

# 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: 06/30/2019

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

I (WE) 349 S. PLANK ROAD, L.L.C., c/o MICHAEL ZAPPONE PRESENTLY  
RESIDING AT NUMBER 6819 TURNBERRY ISLE CT., LAKEWOOD RANCH, FLORIDA 34202  
TELEPHONE NUMBER 845-591-8260 MZ@ALLTRANS.NET

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

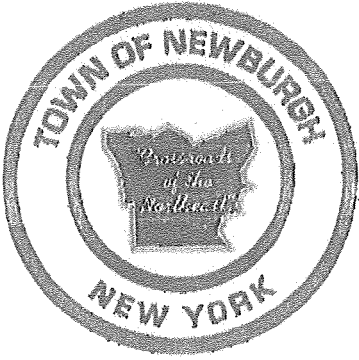
- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

S/B/L: 47-1-80.1 (TAX MAP DESIGNATION)  
349 SOUTH PLANK ROAD (STREET ADDRESS)  
B DISTRICT (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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 ATTACHMENT 11, B DISTRICT SCHEDULE 7



# 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: MAY 21, 2019
- 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: AREA VARIANCES FOR DEFICIENT ONE SIDE YARD AND REAR YARD SETBACKS.

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:

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

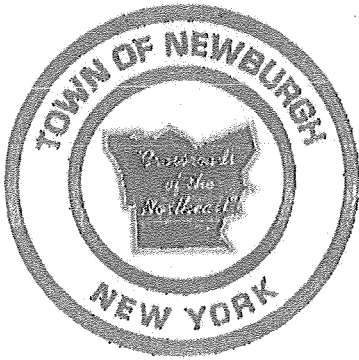
**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

- 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:

GRANTING OF THE AREA VARIANCES WILL ALLOW FOR REDEVELOPMENT OF A FORMERLY VACANT PROPERTY IN A DESIRABLE WAY INCLUDING BUILDING UPDATE, PARKING LOT IMPROVEMENTS, AND LANDSCAPED FRONTAGE.

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:

THE EXISTING BUILDING IS CURRENTLY OVER THE SIDE YARD SETBACK LINE AND THE CREATING A THE COVERED PARING AREA WHICH THEY DESIRE ON A DIFFERENT PORTION OF THE PROPERTY WOULD REQUIRE SIMILAR AREA VARIANCES.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: THE BUILDING IS EXISTING AND THE PROPOSED COVERED PARKING STRUCTURE WILL NOT BE VISIBLE FROM THE ROAD AND/OR ADJOINING PROPERTIES.

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

THE SIDE YARD AREA VARIANCE REQUIRED FOR THE EXISTING BUILDING IS AN EXISTING CONDITION, AND THE REQUIRED AREA VARIANCES FOR THE PROPOSED COVERED PARKING STRUCTURE WILL ALLOW THE STRUCTURE TO BE BUILT IN A SUCH A MANNER THAT IT IS NOT VISIBLE FROM THE ROAD.

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

THE BUILDING IS EXISTING AND SIDE YARD SETBACK IS REQUIRED UNLESS PORTION OF THIS EXISTING BUILDING IS REMOVED.

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



# TOWN OF NEWBURGH

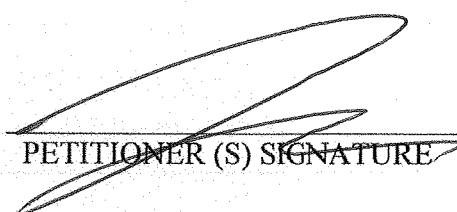
*Crossroads of the Northeast*

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):

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

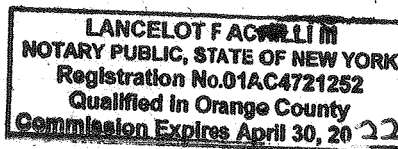
  
\_\_\_\_\_

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF June 20 19

  
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

MICHAEL ZAPPONE, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 6819 TURNBERRY ISLE CT., LAKEWOOD RANCH, FLORIDA 34202  
IN THE COUNTY OF MANATEE AND STATE OF FLORIDA  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_  
349 SOUTH PLANK ROAD, NEWBURGH, NEW YORK 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA, P.E.  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 6/10/19

OWNER'S SIGNATURE

\_\_\_\_\_  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF June 2019

NOTARY PUBLIC

LANCELOT F. ACKILL, III  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01AC4721252  
Qualified in Orange County  
Commission Expires April 30, 2022

# 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>				
349 S. PLANK ROAD, L.L.C., c/o MICHAEL ZAPPONE, PRESIDENT				
Name of Action or Project: PROPOSED COMMERCIAL SITE PLAN FOR ALL TRANSPORTATION NETWORK				
Project Location (describe, and attach a location map): 349 SOUTH PLANK ROAD (NEW YORK STATE ROUTE 52) (S/B/L: 47-1-80.1), TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK				
Brief Description of Proposed Action: REDEVELOPMENT OF COMMERCIAL SITE THAT CURRENTLY CONTAINS AN EXISTING ONE STORY 1,900 S.F. BUILDING. THE PROPOSED PROJECT CONSISTS OF RECONSTRUCTING THE EXISTING PARKING LOT, LANDSCAPING THE PROPERTY, AND CONSTRUCTING A NEW ROOF ATTACHED TO THE REAR OF THE BUILDING THAT WOULD CREATE A NEW COVERED PARKING AREA. THE PROPOSED DEVELOPMENT WILL DISTURB LESS THAN 0.4 ACRES OF PROPERTY AND ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES WILL BE IMPLEMENTED DURING CONSTRUCTION.				
Name of Applicant or Sponsor: 349 S. PLANK ROAD, L.L.C., c/o MICHAEL ZAPPONE, PRESIDENT		Telephone: 845-591-8260		
		E-Mail: mz@alltrans.net		
Address: 349 SOUTH PLANK ROAD				
City/PO: NEWBURGH		State: NEW YORK	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"/>	YES <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: APPROVALS REQUIRED FROM COUNTY PLANNING, TOWN PLANNING BOARD, TOWN ZONING BOARD OF APPEALS, AND TOWN CODE COMPLIANCE			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			0.48 acres	0.35 acres
			0.48 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 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				

	NO	YES	N/A
5. Is the proposed action,			
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 checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input 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: _____ _____	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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:

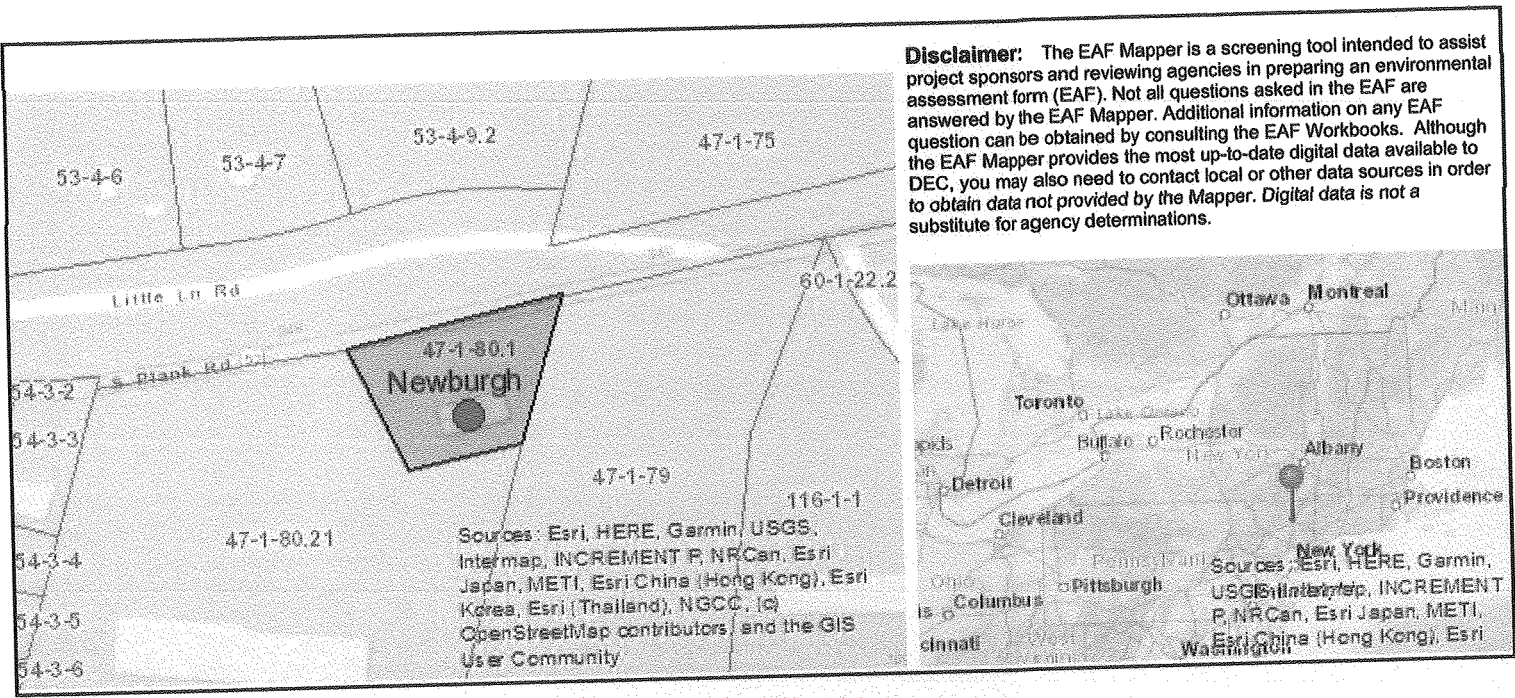
Shoreline    Forest    Agricultural/grasslands    Early mid-successional  
 Wetland    Urban    Suburban

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? Indiana Bat	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <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: STORM WATER DISCHARGES IN EXISTING AND PROPOSED CONDITIONS FLOWS TOWARD AN EXISTING SERIES OF STORM WATER CATCH BASINS AND PIPES ON THE SOUTH SIDE OF NEW YORK STATE ROUTE 52 ALONG THE PROPERTIES FRONTAGE.	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <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 <input checked="" 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 checked="" 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: JONATHAN CELLA, P.E. Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Title: PROFESSIONAL ENGINEER





**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]	Yes
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]	No
Part 1 / Question 20 [Remediation Site]	No

*orig seen*



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: 14456 / 1538  
INSTRUMENT #: 20180064940

Receipt#: 2546202  
Clerk: LC  
Rec Date: 09/07/2018 01:27:22 PM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 4  
Rec'd Frm: GREENACRE ABSTRACT LLC

Party1: NORTHEAST ELECTRICAL  
CONTRACTORS OF NY  
Party2: 349 SOUTH PLANK ROAD LLC  
Town: NEWBURGH (TN)  
47-1-80.1

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 1120.00

Sub Total: 1120.00

Total: 1435.00  
\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
Transfer Tax #: 1221  
Commercial Transfer Tax  
Consideration: 280000.00

Transfer Tax - State 1120.00

Total: 1120.00

Payment Type: Check \_\_\_  
Cash \_\_\_  
Charge \_\_\_  
No Fee \_\_\_

Comment: \_\_\_\_\_

Ann G. Rabbitt  
Orange County Clerk

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 ~~September 7, 2018~~ *September 7, 2018* AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS  
ORANGE COUNTY *July 8, 2019*

Record and Return To:

JOSEPH SAFFIOTI ESQ  
5031 ROUTE 9W  
NEWBURGH NY 12550

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS (INDIVIDUAL OR CORPORATION)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made August 30, 2018,

**BETWEEN**,

**Northeast Electrical Contractors of New York, Inc.**, a New York Corporation organized under the laws of the State of New York, with an office for conducting business located at 4 Deer Run Road, Newburgh, New York 12550

party of the first part, and

**349 South Plank Road LLC**, a New York Limited Liability Company organized under the laws of the State of New York, with an office for conducting business located at 349 South Plank Road, Newburgh, New York 12550

party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, 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

County of Orange, State of New York, being and intended to be the same premises conveyed to grantor(s) herein by deed from Lyn Zurl, dated September 8, 2006, recorded on November 14, 2006, in the Orange County Clerk's Office in Liber 12301 Page 236, and more particularly described in "Schedule A" attached hereto.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

Section 47 Block 1 Lot 80.1

Title Number: **GA-185367-0**

**SCHEDULE A Description**

Page 1 of 1

ALL that certain lot, 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 Lot No. 1 on a certain map entitled, "Survey and Minor Subdivision Prepared for Richard Rotondo," which map was filed on January 25, 1995 in the Orange County Clerk's Office as Filed Map No. 6-95, bounded and described as follows:

BEGINNING at a point on the southerly side of South Plank Road (a.k.a. New York State Route 52), said point being the northwesterly most corner of the lands reputedly of Vandermast (Liber 3396 page 63);

THENCE from said point or place of beginning and along the lands reputedly of said Vandermast, South  $28^{\circ} 21' 20''$  West a distance of 150.00 feet;

THENCE following two (2) courses and distances along the lands reputedly of Newburgh Seniors, LLC:

- (1) South  $90^{\circ} 00' 00''$  West (clue west) a distance of 113.64 feet;
- (2) North  $10^{\circ} 10' 00''$  West a distance of 139.13 feet;

THENCE along the southerly side of said South Plank Road, South  $88^{\circ} 38' 52''$  East a distance of 209.50 feet to the point or place of BEGINNING, as surveyed by Howard W. Weeden, P.L.S. on September 7, 2006.



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

**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

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

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

May 21, 2019

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

RE: 349 South Plank Road Amended Site Plan 19.12  
47-1-80.1 (Zone B)

---

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of May 16, 2019 requesting site plan approval to utilize the premises for a transportation services business and to install appropriate related signage. The applicant's current proposal will require the following variances:

- Grant of a variance allowing a rear yard setback of 17 feet where 30 feet is required;
- Grant of a variance allowing a side yard setback of 13 feet where 15 is required;

The planning board has no particular matters to bring to your attention. If this mater is not a Type II action when before your board, it is suggested

May 21, 2019

Page 2

that you conduct your review of this matter on an uncoordinated review basis.

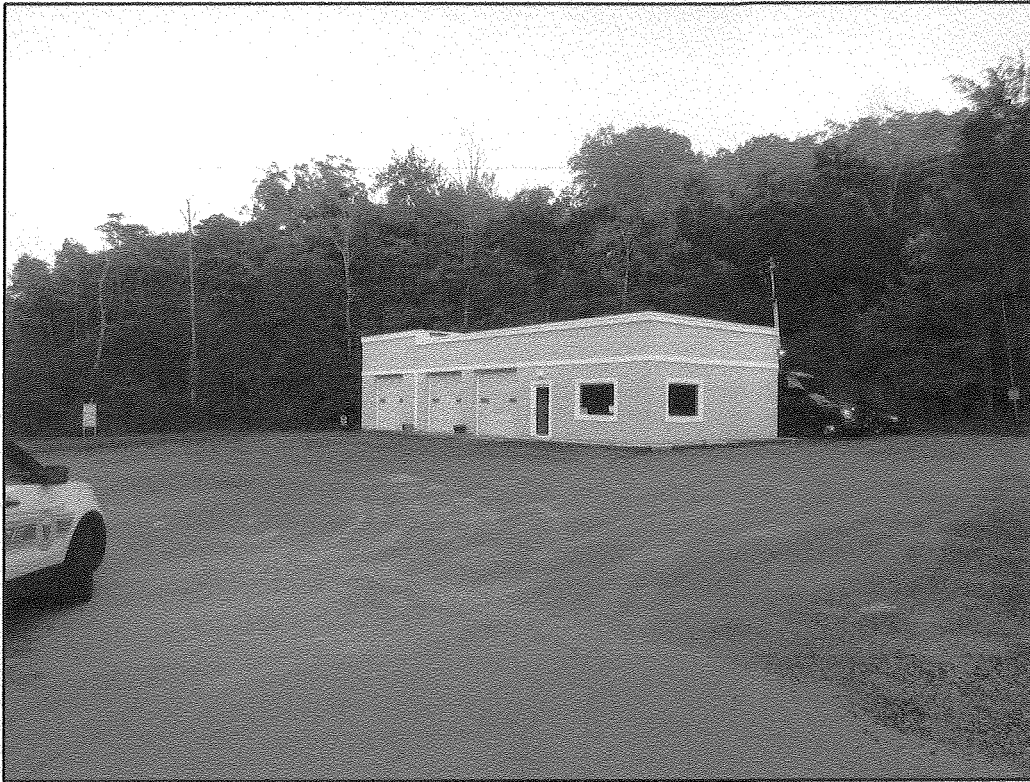
Very truly yours,

A handwritten signature in cursive script, appearing to read "M H Donnelly".

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
Jonathan Cella, P.E.



PICTURE # 1  
 NORTHWEST PROPERTY FRONTAGE ALONG  
 SOUTH PLANK ROAD



PICTURE # 2  
 NORTHEAST PROPERTY FRONTAGE ALONG  
 SOUTH PLANK ROAD

AREA VARIANCES FOR  
 ALL TRANSPORTATION NETWORK  
 349 SOUTH PLANK ROAD (S/B/L: 47-1-80.1)  
 TOWN OF NEWBURGH  
 ORANGE COUNTY, NEW YORK

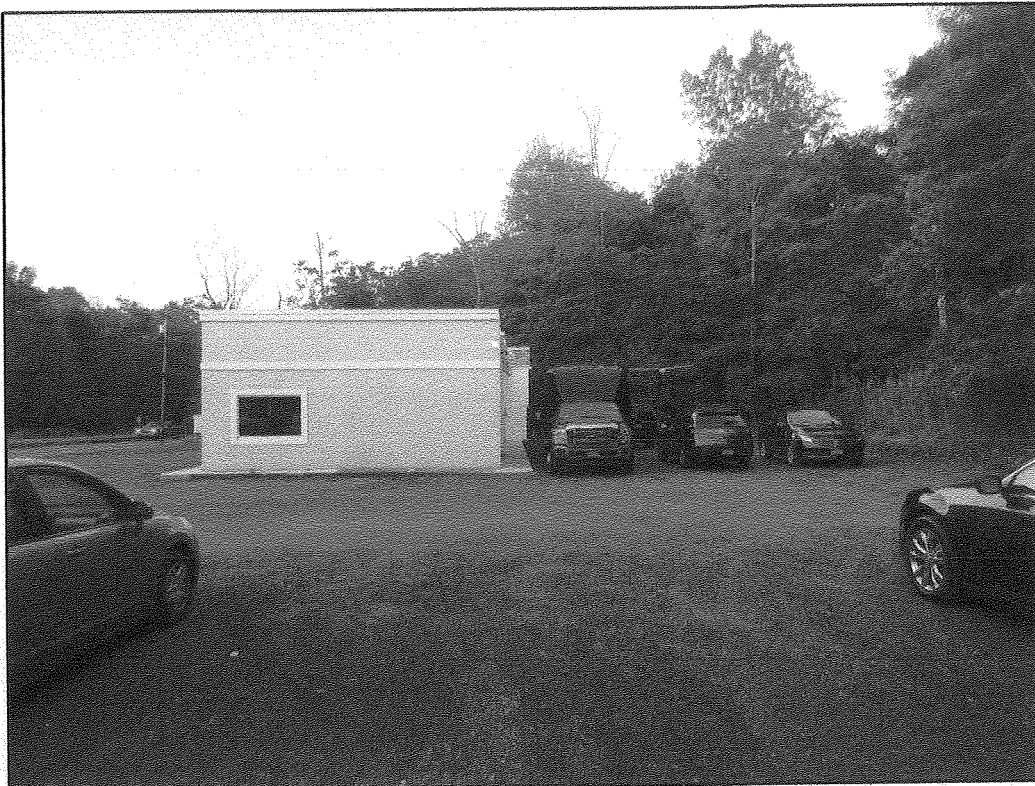
JONATHAN CELLA, P.E.  
 51 HUNT ROAD

DATE:  
 06-07-2019

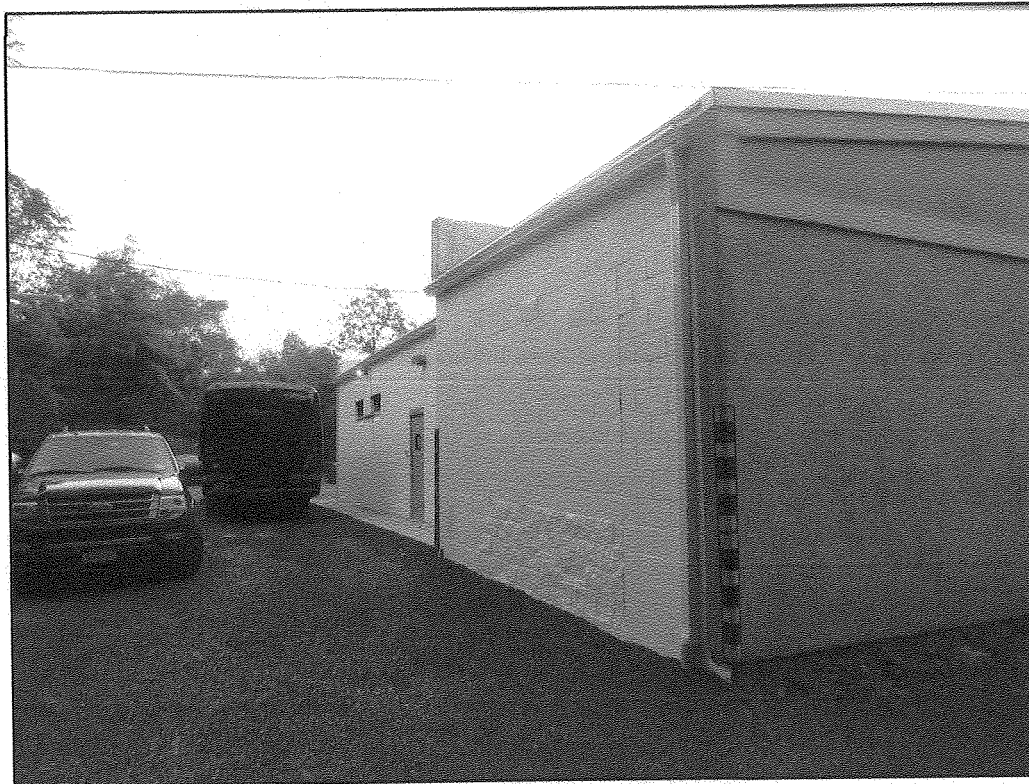
WALKKILL, NEW YORK 12589  
 (845) 741-0363  
 jonathancellan@hotmail.com

SHEET NO.:  
 1 OF 3





PICTURE # 3  
EAST SIDE OF PROPERTY  
FROM SUBJECT DRIVEWAY



PICTURE # 4  
REAR (SOUTH) OF PROPERTY  
FROM SUBJECT DRIVEWAY

AREA VARIANCES FOR  
ALL TRANSPORTATION NETWORK  
349 SOUTH PLANK ROAD (S/B/L: 47-1-80.1)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

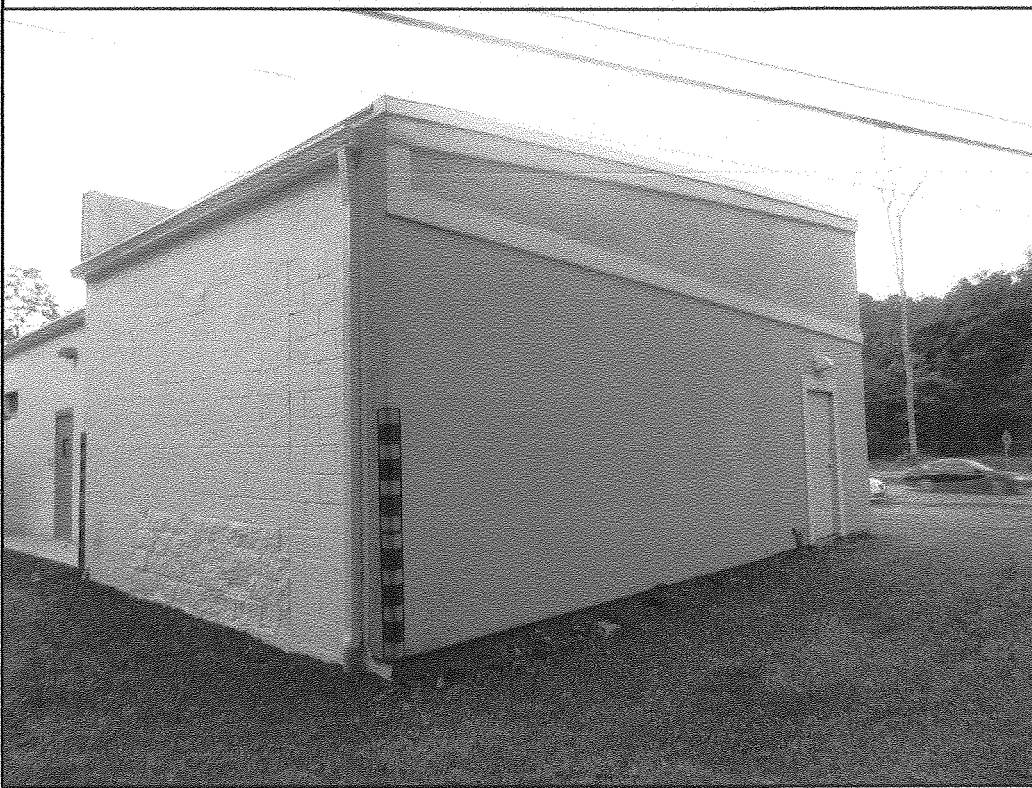
JONATHAN CELLA, P.E.  
51 HUNT ROAD

WALLKILL, NEW YORK 12589

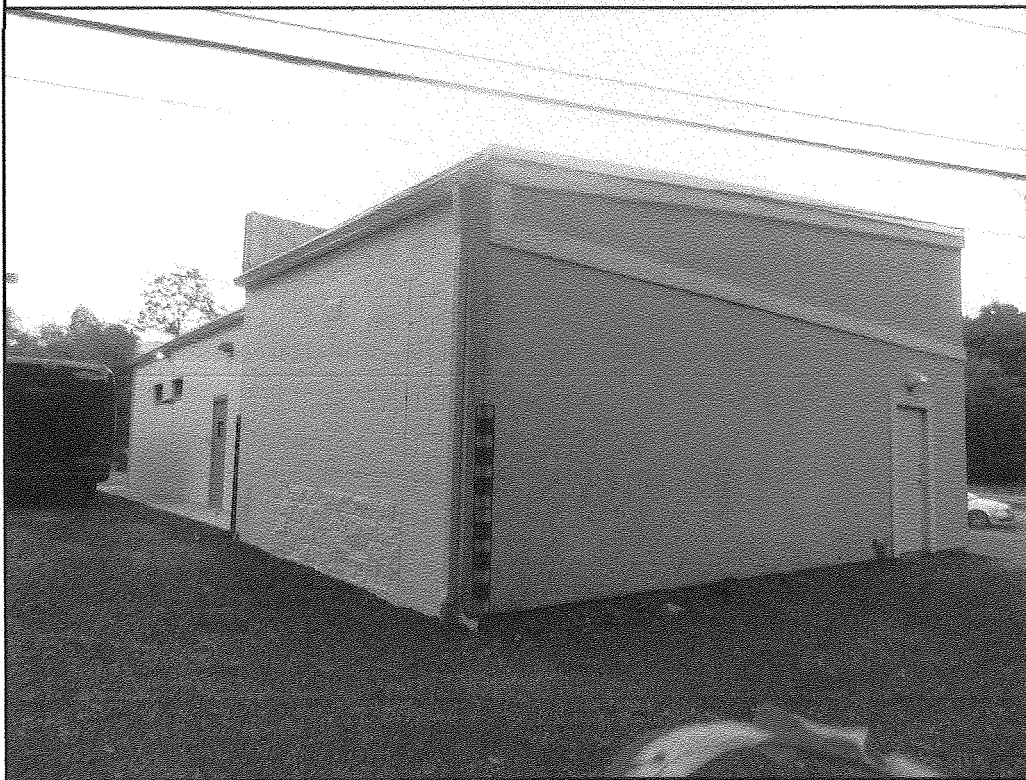
DATE:  
06-07-2019

(845) 741-0363  
jonathancell@hotmail.com

SHEET NO.:  
2 OF 3



PICTURE # 4  
EAST SIDE OF PROPERTY  
FROM SUBJECT DRIVEWAY



PICTURE # 5  
REAR AND SIDE (SOUTHEAST) SIDE OF  
PROPERTY

AREA VARIANCES FOR  
ALL TRANSPORTATION NETWORK  
349 SOUTH PLANK ROAD (S/B/L: 47-1-80.1)  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK

JONATHAN CELLA, P.E.  
51 HUNT ROAD

DATE:  
06-07-2019

WALLKILL, NEW YORK 12589

(845) 741-0363  
jonathancellahotmail.com

SHEET NO.:  
3 OF 3

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

STATE OF NEW YORK: COUNTY OF ORANGE:

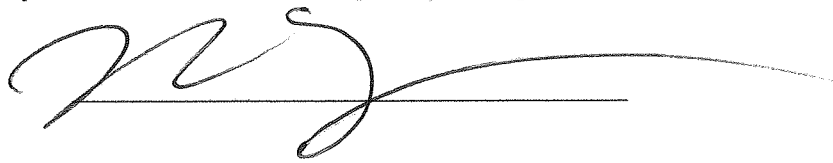
I Michael Zanon, being duly sworn, depose and say that I did on or before

July 11, 2019, post and will thereafter maintain at

349 S Plank Rd 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.

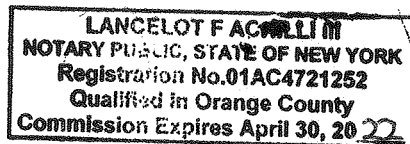


Sworn to before me this 10th

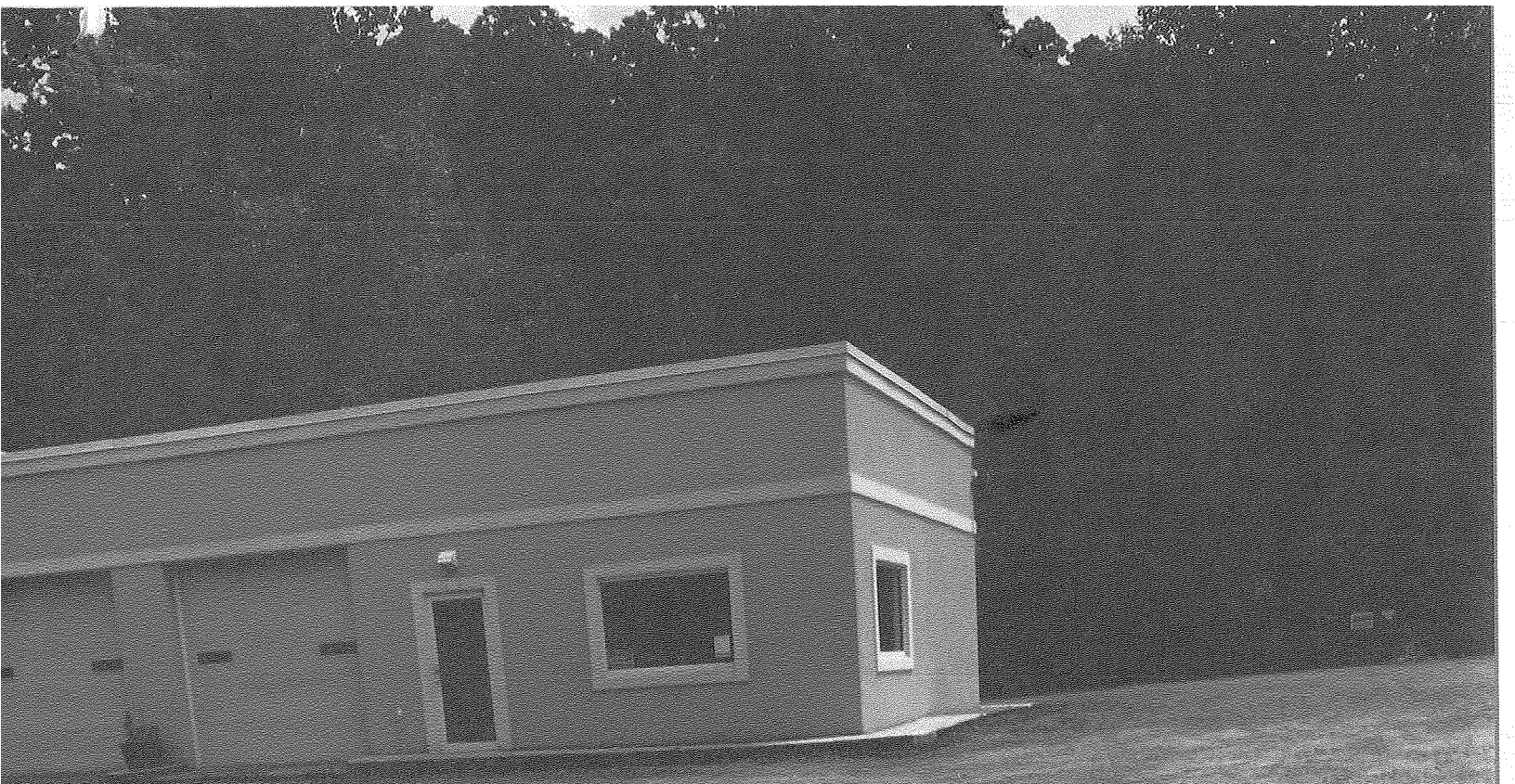
day of July, 2019.

Lancelot F Acilli III

Notary Public



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



TOWN OF NEWBURGH

*Crossroads of the Northeast*  
ZONING BOARD OF APPEALS  
214 TOWN HALL  
308 GARDENSTOWN ROAD  
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD  
(845) 566-9001

**NOTICE OF HEARING**


NOTICE is hereby given that, pursuant to Section 267-a (1) of the Town Law, State of New York and Section 185-35A (1) of the Zoning Ordinances of the Town of Newburgh, a Public Hearing will be held by the Zoning Board of Appeals of the Town of Newburgh, New York on Thursday the 25th day of July, 2019 at 7:00 P.M., in the Town Hall, 1496 Route 300, Town of Newburgh, New York, to act upon the following appeal:

APPLICATION of 349 S Plank Rd LLC (Michael Zappone) for an area variance to utilize the premises for a transportation services business with a rear yard setback of 17 ft where 30 ft is required and a side yard setback of 13 ft where 15 ft is required.

PREMISES LOCATED at 349 S Plank Rd - 47-1-80.1 - B Zone in the Town of Newburgh, New York.

TAKE NOTICE that the applicant should appear at the hearing and all persons interested in any way may appear and be heard by the Board.

BY ORDER of the Zoning Board of Appeals dated the 11th day of July, 2019.

  
(APPLICANT)