



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:
Local Referring Board:
Applicant:
Project Name:
Location of Project Site:

Town of Newburgh
Zoning Board of Appeals
Old Plank Lic - NATALE BOSAZ
AVATAR SPORTS BAR
102 Old South Plank Rd

Tax Map #: 64-4-22
Tax Map #:
Tax Map #:
Local File No.:
Size of Parcel*: 150 X 362

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

Reason for County Review:
within 500 ft Route 52

Current Zoning District (include any overlays): B

Type of Review:

- Comprehensive Plan Update/Adoption
- Zoning Amendment
 - Zoning District Change from _____ to _____
 - Ordinance Modification (cite section): _____
- Local Law
- Site Plan
 - Sq. feet proposed (non-residential only): _____
 - 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)) ONE SIDE YARD SETBACK & COMBINED SIDE YARDS SETBACK
- Other

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

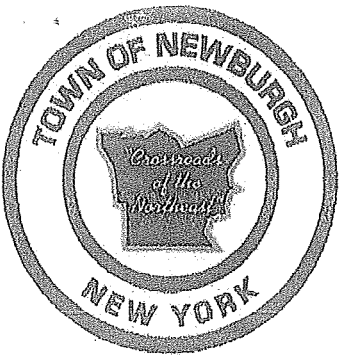
Local board comments or elaboration:

Steve Cardone 4/1/14 Chairperson
Signature of local official Date Title
Zoning Board of Appeals

Municipal Contact Phone Number: 845-566-4901

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

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



TOWN OF NEWBURGH

Crossroads of the Northeast

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

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: March 26, 2014

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

I (WE) Old Plank Llc, Natale Bosaz PRESENTLY

RESIDING AT NUMBER 13 Sylvia Drive, Wappingers Falls, NY

TELEPHONE NUMBER (845) 344-5863

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:

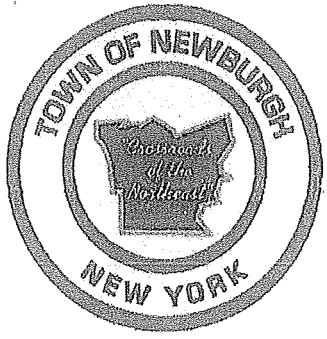
Section 64, Block 4, Lot 22 (TAX MAP DESIGNATION)

102 Old South Plank Rd (STREET ADDRESS)

B Zone (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).

Chapter 185 Zoning, chart 185k - B District Schedule 7
Town of Newburgh, Table of Use and Bulk Regulations



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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: November 8, 2013

4. DESCRIPTION OF VARIANCE SOUGHT: Side Yard from 15 feet to 8 feet

& Combined Side Yard Variance from 30 feet to 28 feet

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 building is existing.

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:

N/A

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

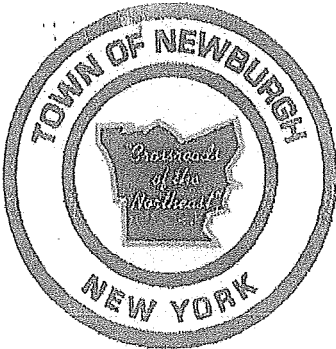
The variance is for an existing building.

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 variance is for an existing building.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The variance is for an existing building.



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

7. ADDITIONAL REASONS (IF PERTINENT):

Jenifer Hym = FUSCO engineering
PETITIONER (S) SIGNATURE & Land Surveying, PC

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28th DAY OF March 2014

Scott D. Buchholz
NOTARY PUBLIC

SCOTT D. BUCHHOLZ
NOTARY PUBLIC
STATE OF NEW YORK
QUALIFIED IN SULLIVAN CO.
NO. 01BU4936094

EXPIRES 7/5/14

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

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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Natale Bosaz, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 13 Sylvia Dr, Wappingers Falls

IN THE COUNTY OF Dutchess AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 102 Old South Plank Road
Newburgh, NY - Section 64, Block 4, Lot 22

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Fusco Engineering & Land Surveying, PC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: _____ *Natale Bosaz*

OWNER'S SIGNATURE

Rain J. Hicks

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3 DAY OF MARCH 2014

Rain J. Hicks
NOTARY PUBLIC

Kevin J. Hicks
Notary Public, State of New York
No. 01HI6167697
Qualified in Dutchess County
Commission Expires June 4, 2015

Old South Plank, LLC

March 28, 2014

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

RE: Section 64, Block 4, Lot 22
102 Old South Plank Road
Town of Newburgh
Orange County, New York

To Whom It May Concern,

I Natale Bosaz who resides at 13 Sylvia Drive, Wappingers Falls, NY 12590 hereby certify that I am the owner of Old Plank LLC and 102 Old South Plank Road, also know on the Orange County Tax Maps as Section 64, Block 4, Lot 22.

I have given Fusco Engineering & Land Surveying, PC permission to represent me in front of Zoning Board of Appeals, Fusco Engineering & Land Surveying, PC is currently representing myself and Roberto Lucero, my tenant in front of the Town of Newburgh Planning Board for Site Plan approval.

Very truly yours,



Natale Bosaz
OLD SOUTH PLANK LLC

STATE OF NEW YORK
COUNTY - Orange
TOWN - Newburgh
SWIS - 334600

2 0 1 3 F I N A L A S S E S S M E N T R O L L
T A X A B L E SECTION OF THE ROLL - 1
TAX MAP NUMBER SEQUENCE
UNIFORM PERCENT OF VALUE IS 039.50

PAGE 1758
VALUATION DATE-JUL 01, 2012
TAXABLE STATUS DATE-MAR 01, 2013

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	TOWN	SCHOOL
64-4-21.-2	168 S Plank Rd			64-4-21.-2		
Russell John Leonard	485 >1use sm bld	40,000		COUNTY TAXABLE VALUE	84,300	
Diane Lee	Newburgh Csd 331100	84,300		TOWN TAXABLE VALUE	84,300	
PO Box 7359	ACRES 1.00 BANK0150120	84,300		SCHOOL TAXABLE VALUE	84,300	
Newburgh, NY 12550	DEED BOOK 2209 PG-00446	213,400		FD030 Orange lk fire	84,300 TO	
	FULL MARKET VALUE			LT004 Consol lt	84,300 TO	
				WD001 Consol wtr 1	84,300 TO C	
				WD002 Consol wtr 2	84,300 TO C	
					64-4-22	
102 Old South Plank Rd				COUNTY TAXABLE VALUE	330,000	
64-4-22	484 1 use sm bld	23,800		TOWN TAXABLE VALUE	330,000	
Old Plank Lic	Newburgh Csd 331100	330,000		SCHOOL TAXABLE VALUE	330,000	
Attn: Mr Nacale Bosaz	FRNT 150.00 DPTH 362.00	835,400		FD030 Orange lk fire	330,000 TO	
13 Sylvia Dr	DEED BOOK 6156 PG-104			LT004 Consol lt	330,000 TO	
Wappingers Falls, NY 12590	FULL MARKET VALUE			WD001 Consol wtr 1	330,000 TO C	
				WD002 Consol wtr 2	330,000 TO C	
					64-4-23	
64-4-23	104 Old South Plank Rd			COUNTY TAXABLE VALUE	36,700	
Daly Mary	421 Restaurant	21,900		TOWN TAXABLE VALUE	36,700	
5 Rayland Rd	Newburgh Csd 331100	36,700		SCHOOL TAXABLE VALUE	36,700	
Newburgh, NY 12550	ACRES 1.40			FD030 Orange lk fire	36,700 TO	
	EAST-0611221 NRTH-0980509			LT004 Consol lt	36,700 TO	
	DEED BOOK 1829 PG-00060	92,900		WD001 Consol wtr 1	36,700 TO C	
	FULL MARKET VALUE			WD002 Consol wtr 2	36,700 TO C	
					64-4-24.1	
64-4-24.1	110 Old South Plank Rd			COUNTY TAXABLE VALUE	0	
Napolitano Lori A	210 1 Family Res	6,600		TOWN TAXABLE VALUE	39,600	
Napolitano Richard G	Newburgh Csd 331100	39,600		SCHOOL TAXABLE VALUE	5,980	
110 Old South Plank Rd	Lt 1 Klindtwort Submap			FD030 Orange lk fire	39,600 TO	
Newburgh, NY 12550	252-96			LT004 Consol lt	39,600 TO	
	LE Max W Jr & Evelyn			WD001 Consol wtr 1	39,600 TO C	
	FRNT 71.00 DPTH 175.00			WD002 Consol wtr 2	39,600 TO C	
	EAST-0610980 NRTH-0980677				64-4-24.2	
	DEED BOOK 12869 PG-295	100,300		COUNTY TAXABLE VALUE	79,500	
	FULL MARKET VALUE			TOWN TAXABLE VALUE	79,500	
				SCHOOL TAXABLE VALUE	79,500	
				FD030 Orange lk fire	79,500 TO	
				LT004 Consol lt	79,500 TO	
				WD001 Consol wtr 1	79,500 TO C	
				WD002 Consol wtr 2	79,500 TO C	
					64-4-24.2	
64-4-24.2	108 Old South Plank Rd			COUNTY TAXABLE VALUE	79,500	
108 Tempo LLC	484 1 use sm bld	15,500		TOWN TAXABLE VALUE	79,500	
PO Box 10243	Newburgh Csd 331100	79,500		SCHOOL TAXABLE VALUE	79,500	
Newburgh, NY 12552	Lt 2 Klindtwort Submap			FD030 Orange lk fire	79,500 TO	
	252-96			LT004 Consol lt	79,500 TO	
	FRNT 146.00 DPTH 220.00			WD001 Consol wtr 1	79,500 TO C	
	EAST-0611041 NRTH-0980594			WD002 Consol wtr 2	79,500 TO C	
	DEED BOOK 11599 PG-1887				64-4-24.2	
	FULL MARKET VALUE	201,300		COUNTY TAXABLE VALUE	79,500	
				TOWN TAXABLE VALUE	79,500	
				SCHOOL TAXABLE VALUE	79,500	
				FD030 Orange lk fire	79,500 TO	
				LT004 Consol lt	79,500 TO	
				WD001 Consol wtr 1	79,500 TO C	
				WD002 Consol wtr 2	79,500 TO C	

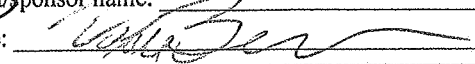
617.20
Appendix B
Short Environmental Assessment Form

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			
Old Plank Llc, Natale Bosaz			
Name of Action or Project: Site Plan for Sports Bar			
Project Location (describe, and attach a location map): 102 Old South Plank Road - Section 64, Block 4, Lot 22			
Brief Description of Proposed Action: Proposed sports bar in an existing building			
Name of Applicant or Sponsor: Fusco Engineering & Land Surveying, PC		Telephone: (845) 597-9532 E-Mail: jmh@fuscoengineering.com	
Address: 233 East Main Street			
City/PO: Middletown		State: New York	Zip Code: 10940
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 X NO X
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:			YES YES
3.a. Total acreage of the site of the proposed action?		0.81 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.81 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input 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
	X	
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
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/Sponsor name: <u>Natale Bosaz</u>	Date: <u>3/31/14</u>	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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.

- 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.
- 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

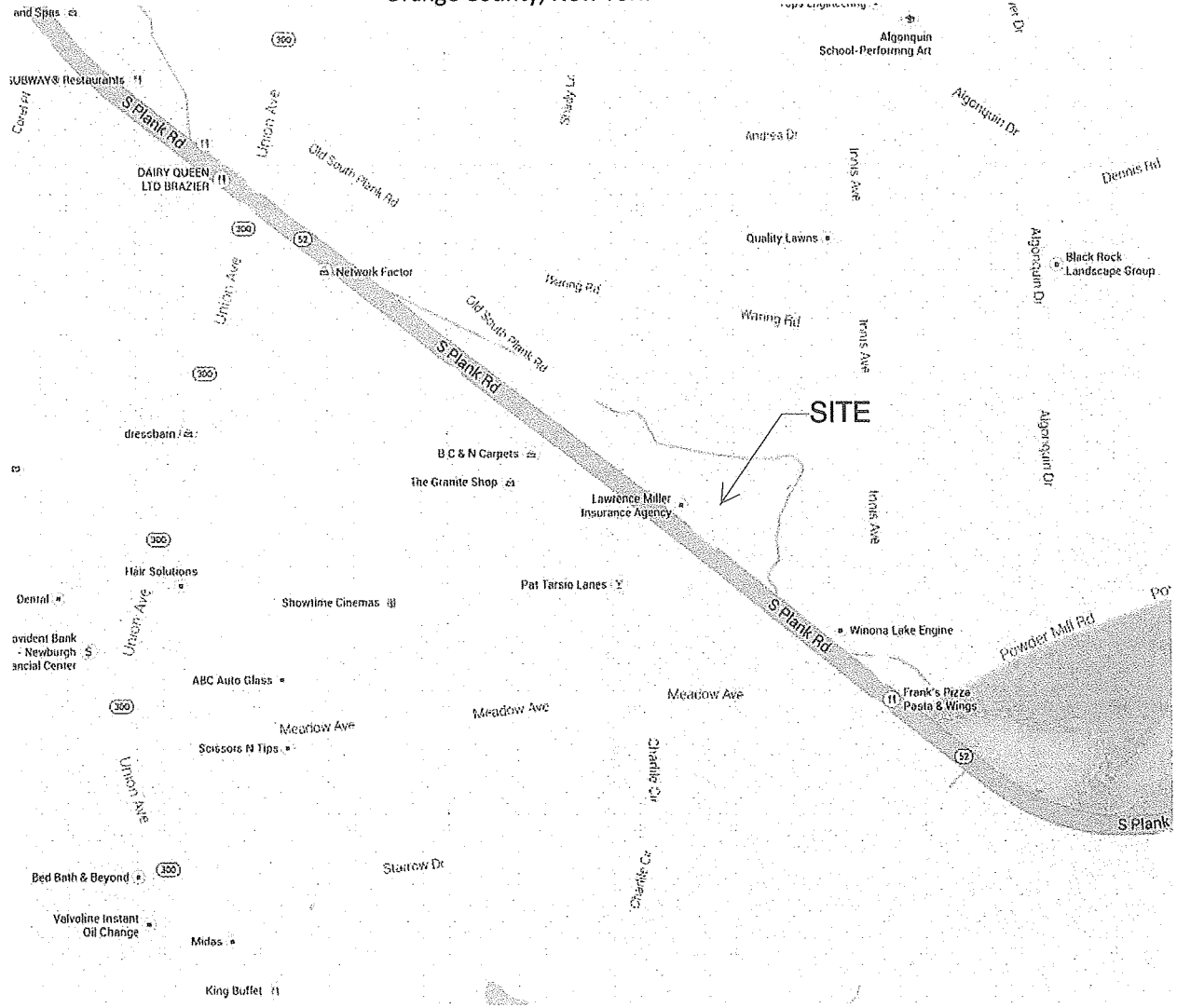
Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Location Map
102 Old South Plank Road
Town of Newburgh
Orange County, New York



ZONING

185 Attachment 11
Town of Newburgh

Table of Use and Bulk Requirements
B District -- Schedule 7
[Amended 9-23-1998 by L.L. No. 10-1998; 1-20-2009 by L.L. No. 2-2009]

A. Accessory Uses	B. Permitted With	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board	Minimum Required						Maximum Permitted					
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Dwelling Units Per Acre	Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)
1. Home occupations.	C1 and 2	1. Existing single-family dwellings: a. Without both public sewer and public water systems. b. With both public sewer and public town water systems. c. With either public sewer or public water only.	Uses Subject to Site Plan Review by the Planning Board	20,000	125	150	40	40	15	30					
2. Private garage or carport for not more than 4 vehicles	C1, 2, 4 and 5 D1-12			15,000	100	125	40	40	15	30					
3. Garden houses, toolshed, wading or swimming pool or tennis court in accordance with § 185-43*	C1, 2 and 4			17,500											
4. Off-street parking as required by the principal use	All	2. Existing 2-family dwellings: a. Without both public sewer and public water systems. b. With both public sewer and public town water systems. c. With either public sewer or public water only.		30,000	150	175		50		50	NA	25%	35	50%	
5. Storage buildings up to 50% of the floor area of the principal building	D2 and 11	3. Municipal buildings and town activities		22,500	125	150		25		25	NA	20%	NA		
6. Signs in accordance with § 185-14: a. Professional b. Business c. Institutional d. Identification	C1 and 2, D2, D17 C5, D1-12 C3 and 4, D10 C3-5, D1-12	4. Membership clubs without outdoor recreation facilities in accordance with § 185-29 5. Funeral homes		25,000	150	175		40	15	30	900	25%			
7. Keeping up to 5 (total) dogs or cats over 6 months of age	C1 C2			NA	NA	NA	NA	NA	NA	NA	NA	20%	NA		
8. Off-street parking for commercial vehicles in accordance with § 185-13	D1-9, 11 and 12	1. Retail and personal service stores, health clubs and fitness facilities 2. Business, professional and research offices and banks 3. Eating and drinking places 4. Indoor amusement establishments 5. Motor vehicle service stations and public garages, car wash and rental agency in accordance with § 185-28 6. Convenience stores with or without gasoline filling stations 7. Hotels and motels in accordance with § 185-27		15,000	100	125	40	30	15	30		40/60%	35	80/85%	
9. Accessory apartments in accordance with § 185-38	C1 and 2			20,000							NA	40/50% ²		80%	
10. Fuel tanks in accordance with § 185-39	D2, 5, 11 and 12			5 acres	200	200	50					3	25%	60%	
11. Satellite earth stations in accordance with § 185-40	C1-3 and 5 D1-12			5 acres 3 acres	300 300	300 300	60 60						30%	80%	
12. Cafeterias and clinics for employees	D2 and 12			2 acres	200	200	50		50	100	NA	25%	40	50%	
13. Restaurants and conference and banquet facilities	D2, 7 and 11			10 acres	400	400	60					25%	40	50%	
14. Retail outlets	D11			NA	NA	NA	NA	NA	NA	NA	NA	20%	35	50%	
15. Car wash	D5 and 6														
16. Motor vehicle rental agency	D5 and 7			40,000	150	150	50	30	15	30		40%	35	80%	

NEWBURGH CODE

A. Accessory Uses 17. Eating and drinking facilities or food preparation shops not offering full table service.	B. Permitted With D1, 6, 9 and 16	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board 16. Mini-mails 17. Veterinarian offices and related services necessary for the complete practice of veterinarian medicine in accordance with § 185-45.	Minimum Required							Maximum Permitted				
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Back Side Yard (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Dwelling Units Per Acre	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)
				2 acres	200	200	40	50	30	60			40%	35	80%
				40,000	150	150	40	40	30	60	NA	NA	30%	35	60%

NOTES:

1. Forty without public water and sewer; 60 with public water and sewer.
2. Forty without public water and sewer; 50 with public water and sewer.
3. Minimum 1,500 square feet of lot area per guest room.
4. Also requires a special permit from the Zoning Board of Appeals.

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

James B. Biagi
David A. Donovan
Michael H. Donnelly
Robert J. Dickover

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

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

November 8, 2013

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

RE: Avatar Sports Bar
64-4-22 (Zone B)
102 Old Plank Road (13.22)

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of November 7, 2013. The applicant proposes to renovate an existing vacant commercial space for a sports bar. The site does not meet the required side yard and combined yard setback for commercial property in the B Zone. The change in use proposed by the applicant will, under your existing precedent, cause the preexisting, nonconforming use protection to be lost. Therefore, for the planning board to approve the proposed site plan variances will be required relative to the side yard and combined side yard setbacks.

The planning board also suggests that you conduct your SEQRA review of this application on an uncoordinated review basis. The planning board has no particular matters to bring to your attention.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

David A. Donovan, Esq.
Dickover, Donnelly, Donovan & Biagi, LLP
P.O. Box 610
Goshen, NY 10924

Fusco Engineering & Land Surveying, P.C.
233 East Main Street
Middletown, NY 10940

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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

NATALE BOSAZ

TO

OLD PLANK, LLC

SECTION 64 BLOCK 4 LPT 22

RECORD AND RETURN TO:
(name and address)



PAGONES, CROSS & VAN TUYL, P.C.
355 Main St., P.O. Box 550
Beacon, New York 12508-0550
ATT: Francois R. Cross, Esq.

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

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

PROPERTY LOCATION

- | | |
|--------------------------------|--|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2600 CRAWFORD (TN) | <input checked="" type="checkbox"/> 4600 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5600 WAWAYANDA (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |
| ___ 3801 UNIONVILLE (VLG) | |
| ___ 4089 MONROE (TN) | |
| ___ 4001 MONROE (VLG) | |
| ___ 4003 HARRIMAN (VLG) | |
| ___ 4005 KIRYAS JOEL (VLG) | |

NO PAGES 3 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK _____
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ _____
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____
DATE _____

MORTGAGE TAX TYPE:
___ (A) COMMERCIAL/FULL 1%
___ (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.UN/1 OR 2
___ (K) CONDO

- CITIES**
- | |
|----------------------|
| ___ 0900 MIDDLETOWN |
| ___ 1100 NEWBURGH |
| ___ 1300 PORT JERVIS |
| ___ 9999 HOLD |

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Pagones + Cross

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
(1-21-03) AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 3-20-14

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

LIBER 6156 PG 104

LIBER 6156 PAGE 104

ORANGE COUNTY CLERKS OFFICE 4352 NAN
RECORDED/FILED 01/21/2003 07:00:00 AM
FEES 44.00 EDUCATION FUND 20.00
SERIAL NUMBER: 005891
DEED CNTL NO 50962 RE TAX .00



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

THIS INDENTURE, made on 10 October, 2002

BETWEEN

NATALE BOSAZ, residing at 13 Sylvia Drive, Wappingers Falls, New York,

party of the first part, and

OLD PLANK, LLC, having its offices at 13 Sylvia Drive, Wappingers Falls, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars 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 being bounded and described as follows:

BEGINNING at a point in the northeasterly line of the existing Old South Plank Road, said point also being on the division line between the lands now or formerly of Daly on the northwest and the parcel herein described on the southeast; thence, along the last mentioned division line, N 50°-51' E 290.50 feet to a point near the southerly edge of Orange Lake Stream; thence, along said southerly edge of Orange Lake Stream, S 69°-10' E 80.82 feet to a point on the division line between the lands now or formerly of Russell on the southeast and the parcel herein described on the northwest; thence, along the last mentioned division line, S 38°-21'-30" N 362.00 feet to a point on the aforesaid northeasterly line of Old South Plank Road; thence, along the last mentioned line the following two courses, (1) N 30°-30' W 144.20 feet and (2) N 31°-09' W 5.80 feet to the point or place of beginning. Containing 0.81 acres of land more or less.


BEING the same premises conveyed by John R. Manzari and Alice V. Manzari, husband and wife, to Natale Bosaz by deed dated February 8, 1988 and recorded in the Orange County Clerk's Office in liber 2898 at page 29.

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.

IN PRESENCE OF:


Natale Bosaz

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of DUTCHESS ss.:

On October 7 2002 before me, the undersigned, personally appeared NATALE BOSAZ 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.

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

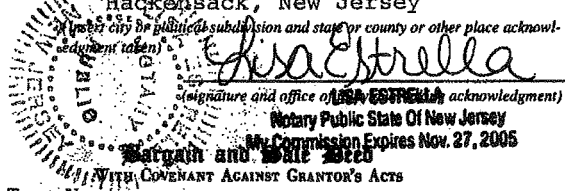
State of New Jersey County of Bergen ss.:

On Oct. 9, 2002 before me, the undersigned, personally appeared

NATALE BOSAZ

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 Hackensack, New Jersey

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



(signature and office of individual taking acknowledgment)

Notary Public State Of New Jersey

My Commission Expires Nov. 27, 2005

Bargain and Sale Deed WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

TO

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of _____ } ss.:
County of _____ }

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:

Zip No.

Reserve this space for use of Recording Office.

LIBER 6158PG 106

