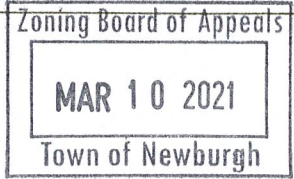




TOWN OF NEWBURGH

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: 03/08/2021

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

I (WE) Mamta Patel c/o Radhika Real Estate, LLC PRESENTLY

RESIDING AT NUMBER 6 Kathleen's Heights

TELEPHONE NUMBER 845-401-0550

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:

60-3-14.2 (TAX MAP DESIGNATION)

179 S Plank Road (STREET ADDRESS)

Business (COM 1) (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 2 - Amendments To Chapter 104

Subsection - Zoning Board Of Appeals Applications:

Item (f) ZBA Interpretation Of Code

Item (g) Appeal Of Code Compliance Determination



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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: 11/02/2020
- 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: Interpretation of Code re: Manufacturing

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

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

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:



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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9TH DAY OF MARCH 20 21

HEDWIG HELEN MLOTT
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ML4991824
Qualified in Orange County
My Commission Expires 02-10-2022

[Handwritten Signature]

NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(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

Dr. Mehul Patel c/o Mamta Patel, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 6 Kathleen's Heights

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 179 S. Plank Road

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Jonathan N. Millen, L.L.S. TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/9/2021

[Handwritten Signature]

OWNER'S SIGNATURE

[Handwritten Signature]
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 9TH DAY OF MARCH 20 21

[Handwritten Signature]
NOTARY PUBLIC

HEDWIG HELEN MLOTT
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ML4991824
Qualified in Orange County
My Commission Expires 02-10-2023

Short Environmental Assessment Form

Part 1 - Project Information

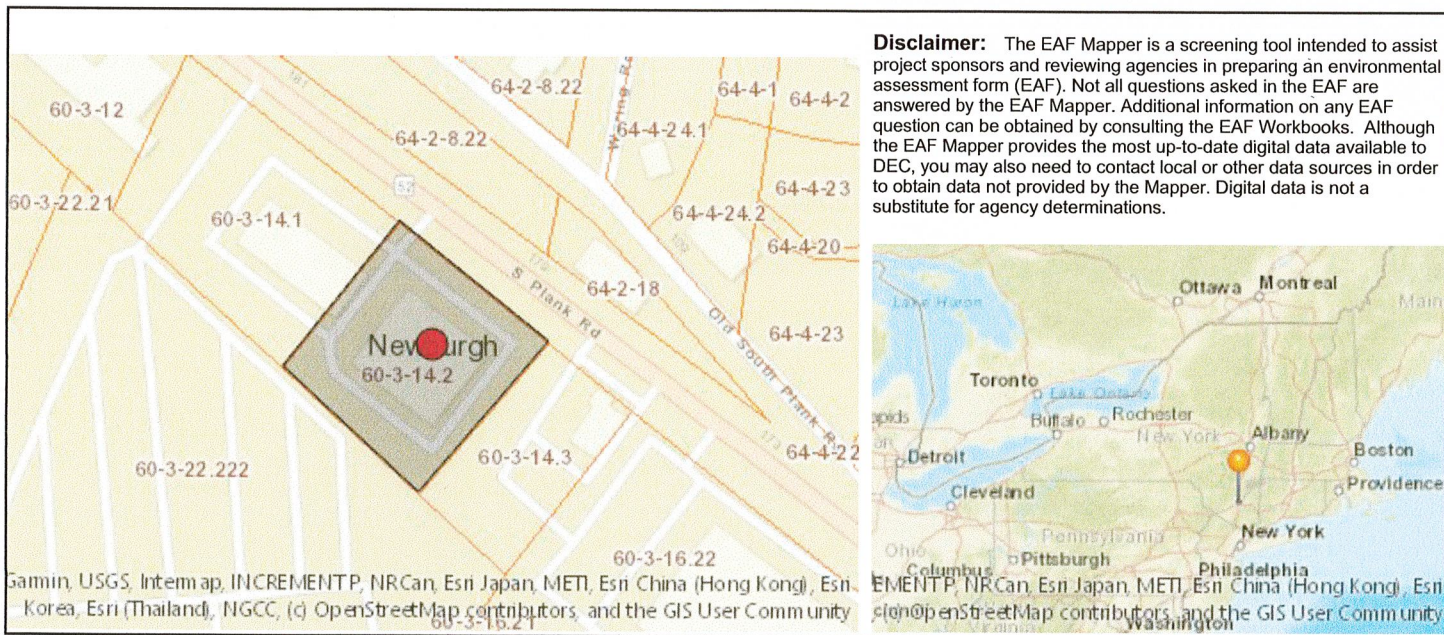
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Site Plan Radhika Real Estate, LLC			
Project Location (describe, and attach a location map): 179 South Plank Road			
Brief Description of Proposed Action: Application to Town Of Newburgh Zoning Board Of Appeals for Interpretation of Code & Appeal of Code Compliance Determination			
Name of Applicant or Sponsor: Jonathan N. Millen, L.L.S.		Telephone: 914-906-8830 E-Mail: jmillenlls@acessurveying.com	
Address: 1229 Route 300 - Suite 4			
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"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.919 acres b. Total acreage to be physically disturbed? _____ 0.0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.0 acres			YES <input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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 or State Register of Historic Places or State Eligible Sites]	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 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No



Property Description Report For: 179 S Plank Rd, Municipality of Newburgh

No Photo Available

Status:	Active	Roll Section:	Taxable
Swis:	334600	Tax Map ID #:	60-3-14.2
Property Class:	450 - Retail srvc	Site:	COM 1
In Ag. District:	No	Site Property Class:	450 - Retail srvc
Zoning Code:	-	Neighborhood Code:	40826
School District:	Newburg	Total Assessment:	2020 - \$345,500
Total Acreage/Size:	0.92	Property Desc:	Lt 2 Cfks Assoc Map 5813
Land Assessment:	2020 - \$64,600	Deed Page:	927
Full Market Value:	2020 - \$1,153,600	Grid North:	980371
Equalization Rate:	----		
Deed Book:	13858		
Grid East:	610686		

Owners

Radhika Real Estate LLC
17 S Willets Way
Newburgh NY 12550

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Add. Parcels	Deed Book and Page
12/30/2014	\$825,000	450 - Retail srvc	Land & Building	Nicole Roberts Enterprises, LLC	Yes	Yes	No	13858/927
12/29/2005	\$0	210 - 1 Family Res	Land & Building	McCutcheon, Brian M	No	No	No	12059/741
9/26/2003	\$275,000	330 - Vacant comm	Land Only	Kuprych, Michael F	Yes	Yes	No	11218/1768

Utilities

Sewer Type:	Private	Water Supply:	Comm/public
Utilities:	0		

Inventory

Overall Eff Year Built:	0	Overall Condition:	Normal
Overall Grade:	Average	Overall Desirability:	0

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Eff Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
0	0	0	0		1960		Normal	Average	11000	1

Improvements

Structure	Size	Grade	Condition	Year
-----------	------	-------	-----------	------

Special Districts for 2020

Description	Units	Percent	Type	Value
FD030-Orange lk fire	0	0%		0
LT004-Consol lt	0	0%		0
WD001-Consol wtr 1	0	0%		0
WD002-Consol wtr 2	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
------	-------------	--------	----------	----------	--------	--------	--------	-------

Taxes

Year	Description	Amount
2021	County	\$12,419.80
2020	County	\$12,155.45
2020	School	\$26,060.12

*** Taxes reflect exemptions, but may not include recent changes in assessment.**



ORANGE COUNTY – STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 13858 / 927
 INSTRUMENT #: 20150013491

Receipt#: 1897153
 Clerk: HS
 Rec Date: 03/09/2015 03:14:35 PM
 Doc Grp: D
 Descrip: DEED C
 Num Pgs: 4
 Rec'd Frm: NEW YORK TITLE RESEARCH

Party1: NICOLE ROBERTS ENTERPRISES LLC
 Party2: RADHIKA REAL ESTATE LLC
 Town: NEWBURGH (TN)

Recording:
 Recording Fee 40.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 All others - State 241.00
 RP5217 - County 9.00

Sub Total: 315.00

Transfer Tax
 Transfer Tax - State 3300.00

Sub Total: 3300.00

Total: 3615.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 4782
 Commercial Transfer Tax
 Consideration: 825000.00

Transfer Tax - State 3300.00

Total: 3300.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

NEW YORK TITLE RESEARCH
 550 MAMARONECK AVE
 SUITE 401
 HARRISON, NY 10528

S-60
B-3
C-14.2

RECORD AT THE REQUEST OF
New York Title Research
550 Mamaroneck Ave
Suite 401
Harrison NY 10528
Title No. NYT17440

Bargain and Sale Deed, with Covenant against Grantor's Acts - Individual or Corporation

DEED

THIS INDENTURE made the 30th day of December, 2014, between, NICOLE ROBERTS ENTERPRISES, LLC, having offices at 179 South Plank Road, Newburgh, NY 12550, party of the first part and RADHIKA REAL ESTATE, LLC, having offices at 17 Willets Way, Newburgh, NY 12550, party of the second part;

WITNESSETH:

That the party of the first part, in consideration of TEN (\$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 for 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, more particularly bounded and described as follows:

SEE SCHEDULE "A" DESCRIPTION ATTACHED HERETO AND MADE PART HEREOF

Subject to covenants, easements and restrictions of record.

BEING and intended to be the same premises conveyed to NICOLE ROBERTS ENTERPRISES, LLC by deed of Brian McCutcheon and Christine McCutcheon dated December 29th, 2005 and recorded in the Office of the Orange County Clerk in Liber 12059 of Deeds at page 741, and recorded on January 20th, 2006.

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 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 said premises have been encumbered in any way whatever, except as aforesaid.

60-3-14.2

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 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" wherever 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:

(witness)

NICOLE ROBERTS ENTERPRISES, LLC

By *Brian McCutcheon* Member
BRIAN McCUTCHEON, Member

STATE OF New York)
)ss.:
COUNTY OF Orange)

On the 30th day of December, 2014 before me, the undersigned, personally appeared BRIAN McCUTCHEON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Alan J. Axelrod

NOTARY PUBLIC

*Alan J. Axelrod
State of New York
Orange Co
No. 09AX4520760
Expires 11/30/19*

Notary Public for the State of New York
Orange County
Commission Expires 03/30/18

NEW YORK TITLE RESEARCH CORPORATION

as Agent for
Stewart Title Insurance Company

SCHEDULE A (Description)

AMENDED 12/22/14

Title Number: **NYT17440**

ALL that piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being more accurately described as follows:

BEGINNING at a point on the southerly boundary of NYS Route 52, said point being a distance of 118 feet more or less along a course of North 54 degrees 17 minutes 50 seconds West from the northerly corner of lands now or formerly of Newburgh Algonquin Lanes, Inc. (reputed owner);

THENCE along aforesaid boundary, North 54 degrees 17 minutes 50 seconds West, 191 feet more or less to a point;

THENCE through the lands of C.F.K.S. Associates, South 35 degrees 42 minutes 10 seconds West, 203 feet more or less to a point on the northeasterly boundary of lands now or formerly of Dormaglo Realty Corp. (reputed owner) ;

THENCE along the lands of the aforementioned Dormaglo Realty Corp. and along the lands of the aforementioned Newburgh Algonquin Lanes, South 50 degrees 07 minutes 10 seconds East, 191 feet more or less to a point;

THENCE through the lands of C.F.K.S. Associates, North 35 degrees 42 minutes 10 seconds East, 217 feet more or less to the point or place of BEGINNING.

Said premises being also described in accordance with a recent survey as follows:

ALL that piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York being more accurately described as follows:

BEGINNING at a point on the southerly boundary line of NYS Route 52 a/k/a North Plank Road, said point being a distance of 117.02 feet along a course of North 51 degrees 50 minutes 40 seconds West from the northerly corner of lands now or formerly of Algonquin Lanes, Inc.;

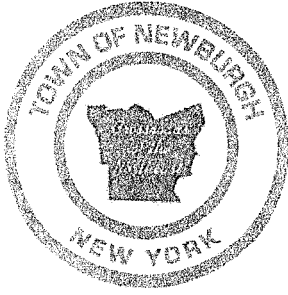
THENCE along the southerly line of NYS Route 52, North 51 degrees 50 minutes 40 seconds West, 197.49 feet to a point;

THENCE through the lands of C.F.K.S. Associates and lands now or formerly of Shyam Inc., South 38 degrees 17 minutes 57 seconds West, 195.14 feet to a point on the northeasterly boundary of lands of Dormaglo Realty Corp. and lands now or formerly of Sam Newburgh, LLC;

THENCE along said lands, South 47 degrees 31 minutes 23 seconds East, 198.02 feet to a point;

THENCE through the lands of C.F.K.S. Associates and lands now or formerly of Angelis, North 38 degrees 17 minutes 57 seconds East, 210.06 feet to the point and place of BEGINNING.

The above premises also being Lot 2 as shown on Map of "Proposed Subdivision Site Plan of lands of C.F.K.S. Associates and filed in the Orange County Clerk's Office on January 15, 1982, as Map No. 5831.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

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

2893-21

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 01/28/2021

Application No. 20-1133

To: Radhika Real Estate LLC
17 Willets Way
Newburgh, NY 12550

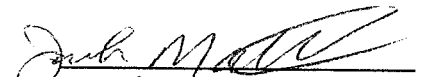
SBL: 60-3-14.2
ADDRESS: 179 S Plank Rd

ZONE: B

PLEASE TAKE NOTICE that your application dated 11/02/2020 for permit to change of use of the occupancy to manufacturing. on the premises located at 179 S Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-7-A: Compliance with regulations. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, rebuilt or enlarged except in conformity with the regulations herein specified for the district in which it is located


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION

BUILT WITH OUT A PERMIT

YES / NO

NAME: RADHIKA REAL ESTATE LLC

Application # 20-1133

ADDRESS: 17 WILLETS WAY NEWBURGH NY 12550

PROJECT INFORMATION:

AREA VARIANCE

USE VARIANCE

TYPE OF STRUCTURE:

CHANGE OF USE @ 179 S. PLANK RD

SBL: 60-3-14.2

ZONE: B

ZBA Application # 2093-21

TOWN WATER: YES / NO

TOWN SEWER: YES / NO N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
185-7-A	Compliance with regulations. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, rebuilt or enlarged except in conformity with the regulations herein specified for the district in which it is located.				

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:

MANUFACTURING

Any process whereby the nature, size or shape of articles or raw materials is changed or where articles are assembled or packaged in quantity.

REVIEWED BY: Joseph Mattina

DATE: 28-Jan-21

THIS IS NOT A BUILDING PERMIT

APPLICATION #20-1133 **179 S Plank Rd** **Town of Newburgh** **Code Compliance Department**

21 Hudson Valley Professional Plaza Newburgh, NY 12550
845-564-7801 Phone 845-564-7802 Fax

MAILED TO: A American Granite & Marble 179 S Plank Rd , Newburgh, NY 12550 - 845-563-0510
Change of occupancy

PROJECT:

SBL: 60-3-14.2

APPLICATION DATE: 11/02/2020

Review Date: 11-3-2020

1-6-2021

Residential: All smoke and co alarms shall be upgraded.

Commercial: Carbon Monoxide Detection is required. Section 915.3 2017 NY Supplement.

ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED

1. Supply a copy of the building permit or certificate of occupancy that permitted The Granite Shop to operate in this space. We last show the space as storage for Village Paint.
2. Supply a complete and detailed narrative of the business.
3. See the attached sheet (Change of occupancy requirements) detailing what information is needed to conduct a code compliant plan review; address all the applicable items and submit them for review.
4. Supply specification and details of any machinery and equipment.

Revisions:

- 1) Your application can't be approved at this time. The business which occupies this space does not have a building permit or certificate of occupancy that allows this space to be used for this purpose. The use of this space is considered a change of use according to the Town of Newburgh Municipal Code. An amended site plan will be required. You must contact John Ewasutyn @ 845-564-7804. Leave a message and your call will be returned as soon as possible.**
- 2) Please be aware; this occupancy is in violation of the Town of Newburgh Municipal Code and NYS Building Code and must be corrected immediately.**
- 3) A plan review for building code compliance will not be conducted until a signed site plan is obtained.**

Joseph Mattina

Code Compliance

THIS IS NOT A BUILDING PERMIT

APPLICATION #20-1133
179 S Plank Rd
Town of Newburgh
Code Compliance Department

21 Hudson Valley Professional Plaza Newburgh, NY 12550
845-564-7801 Phone 845-564-7802 Fax

MAILED TO: A American Granite & Marble 179 S Plank Rd , Newburgh, NY 12550 - 845-563-0510
Change of occupancy

PROJECT:

SBL: 60-3-14.2

APPLICATION DATE: 11/02/2020

Review Date: 1-28-2021

1-28-2021

Residential: All smoke and co alarms shall be upgraded.

Commercial: Carbon Monoxide Detection is required. Section 915.3 2017 NY Supplement.

ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED

Revisions:

1. As stated in the 1-6-2021 plan review, an amended site plan will be required from the Town of Newburgh Planning Board. Before a site plan can be completed, you will have to obtain a use variance from the Town of Newburgh Zoning Board of Appeals. The occupancy which is already located in this space is not a permitted use in a "B" zone.

The application you have submitted (#20-1133) will be denied and referred to the zoning board of appeals to begin the variance process.

Joseph Mattina
Code Compliance

A American Granite & Marble

To Whom it may concern:

This letter is to try to correct the understanding of the term fabrication, which is being used by the suppliers of slabs.

We are not considering ourselves a fabricator, because we are getting the slabs already prefabricated and the only work being done to that slab is cutting to size to fit it in a customer's home for a kitchen or a bathroom.

This place for example was built for a carpet retailer store with the name of BC&N Carpet One and it was issued a CO for that operation, getting big rolls of carpet and cutting it to size to satisfy the customer needs.

Another example will be Lowes and Home Depot that cuts wood, glass, wire and iron pipes and threads them, etc. and they are still considered a retailer.

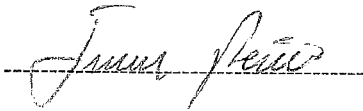
Therefore, we are asking you to treat us under the same circumstances, other words we are strictly a retailer that does minor custom cuts to fit the needs of any customer.

We are not looking to change the use of the zone, all what we are trying to do is to provide more jobs and revenue for the local economy, while still complying with all rules and regulation established for this business zone.

Reference Application #20-1133.

Any question please do not hesitate to contact me.

Thank you.

A handwritten signature in cursive script, reading "Juan Peña", is written over a horizontal dashed line.

Juan Peña



03/09/2021 13:29



03/09/2021 13:34



03/09/2021 13:28



03/09/2021 13:33

**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I MEHUL PATEL, being duly sworn, depose and say that I did on or before
March 11, 2021, post and will thereafter maintain at
179 S Plank Rd 60-3-14.2 B Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Mehul Patel

Sworn to before me this 11th
day of March, 2021.

Hedwig, Helen Mlott

HEDWIG HELEN MLOTT
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ML4991824
Qualified in Orange County
My Commission Expires 02-10-2022

AMERICAN
ALARM CO.
(845)
564-3763
855-4651

AMERICAN
GRANITE MARBLE
845-563-0510
Empire
Palms & Vines
845-670-7308
Benjamin
Moore
Village Paint
Supply



TOWN OF NEWBURGH
Office of the Town Clerk
ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
TELEPHONE 845-566-4981
FAX LINE 845-564-7802

Notices of Public Hearing

PLEASE TAKE NOTICE that due to the current COVID-19 pandemic the Zoning Board of Appeals meeting Newburgh, NY 12550 will be conducted in accordance with the applicable Executive Orders heretofore issued by New York State Governor Andrew Cuomo suspending certain provisions of the New York State Open Meetings Law. Accordingly, physical attendance by the public at the meeting will not be permitted. All Board Members and Applicants will be required to appear in person on site prior to any decisions that have been made.

PLEASE TAKE FURTHER NOTICE that the public may view the meeting live using the Zoom platform at the following link:

Topic: ZBA Meeting
Time: Mar 25, 2021 07:00 PM Eastern Time (US and Canada)
Join Zoom Meeting
<https://us02.zoom.us/j/86311841612?pwd=MTIzN1VhbnR1bU9kdz09>

Meeting ID: 863 1184 1612
Passcode: 848617

- One tap mobile
+16468769923,86311841612# *848617# US (New York)
- +13017158592,86311841612# *848617# US (Washington DC)
- Dial by your location
+1 646 876 9923 US (New York)
- +1 301 715 8592 US (Washington DC)

Meeting ID: 863 1184 1612
Passcode: 848617
Find your local number <https://us02.zoom.us/join/86311841612?pwd=MTIzN1VhbnR1bU9kdz09>

Application of Raditika Real Estate LLC for an Interpretation of the Ordinance for a new occupancy.
Location 179 S Plank Rd 60-3-14.2 B Zone

After each hearing scheduled for March 25, 2021 is opened, the public will be able to make comments through the Zoom livestream or by telephone through the Zoom teleconference option. Written comments will be accepted prior to the meeting. Such comments may be submitted by email to zoningboard@townofnewburgh.org or by regular First Class mail to Town of Newburgh ZBA 21 Hudson Valley Professional Plaza Newburgh NY 12550. Meeting materials may be viewed on the Town of Newburgh web site at <https://www.townofnewburgh.org/123/department/4728>. As permitted by Section 104 of the Public Officers Law and the Governor's Executive Orders, the ZBA Board Chairman and

individual board members may participate from remote locations. Consistent with the aforementioned Executive Orders, physical attendance at said remote locations shall not be permitted.

BY ORDER OF THE ZONING BOARD OF APPEALS TOWN OF NEWBURGH

Dated: March 11, 2021
Newburgh, New York

Maria Del
Applicant

