



AMENDED APPLICATION TO THE ZONING BOARD OF APPEALS

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: January 19, 2017

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

I (WE) THE TOWN OF NEWBURGH CODE COMPLIANCE PRESENTLY  
DEPARTMENT, AN AGENCY OF THE TOWN  
RESIDING AT NUMBER \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

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

- \_\_\_\_\_ A USE VARIANCE
- \_\_\_\_\_ AN AREA VARIANCE
- X   INTERPRETATION OF THE ORDINANCE & A CERTAIN  
DECISION & RESOLUTION MADE THERE UNDER  
SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

3-1-21.61 & 3-1-21.31 (TAX MAP DESIGNATION)

2102 RT 300 WALLKILL, NY 12589 (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-54 (B)

ZBA DECISION & RESOLUTION DATED MARCH 11, 1982



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: \_\_\_\_\_

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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

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

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:

---

---

---



# 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):

SEE ATTACHED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten Signature]*  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25 DAY OF JANUARY 2017

*[Handwritten Signature]*  
NOTARY PUBLIC

ANDREW J. ZARUTSKIE  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 2017

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

Code Compliance Request for Interpretation  
of the Meaning of the Conditions and Requirements of  
ZBA's March 11, 1982 Decision and Resolution made  
pursuant to Zoning Code Section, now denominated as, 185-54

Insert for Item No. "7"

The Code Compliance Department (the "Department") seeks an interpretation of the Board's March 11, 1982 Decision and Resolution (the "Decision"), which, in turn, granted a use variance pursuant to Town Code section 185-54(B) ("Powers and duties. Variances") regarding the subject parcel, 3-1-21.61 & 3-1-21.31, located at 300 Robles Lane in the Town (the "Premises"). According to the Decision, Applicant William C. Conklin sought "a use variance to permit the operation of a fuel tank lining business" from the Premises. Decision, at page 1. The Decision granted such a variance and directed the Building Inspector to issue Mr. Conklin a permit for several in ground fuel storage tanks, a pole building, both stockade and chain-link fence enclosures and the "business use of the accessory building". See Decision at unnumbered and handwritten page 5.

The findings and the conditions set forth in the Decision do not define or describe the nature of Mr. Conklin's fuel tank lining business. Neither do such findings and conditions establish any parameters for the permitted uses of the accessory building related to the fuel tank lining business. The Decision does not list or describe the uses and/or activities which may be conducted on the Premises. As such, it is not possible for the Department to assess whether the uses and/or activities, which several Town residents assert are occurring on the Premises, fall within the Board's intended scope of the use variance granted in the Decision and are permitted.

In light of the above, the Department seeks an interpretation regarding whether the following on-site uses and/or activities would fall within, and be permitted under, the use variance granted in the Decision:

1. The use of the Premises for and in support of the following off-site services:
  - a. Underground and aboveground fuel storage tank reconditioning, including lining;
  - b. Underground and aboveground fuel storage tank testing;
  - c. Underground and aboveground fuel storage tank excavation;
  - d. Underground and aboveground storage tank compliance; and
  - e. Hydro-excavation business.
2. Outdoor storage of heavy equipment, including ploughs, land-grading equipment, etc.;
3. Depositing on the surface of the Premises a slurry consisting of soil and related materials that have been liquefied using highly-pressurized water injected into the ground and

simultaneously extracted by a powerful combined vacuum and storage device (known as a "Hydrovac", which was constructed by Presvac Systems of Burlington, Ontario);

4. Operation of the Hydrovac device on the Premises for the depositing of the soil slurry onto the surface of the Premises, with resultant mechanical and operational noise;
5. Outdoor parking of pickup truck(s) operated by a business;
6. Outdoor parking of semi-truck(s) and trailer(s) operated by a business;
7. Outdoor parking of a 2004 Freightliner truck(s) on which is mounted a Hydrovac device;
8. Outdoor presence on the surface of the Premises of storage containers, shipping containers and like mobile/portable enclosures designed for storing items and materials; and
9. Outdoor work activities conducted by the employees and agents of the businesses in furtherance of the uses identified in "1" above.

The Department notes that this request for an interpretation is not intended to encompass any alleged violations of New York State law or of the Town Code which may currently exist on the Premises. Rather, the purpose of this request is limited to obtaining an interpretation of the Decision regarding whether the above enumerated uses and/or activities would fall within, and be permitted under, the use variance granted in the Decision. The Department has received complaints from residents alleging that said uses and/or activities are occurring on-site. However, the Department has made no determination whether said uses and/or activities are actually taking place nor has the Department commenced any proceeding to make such a determination. The Department requires the requested interpretation in order to decide whether the alleged uses and/or activities are permitted and, if not, whether an enforcement action is appropriate, necessary or required.

Not Applicable

Zoning Code Interpretations are Type II Actions under Municipal Code Section 100-12 (A)(1)

*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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
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	YES
		<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 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, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 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 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 service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input 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 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 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 type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input 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 type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
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 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 type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input 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? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	



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   <input type="checkbox"/>	YES   <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   <input type="checkbox"/>	YES   <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   <input type="checkbox"/>	YES   <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form*  
*Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

***Short Environmental Assessment Form  
Part 3 Determination of Significance***

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)

TOWN OF ORANGE  
PLANNING BOARD OF APPEALS

In the Application of  
WILLIAM C. GORTON,

SECTION AND  
RESOLUTION,

The application of WILLIAM C. GORTON seeks a use  
variance to permit the operation of a full tank laundry  
business from premises located off Route 200 at Naples Lane,  
on 200 Lane in the Town of Newburgh.

The applicant having submitted his application with  
short environmental assessment form attached, paid the required  
fee, provided a true copy of the property description, sub-  
mitted a plot plan and list of property owners within three  
hundred (300) feet, the matter was noticed for public hearing  
and notice thereof was mailed by the applicant to said owners  
and was caused to be published by the Chairman of the Board  
and forwarded to the Orange County Planning Department for its  
review, and the hearing being conducted the Board thereupon  
entered into executive session and by motion duly made, recessed  
and passed adjourned consideration the application for the pur-  
pose of obtaining additional information, data and clarification,  
the application was then rescheduled for the next regular meeting

of the Board and the Chairman gave notice of the continuation of the hearing to the applicant's agents entitled to such notice and to such persons as had appeared at the initial hearing, and the adjourned hearing being conducted the Board thereupon entered into executive session and does find as follows:

1. That the procedural requirements of the law of the State of New York, the Hearing Ordinance of the Town of Northburgh, and the regulations of this Board have been complied with in all respects.

2. The applicant is the owner of a 4.055 acre parcel and is the purchaser under contract for adjacent lands being an additional 3.4 acres. The parcel is presently improved by the applicant's residence and pool, a structure being approximately 120 feet by 20 feet and being utilized as garage, office and shop, two underground storage tanks, and parking for a variety of motor vehicles. At the time of this application the applicant is in violation of the Ordinance and this Board will not consider any self-imposed hardship that fact may lay upon.

3. The applicant seeks a use variance to permit the operation of applicant's fuel tank filling business from subject parcel, which also contains applicant's residence. Though the actual refueling of fuel storage tanks is not done on the premises, all equipment and supplies required for such a service, are kept on stored upon the premises.

4. The applicant seeks specific remedies for (1) an underground fuel storage tank of 6000 gal. capacity for diesel fuel, (2) an underground fuel storage tank of 2000 gal. capacity for unleaded gasoline, (3) an underground storage tank of 500 gal. capacity for fuel storage of gasoline, (4) a 20 foot by 20 foot pile foundation, (5) a 20 foot by 20 foot concrete pad for the storage of empty barrels and (6) a chain link enclosure fence located along the entrance way of Route 300.

5. That by mail received of 1991, applicant's business was conducted from the Mrs. S. Conklin property on Stewart Avenue in the town of Rockburgh. That property was insufficient for the operation of both businesses and applicant moved his operation to the present location, subject parcel. Any liability that may be incurred by the applicant as a result of his present operation and changes will not be considered by this court as the same is deemed to be void, illegal and unenforced.

6. The subject parcel, being the subject in state to the applicant plus the additional parcels subject to conditions of sale, are particularly the subject of a subdivision for residential development. The testimony presented to the Board, however, indicates that the land is not suited for residential use by reason of the very low ground and underground springs and that, though on the market for many years, it has not been marketable for residential use, though the one owner stated that he has had four offers that would involve various commercial uses. This

William C. Conklin, as follows:

1. an in ground fuel storage tank of 6000 gal. capacity for diesel fuel,
2. an in ground fuel storage tank of 3000 gal. capacity for unleaded gasoline
3. an in ground storage tank of 550 gal. capacity for acetone
4. a 50 foot by 60 foot pole building
5. a 25 foot by 25 foot stockade enclosure
6. a chain link fence enclosure
7. business use of the accessory building.

Subject however, to the following terms and conditions

1. the fuel storage tanks shall be located as shown on the accompanying site plan
2. the acetone storage tank shall be located no nearer than 50 feet from any property line and no nearer than 10 feet from any structure and such location shall be subject to the approval of the Fire Inspector of the Town of Newburgh.
3. the pole building shall be located as shown on the accompanying site plan, the size of which may be increased if needed by the applicant.
4. the stockade enclosure shall not be

150 feet set back from any property line and at no time shall the storage of empty drums exceed twenty (20) such drums.

5. the chain link fence shall be located and constructed in accord with the provisions of the Zoning Ordinance.

6. that along the northerly line of subject parcel, beginning at a point adjacent to the accessory building and continuing to a point 200 feet along the westerly line, applicant shall provide a green belt buffer covering a depth of twenty five (25') feet from each said line planted with a screen of evergreens having a uniform height of not less than five (5') feet above ground level at the time of planting and set in a double staggered row spaced eight (8') feet apart on each row, said screening to be properly and effectively maintained.

Dated: Newburgh, New York  
March, 1982

RLH, Chairman



found in relation to the evidence presented that the subject  
person, as described herein, should be arrested for  
moral turpitude.

8. That at both of the above named places of work  
the subject was employed for a period of six months  
by the application of the following facts as stated in  
the following:

a. That the subject was a man of the name of  
James E. [Name] who was employed by the  
[Company] at the [Location] for a period of six  
months. The subject was found to be a man of  
moral turpitude and was therefore discharged  
from the [Company] at the [Location].

9. That the subject was a man of the name of  
[Name] who was employed by the [Company] at the  
[Location] for a period of six months. The subject  
was found to be a man of moral turpitude and  
was therefore discharged from the [Company] at  
the [Location]. The subject was found to be  
a man of moral turpitude and was therefore  
discharged from the [Company] at the [Location].

That at the above named places of work the  
subject was employed for a period of six months  
by the application of the following facts as stated  
in the following:

10. That the subject was a man of the name of  
[Name] who was employed by the [Company] at the  
[Location] for a period of six months. The subject  
was found to be a man of moral turpitude and  
was therefore discharged from the [Company] at  
the [Location].

five feet above ground level at the time of planting and set in a double staggered row spaced eight feet apart on each row, said screening to be properly and effectively maintained.

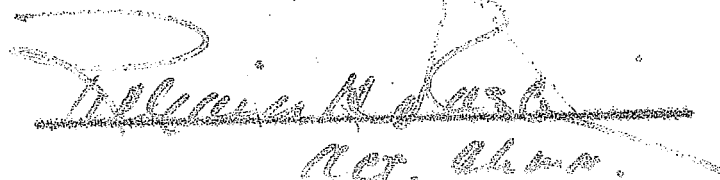
WASB: Hawthorn, New York  
March 11, 1942.

William H. ...  
Act. Chm.

VOTING APPLICATION OF WILLIAM S. CURRIE

ROBERT BIRNIE	YOTE	AYE
DAVE L. BOLT	YOTE	AYE
DOUGLAS CREEE	YOTE	AYE
JOHN P. DELANEIO	YOTE	AYE
JAMES A. HARVIE	YOTE	AYE

DATED: March / 1941.  
Huntington, New York

  
~~William S. Currie~~  
Per. W.S.C.

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

---

OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

COPY OF DECISION AND RESOLUTION ARE ON FILE AT THE CODE COMPLIANCE DEPARTMENT.

TOWN CLERK ADVISED NO ZONING BOARD OF APPEALS DECISION ARE ON FILE FOR THIS PERIOD.

# TOWN OF NEWBURGH

*Crossroads of the Northeast*

---

OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

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

January 19, 2017

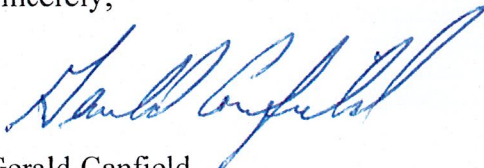
2102 Partners, LLC  
P.O. Box 7146  
Newburgh, New York 12550

Re: Section 3 Block 1 Lot 21.31  
&  
Section 3 Block 1 Lot 21.61

Please take notice that the Town of Newburgh Code Compliance Department has submitted the enclosed application to the Town of Newburgh Zoning Board of Appeals for an interpretation with regard to the use of the above referenced property. You appear on the tax rolls as the record owner of the property.

Upon acceptance of this application, the Zoning Board of Appeals will provide notice of a public hearing on the application at which you and members of the public will be provided the opportunity to be heard.

Sincerely,



Gerald Canfield  
Code Compliance Supervisor

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

WILLIAM C. CONKLIN

TO

2102 PARTNERS LLC

SECTION 3 BLOCK 1 LOT 21.31 + 21.61

RECORD AND RETURN TO: (name and address)

JONATHAN E. KOSCHEI, ESQ, 81 BONA VENTURE AVE WALLKILL, NY 12589



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

Table with columns for property location (e.g., BLOOMING GROVE (TN), WASHINGTONVILLE (VLG)), county (e.g., MONTGOMERY (TN), MAYBROOK (VLG)), and recording details (e.g., NO PAGES, CROSS REF., PAYMENT TYPE).

Signature of Donna L. Benson, ORANGE COUNTY CLERK

RECEIVED FROM: [Signature]

RECORDED/FILED 09/29/2005/ 09:54:17 DONNA L. BENSON County Clerk ORANGE COUNTY, NY

FILE # 20050103002 DEED C / BK 11954 PG 0472 RECORDING FEES 213.00 ITX# 002027 T TAX 1,560.00 Receipt#479088 joanned



**Bargain and Sale Deed**  
**With Covenant Against Grantor's Acts**

HN 35759

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

THIS INDENTURE, made the 19<sup>th</sup> day of September in the year 2005

**BETWEEN**

WILLIAM C. CONKLIN  
10014 169th Road  
Live Oak, FL 32060

party of the first part, and

2102 PARTNERS LLC  
PO Box 7146  
Newburgh, NY 12550

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

TEN 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, and State of  
New York, being more particularly described on Schedule A.

BEING AND INTENDED TO BE the same premises conveyed by the following deeds from William C. Conklin:

1. Deed dated 11/6/1980, recorded 11/10/1980 in Liber 2179 cp 298.
2. Deed dated 5/12/1982, recorded 5/14/1982 in Liber 2222 cp 151.
3. Deed dated 5/12/1982, recorded 5/14/1982 in Liber 2222 cp 154.

**HILL-N-DALE ABSTRACTERS, INC.**  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581

**TOGETHER** with all rights, 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 of successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it reads "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:**

  
WILLIAM C. CONKLIN



## Schedule A Description

Title Number **HN 35759 - A**

Page 1

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 being shown and designated as Lots 1 & 2 on map "Subdivision, Lands of Conklin" dated 2/14/89, last revised 11/1/89 and filed in the Orange County Clerk's Office as Map #9809.

Excepting so much of said lands as are shown as "Parcel A to become part of lot 2" on said map 9809.

Acknowledgment for Use Outside of New York State

STATE OF FLORIDA }  
COUNTY OF SUWANNE }

ss.:

On the 19<sup>th</sup> day of September, in the year 2005, before me, the undersigned, personally appeared

WILLIAM C. CONKLIN

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), 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(s) made such appearance before the undersigned in the

Live Oak, Florida

*(insert the city or other political subdivision and the state the acknowledgment was taken)*

Kathleen H. Townsend

Notary Public

Commission expires:



**ACKNOWLEDGMENT**

**STATE OF NEW YORK  
COUNTY OF**

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_  
before me, the undersigned, a Notary Public in and  
for said State, personally appeared

personally known to me or proved to me on the  
basis of satisfactory evidence to be the individual(s)  
whose name(s) is (are) subscribed to the within  
instrument and acknowledged to me that he/she/they  
executed the same in his/her/their capacity(ies),  
and that by his/her/their signature(s) on the  
instrument, the individual(s) or the person upon  
behalf of which the individual(s) so acted, executed  
the instrument.

\_\_\_\_\_  
Notary Public

**STATE OF NEW YORK  
COUNTY OF**

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_,  
before me, the undersigned, a Notary Public in and  
for said State, personally appeared

personally known to me or proved to me on the  
basis of satisfactory evidence to be the individual(s)  
whose name(s) is (are) subscribed to the within  
instrument and acknowledged to me that he/she/they  
executed the same in his/her/their capacity(ies),  
and that by his/her/their signature(s) on the  
instrument, the individual(s) or the person upon  
behalf of which the individual(s) so acted, executed  
the instrument.

\_\_\_\_\_  
Notary Public

**Bargain and Sale Deed  
With Covenant Against Grantor's Acts**

\_\_\_\_\_  
William C. Conklin

**TO**

2102 Partners LLC  
\_\_\_\_\_

SECTION: 3  
BLOCK: 1  
LOT: 21.31 and 21.61  
COUNTY OR TOWN: T/O Newburgh

STREET ADDRESS:  
2102 NYS Route 300  
Wallkill NY 12589

RETURN BY MAIL TO:

Jonathan E. Koschei  
PO Box R  
81 Bona Venture Avenue  
Wallkill, NY 12589

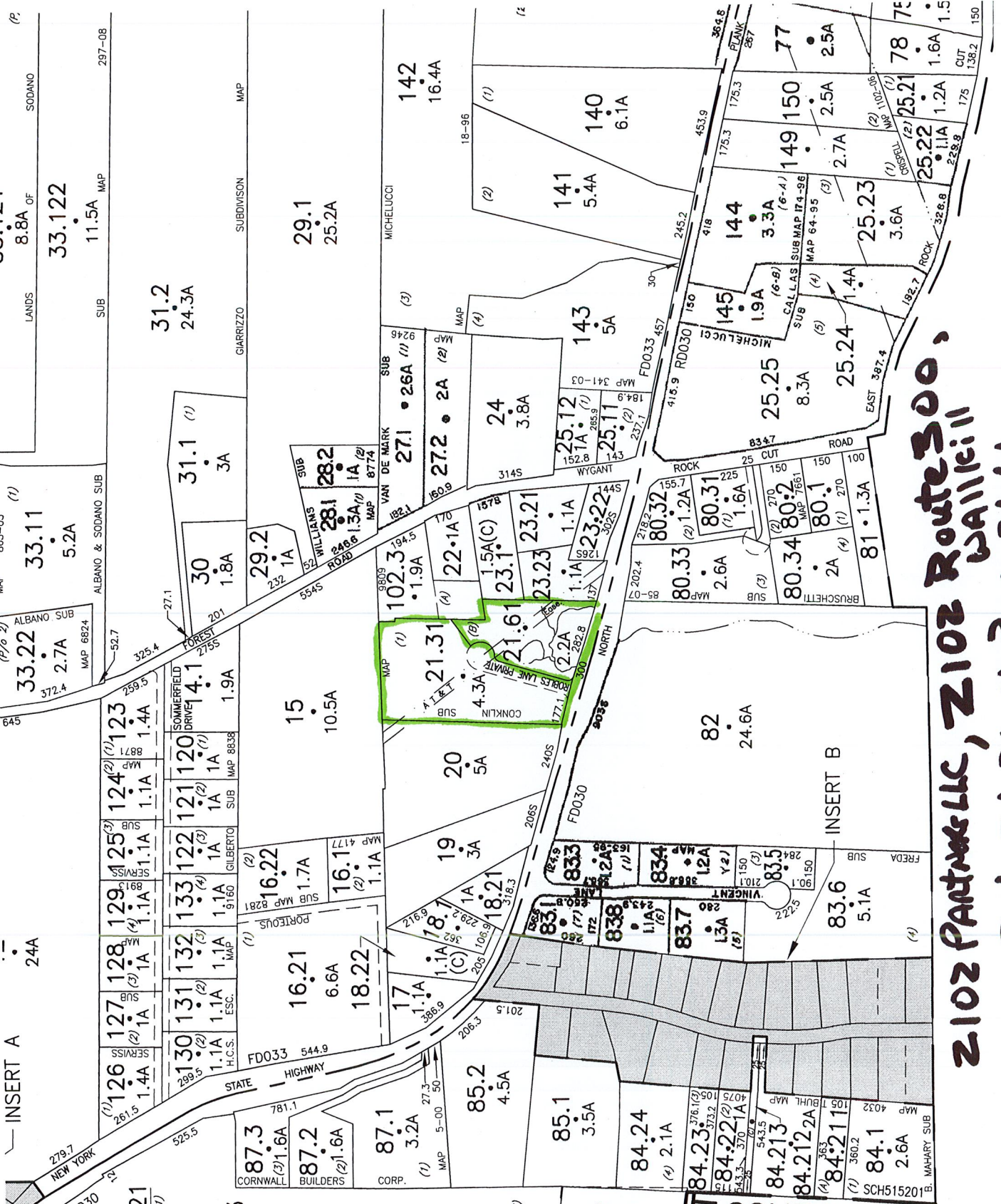
**ULSTER**

**COUNTY**

**TOWN OF**

**MONTGOMERY**

**2102 PARTNERS LLC, 2102 ROUTE 300, BALLVILLE 3-1-21.31 + 3-1-21.61**



MAP 6824  
ALBANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

LANDS OF  
8.8A  
33.122  
11.5A  
297-08

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

ALBANO & SODANO SUB  
MAP 6824  
2.7A  
5.2A  
33.11  
33.22

GIARRIZZO

2: 25

29.2  
1A  
232

WILLIAMS  
28.1  
1.3A (1)  
246.6  
MAP  
8774

15  
10.5A

102.3  
1.9A  
182.1

27.1  
26A (1)  
9246

MIC

VAN DE MARK  
SUB

(3)

21.31  
4.3A  
CONKLIN  
SUB

20  
5A

22.1A  
170

27.2  
2A (2)  
160.9  
MAP  
(4)

1.5A(C)  
23.1  
157.8

24  
3.8A  
314S

21.61  
2.2A  
282.8  
ROBLES LANE PRIVATE  
EASE

240S

23.21  
23.23  
1.1A  
1.1A  
126S

25.12  
1A (1)  
152.8  
265.9  
MAP 341-03

143  
5A

23.22  
144S  
302S

25.11  
(2)  
143  
237.1

WYGANT

MAP 341-03

FD030

303S  
NORTH

80.33  
2.6A  
202.4  
MAP 85-07

82  
24.6A

80.32  
1.2A  
218.2  
155.7

FD033  
457

ROCK

RD030

80.31  
1.6A  
225

415.9

150

80.2  
1.1A  
270  
MAP 7661

25.25  
8.3A

145  
1.9A  
14

80.34  
2.6A  
270  
MAP 7661

3.

3.

CALLAS  
SUB  
MAP 64

14

14