



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variations, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.

To be signed by Local Official.

TOWN: Town of Newburgh

MUNICIPALITY: Zoning Board of Appeals

TAX MAP ID: 60-3-24

(Section-Block-Lot)

Local File #: 2274-12

Project Name:

Applicant: Nella's Nest North Corp (Kevin Roberts)

Address: 67 Church St, Wallkill NY 12589

Attorney, Engineer, Architect:

Location of Site: 1430 Route 300 (Union Ave) - Route 52
(Street, highway, nearest intersection)

Size of Parcel: 1.4 acres Existing Lots: Proposed Lots/Units

Present Zoning District: I/B

TYPE OF REVIEW:

Special Use Permit* (SUP):

Variance* USE (VU): PRIOR BUILT STORAGE Bldg storage Bldgs not permitted with a DS &
ANY use not specifically permitted shall be deemed
AREA (AV): TO BE PROHIBITED (CARGO CONTAINER AS A STORAGE
BUILDING)
185-7-F

Zone Change* FROM: TO:

Zoning Amendment** To Section:

Subdivision Major Minor

Sketch Preliminary Final

DATE: 7/10/12

Shane Cardone

CHAIRPERSON, ZONING BOARD OF APPEALS
Signature and Title

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID #

TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

APPLICATION

DATED: 5/11/12

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

I (WE) (Kevin Roberts) Nella's Nest Coop PRESENTLY

RESIDING AT NUMBER 67 Church St. Wallkill NY 12589

TELEPHONE NUMBER 845-566-7663

mailing address:
1430 Rte. 300
Newburgh NY
12550

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- X A USE VARIANCE
AN AREA VARIANCE
or alternatively X INTERPRETATION OF THE ORDINANCE

1. LOCATION OF THE PROPERTY:

60-3-24 (TAX MAP DESIGNATION)

1430 Rte 300 (STREET ADDRESS)

Newburgh, NY 12550 FB (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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
I B District - Schedule 8. I would like it interpreted that the large container I have used on my property for approximately 7 years is a truck loading facility. I use the container solely to hold materials which are loaded and unloaded into my trucks.

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: 2/23/2012
- 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: use variance to permit facility used to hold materials for loading/unloading into trucks for my business

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:
without ability to put the materials I sell in a facility which can be loaded/unloaded safely and affordably I could not stay in business.
(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:
much of the neighborhood consists of larger structures or uses which do not need the rigid loading & unloading of building materials
- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
It is (the facility I store the product in) is behind my building I pull trucks up - load and unload and that is it. The best facility which I store the materials in is generally not able to be seen from the road or from inside the neighborhood commercial facility (Verizon).

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

I did not realize I could not put
the large container which I use to
load/unload my trucks from.

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:

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:

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

7. ADDITIONAL REASONS (IF PERTINENT):

The large container of issue disturbs nothing. It in fact is more attractive than leaving the material outside and clutter on scatter land use than leaving materials outside - if that is even allowed.

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 19th DAY OF May 2012

[Handwritten Signature]

NOTARY PUBLIC

Langdon C. Chapman
Notary Public - State of NY
Orange County
Res. # 02 CH6078011
License expires 7/18/2014

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.

617.20
Appendix C
 State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|---|---|
| 1. APPLICANT/SPONSOR <i>Nella's Nest North Corporate</i> | 2. PROJECT NAME <i>Use Variance/Interpretation</i> |
| 3. PROJECT LOCATION: Municipality <i>Town of Newburgh</i> County <i>Orange</i> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>1430 Route 300 Newburgh, NY 12550</i> | |
| 5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration <i>Maintain Existing Cargo unit</i> | |
| 6. DESCRIBE PROJECT BRIEFLY: <i>Maintain Existing buildings/cargo container I use to load/unload materials to/from</i> | |
| 7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly <i>Depends on interpretation</i> | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>I don't know</i> | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Elvin Roberts/Nella's Nest North Corp</i> Date: <i>5/14/12</i> Signature: <i>[Signature]</i> | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? Yes No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- 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 AND provide, on attachments as necessary, the reasons supporting this determination

| | |
|--|---|
| 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) |

Reset

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2274-12

Date: February 23, 2012

To: NELLA'S NEST NORTH CORP

SBL 60-3-24

1430 ROUTE 300

ADD: 1430 ROUTE 300

NEWBURGH, NY 12550

ZONE IB

PLEASE TAKE NOTICE that your application dated February 1,
20 12 for permit to keep a Prior Built (20' x 40') storage building

At the premises located at 1430 Route 300

(USE VARIANCE REQUIRED)

Is returned herewith and disapproved on the following grounds:

BULK TABLE - SCHEDULE 8 -
STORAGE BUILDINGS ARE NOT PERMITTED WITH A D5.
185-7-F - UNSPECIFIED USES -
ANY USE NOT SPECIFICALLY PERMITTED SHALL BE DEEMED TO BE
PROHIBITED (CARGO CONTAINER AS A STORAGE BUILDING)


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

2274-12

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES

NAME: NELLA'S NEST NORTH CORP.

ADDRESS: 1430 ROUTE 300, NEWBURGH, NY 12550

PROJECT INFORMATION: **USE VARIANCE**

TYPE OF STRUCTURE: 20' X 40' STORAGE BUILDING (800 SF)

SBL: 60-3-24 ZONE: IB

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

| | MINIMUM | EXISTING | PROPOSED | VARIANCE | PERCENTAGE |
|----------------------|---------|----------|----------|----------|------------|
| LOT AREA | | | | | |
| LOT WIDTH | | | | | |
| LOT DEPTH | | | | | |
| FRONT YARD | | | | | |
| REAR YARD | | | | | |
| SIDE YARD | | | | | |
| MAX. BUILDING HEIGHT | | | | | |
| 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: **PRIOR BUILT - 8' X 40' CARGO CONTAINER WITH A 12' X 40' WOOD FRAMED ADDITION.**

VARIANCE(S) REQUIRED:

- 1 BULK TABLE SCHEDULE 8 STORAGE BUILDINGS NOT PERMITTED WITH A D5.
- 2 185-7-F UNSPECIFIED USE CARGO CONTAINER AS STORAGE BUILDING.
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 16-Feb-12

ZONING

185 Attachment 13

Town of Newburgh

Table of Use and Bulk Requirements
IB District - Schedule 8

[Amended 7-15-1996 by L.L. No. 3-1996; 9-23-1998 by L.L. No. 10-1998]

| A. Accessory Uses | B. Permitted | C. Permitted Uses | D. Uses Subject to Site Plan Review by the Planning Board | Lot Area (square feet) | Lot Width (feet) | Lot Depth (feet) | Front Yard (feet) | Side Yard (feet) | Back Yard (feet) | Habitable Floor Area Per Dwelling Unit (square feet) | Dwelling Units Per Acre | Maximum Permitted Lot Building Coverage (Percent) | Maximum Permitted Building Height (feet) | Lot Surface Coverage (Percent) | |
|---|--------------------|---|---|------------------------|------------------|------------------|-------------------|------------------|------------------|--|-------------------------|---|--|--------------------------------|--|
| 1. Accessory uses to 50% of the floor area of the principal building | D5, 7-9, 11 and 13 | 1. Without both public sewer and public water systems | 1. Residential | 20,000 | 125 | 150 | NA | NA | NA | 800 | NA | 20% | 35 | 50% | |
| 2. Cabarets, clubs and recreation facilities for the use of the premises | D5, 7-9, 11 and 13 | 2. With both public sewer and public water systems | 2. Individual retail stores, convenience stores with or without gasoline filling stations and health clubs and shopping centers | 15,000 | | | 40 | 15 | 30 | | NA | 25% | 35 | 50% | |
| 3. Signs in accordance with § 185-14: | D5 | 3. Existing 2-family dwellings: | 3. Offices for business, research and professional use | 17,500 | 100 | 125 | | | | | | | | | |
| 4. Professional | D11 and 18 | a. Without both public sewer and public water systems | 4. Restaurants and fast-food establishments in conjunction with drive-in, drive-through and carry-out service | 30,000 | 150 | 175 | | | | | | | | | |
| 5. Manufacturing | D11 and 18 | b. With both public sewer and public water systems | 5. Shopping centers | 22,500 | | | | | | | | | | | |
| 6. Off-street parking as required by the principal use | D11 and 18 | c. With either public sewer or public water system only | 6. Theaters | 25,000 | 125 | 150 | | | | | | | | | |
| 7. Truck-loading facilities | All | | 7. Offices for business, research and professional use | | | | 60 | 25 | 60 | | | | | | |
| 8. Sale of used motor and camping vehicles, boats and snowmobiles in conjunction with a franchised dealership | D11-13 | | 8. Restaurants and fast-food establishments in conjunction with drive-in, drive-through and carry-out service | | | | 60 | 30 | 100 | | | | | | |
| 9. Retail tanks in accordance with § 185-29 | D10 | | 9. Manufacturing, assembling, fabricating or processing products or materials involving the use of any oil, gas or electricity for fuel | | | | 60 | 30 | 100 | | | | | | |
| 10. Scaffolding in accordance with § 185-29 | D5, 7-14 and 18 | | | | | | 60 | 30 | 100 | | | | | | |
| 11. Accessory uses to an existing principal residence as defined for the N-1 District | D5, 7-9, 11 and 13 | | | | | | 60 | 30 | 100 | | | | | | |
| 12. Restaurants and conference and banquet facilities | D5, 7-9, 11 and 13 | | | | | | 60 | 30 | 100 | | | | | | |
| 13. Retail outlets | D5, 7-9, 11 and 13 | | | | | | 60 | 30 | 100 | | | | | | |
| 14. Swimming pools, tennis courts and other recreational facilities, including related cabins | D5, 7-9, 11 and 13 | | | | | | 60 | 30 | 100 | | | | | | |
| 15. Car wash | D10 and 11 | | | | | | 60 | 30 | 100 | | | | | | |

NOTES:

1. Minimum 1,500 square feet of lot area per guest room.

2. These requirements shall not be applicable to a school or college which utilizes all or part of an office building for classroom space. Such a use shall meet the bulk requirements of use D5.

NEWBURGH CODE

Table of Use and Bulk Requirements
IB District - Schedule 8
(Cont'd)

| A. Accessory Uses (See Section 150 for general use of lot area per guest room.) | B. Permitted Use (D10, D11 and D12) | C. Permitted Uses | D. Use Subject to Site Plan Review by the Planning Board (See Section 178 for general use of lot area per guest room.) | Lot Area (square feet) | Lot Width (feet) | Lot Depth (feet) | Minimum Required | | | | Habitable Floor Area Per Dwelling Unit (square feet) | Dwelling Units per Acre | Maximum Building Footprint (percent) | Maximum Required Building Height (feet) | Lot Surface Coverage (percent) |
|--|--|-------------------|--|------------------------|------------------|------------------|-------------------|------------------|--------------------|------------------------|--|-------------------------|--------------------------------------|---|--------------------------------|
| | | | | | | | Front Yard (feet) | Rear Yard (feet) | 1 Side Yard (feet) | Both Side Yards (feet) | | | | | |
| 15. Motor vehicle repair agency | D10 | | 9. Warehouse, storage and transportation facilities, including: 9.1. Storage of motor vehicles, boats and trailers, not within 500 feet of Route 178. 9.2. Storage of motor vehicles, boats and trailers, not within 500 feet of Route 178. 10. Dealership of any motor and complete vehicles, mobile homes, boats and accessories, including repair and service facilities in accordance with § 185-28. 11. Motor vehicle service stations and public garages, car wash and rental agency, in accordance with § 185-28. 12. Hotels and motels in accordance with § 185-28. 13. Business parks in accordance with § 185-41. 14. Public utility structures and facilities. 15. Self-storage centers in accordance with § 185-46.1. 16. Accessory housing in accordance with § 185-47. 17. Senior citizen housing in accordance with § 185-48. 18. Travel center in accordance with § 185-48.1. 19. Schools and colleges for general and technical education, with related facilities. | 5 acres | 200 | 300 | 50 | 60 | 50 | 100 | 1 | 25% | 50 | 60% | |
| 16. Storage areas for motor vehicle dealerships for storage of motor vehicles without relationship to normal parking standards | D10 | | | 10 acres | 400 | 400 | 60 | 60 | 100 | | 25% | 40 | 50% | | |
| 17. Eating and drinking facilities or food preparation shops not offering (a) table service. | D1-4 | | | 3 acres | 100 | 125 | 80 | 40 | 60 | | 30% | 15 | 60% | | |
| | | | | 12 acres | 400 | 400 | 60 | 60 | 100 | | 30% | 35 | 60% | | |
| | | | | 5 acres ¹ | 300 ² | 300 ² | 60 ³ | 60 ³ | 100 ⁴ | | 30% ⁵ | 40 ⁶ | 60% ⁷ | | |

NOTES:
 1. Minimum 1,500 square feet of lot area per guest room.
 2. (Added 7-15-1998 by L.L. No. 19-1998)
 3. (Added 9-23-1998 by L.L. No. 19-1998)
 4. (Added 9-23-1998 by L.L. No. 19-1998)
 5. (Added 7-15-1998 by L.L. No. 19-1998)
 6. (Added 7-15-1998 by L.L. No. 19-1998)
 7. (Added 7-15-1998 by L.L. No. 19-1998)

CODE ENFORCEMENT OFFICE
TOWN OF NEWBURGH

308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 564-7801

APPEARANCE TICKET

TO: KEVIN A. ROBERTS
NELLA'S NEST NORTH CORP.
1430 ROUTE 300
NEWBURGH, NY 12550

SEC-BLK-LOT: 60-3-24.

INCIDENT NO: 11-92
ORIG. COMP NO: 11-100

LOCATION: 1430 ROUTE 300 NEWBURGH, NEW YORK 12550

YOU ARE HEREBY NOTIFIED to appear personally in the Town Court of the
TOWN OF NEWBURGH, located at 311 ROUTE 32, NEWBURGH, NY 12550
on the 21 Day of November, 2011
at 5:30 in the afternoon.

To answer the charge of committing the following offense at the above
mentioned location:

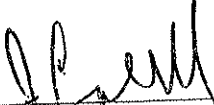
SEE ATTACHED SCHEDULE A

Which is in violation of:

| | |
|---|------------------------------------|
| Town of Newburgh Municipal Code | Town of Newburgh Municipal Code |
| SEC: 71-8 | 71-8 |
| SUB-DIV: 71-8(A) | 71-8(C) |
| TITLE: BLDG. PERMITS & CERT. OF OCCUPANCY | BLDG. PERMITS & CERT. OF OCCUPANCY |
| PAGE: 71:4 | 71:4 |

UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A WARRANT MAY BE ISSUED FOR
YOUR ARREST.

Issued on this 31 day of October, 2011


JAMES CAMPBELL, ASST. BUILDING INSPECTOR

TOWN OF NEWBURGH
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

SEC-BLK-LOT: 60-3-24.

PAGE: 2

DATE:10/31/2011

LOCATION: 1430 ROUTE 300 NEWBURGH, NEW YORK 12550

VIOL NO: 11-92

APPEARANCE TICKET
- SCHEDULE A -

IN VIOLATION OF:

(A) Improvements or demolition. No person shall commence the construction, alteration, conversion, repair, removal or demolition of any building, structure, sign or sanitary facilities thereto, excepting agricultural equipment in existing farm structures, without first obtaining a building permit from the Building Inspector. No permit shall be required for ordinary nonstructural repairs.

(C) Change of use or occupancy. No change shall be made in the use or type of occupancy of an existing building or change in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy authorizing such change in use in conformity with the regulations of all codes, standards, ordinances or laws pertaining to the same shall have been issued by the Building Inspector.

DEFINITION OF A SIGN:

SIGN - Any letter, word, model, reproduction, banner, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, attraction or directive.

THE PEOPLE OF THE STATE OF NEW YORK

-vs-

INFORMATION

KEVIN A. ROBERTS
NELLA'S NEST NORTH CORP.
1430 ROUTE 300
NEWBURGH, NY 12550

Defendant

I, JAMES CAMPBELL, COMPLAINANT, am the ASST. BUILDING INSPECTOR
for the TOWN OF NEWBURGH, with office at:
308 GARDNERTOWN ROAD, NEWBURGH, NEW YORK 12550

By this INFORMATION make written accusation as follows:

That: KEVIN A. ROBERTS NELLA'S NEST NORTH CORP.,
on the: 12 day of July, 2011, At: 2:40 in the PM
at: 1430 ROUTE 300 NEWBURGH, NEW YORK 12550
in the: TOWN OF NEWBURGH, COUNTY OF ORANGE, State of New York.

Did commit the following offense:

SEE ATTACHED SCHEDULE A

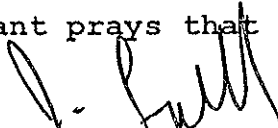
In violation of

| | |
|---|------------------------------------|
| Town of Newburgh Municipal Code | Town of Newburgh Municipal Code |
| SEC: 71-8 | 71-8 |
| SUB-DIV: 71-8(A) | 71-8(C) |
| TITLE: BLDG. PERMITS & CERT. OF OCCUPANCY | BLDG. PERMITS & CERT. OF OCCUPANCY |
| PAGE: 71:4 | 71:4 |

Based upon the following:

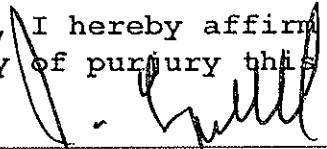
A COUPLE OF OCCUPANCIES (CLOTHING STORE, CONTRACTOR'S OFFICE) EXIST IN
THE BUILDING WITHOUT APPLING FOR BUILDING PERMITS OR RECEIVING
CERTIFICATE OF OCCUPANCIES. THERE ARE ALSO ILLEGAL SIGNS AND
STRUCTURES THROUGH OUT THE PROPERTY.

Wherefore, the Complainant prays that the above mentioned defendant be
dealt with pursuant to law.



JAMES CAMPBELL, ASST. BUILDING INSPECTOR, COMPLAINANT

False statements made in the foregoing instrument are punishable as a Class
A misdemeanor pursuant to section 210.45 of the Penal Law. Accordingly and
with notice of the foregoing, I hereby affirm that the foregoing statements of
facts are true, under penalty of perjury this 31 day of October, 2011.



JAMES CAMPBELL, ASST. BUILDING INSPECTOR, COMPLAINANT

Appearance Ticket was issued to Defendant, for Court Appearance on the
21 day of November, 2011, at 5:30 PM, Justice Court, TOWN OF NEWBURGH, N.Y.

Please take notice:

Each week that the above mentioned defendant continues to violate the above cited section of the Town of
Newburgh Municipal Code constitutes a separate and distinct violation or offense pursuant to Section 71-8 of
the Town of Newburgh Municipal Code. On 07/12/2011 I first observed the defendant violating the above cited
section of the Town of Newburgh Municipal Code and after that, upon information and belief, such violations
are likely to continue in the future with each such week that the violations continue constituting a separate
and distinct violation or offense and thereby charge the above mentioned defendant hereunder with a separate
count for each violation or offense.

TOWN OF NEWBURGH
308 GARDNERTOWN ROAD
NEWBURGH, NY 12550

SEC-BLK-LOT: 60-3-24

PAGE: 2

DATE: 10/31/2011

LOCATION: 1430 ROUTE 300, NEWBURGH, NY 12550 VIOL NO: 11-92

ACCUSITORY DOCUMENT
SCHEDULE A

IN VIOLATION OF:

(A) Improvements or demolition. No person shall commence the construction, alteration, conversion, repair, removal or demolition of any building, structure, sign or sanitary facilities thereto, excepting agricultural equipment in existing farm structures, without first obtaining a building permit from the Building Inspector. No permit shall be required for ordinary nonstructural repairs.

(C) Change of use or occupancy. No change shall be made in the use or type of occupancy of an existing building or change in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy authorizing such change in use in conformity with the regulations of all codes, standards, ordinances or laws pertaining to the same shall have been issued by the Building Inspector.

DEFINITION OF A SIGN:

SIGN - Any letter, word, model, reproduction, banner, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, attraction or directive.

AFFIDAVIT OF SERVICE

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

THOMAS Dubetsky, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age, and resides in Newburgh, New York.

That on October 31st, 2011 at 3:30 a.m. / p.m. deponent served the within TICKET ORDER TO REMEDY upon employee of Roberts Contracting. Said service was effected in the following manner:

CORPORATION / BUSINESS ENTITY

A domestic foreign corporation, by delivering thereat a true copy of each to Employee Personally. Deponent knew said employee so served to be the domestic foreign corporation described as Roberts Contracting and knew said individual to be the employee thereof, authorized to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: Sex: Male; Skin color: White; Hair color: Brown; Approximate age: 40; Approximate height: 5'8"; and Approximate weight: 170.

SUITABLE AGE PERSON

By delivering thereat a true copy of each to _____, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's dwelling place and their reply was affirmative. Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: Sex: _____; Skin color: _____; Hair color: _____; Approximate age: _____; Approximate height: _____; and Approximate weight: _____.

Deponent also enclosed a copy of same in a postpaid sealed envelope, properly addressed to recipient at recipient's dwelling place of _____ and deposited said envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York on _____ and sent via certified mail, return receipt requested and by first class mail.

I asked the person spoken to whether recipient was in active military service of any kind whatsoever and received a negative reply.

INDIVIDUAL

By delivering thereat a true copy of each to _____, the individual described in the ORDER / TICKET. Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows: Sex: _____; Skin color: _____; Hair color: _____; Approximate age: _____; Approximate height: _____; and Approximate weight: _____.

Thomas J. Dubetsky (handwritten signature)

Sworn to before me this FIRST day of NOVEMBER, 2011

(handwritten signature)
Notary Public

ANDREW J. ZARUTSKIE
Notary Public, State of New York
No. 01ZA4502524
Qualified in Orange County
Commission Expires Nov. 30, 2013

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.
TELEPHONE 845-564-7801
FAX LINE 845-564-7802

February 16, 2012

Mr. Kevin Roberts
Nella's Nest North Corp.
1430 Route 300
Newburgh, NY 12550

Re: Order To Remedy
Building Permit Applications
SBL: 60-3-24

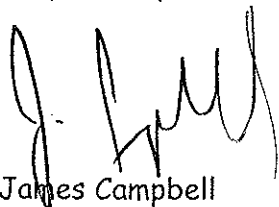
Dear Mr. Roberts:

We have completed enough of the building permit application review to determine that some of the applications will need to be denied and forwarded to the Zoning Board of Appeals. You will soon receive a packet from the Zoning Board, so you may apply for variances.

The remaining applications will be put on hold for now until the ZBA process is complete, these applications will need further review.

Please keep me informed in how you plan on proceeding, this is vital because we have a pending court arraignment. If you have any questions, do not hesitate to call.

Respectfully,



James Campbell
Asst. Building Inspector

Nella's Nest North Corp
1430 Route 300
(Roberts Con)
60-3-24

