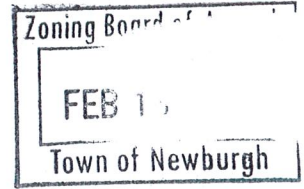


TOWN OF NEWBURGH

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: 12 FEBRUARY, 2020

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

I (WE) PARKWAY COFFEE, LLL PRESENTLY

RESIDING AT NUMBER 3 HANCOY CT SUITE 3 WAPPINGER FALLS, NY 12590

TELEPHONE NUMBER 917-647-7417

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:

SEL 76 / BLOCK 4 / LOT 3 (TAX MAP DESIGNATION)

59 N. PLANK RD. (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-13 OFF STREET PARKING.

185-17 CORNER LOT YARDS

185-ATTN-11 YARDS

185-14 SIGNS - PRESTANDING MARK BOARD.



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
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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: FEBRUARY, 2020

4. DESCRIPTION OF VARIANCE SOUGHT: TO LEGALIZE EXISTING NON CONFORMING BUILDING SETBACKS AND LOT COVERAGE REQUIREMENTS.

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



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS

OLD TOWN HALL
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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 AN EXISTING SINGLE STORY BUILDING.
NO CHANGES ARE PLANNED.

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:

NO, THE BUILDING IS EXISTING. THE REQUEST
IS TO LEGALIZE EXISTING NON-COMFORMING ITEMS.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE REQUESTED VARIANCES ARE SUBSTANTIAL, BUT
ARE EXISTING NON-COMFORMING.

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

NONE EXPECTED AS THE BUILDING & COVERAGE
ARE EXISTING.

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

THE CONDITION WAS SELF-CREATED, OUR PROPOSAL
WILL DECREASE THE AMOUNT OF LOT
COVERAGE.



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

7. ADDITIONAL REASONS (IF PERTINENT):

J.M.E. B.

PETITIONER (S) SIGNATURE

WESTCHESTER

STATE OF NEW YORK: COUNTY OF ~~ORANGE~~:

SWORN TO THIS 13 DAY OF February 2020

ROSELORE C. MARSEILLE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA6400048
Qualified in Bronx County
Commission Expires November 4, 2023

[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)

**PROXY
FOR
ZONING BOARD OF APPEALS**

NEWBURGH ACQUISITION, LLC ("Owner") by Daniel Katz, President, deposes and says that the address of the corporation is 444 South Foulton Avenue, Mt. Vernon, NY 10553, in the County of Westchester and State of New York and that the Owner owns, in fee, premises located at **59 North Plank Road, Tax Parcel I.D.# 76-4-3** which is the premises described in the foregoing application as described therein to the **Town of Newburgh Zoning Board of Appeals** and hereby authorizes **PARKWAY COFFEE, LLC** to file the application, and authorizes the individuals listed below:

**JED BONNEM
STEPHENS DUNNE
MICHAEL BERTA, AIA
JENNIFER L. VAN TUYL, ESQ./CUDDY & FEDER LLP
AKRF**

and other technical consultants retained by those individuals to represent them at meetings of said board.

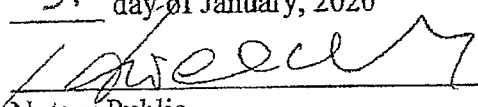
DATED: January 31, 2020

NEWBURGH ACQUISITION, LLC

By: 
Daniel Katz, President

Sworn to before me this

31 day of January, 2020


Notary Public

HUI CHEN JOU Notary Public, State of New York Registration #01J08264465 Qualified in Queens County Commission Expires July 2, 2020

Short Environmental Assessment Form

Part 1 - Project Information

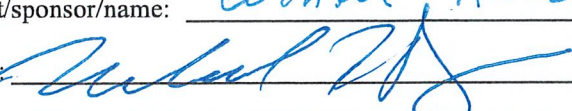
Instructions for Completing

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				
Proposed New Ready Coffee				
Name of Action or Project: 59 N. Plank Road Newburgh, New York 12550				
Project Location (describe, and attach a location map): A freestanding building located in the north west corner of the existing parking lot.				
Brief Description of Proposed Action: A freestanding takeout coffee shop. There will be a drive thru window and lane. Building will be built in an area that is already asphalt covered. Areas will be removed for grass areas and pervious paver walkway				
Name of Applicant or Sponsor: Ready Coffee, LLC		Telephone: 617.592.4640 E-Mail: stephens@readycc.com		
Address: 3 Nancy Court				
City/PO: Wappinger Falls		State: New York	Zip Code: 12590	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		5.70 acres		
b. Total acreage to be physically disturbed?		.75 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		5.70 acres		
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 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
Spray foam insulation, Insta hot water tanks, High performance glass and recover units	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?			
	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: Project will connect to existing storm water system.	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>LOTARSO ASSOCIATES, L.P.</u> Date: <u>2-13-2020</u> Signature: <u></u> Title: <u>ASSOCIATE - LSA</u>		



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: 14132 / 1903
 INSTRUMENT #: 20160072726
 Receipt#: 2222375
 Clerk: CH
 Rec Date: 11/04/2016 01:30:46 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: BENCHMARK TITLE AGENCY LLC

Party1: PI BLAST LLC
 Party2: NEWBURGH ACQUISITION LLC
 Town: NEWBURGH (TN)
 76-4-3

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 17600.00
 Sub Total: 17600.00

Total: 17915.00
 **** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 2977
 Commercial Transfer Tax
 Consideration: 4400000.00
 Transfer Tax - State 17600.00
 Total: 17600.00

Payment Type: Check
 Cash
 Charge
 No Fee

Comment: _____

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
 I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
 SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
 HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
 THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
 ON NOVEMBER 04, 2016 AND THE SAME IS A CORRECT
 TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
 HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

JANUARY 23, 2020 *Ann G. Rabbitt*

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
 ORANGE COUNTY

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

PECKAR & ABRAMSON
 70 GRAND AVE
 RIVER EDGE NJ 07661

BTA 74356
Sec 76
B1 4
Lot 3
770 Newburgh

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 27th day of October, in the year 2016

BETWEEN

PI BLAST LLC, a New York Limited Liability Company, with a mailing address of 10 Mount Misery Road, Huntington, New York 11743

party of the first part, and

NEWBURGH ACQUISITION LLC, a New York limited liability company, with a mailing address of 444 South Fulton Avenue, Second Floor, Mt. Vernon, New York 10553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) dollars and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, commonly known as 59 North Plank Road, Newburgh, New York, designated as Section 76, Block 4, Lot 3 on the official Tax Map of the Town of Newburgh, County of Orange and the State of New York as more particularly described on Schedule A annexed hereto and made a part hereof.

Being the same premises conveyed to the party of the first part by Deed by Jefry Rosmarin and Evan Glass, as trustee of the Jefry Rosmarin family trust dated January 11, 2005 and recorded on February 28, 2005 in the office of the Orange County Clerk in Liber 11762, Page 794.

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.

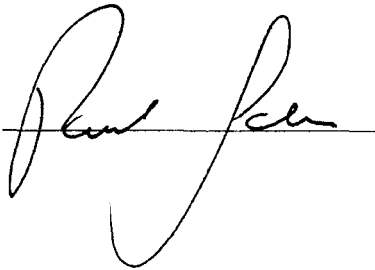
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

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.

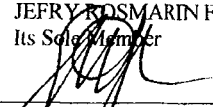
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written

IN PRESENCE OF:

PI BLAST LLC,
a New York limited liability company



By JEFY ROSMARIN FAMILY TRUST
Its Sole Member

By: 
Name: Evan Glass
Title: Trustee

76-4-3

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of NASSAU, ss:

On the 31 day of October in the year 2016, before me, the undersigned, personally appeared Evan Glass 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

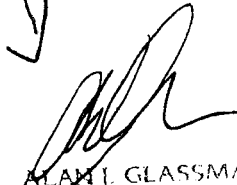
ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of NASSAU, ss:
On the 31 day of October, in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared PAUL SCHWIM, the subscribing witness 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 described in and who executed the foregoing instrument, that said subscribing witness was present and saw said

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


ALAN J. GLASSMAN
Notary Public, State of New York
No. 31-4968080
Qualified in Nassau County
Commission Expires June 11, 2017

Bargain and Sale Deed With Covenants Against Grantors Acts

SECTION: 76
~~SECTION~~ BLOCK/LOT: 4/3
COUNTY: Orange
STREET ADDRESS: 59 North Plank Road

Title No. BTA-74356

PI BLAST, LLC
TO
NEWBURGH ACQUISITION LLC

RETURN BY MAIL TO:

Craig D. Spector, Esq.
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, New Jersey 07661

SCHEDULE A

AMENDED 8/1/16

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

BEGINNING at a point in the southwesterly line of North Plank Road (N.Y.S Highway 32), said point being on the division line between lands herein described and lands now or formerly of TGS Associates Inc.:

RUNNING THENCE along the southwesterly line of North Plank Road, the following courses and distances:

North 42 degrees 18 minutes West 344.36 feet;

North 41 degrees 19 minutes West 130 feet;

North 39 degrees 02 minutes West 132.7 feet to the center line of the Gardnertown Road;

THENCE along the center line of Gardnertown Road South 63 degrees 38 minutes West 218.17 feet to the northeast corner of lands now or formerly of Brown;

THENCE along the northeasterly line of lands now or formerly of Brown, South 42 degrees 18 minutes East 166.72 feet to the northeasterly corner of lands of said Brown;

THENCE along the southeasterly line of lands of Brown and lands now or formerly of O'Brien South 47 degrees 42 minutes West 200 feet to the northeasterly line of Grimm Road;

THENCE along the northeasterly line of Grimm Road South 42 degrees 18 minutes East 600 feet to the southwesterly corner of lands heretofore conveyed to Charles Freer;

THENCE along the northwesterly line of lands of said Freer, North 47 degrees 42 minutes East 200 feet to the southwesterly line of land now or formerly of TGS Associates, Inc.:

THENCE along said land last mentioned line North 42 degrees 18 minutes West 100 feet to the westerly line of said last mentioned premises:

THENCE along same North 47 degrees 42 minutes East 200 feet to the point or place of BEGINNING.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

February 12, 2020

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

2827-20.

Re: Ready Coffee; Planning Board Project No. 19-26
Our File No.: 800-7009920

Dear Chairman Scalzo and Board Members:

At the Planning Board's February 6, 2020, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following variances that are required for this project:

1. Grimm Road - Minimum Front Yard: 7 feet is provided, and 60 feet required.
2. Grimm Road - Minimum Side Yard: 9 feet is provided, and 15 feet required.
3. Maximum impervious surface coverage: 234,427 is proposed, and 211,409 square feet is permitted.
4. Parking spaces: 274 spaces will result upon the re-striping of the parking lot, and 301 spaces are required.
5. Signage: the applicant may require variances for signage, depending on the total sign area allowed and proposed; the signage plan and proposed new signage will be reviewed by the Town's Code Enforcement Officer.

Thank you for your consideration of this matter.

Very truly yours,


DOMINIC CORDISCO

DRC/lo/830097

cc: David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer

Lothrop

Lothrop Associates LLP Architects

333 Westchester Avenue

White Plains, New York 10604

914-741-1115



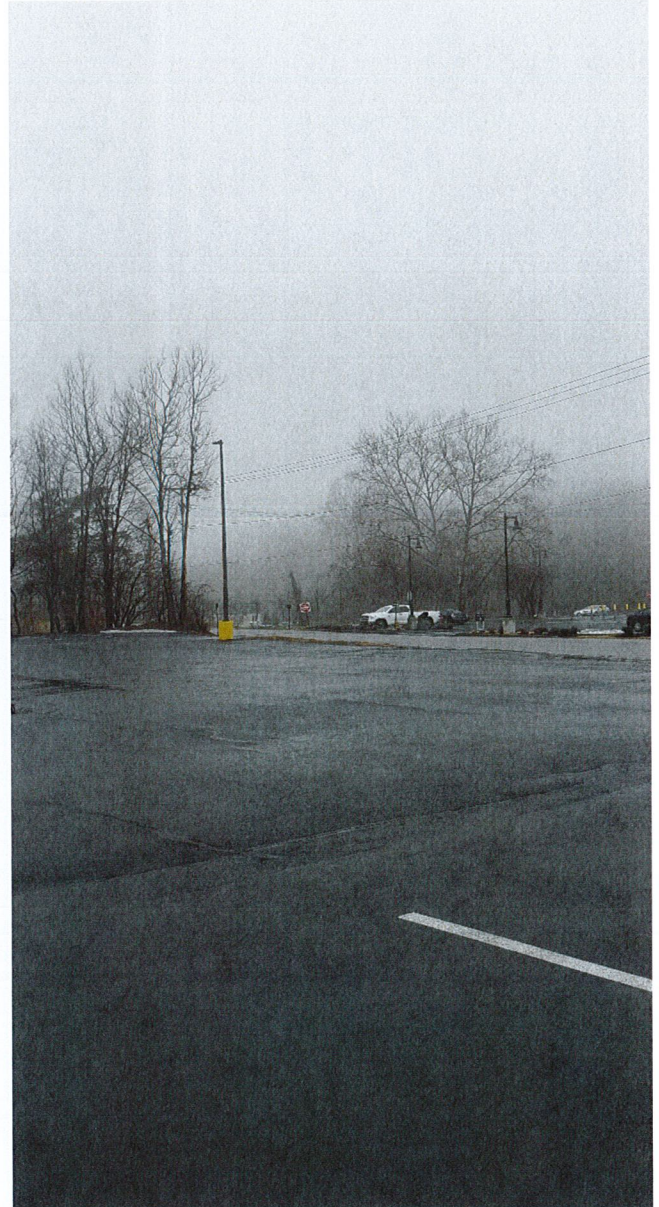
View from intersection of NYS Rt 32 & Gardnertown Road



View of proposed site from Gardnertown road



View of proposed site from Grimm Road



View of proposed site from NYS Rt 32

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Joseph "Jed" Bonnem, being duly sworn, depose and say that I did on or before

February 13, 2020, post and will thereafter maintain at

North Plank Rd 76-4-3 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.

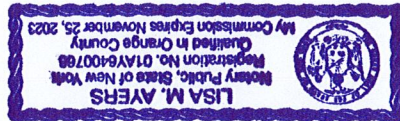
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

Jed Bonnem

Sworn to before me this 13


day of February, 2020.

[Signature]
Notary Public



[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]



 Jed Bonnem

