 03/06/2000 03:07:58 PM

FEE \$ 50.00 EDUCATION FUND 5.00
SERIAL NUMBER: 007030
DEED CNTL NO 53072 RE TAX 4800.00

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on February 24, 2000
BETWEEN JAMES Z. PATSALOS and TREVOR L. HUFFARD, 6 River's Edge, Newburgh,
New York, 12550 and 17 West 71st Street, New York, New York, 10023, respectively

7
4600 -

party of the first part, and
MARTIN J. MILANO, 93 Cronomer Heights Drive, Newburgh, New York,
12550

party of the second part,
WITNESSETH, that the party of the first part, in consideration of -----TEN and
00/100 (\$10.00)----- dollars,
lawful money of the United States, and other good and 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,
identified as Lot 1 and Lot 2 on a map dated November 3, 1999 entitled "Plan
of Lot Line Change for James Z. Patsalos", which map was recorded in the
Orange County Clerk's Office on January 11, 2000 as Filed Map #4-00.

Said lots also being described in a survey description as follows:

Lot 1 - ALL that certain lot, piece or parcel of land situate in the Town of
Newburgh, County of Orange, State of New York and being more accurately bounded
and described as follows:

BEGINNING at the intersection of the southerly right-of-way line of New York
State Route 17K with the westerly right-of-way line of New York State Route I-87
or New York State Thruway; thence from said point of beginning and along the
westerly line of New York State Thruway on the following three courses and
distances: South 26° 42' 30" West 465.04'; thence North 64° 28' 34" West 73.96';
thence South 25° 26' 26" West 52.23'; thence leaving the Thruway and along the
lot line between Lots 1 and 2, as shown on a lot line change plan for James Z.
Patsalos, North 41° 10' 54" West 453.71' to a point in the southerly end of a
70' radius turnaround. Thence along the proposed road through lands of Patsalos,
passing in front of Lots 2 and 3 on the following courses and distances: On a
curve to the right having a radius of 70.00', an arc distance of 237.87' to a
point of reverse curvature; thence on a curve to the left having a radius of
25.00', an arc distance of 25.41' to a point of reverse curvature; thence on
a curve to the right having a radius of 210.00', an arc distance of 101.50'
to a point of tangency; thence on a tangent, North 42° 48' 16" East 169.57' to
the southerly right-of-way line of New York State Route 17K; thence along the
southerly line of said road on the remaining courses and distances: South 58°
48' 29" East 293.47'; thence South 62° 28' 30" East 249.74' to the point of
beginning.

The above described parcel is also subject to a 50' wide drainage easement
conveyed to the United States Government in Liber 1533, Page 410.

Lot 2 - ALL that certain lot, piece or parcel of land situate in the Town of
Newburgh, County of Orange, State of New York and being more accurately bounded
and described as follows:

RAD 11845

BEGINNING at the common corner between Lots 1 and 2, as shown on a plan entitled, "Plan of Lot Line Change for James Z. Patsalos", dated November 3, 1999, last revised November 15, 1999, as prepared by Eustance & Horowitz, P.C.; said point of beginning being in the westerly line of New York State Thruway; thence from said point of beginning and along the westerly line of New York State Thruway on the following courses and distances: South 64° 28' 34" East 73.45'; thence South 21° 55' 32" West 430.45' to the line of lands of New York State Department of Transportation, known as Stewart International Airport, also known as Tax Map Parcel 89-1-74.3; thence along the line of said parcel, North 45° 29' 16" West 567.63' to an angle point; thence North 45° 50' 52" West 89.99' to the southeasterly corner of Lot 3 as shown on the above mentioned map; thence along the lot line between Lots 2 and 3, North 30° 08' 55" East 367.06' to a point on the southerly end of a 70.00' radius turnaround on the southerly end of a proposed road through lands of James Z. Patsalos; thence on the line of said turnaround on a curve to the left having a radius of 70.00', an arc distance of 86.24' to the most westerly corner of Lot 1 and the most northerly corner of Lot 2; thence along the lot line between Lots 1 and 2, South 41° 10' 54" East 453.71' to the point of beginning.

SUBJECT AND RESERVING to the parties of the first part, their heirs, successors and/or assigns an easement and right-of-way to and from Lot 3 over and across the "proposed road" identified and set forth on the aforesaid filed map #4-00 as more particularly set forth in a Covenant and Restrictions and Road Easement and Maintenance Agreement dated February 24, 2000 to be recorded simultaneously herewith.

GRANTING AND SUBJECT TO the terms, rights, provisions, covenants and restrictions contained in a certain Covenant and Restrictions and Road Easement and Maintenance Agreement dated February 24, 2000, to be recorded simultaneously herewith.

BEING a portion of the premises described in the following Deeds; Deed dated December 24, 1997 from James Z. Patsalos to James Z. Patsalos and Trevor L. Huffard, which Deed was recorded in the Orange County Clerk's Office on December 31, 1997 in Liber 4691 of Deeds at page 127; and Deed dated February 24, 1999 from the Town of Newburgh to James Z. Patsalos, which Deed was recorded in the Orange County Clerk's Office on March 29, 1999 in Liber 5023 of Deeds at page 38.

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 incumbered 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.

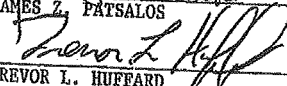
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:



JAMES Z. PATSALOS



TREVOR L. HUFFARD

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-b)

State of New York, County of New York ss. f

On February 24, 2000 before me, the undersigned, personally appeared

JAMES Z. PATSALOS and TREVOR L. HUFFARD 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 the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Susan P. Huffard
(signature and office of individual taking acknowledgment)

SUSAN P. HUFFARD
Notary Public, State of New York
Qualified in New York County
Commission Expires Feb. 22, 1999

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)
State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared

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 the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

JAMES Z. PATSALOS and TREVOR L. HUFFARD

TO

MARTIN J. MILANO

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of _____ County of _____ ss.:

On _____ before me, the undersigned, personally appeared

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

PAUL SUPPLE, ESQ.
Lyons & Supple, Esqs.
5 Cliff Street, P.O. Box 227
Beacon, New York

Zip No. 12508

Reserve this space for use of Recording Office.

