

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 22, 2019

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

I (WE) Shawn Jackson PRESENTLY

RESIDING AT NUMBER PO Box 321, Marlboro, NY 12542

TELEPHONE NUMBER 914-388-2193

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:

35-3-6 & 35-3-7 (TAX MAP DESIGNATION)

317 North Plank Road, Newburgh, NY 12550 (STREET ADDRESS)

"B" Zone (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Chapter 185; Attachment 11



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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: January 4, 2019

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Allowance of a front yard setback of 14.8', where 60' is required.
Allowance of a side yard setback of 10.1', where 15' is required.

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

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

No additions to the existing residence on Tax ID: 35-3-6, will be proposed. The existing structure will be renovated for use as an office space including a proposed parking area. Adjacent lots are commercial in nature and the proposed project will be consistent with the essential character of the neighborhood.

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 structure would need to be demolished and rebuilt in accordance with current front and side yard setbacks.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The single-family residence located on-site is preexisting.

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 single-family residence located on-site is preexisting, minimal disturbance will occur due to renovation of the structure and the installation of SDS and parking area.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

The single-family residence located on-site is preexisting. Both single family residences and commercial office buildings are designated uses within the "B" zoning district.



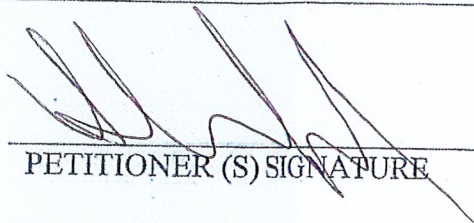
TOWN OF NEWBURGH

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OLD TOWN HALL,
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

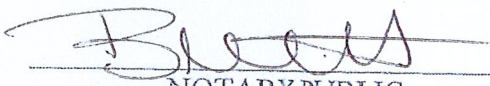


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22nd DAY OF January 2019

BRITTANY HUNT
NOTARY PUBLIC STATE OF NEW YORK
DUTCHESS
LIC. #01HU6362325
COMM. EXP. 07/31/2021



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)



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NEWBURGH, NEW YORK 12550

PROXY

Shawn Jackson, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT PO Box 321, Marlboro, NY 12542

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

317 North Plank Road, Newburgh, NY 12550 (Tax IDs: 35-3-6 & 35-3-7)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Hudson Land Design P.C.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: January 22, 2019

OWNER'S SIGNATURE

WITNESS' SIGNATURE

BRITTANY HUNT
NOTARY PUBLIC STATE OF NEW YORK
DUTCHESS
LIC. #01HU6362325
COMM. EXP. 07/31/2021

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22nd DAY OF January 2019

NOTARY PUBLIC

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			
North Plank Holdings LLC			
Name of Action or Project: 317 North Plank Road			
Project Location (describe, and attach a location map): 317 North Plank Road, Newburgh, NY 12550			
Brief Description of Proposed Action: Renovation of existing residential building into an office building to serve a construction company. Redesign of the existing Sewage Disposal System will be required to accommodate the change of use. Lot consolidation will be proposed for the two parcels (35-3-6 and 35-3-7) owned by the applicant to accommodate a compliant parking area for the office building.			
Name of Applicant or Sponsor: North Plank Holdings LLC (Shawn Jackson - President)		Telephone: 914-388-2193 E-Mail: woodys_construction@hotmail.com	
Address: PO Box 321			
City/PO: Marlboro		State: New York	Zip Code: 12542
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 governmental Agency? If Yes, list agency(s) name and permit or approval: T/o Newburgh Planning Board - Lot Consolidation and Site Plan Approval			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.89 acres	
b. Total acreage to be physically disturbed?		_____ 0.20 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.89 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

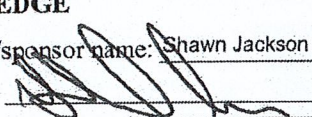
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" 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: The proposed project will meet state energy codes. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project will continue to use an existing well on the property. _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Private sewage disposal system _____	NO	YES	
	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? <small>See attached NWM map. The closest wetland is +/- 370 LF from southern site boundary.</small>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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 checked="" 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 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 plain?	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? (1) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(1) Stormwater from the site currently flows to the south onto adjacent properties. The runoff from the proposed redevelopment will continue to flow to the south.

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

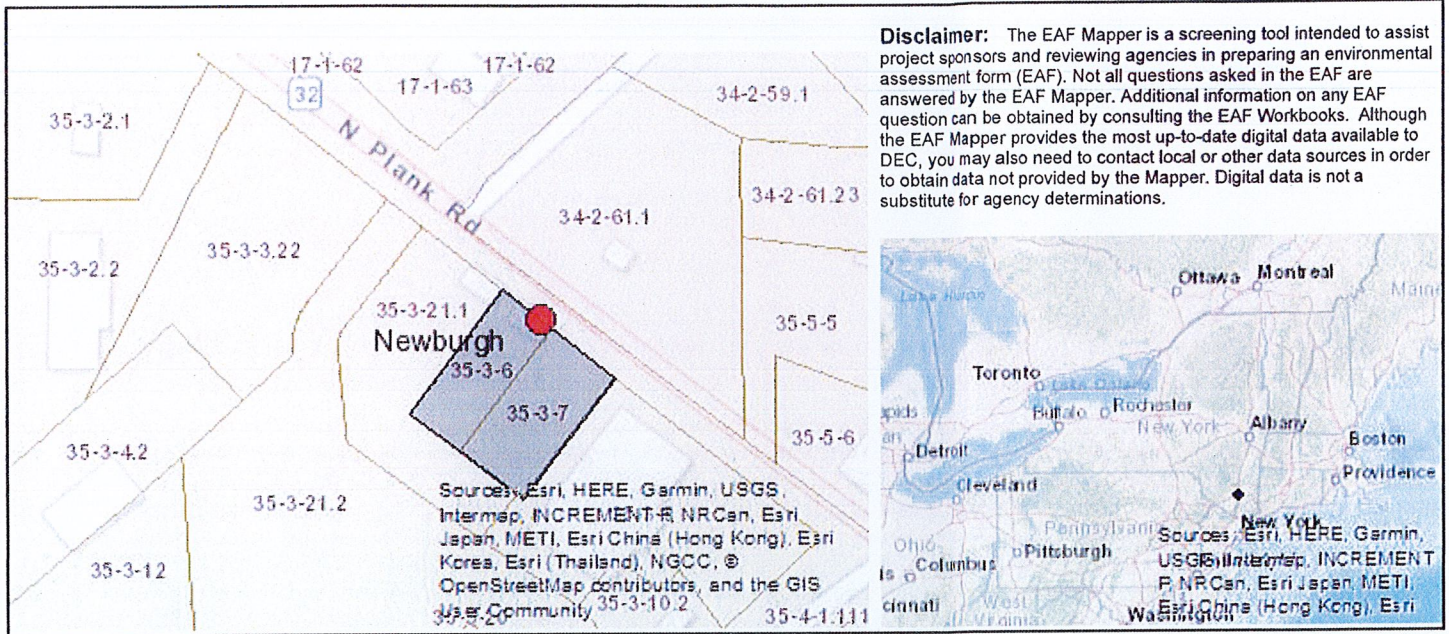
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Shawn Jackson Date: 10/31/2018

Signature: 

EAF Mapper Summary Report

Monday, October 15, 2018 10:21 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



U.S. Fish and Wildlife Service National Wetlands Inventory

317 North Plank Road

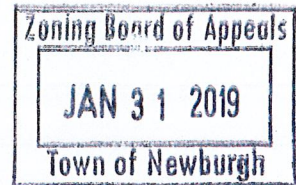


This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

- October 24, 2018
- Wetlands**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine



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



Orig seen.

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



BOOK/PAGE: 14339 / 675
INSTRUMENT #: 20170091753

Receipt#: 2425873
Clerk: JM
Rec Date: 12/26/2017 11:14:22 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 5
Rec'd Frm: POUGHKEEPSIE ABSTRACT CO INC

Party1: LYMAN MARY
Party2: NORTH PLANK HOLDINGS LLC
Town: NEWBURGH (TN)
35-3-6

Recording:	
Recording Fee	45.00
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: 320.00

Transfer Tax	
Transfer Tax - State	940.00

Sub Total: 940.00

Total: 1260.00

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

***** Transfer Tax *****
Transfer Tax #: 5016
Commercial Transfer Tax
Consideration: 235000.00

Transfer Tax - State 940.00

Total: 940.00

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 HEREON FILED OR RECORDED IN MY OFFICE
ON 12/26/17 AND THE SAME IS A CORRECT
TRUE AND FAITHFUL COPY OF THE ORIGINAL. I HAVE
HEREBY SET MY HAND AND SEAL AND MY OFFICIAL SEAL.

1/17/19 *Ann G. Rabbitt*
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURT
ORANGE COUNTY

Ann G. Rabbitt

Ann G. Rabbitt
Orange County Clerk

Record and Return To:

CORBALLY GARTLAND & RAPPLEYEA LLC
35 MARKET ST
POUGHKEEPSIE, NY 12601

— 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.

PA 11904

35

THIS INDENTURE, made the 5th day of December, in the year 2017

3

BETWEEN

6

Mary Lyman n/k/a Mary Anne Mahaffey of 326 Lakeside Road, Newburgh, New York 10550 party of the first part, and

7

North Plank Holdings, LLC of P.O. Box 321, Marlboro, New York 10542

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten (\$10.00) dollars 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 See attached Schedule A

Said Premises being known as 317 North Plank Road, Newburgh, New York 12550 (Parcel A) and 317 Route 300, Newburgh, New York 12550 (Parcel B).

Title was derived by two deeds: Said Premises intend to be the same as the Premises as referenced in the first deed dated September 24, 2003 and recorded September 30, 2003 in the Office of the Orange County Clerk's Office and the Premises as referenced in the second deed dated October 7, 2014 and recorded January 26, 2017 at Liber 14172 of deeds are page 1250 in the Orange County Clerk's Office.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

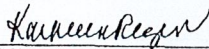
IN PRESENCE OF:

Mary Lyman NKA Mary Anne Mahaffey
Mary Lyman n/k/a
Mary Anne Mahaffey

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Orange, ss:

On the 5th day of December in the year 2017, before me, the undersigned, personally appeared **Mary Lyman n/k/a Mary Anne Mahaffey**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.



Notary Public

Kathleen Regan
Notary Public State of New York
Lic. No. 01RE6151654
Qualified in Dutchess County
Commission Expires 08/21/2018

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

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

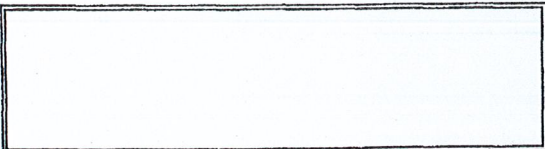
to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

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

Bargain and Sale Deed With Covenants

Title No. PA-11904/7560-04904

Lyman n/k/a Mahaffey
TO
North Plank Holdings, LLC



ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, 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) acted, executed the instrument.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of _____, County of _____, ss:
*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the _____ day of _____ in the year _____, before me _____ the undersigned 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), 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 make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION: 35

BLOCK: 3

LOT: 6 & 7

COUNTY OR TOWN: Orange County

RETURN BY MAIL TO:

Kyle C. Van De Water, Esq.
Corbally, Gartland and Rappleyea, LLP
35 Market Street
Poughkeepsie, New York 12601

SCHEDULE A - PAGE 1 OF 2

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

PARCEL A (TAX PARCEL 35-3-6):

BEGINNING at a point in the southerly line of New York State Route 32 a.k.a. North Plank Road, said point being 455.34 feet from the southeasterly corner of the intersection formed by New York State Route 32 and Berry Lane, thence from said point of beginning;

- 1) S 48° 30' 00" W, 205.20 feet along Parcel B to an iron pin in a stone wall, thence;
- 2) N 42° 45' 11" W, 84.29 feet along a stone wall and along lands now or formerly of Eastern Sunshine Properties, LLC to an iron pin in said stone wall, thence;
- 3) N 48° 00' 00" E, 208.31 feet along lands now or formerly of Eastern Sunshine Properties, LLC to a 6" diameter pipe, thence;
- 4) S 40° 40' 00" E, 86.10 feet along the southerly line of New York State Route 32 to the point of beginning.

PARCEL B (TAX PARCEL 35-3-7):

BEGINNING at an iron pin in the southerly line of New York State Route 32, a.k.a. North Plank Road, said point being 349.00 feet from the southeasterly corner of the intersection formed by New York State Route 32 and Berry Lane, thence from said point of beginning the following two courses along land now or formerly of Empire Properties:

- 1) S 49° 12' 32" W, 201.20 feet, to an iron pin, thence;
- 2) N 44° 17' 22" W, 7.50 feet, to an iron pin, thence;
- 3) N 42° 45' 11" W, 96.37 feet along a stone wall and along lands now or formerly of Eastern Sunshine Properties, LLC to an iron pin in said stone wall, thence;
- 4) N 48° 30' 00" E, 205.20 feet along Parcel A, thence;
- 5) S 40° 40' 00" E 106.34 feet along the southerly line of New York State Route 32 to the point of beginning.

SCHEDULE A - PAGE 2 OF 2

BEING THE SAME PREMISES AS MORE RECENTLY DESCRIBED IN A SURVEY PREPARED BY THOMAS E. CERCHIARA, P.L.S., DATED 10/23/17, AS FOLLOWS:

TAX PARCEL 35-3-6

ALL that piece, plot, or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York being and intended to be Tax Parcel No. 35-3-6 and being more particularly described as follows:

BEGINNING at a 6" iron pipe found on the westerly bound of North Plank Road (NYS Route 32); Thence along said road South 40° 45' 54" East a distance of 86.10 feet to a point; Thence along the division between Tax Parcel 35-3-7 and the herein described parcel North 48° 23' 33" East a distance of 205.21 feet to a point; Thence along lands, now or formerly, of Parrot Realty, LLC (L. 13194 P. 259) North 42° 51' 05" West a distance of 84.29 feet to a capped rebar; Continuing North 47° 54' 06" East a distance of 208.31 feet to the place or point of beginning.

TAX PARCEL 35-3-7

ALL that piece, plot or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York being and intended to be Tax Parcel No. 35-3-7 and being more particularly described as follows:

Commencing from a 6" iron pipe found at the northeast corner of Tax Parcel No. 35-3-6, along North Plank Road (NYS Route 32) South 40° 45' 54" East a distance of 86.10 feet to the point of beginning; Thence along said road South 40° 45' 54" East a distance of 106.34 feet to a point; Thence along lands, now or formerly, of CNS Estates, LLC (L. 13930 P. 417) South 49° 06' 38" West a distance of 201.20 feet to a capped rebar; Continuing North 44° 23' 16" West a distance of 7.50 feet to a capped rebar; Thence along lands, now or formerly, of Parrot Realty, LLC (L. 13194 P. 259) North 42° 51' 05" West a distance of 96.37 feet to a point; Thence along the division between Tax Parcel No. 35-3-6 and the herein described parcel North 48° 23' 33" East a distance of 205.21 feet to the place or point of beginning.



ORANGE COUNTY CLERK

ANN G. RABBITT

Receipt

Receipt Date: 01/17/2019 10:24:24 AM

RECEIPT # 2600432

Recording Clerk: LL

Cash Drawer: CASH37

Rec'd Frm: CASH

Misc Fees \$10.00

Receipt Summary

TOTAL RECEIPT: -----> \$10.00

TOTAL RECEIVED: -----> \$20.00

CASH BACK: -----> \$10.00

PAYMENTS

Cash -> \$20.00

317 North Plank Road Photographs



Figure 1: View Looking West of Front Yard Setback



Figure 2: View Looking South of Side Yard Setback



Figure 3: View Looking West of Front Yard and Adjacent Barber Shop



Figure 4: View Looking North from Rear of Existing Structure of Side Yard Setback and Adjacent Barber Shop

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
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Goshen, NY 10924
Phone (845) 294-9447
mail@dddblew.com
Fax (845) 294-6553
(Not for Service of Process)

January 3, 2019

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

RE: 317 North Plank Road Site Plan 18.23
35-3-6 & 7 (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 December 20, 2018 requesting site plan approval to consolidate two lots into one lot and utilize the existing, nonconforming residential dwelling as an office. Even after t consolidation, the lot will be nonconforming with regard to front yard and side yard setbacks. Therefore, the planning board refers this matter to you for consideration of the following:

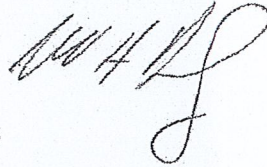
- Grant of a variance allowing a front yard setback of 10.1¹ feet where 60 feet is required;
- Grant of a variance allowing a side yard setback of 10.1 feet where 15 feet is required.

The planning board has no particular matters to bring to your attention. This action

¹ This dimension is likely in error and will be corrected upon application to your board.

appears to be Type II under SEQRA.

Very truly yours,

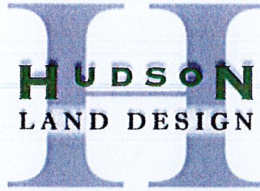


MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Hudson Land Design

\\dddsrv\USERDOCS\lrm\Land Use\Newburgh letters\317 North Plank Road ZBA referral letter.doc



Civil & Environmental Engineering Consultants
174 Main Street, Beacon, New York 12508
13 Chambers Street, Newburgh, New York 12550
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com

January 22, 2019

Mr. Darrin J. Scalzo, Chairman
Town of Newburgh Zoning Board of Appeals
308 Gardnertown Road
Newburgh, NY 12550

Re: Site Plan Application
317 North Plank Road
Tax Parcels 35-3-7; 35-3-6
B-Business Park Zoning District.
Town of Newburgh, New York
Newburgh Planning Board Job #: 2018-023

Dear Mr. Scalzo:

On behalf of the Applicant, Hudson Land Design (HLD) respectfully requests your board's consideration on two (2) area variances for the above referenced project. The project consists of two parcels, and there is an existing structure on Parcel 35-3-6. Both parcels have frontage on North Plank Road (NYS Route 32). The applicant is seeking to consolidate the two existing lots and renovate the non-conforming residential dwelling into an office building serving the Applicant's general contracting company. The existing non-conforming residential dwelling is located within the front and side yard setbacks for the Business Park zoning district. As such, the Applicant is seeking the following area variances:

- Front yard setback of 14.8 feet where 60 feet is required, and
- Side yard setback of 10.1 feet where 15 feet is required.

The front yard setback within the Business Park zoning district is 40 feet; however, section 195-18(4)(b) identifies that "All Front Yards abutting all County and State highways shall be at least 60 feet in depth, except where majority of the existing buildings on either side of the road within 300 feet from the intersection of the nearest property line/street line are of a lesser average depth. In such a case, the front yard depth shall be 50 feet where the average of all lot depths within 300 feet, whichever is greater".

The existing non-conforming building is in line with the adjacent barber shop building to the west of this parcel; however, this is the only other building within 300 feet where the front yard depth is less than 60 feet. Therefore, the front area variance is requested from a 60 feet front yard setback. The corner of the adjacent building is shown on the attached site plan with a dimension to the front property line of 15.1 feet. There will be no exterior changes or additions to the building that will make the front and side yard setbacks more non-conforming.

Providing adequate parking in conformance with the Town of Newburgh's standards will necessitate consolidating the two parcels into one to allow for the proposed parking. The existing SDS has been evaluated and determined to be inadequate for the proposed use. Therefore, an SDS upgrade as been designed in accordance with Orange County Department of Health's Standards.

This project is currently under Town of Newburgh's Planning Board review, was deemed a Type II SEQRA action. The planning board referred the proposed project to the Zoning Board of Appeals for nonconformance with regard to the front and side yard setbacks at their December 20, 2018 Planning Board Meeting.

The following items are attached for our initial submission:

- Two (2) Fee Receipts; One (1) for Notice of Public Hearing Fee and One (1) for Public Hearing Fee.
- One (1) Certified Copy of the Original Deed.
- One (1) Copy of the Zoning Board of Appeals Referral Letter generated by the Planning Board.
- One (1) Zoning Board of Appeals Application with Short Environmental Assessment Form (SEAF).
- Eleven (11) copies of the Site Plan Sheet 2 of 4 (1 Sheet);
- One (1) Site Photos (4 Photos Total)
- One (1) Original Notarized Proxy Statement
- One (1) copies of the Accessor's List of Property Owners.

Please place this item on your next available zoning board agenda. Should you have any questions, please feel free to contact me.

Sincerely,



Adam Gasparre
Staff Engineer

cc: Shawn Jackson (email only)
Michael A. Bodendorf, P.E. (HLD file)

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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Adam Gasparre, being duly sworn, depose and say that I did on or before

February 14, 2019, post and will thereafter maintain at

317 N Plank Rd 35-3-6 & 7 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.

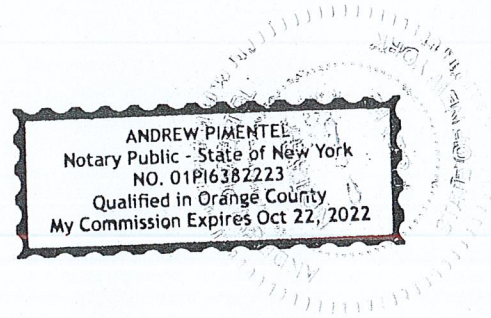
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

Adam Gasparre

Sworn to before me this 6
day of February, 2019.



Notary Public



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

