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April 9, 2026

VIA HAND DELIVERY

Chairman Scalzo
and Members of the Zoning Board of Appeals
Town of Newburgh
21 Hudson Valley Professional Plaza
Newburgh, NY 12550
Attn: Siobhan Jablesnik, Secretary to the Board

Re: Supplemental Submission – Request for Zoning Determination/Interpretation,
and, In the Alternative, Applications for Area Variances or a Use Variance
Applicants: Nick DiLemme, Jennifer McHugh DiLemme, & Di Lemme & Sons, Inc.
Premises: 2201 State Route 300, Town of Newburgh, New York
Tax ID: 3-1-91.2

Dear Chairman Scalzo and the Members of the Zoning Board of Appeals,

On behalf of Nick DiLemme and Jennifer McHugh DiLemme, and Di Lemme & Sons, Inc. (the “Company,” and collectively, the “Applicants”), we respectfully submit this letter and the referenced enclosures in furtherance of their Request for Zoning Determination/Interpretation, and, in the alternative, Applications for Area Variances or a Use Variance (collectively the “Applications”), which are pending before this Board. The Applications were timely filed to appeal from the October 28, 2025 determination of the Code Compliance Supervisor that the Company’s use of certain improvements on the above-referenced premises (the “Premises”), namely the detached 2-car garage (the “Workshop”) and basement office in the single-family residence (the “Basement Office”), are not legally nonconforming (the “Determination Letter” or “Determination”).¹

After this Board opened the Public Hearing on the Applications at its meeting on January 22, 2026, this Board voted to continue the Public Hearing to its next regularly scheduled meeting on February 26th at the request of the Applicants to allow them to prepare responses to the oral testimony of certain neighbors and obtain copies of historical zoning regulations in effect during the relevant period (e.g., 1980s).² Approximately one week later, additional written testimony, pictures and videos were submitted to this Board on January 28, 2026.

The Applicants spent the next several weeks diligently working to respond to the public comments. As of February 17th, however, the Applicants had still not received copies of the historical zoning codes (e.g., Local Law No. 4 of 1974), which they had sought via a Freedom of Information Law request dated September 25, 2025, and were still working to respond to the

¹ The Determination Letter is enclosed hereto as **Attachment A**.

² **Note:** As this Board is aware, the Public Hearing testimony (both written and oral testimony) also included approximately thirty-two (32) comments in support of the pending Applications.



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January 22nd submission from two (2) commentors.³ Accordingly, on this date the Applicants asked for this Board to adjourn the Public Hearing on the Applications from the Board's February 26th meeting Agenda to the Board's March 26th meeting Agenda for continued review and Public Hearing.

In considering the Applicants' adjournment request at the Public Hearing at its February 26th meeting, this Board learned that the Chairman and one of its Members would not be present at its next regularly scheduled meeting on March 26, 2026. As such, to allow the Applicants to be heard by the full complement of the Board, and in keeping with precedent, this Board voted to further adjourn the Public Hearing on the Applications until its meeting on April 23rd.⁴ This Board also asked the Applicants to re-notice the continued Public Hearing on the 23rd, which the Applicants completed on Monday, April 6, 2026.

At the February 26th Public Hearing, the Applicants also observed that this Board and Attorney Donovan discussed the potential implications if the Applicants never received a certificate of occupancy (a "CO") for the Company's use of the Premises.⁵ Thus, the Applicants will initially address this discussion and clarify that historical records indicate the Town never issued a CO for the primary residence or the Workshop and the Company is not required to obtain a CO to continue to operate on the Premises as a legally nonconforming use.

A CERTIFICATE OF OCCUPANCY WAS NEVER ISSUED BY THE TOWN AND THE APPLICANTS ARE NOT REQUIRED TO OBTAIN ONE:

A February 2, 2004 letter from the Code Compliance Department to Hill N Dale Abstracters, Inc., states that the Town's "files indicate the [residence on the Premises] was built prior to our keeping of records. Therefore, there is no Certificate of Occupancy for this structure, nor is one required."⁶ Likewise, the letter notes that "[Building] Permits were issued for a Two Car Garage in 1984 [i.e., the Workshop] and an Addition in 1980 both of these permits were closed out as COMPLETED." These statements are corroborated by the Building Permit for the Workshop (No. 0-5732), enclosed hereto as **Attachment C**, which was filed on June 12, 1984, and states that the Permit was "COMPLETED CLOSED OUT 9/10/85" in its Remarks.

Still, "even assuming that a Certificate of Occupancy was [or is] in fact required, '[a] use which is otherwise lawfully maintained may be continued as a nonconforming use although the user failed to procure or renew a license, certificate, or other permit required by law *** The failure to obtain a license does not render the use unlawful in the sense intended by zoning ordinances which preserve existing lawful uses.'" *Kennedy v. Zoning Board of Appeals of North Salem*, 613 N.Y.S.2d

³ Collectively, the email submissions contained approximately forty-six (46) mixed-media files.

⁴ Transcript of February 26, 2026 Meeting Minutes 4:18-25, 19:6-20:23.

⁵ *Id.* 6:6-22, 8:3-19, 9:8-25, 10:22-25, 11:18-22.

⁶ Enclosed hereto as **Attachment B**.



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264, 265 (2d Dep't 1994) (quoting 1 Anderson, New York Zoning Law and Practice § 6.12, at 219–220 [3d ed]).⁷

As noted in the Applicants' initial submission to this Board,⁸ the AR Districts' use schedule in Local Law No. 4 of 1974 (the "1974 Schedule of Uses"), the permitted Accessory Uses for the AR District included those of the R-2 District (nos. 1-3), the first of which incorporates by reference Accessory Uses nos. 1-7 of the R-1 District⁹ and includes Home Occupations and the indoor and outdoor storage of commercial vehicles.¹⁰ In considering the aforementioned, it is respectfully submitted that the aforementioned Accessory Uses, which were permitted as-of-right at the time, encompass the Company's use of the Premises (i.e., Basement Office, parking of commercial vehicles in the Workshop and in the adjacent outdoor parking area) from the mid-1980s to the present, thereby obviating the need for the Applicants to have a CO for the Company's use of the Premises under the Appellate precedent of *Kennedy*.

THE NEW ROAD PROPERTY (IN THE TOWN OF NEWBURGH):

As you may recall, the Applicants own a property on New Road in the Town of Newburgh (the "New Road Property"),¹¹ which is classified within the Town's Business (B) Zoning District and permits commercial uses such as the Company's.¹² The Company has continued to make progress on its efforts to relocate to the New Road Property and recently submitted an Amended Site Plan application to the Town Planning Board.¹³

⁷ *Rubin v. Wallace*, 404 N.Y.S.2d 733, 734-35 (3d Dep't 1978) ("Since that certificate need only have stated that the building complied with the ordinance and respondent board had nothing before it to suggest that the building had otherwise not been in compliance with the ordinance, respondent viewed the violation as technical only. ... This view of the situation is entirely reasonable and should be upheld. As Anderson states in his highly regarded treatise, 'a use which is otherwise lawfully maintained may be continued as a nonconforming use although the user failed to procure or renew a license, certificate, or other permit required by law'"); see *City of New York v. Victory Van Lines, Inc.*, 418 N.Y.S.2d 792, 795 (2d Dep't 1979) ("We reiterate that the conclusion is inescapable that on the basis of [*Boardwalk & Seashore Corp. v. Murdock*, 286 N.Y. 494 (1941)], defendants at bar would be entitled to a certificate of occupancy today if they brought a special proceeding to obtain one. That being the case, it would appear that the failure to secure a certificate of occupancy at a time when the use was a permitted one is a technical irregularity which would not prevent the continuance of an otherwise lawful use.").

⁸ Dated December 26, 2025.

⁹ Refer to **Exhibit B of Attachment A**.

¹⁰ E.g., Accessory Use nos. 1 and 2 of the R-1 District, *id.*

¹¹ Tax ID: 34-2-99.2.

¹² Refer to pages 4-5 of the Applicant's submission dated December 26, 2025.

¹³ Refer to the Site Plan for the Lands of N & J New Road Properties LLC prepared by Darren C. Doce, PE, dated February 4, 2026, enclosed hereto as **Attachment D**.



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The Amended Site Plan application was considered by the Planning Board at its meeting on March 19, 2026,¹⁴ and the Applicants are currently working with their project professionals to address the comments of the Town's Engineering consultant. The Applicants anticipate that the Planning Board will approve the project by mid-summer, allowing the Company to relocate to the New Road Property in 2027.

APPEAL FROM THE DETERMINATION OF THE CODE COMPLIANCE SUPERVISOR - THE APPLICANTS SEEK A FAVORABLE DETERMINATION THAT THE COMPANY'S USE OF THE PREMISES IS A LEGALLY EXISTING NONCONFORMING USE:

In further support of their appeal of the Determination Letter to this Board pursuant to Section 185-54A(1) of the Town Code, the Applicants respectfully request this Board to favorably conclude that the Company's use of the Premises is a legal nonconforming use entitled to the protections of Section 185-19 of the Town Code. To briefly recapitulate, following a complaint(s) by a neighbor who recently moved near the existing nonconforming use, the Determination Letter concluded that the Company's use of the Premises is not legally existing (i.e., lawfully permitted) on the grounds that "[t]he business use of the Premises which you represent was commenced in the early 1980s and continued by DiLemme & Sons does not fall within any of the Permitted Uses and Uses Subject to Site Plan Review listed in the AR District table of Local Law No 4 of 1974."¹⁵ The Code Compliance Supervisor further concluded that the Company's use of the Premises "does not fall within [Local Law No. 4 of 1974's] definition of 'Home Occupation.'"¹⁶

Critically, the conclusions in the Determination Letter ignore the fact that the 1974 Schedule of Uses for the AR Districts permitted Accessory Uses on the Premises such as "Home occupations"¹⁷ and allowed for the indoor and outdoor storage of commercial vehicles.¹⁸ As detailed in the Applicants' submission to this Board dated December 26, 2025, the Company's use of the

¹⁴ Refer to the March 19, 2026 Planning Board meeting Agenda, enclosed hereto as **Attachment E**.

¹⁵ Page 3 of **Attachment A**.

¹⁶ Defined as, "any gainful occupation or profession customarily conducted within a dwelling the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one (1) non-resident employee working on the premises at any one time and shall not occupy more than one half (1/2) of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; teaching with musical, dancing and other instruction limited to one (1) pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barber shop or beauty parlor, restaurant, animal hospital or commercial animal breeding." Page 3 of **Attachment A**.

Note: the Applicants review of the Town's historical zoning codes indicates that this definition remained unchanged until March 3, 2014, when the Town Board enacted Local Law No. 4-2014.

¹⁷ *Id.*, Accessory Use no. 1 of the R-1 District.

¹⁸ *Id.*, Accessory Uses nos. 2 and 3 of the R-2 District.



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Basement Office satisfies all the elements required for a “Home Occupation” under the 1974 Zoning Code:¹⁹

“Home occupation” shall mean any gainful occupation or profession customarily conducted within a dwelling [by] the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence;”

The Company’s use of the Basement Office was and continues to be for its back-office operations (i.e., estimating/planning, administrative work), and the Office was built out to provide office space for Nicandro DiLemme, his wife, Francesca, his sons, Nick and John, and his sister, Antonette, to run the family business. The presence of office space in a finished basement was and is “clearly secondary” to the DiLemme’s use of the single-family dwelling for residential purposes and cannot be said to have “change[d] the character of the structure.” Indeed, the enclosed pictures of the family residence and Basement Office evidence that the latter is “Accessory”²⁰ to the family residence, the principal use of the Premises.²¹ The same goes for the Workshop, a detached garage with a footprint equal to ±1.7% of the area of the Premises, which should likewise be classified as a structure that is Accessory to the DiLemme residence.

“Said activity shall not have more than one (1) non-resident employee working on the premises at any one time and shall not occupy more than one half (1/2) of the ground floor area of the selling or its equivalent elsewhere in the dwelling if so used.”

The Applicants submit that the Company’s historical use of the Basement Office complied with the Home Occupation requirement to “not have more than (1) non-resident employee working on the premises at any one time,” as the only non-resident employee utilizing the Office in the 1980s was Nicandro’s sister, Antonette. The Applicants also submit that the Basement Office complies with the dimensional requirement for Home Occupations. Per the Town’s current Property Card for the Premises, the floor area of the Basement Office is 580 sq. ft. — approximately 28% of the dwelling’s total living area — well below the 1974 Code definition’s limit of “not ... more than one half (1/2) of the ground floor area of the selling or its equivalent elsewhere in the dwelling if so used.”

¹⁹ Refer to the definition of “Home Occupation” provided on page 3 of **Attachment A**.

²⁰ Per Section 30.21.B.1 of Supplement No. 11 to the 1974 Zoning Code (dated July 20, 1989), “‘Accessory’ shall mean a term applied to a use and/or structure clearly incidental or subordinate to the principal building or permitted use on the same lot.”

²¹ Refer to **Attachment F**.



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“Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; teaching with musical, dancing and other instruction limited to one (1) pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barber shop or beauty parlor, restaurant, animal hospital or commercial animal breeding.”

The Company’s use of the Basement Office for administrative purposes more closely aligns with the expressly permitted Home Occupations listed in the 1974 Code’s definition for the same. For instance, the Company’s use of the Basement Office for estimating and planning is akin to the work of an engineer, and its payroll, accounting, and other customer-facing work is like that of an accountant. The fact that the Company does not have “walk-in” customers further distinguishes it from the expressly prohibited Home Occupations above.

The Applicants acknowledge that the 1974 Code’s definition of Home Occupation leaves room for ambiguity when it comes to the Company’s use of the Workshop and surrounding parking area for commercial vehicle and equipment storage. However, as zoning restrictions are in derogation of common-law property rights, zoning provisions must be strictly construed²² with any ambiguities interpreted in favor of the Applicants.²³

This ambiguity in the Town’s zoning codes stood for decades and was not addressed until March 13, 2014, when the Town Board enacted Local Law No. 4 of 2014²⁴ “to clearly prohibit accessory home occupation activities outside of dwellings so that such accessory uses are restricted to uses within dwellings.”²⁵ In light of this, the Applicants respectfully request that this Board determine that the Company’s use of the Premises is legally nonconforming as it was not prohibited until 2014, when the Code’s definition of Home Occupation was amended to enjoin “yard [service] and in residential zones, uses which entail the outdoor use, maintenance, servicing, testing, cleaning, repair, loading, unloading or storage of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities conducted on the property containing the dwelling.”²⁶

²² *Toys “R” Us v. Silva*, 89 N.Y.2d 411, 421-22 (1996).

²³ *Allen v. Adami*, 39 N.Y.2d 275, 277 (1976).

²⁴ Enclosed hereto as **Attachment G**.

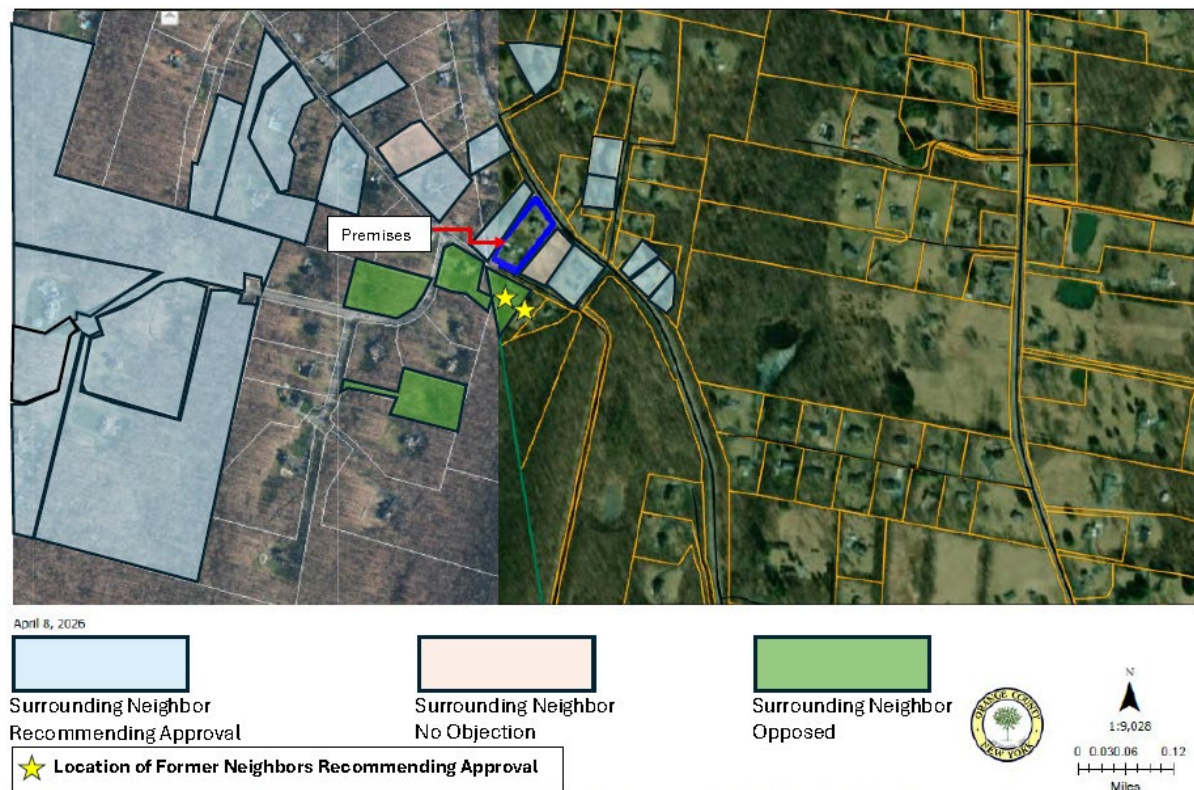
²⁵ Section 2, *id.*

²⁶ Section 3.1, *id.*

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RESPONSES TO NEIGHBORS' TESTIMONY AND EVIDENCE:

The Applicants have prepared the following map to put the testimony that this Board has received from neighbors on the Applications in a physical context:²⁷



*Excerpt of **Attachment H***

As detailed below, and as advised by the Applicant, the opposition testimony from the four (4) new neighbors is factually inconsistent with both the Company's historical and ongoing use of the Premises and the lived experiences of the eight or more (8+) current and former neighbors adjacent or in immediate proximity to the Premises. In considering the foregoing we respectfully request that this Board keep in mind that our State Court of Appeals has held, as a general rule, that a nonconforming use in existence when a zoning code is adopted, such as the Company's, is

²⁷ See **Attachment H** – Map & Table of Surrounding Neighbors Recommending Approval, No Objection, and Those Opposed.



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constitutionally protected and will be permitted to continue under the doctrine of vested rights.²⁸

For purposes of brevity, the Applicants have paraphrased the opposition testimony and materials submitted to this Board, and the Applicants provide the following responses to these public comments:

“The scale of the Company’s operations at the Premises have increased over time.”

The Applicants submit that the ‘scale’ of the Company’s operations at the Premises have not increased since these neighbors moved into their respective properties in 2015, 2021, and 2022. As Nick DiLemme will testify to this Board at the Public Hearing on April 22nd, the Company has not significantly expanded its operations on the Premises since the neighbors moved into their residences. The Applicants also note that the aerial images of the Premises submitted by certain neighbors do not accurately reflect the Company’s typical or historical usage of the Premises, as they are taken at various times of day and different times of year, and the Company’s level of activity on the Premises is job-dependent and varies daily and seasonally.

Further, New York case law provides that subsequent ordinances cannot destroy vested rights and their protection of legal nonconforming uses.²⁹ Accordingly, the Applicants submit that any alleged increase(s) of the Company’s operations at the Premises are insufficient to extinguish any vested rights and protections afforded to it. The Applicants submit that any alleged increase(s) of the Company’s operations at the Premises are insufficient to extinguish any vested rights and protections afforded to it, particularly due to the fact that the Zoning Code did not expressly prohibit outdoor work in connection with Home Occupations until March 2014, nearly four (4) decades after the Company was formally incorporated.

“It is constant construction starting normally before 6 a.m. and continuing until 8 or 9 p.m.”

These allegations are patently inconsistent with the testimony from neighbors in support of the Applications, including several of whom live directly adjacent to the Premises. The Applicants submit that the occasional pressure washing of vehicles and equipment and cutting of rebar does not constitute “construction” per the terms common meaning. To highlight this discrepancy the Applicants have

²⁸ *E.g., Ellington Constr. Corp. v. Zoning Bd. of Appeals*, 77 N.Y.2d 114, 118-19, 122 (1990) (“[t]he doctrine of vested rights has generally been described as an application of the constitutionally based common-law rule protecting nonconforming uses”).

²⁹ *E.g., Incorporated Village of North Hornell v. Rauber*, 181 Misc. 546, 550 (Sup. Ct. Steuben Cty. 1943) (citing Appellate authority to support its decision, the Court held that the defendant “had a vested property right, which the Village Board recognized, to maintain and operate his sawmill as a pre-existing use which could not be destroyed by any subsequent zoning ordinance”).



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enclosed photographs from their website that depict their construction work at off-site locations.³⁰ The Applicants submit that on weekdays employees typically arrive on the Premises by or at 6:30 a.m., when they begin to load trucks to leave for job sites, and usually return to the Premises between 4:30-5:30 p.m., when they unload the trucks and take their personal vehicles home; Company employees do not work over the weekends and are therefore not on the Premises on the weekends.

This is corroborated by the neighbors' materials, which only show that employees are loading and starting or parking vehicles in the morning and evening, respectively. The Applicants highlight that the media depicting the lights of trucks during this period does not violate the illumination standards in Section 125-8 of the Town Code.

"There's constant dust, smoke, flames flying from the rebar that the Company is cutting, the Company is pressure washing at all hours of the day."

None of the materials submitted to this Board support the allegations that the Company creates dust, smoke and flames, nor do they evidence that the Company is pressure washing at all hours of the day. In fact, the fifteen (15) videos submitted to this Board are limited to nine (9) days over a span of approximately twenty-eight (28) months. Of these nine (9) days, the Company was cutting rebar on four (4) of them and pressure washing on one (1) of them.

The Applicants further submit that the Company and its employees do not handle hazardous or flammable materials in their line of work and do not cut concrete on the Premises. Accordingly, testimony to the contrary is speculative or stems from a misunderstanding of the Company's activities due to being behind the fence around the southern portion of the Premises. These allegations have also been investigated and found meritless by Garrick Bryant, Assistant Engineer, Division of Air Resources, Region 3, State Department of Environmental Conservation (NYSDEC), who visited the Premises on Friday, April 3rd.

After performing his investigation, Engineer Bryant told Nick DiLemme that he did not observe any violations and would close the investigation. The Applicants admit that Company employees occasionally pressure wash Company vehicles and equipment and cut rebar in the parking area surrounding the Workshop, as they have historically done, but these activities do not violate the historical zoning codes under which the Company and its use of the Premises are bound.

³⁰ See **Attachment I** – Gallery of Jobsite Photographs from the Company's Website.



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“The noise from the Company prohibits our quiet enjoyment of our properties; my pool is basically in the construction zone.”

The Company’s use of the Premises does not prevent certain neighbors from the quiet enjoyment of their properties for multiple reasons, the first of which is because the Company and its employees do not work on weekends. Second, the pool in question is in a fenced backyard that is over one-hundred feet (100’) away.

The materials submitted to this Board also include screenshots from a mobile phone using the SmarterNoise application to measure the noise level of certain Company activities on the Premises in A-weighted decibels (dBA). Of the ten (10) submitted screenshots, five (5) indicate a dBA measurement in excess of what is permitted under Section 125-5A(1) of the Town Code.³¹ These measurements, however, were not made by a standard calibrated sound meter, as required by Section 125-5A of the Town Code, and scientific studies have concluded that smartphone sound level meter applications (SMLAs) are only accurate in sound-treated environments (i.e., rooms with enhanced acoustics, like recording studios) and when calibrated with Type I Sound Level Measurement devices.³² Accordingly, the submitted sound level readings do not establish that the Company’s use of the Premises violates the noise ordinance in the Town Code.

“All business operations ... are conducted exclusively through Strawridge Road.”

This is patently untrue; the Company’s employees that utilize the Office Space and business visitors park their vehicles in the driveway off the primary residence, which is accessible from Route 300.

“The Company’s trucks are often blocking the whole road.”

This is also untrue and unsupported by the documentary evidence provided by the neighbors. The pictures submitted to this Board show that the Company’s vehicles do not impede traffic when occasionally parked on the side of Strawridge Road, not in the middle of it. The Applicants submit that non-Company vehicles are the source of these complaints and have enclosed pictures of other commercial vehicles parked adjacent to the Premises on Strawridge Road.³³

³¹ Images 20240807_0837AM_DiLemme_Photo_1; 20240807_0837AM_DiLemme_Photo_2; 20240807_0837AM_DiLemme_Photo3; 20240807_0837AM_DiLemme_Photo4; 20240807_0953AM_DiLemme_Photo1, submitted by a resident of 442 Strawridge Road via email dated January 28, 2026. Note: These five (5) screenshots were all taken during an approximately one-and-a-half-hour period (1.5 hrs.) on August 7, 2024.

³² Y. SERPANOS, B. RENNE, ET AL., THE ACCURACY OF SMARTPHONE SOUND LEVEL METER APPLICATIONS WITH AND WITHOUT CALIBRATION, 1319-1328 AM. J. SPEECH LANG. PATHOL. (NOV. 21, 2018).

³³ See **Attachment J** – Photographs of other Commercial Vehicles Parked on Strawridge Road.



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“All we are asking is that the Company move to a commercial property.”

The Applicants have a Site Plan Amendment application pending before the Planning Board and have endeavored to relocate the Company to the New Road Property for approximately twenty (20) years. Their efforts have been stymied several times over this period by factors outside of their control, such as the Great Recession, the resulting economic downturn of which led to the expiration of their previously approved Site Plan for the New Road Property from 2008.

CONCLUSION AND LIST OF ENCLOSURES:

For the reasons set forth above, the Applicants respectfully request that this Board find the Company’s commercial use of the Premises may continue as a legal nonconforming use subject to the protections of Section 185-19 of the Town Code. In the alternative, should this Board determine that some or all of the Company’s use of the Premises is not legally nonconforming, the Applicants respectfully request area variances that would permit the Company’s continued use of the Basement Office, Workshop, and Parking Area. As a further alternative, the Applicants request a Use Variance to permit the Company’s commercial use of the Premises.

In support of the Applicants’ submission, please find enclosed copies of the following documents:

Attachment A: Town of Newburgh Letter of Determination prepared by Gerald Canfield, Code Compliance Supervisor, dated October 28, 2025, and Exhibits attached thereto, including:

- Exhibit A: Zoning Map; and
- Exhibit B: Excerpts of the 1974 Zoning Code;

Attachment B: Letter from the Code Compliance Department to Hill N Dale Abstracters, Inc., dated February 2, 2004;

Attachment C: Building Permit No. 0-5732, Filed June 12, 1984, Closed out September 10, 1985;

Attachment D: Site Plan for the Lands of N & J New Road Properties LLC prepared by Darren C. Doce, PE, dated February 4, 2026;

Attachment E: Planning Commission meeting Agenda dated March 19, 2026;

Attachment F: Images of the Premises and Basement Office;

Attachment G: Local Law No. 4 of 2014, as filed with the Secretary of State on April 10, 2014;

Attachment H: Map & Table of Surrounding Neighbors Recommending Approval, No Objection, and Those Opposed;

Attachment I: Gallery of Jobsite Photographs from the Company’s Website; and



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Attachment J: Photographs of other Commercial Vehicles Parked on Strawridge Road.

The Applicants look forward to appearing before this Board to continue discussing the Applications at the Board's meeting on April 23, 2026 for the continued Public Hearing. In the meantime, should this Board or Town Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "TP", with a long horizontal line extending to the right.

Taylor M. Palmer

Enclosures

cc: David Donovan, Esq., Attorney to the Zoning Board of Appeals
Gerald Canfield, Code Compliance Supervisor, Town Code Compliance Department
Michael Matsler, Esq., Rider, Weiner & Frankel, P.C.
Daniel Conant, Esq., Cuddy & Feder LLP

Attachment A

TOWN OF NEWBURGH

Crossroads of the Northeast

21 Hudson Valley Professional Plaza
Newburgh, NY 12550

CODE COMPLIANCE DEPARTMENT
TELEPHONE 845-564-7801
FAX LINE 845-564-7802

October 28, 2025

Via e-mail (tpalmer@cuddyfeder.com) and First Class Mail

Taylor M. Palmer, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601

Re: Request for Interpretation
DiLemme & Sons, Inc.
Premises: 2201 State Route 300, Town of Newburgh, New York
Tax ID: 3-1-91.2

Dear Mr. Palmer:

This letter serves as the decision of the Town of Newburgh ("Town") Code Compliance Department (the "Department") on the request for interpretation which you submitted on behalf of Nicky DeLemme and Jennifer McHugh (the "Owners") and DiLemme & Sons, Inc. ("DiLemme & Sons") by letter dated October 3, 2025. You request an interpretation that DiLemme & Sons use of the above referenced Premises located in the Town's Agricultural Residence ("AR") Zoning District for its operations is legally non-conforming and permitted to continue pursuant to Section 185-19 of the Town of Newburgh Zoning Code, subject to the limitations of Section 185-19A(1)-(5). Your letter represents that this use of the Premises commenced in the early 1980's, that a "workshop" was constructed in 1984, that DiLemme & Sons was incorporated in 1987 and that the use has continued since then. Assuming the representations contained in your letter are accurate, the Department nevertheless finds that the non-conforming use is not entitled to the protections of Code Section 185-19.

Code Section 185-19(A) provides

"The following provisions shall apply to all buildings and uses existing on the effective date of this chapter, unless otherwise provided, which buildings and uses do not conform to the requirements set forth in this chapter; to all buildings and uses that become nonconforming by reason of any subsequent amendment to this chapter and the Zoning Map which is a part thereof; and to all conforming buildings housing nonconforming uses.

A. Nonconforming uses. A nonconforming use may continue indefinitely, subject to the following provisions:

- (1) Alterations. A nonconforming use shall not be enlarged, extended, reconstructed or restored, except in accordance with Subsection B(2) herein, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.
- (2) Displacement. A nonconforming use shall not be extended to displace a conforming use.
- (3) Changes in use. A nonconforming use shall not be changed to another nonconforming use without a special permit from the Board of Appeals, and then only to a use which, in the opinion of said Board, is of the same or a more restricted nature.
- (4) Discontinuance. A nonconforming use shall not be reestablished if such use has been discontinued for any reason for a period of one year or more or has been changed to or replaced by a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
- (5) District changes. Whenever a zoning district boundary shall be changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses existing therein or to any uses that may become nonconforming thereby.”

Code Section 185-3 defines “Nonconforming Building or Use” as follows:

“A use or building, whether of a building or land or both, which does not conform to the requirements respecting permitted uses or coverage as set forth in this chapter for the district in which it is situated but which lawfully existed prior to the enactment of a zoning law or any revision or amendment thereto which would prohibit the use and which is maintained after the effective date thereof although it does not conform to the use or coverage regulations of the district in which it is located.” Underlining added.

The Town first adopted a Zoning Ordinance in 1956 and subsequently amended and codified its Zoning through various ordinances and local laws. The Town’s current Zoning Code was enacted by Local Law No. 4 of 1991, and the Zoning text and map have been amended from time to time by local laws adopted by the Town Board since that enactment. While prior Zoning laws were repealed by Local Law No 4 of 1991, the repeal did not affect any offense committed prior to the repeal, the same remaining subject to enforcement and prosecution pursuant to Code Section 185-63:

“The Zoning Law of the Town of Newburgh as revised and amended by the Town Board on August 19, 1987, effective September 17, 1987, and any and all amendments thereto, is hereby repealed. Such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.”

Underlining added.

Accordingly, any use which was commenced in violation of the Town's Zoning law prior to the effective date of Local Law No. 4 of 1991 is not considered by the Department as one which "lawfully existed" prior to the enactment.

The AR District was established by Town of Newburgh Local Law No. 4 of 1974. The Local Law included a Zoning Map setting forth the boundaries of the Town's zoning districts including those of the AR District (See Exhibit A) and a table setting forth "Permitted Uses," "Uses Subject to Site Plan Review by the Planning Board" and allowed "Accessory Uses." (See Exhibit B which also includes the R-1 and R-2 residential zoning district tables as certain of their permitted uses were incorporated by reference into the AR District table) The Premises and the two preceding lots which were combined to form the Premises have been within the boundaries of the AR District since the District's formation.

The business use of the Premises which you represent was commenced in the early 1980's and continued by DiLemme & Sons does not fall within any of the Permitted Uses and Uses Subject to Site Plan Review listed in the AR District table of Local Law No 4 of 1974. See Exhibit B. Furthermore, it does not fall within that Local Law's definition of "Home Occupation," an allowed accessory use for single family dwellings in that table as it is not a use customarily conducted within a dwelling. See the definition contained in Section 30.21 of Local Law No. 4 of 1974:

"Home occupation" shall mean any gainful occupation or profession customarily conducted within a dwelling the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one (1) non-resident employee working on the premises at any one time and shall not occupy more than one half (1/2) of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; teaching with musical, dancing and other instruction limited to one (1) pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barber shop or beauty parlor, restaurant, animal hospital or commercial animal breeding."

Additionally, Building Permit No. 0-5732 dated June 12, 1984 issued by the Department, on its face, was for a two car garage, a permitted accessory use in the AR District. It was not issued for a "workshop" for your client's business as stated in your submission. The business use of the Premises was illegal when instituted and remains so.

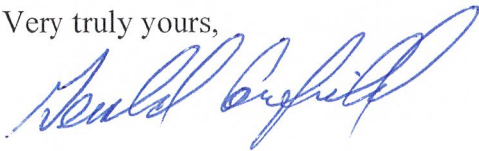
The Department's records indicate that an Order to Remedy dated October 28, 1994 for the business use was issued with remedial action noted with respect to the removal of commercial vehicles; the Notice of Complaint 3-36 dated February 5, 2003 included as Exhibit E to your letter application was issued with notes indicating there was representation that the business use would be moved from the Premises; and the pending Notice of Violation and Order

to Remedy dated September 13, 2024 were also duly served. The Department has been consistent in its position that your clients' business use of the Premises is illegal. It has not induced that use by issuing permits or certificates for the use. While there have obviously been delays in enforcement, those delays have worked to your clients' benefit by delaying the need for relocation.

While we have accepted the representations contained in your letter for purposes of this decision, it should also be noted that neighbors have stated that the scale of DiLemme & Sons operations at the Premises has increased over time with regular use of heavy equipment, high volumes of traffic and continuous noise commencing early in the morning having impacts on their residential neighborhood. Section 185-19(A)(1) provides in pertinent part: "nor shall any external evidence of such use be increased by any means whatsoever." Accordingly, even if the business use were determined to be subject to pre-existing, nonconforming use protection, violations of the limitations of Section 185-19(A)(1) would still be at issue.

In conclusion, the Code Compliance Department's interpretation is that business use of the Premises by the Owners and DiLemme & Sons is not a legally non-conforming use permitted to continue pursuant to Section 185-19 of the Town of Newburgh Zoning Code.

Very truly yours,



Gerald Canfield,
Code Compliance Supervisor

cc: Supervisor
Town Board
Attorney

EXHIBIT A

ZONING MAP

- | | |
|-----------|------------------------------------|
| AR | AGRICULTURE
RESIDENTIAL |
| R1 | RESIDENTIAL |
| R2 | RESIDENTIAL |
| R3 | RESIDENTIAL |
| B | BUSINESS |
| IB | INTERCHANGE
BUSINESS |

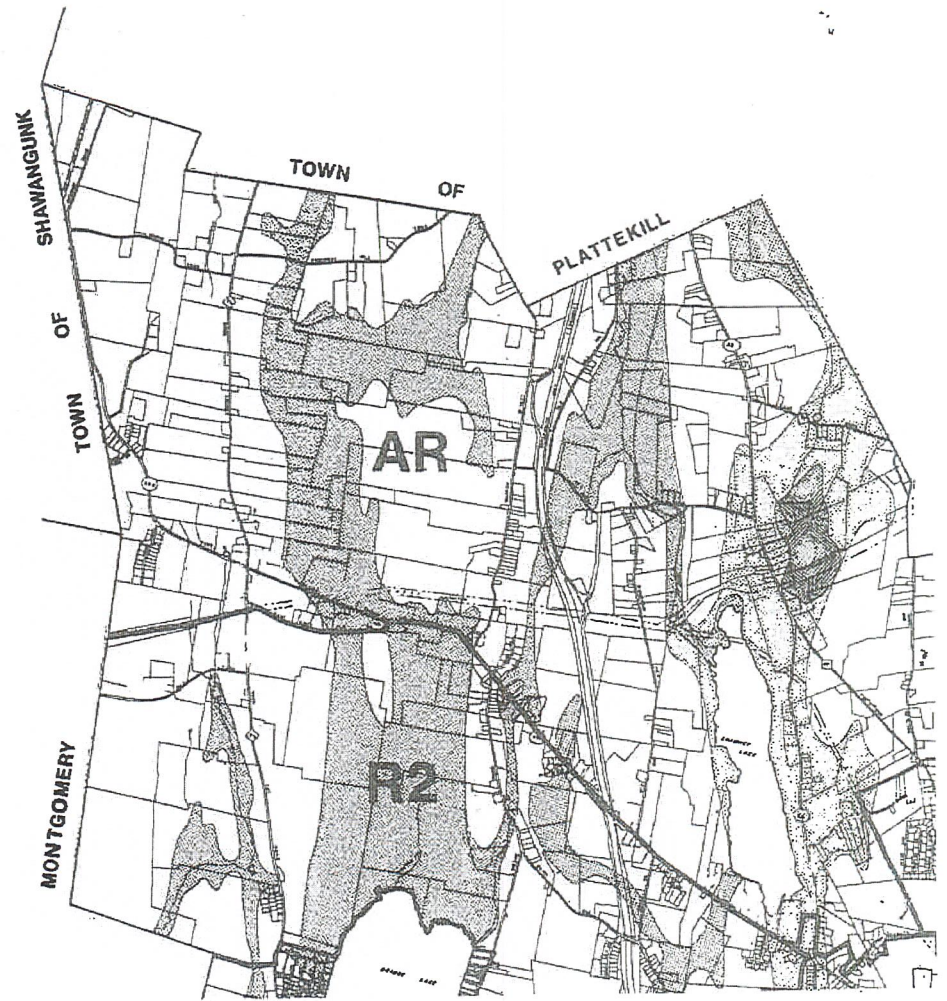


EXHIBIT B

MUNICIPAL CODE

ZONING

§ 30.41

MINIMUM REQUIRED

MAXIMUM PERMITTED

USES SUBJECT TO SITE
PLAN REVIEW BY THE
PLANNING BOARD

LOT
AREA

LOT
WIDTH

LOT
DEPTH

FRONT
H YARD

REAR
YARD

R ONE
D SIDE

BOTH
E SIDES

LIVABLE.
FL. AREA/
S DWELLING

DWEL.	%
UNITS	LOT
ACRE	COVT

BLDG.
ERAGE HEIGH

[illegible]

MUNICIPAL CODE

ZONING

§ 30.4

USES SUBJECT TO SITE
PLAN REVIEW BY THE
PLANNING BOARD

MINIMUM REQUIRED

MAXIMUM PERMITTE

DIST.

ACCESSORY USES

PERMITTED USES

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AREA

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AR (Cont'd)	5. Veterinarian's offices, provided that all dogs are kept within a totally enclosed & suitably ventilated building between the hours of sundown and sunrise.		2. Mobile home courts in accordance with Sub. A of § 30.52.	10 acres	100'		40'	30'	30'	60'			15	3
B	1. Outdoor vending machines. 2. Manufacturing, cleaning or processing of goods where the product will be sold at the premises. 3. Non-flashing signs related to an establishment located on the same lot, provided a. Illumination shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or the public way.	1. Same uses and as regulated by items 1 through 3 of the R-2 District. 2. Retail and services stores. 3. Business and professional offices. 4. Eating and drinking places. 5. Clubhouses without outdoor recreation facilities. 6. Funeral homes	1. Retail and service stores, business and professional offices, eating & drinking places when such buildings & structures exceed a floor area of 5600 sq ft. 2. Indoor amusement establishments.	15,000 sq ft	100'	125'	40'	30'	15'	30'			40 w/out cent. sewer & water systems 50 with cent sewer & water systems	3.

DIST.	ACCESSORY USES	PERMITTED USES	MUNICIPAL CODE	USES SUBJECT TO SITE PLAN REVIEW BY THE PLANNING BOARD	ZONING								MAXIMUM PERMITTED		
					LOT AREA	LOT WIDTH	LOT DEPTH	FRONT YARD	REAR YARD	ONE SIDE	BOTH SIDES	LIVABLE FL. AREA/ DWELLING	DWEL. UNITS ACRE	% LOT COVERAGE	BLDG. HEIGHT
R-1	1. Home occupations 2. Private garage or carport for not more than four vehicles. 3. Garden house, tool shed, wading or swimming pool not operated for gain, provided that pools in excess of 200 sq ft shall be located at least 10 ft from any lot line and enclosed by a suitable fence with a min. height of four feet. 4. Signs, limited to: a. one non-illuminated name plate or professional sign with an area not greater than 2 sq ft. b. One illuminated announcement sign for schools, churches and other public or semi-public institutions with an area not greater than 12 sq ft located at least 15 ft from any street line. 5. Keeping not more than five dogs and/or cats over six months of age.	1. Single family dwellings not to exceed one dwelling units per lot.			40,000 sq ft	150'	150'	50'	40'	30'	80'	1500 sq ft	1.0	10	35'
		2. Two family dwellings not to exceed two dwelling units per lot.			60,000 sq ft								1.5	10	
		1. Conversion of existing dwellings for multi-family use provided that the exterior of such dwellings shall not be enlarged or extended nor altered except as required for compliance with the multiple residence law.			40,000 sq ft per dwel. unit							first dwelling 2000 sq ft-each additional dwelling 1000 sq ft	1.0	10	
		2. Cluster developments for single family detached dwellings in accordance with Subd. C of § 30.52.						100'	100'	100'	200'	1500 sq ft	1.0	10	
		3. Membership clubs not operated for gain, providing recreational and clubhouse facilities including			10 acres	300'		200'	200'	400'	200'			10	

MUNICIPAL CODE

ZONING

MINIMUM REQUIRED

MAXIMUM PERMITTED

LIVABLE.

DWEL. %

UNITS LOT

BLDG.

USES SUBJECT TO SITE
PLAN REVIEW BY THE
PLANNING BOARD

DIST.	ACCESSORY USES	PERMITTED USES	PLAN REVIEW BY THE PLANNING BOARD	LOT AREA	LOT WIDTH	LOT DEPTH	FRONT YARD	REAR YARD	ONE SIDE	BOTH SIDES	FL. AREA/ DWELLING	ACRE	UNITS	LOT COVERAGE	BLDG. HEIGHT
R-1 (cont'd)	6. Keeping not more than two domestic animals, other than dogs or cats nor more than 25 fowl, provided that the lot contains an area of at least two acres. 7. Separate living quarters within the permitted use structure for persons employed on the premises.	3. Municipal buildings & uses.	the sale of food and drink in accordance with Subd. F of § 30.52. 4. Places of worship and related parish houses, seminaries, convents, dormitories and related uses. 5. Public utility structures and rights-of-way.												
R-2	1. Same as items 1 through 7 above. 2. Off-street parking for commercial vehicles operated by the occupants of the permitted residence when such vehicles are housed in a garage or carport. 3. Off-street parking, not under cover, for not more than one commercial vehicle not over 25 feet in length.	1. Same as item 1 above a. without central sewer system		20,000 sq ft	100'	125'	40'	40'	15'	30'	900 sq ft	1.0	25		35'
		b. with central sewer and town water system.		15,000 sq ft								1.8			
		2. Same as item 2 above a. without central sewer system.		30,000 sq ft	125'	150'		50'	25'	50'		1.0			
		b. with central sewer and town water system.		22,500 sq ft								1.8			
			1. Same as item 1, R-1 District.	15,000 sq ft per dwelling	150'	150'									
			2. Same as item 2 R-1 District.	25 acres	300'		50'	50'	50'	100'	900 sq ft (as measured fr. boundaries of the site)	2.5	15		
			3. Planned unit developments in accordance with Subd D of § 30.52	100 acres									3.0		

MUNICIPAL CODE

USES SUBJECT TO SITE
PLAN REVIEW BY THE
PLANNING BOARD

ZONING
MINIMUM REQUIRED

§ 30.41
MAXIMUM PERMITTED

			USES SUBJECT TO SITE PLAN REVIEW BY THE PLANNING BOARD	MINIMUM REQUIRED								LIVABLE FL. AREA/ DWELLING	DWEL. UNITS ACRE	% LOT COVERAGE	BLDG. HEIGHT
DIST.	ACCESSORY USES	PERMITTED USES		LOT AREA	LOT WIDTH	LOT DEPTH	FRONT YARD	REAR YARD	ONE SIDE	BOTH SIDES					
R-2 (Cont'd)			4. Same as item 3, R-1 District a. With outdoor recreational facilities. b. Without outdoor recreational facilities.	10 acres	300'		200'	200'	400'	200'			10	35'	
				2 acres	150'	150'	50'	50'	50'	100'			20		
			5. Same as item 4, R-1 Districts.												
			6. Nursery schools for pre-school children.												
			7. Schools for general education including colleges, with related activities.	5 acres	300'		75'								
			8. Hospitals and nursing homes for general medical care.												
		3. Same as item 3, R-1 District.	9. Same as item 5, R-1 District.												
R-3	1. Same as the R-2 District	1. Same as item 1, R-1 District. a. Without central sewer system.		15,000 sq ft	100'	125'	40'	40'	15'	30'	900 sq ft	2.0	25	35'	
		b. With central sewer and town water system.		12,500 sq ft	85'	100'						2.5			

MUNICIPAL CODE

T.	ACCESSORY USES	PERMITTED USES	USES SUBJECT TO PLAN REVIEW BY PLANNING BOARD	MINIMUM REQUIRED						MAXIMUM PERMITTED			
				LOT WIDTH	LOT DEPTH	FRONT YARD	REAR YARD	ONE SIDE	BOTH SIDES	LIVABLE FL. AREA/ DWELLING	DWEL. UNITS/ ACRE	% LOT COVERAGE	BLDG. HEIGHT
1	1. Home occupations	1. Single family dwellings not to exceed one dwelling units per lot.		150'	150'	50'	40'	30'	80'	1500 sq ft	1.0	10	35'
	2. Private garage or carport for not more than four vehicles.										1.5	10	
	3. Garden house, tool shed, wading or swimming pool not operated for gain, provided that pools in excess of 200 sq ft shall be located at least 10 ft from any lot line and enclosed by a suitable fence with a min. height of four feet.	2. Two family dwellings not to exceed two dwelling units per lot.								first dwelling 2000 sq ft-each additional dwelling 1000 sq ft	1.0	10	
	4. Signs, limited to: a. one non-illuminated name plate or professional sign with an area not greater than 2 sq ft. b. One illuminated announcement sign for schools, churches and other public or semi-public institutions with an area not greater than 12 sq ft located at least 15 ft from any street line.	1. Conversion of existing dwellings for multiple family use provided that the exterior of such dwelling shall not be enlarged or extended nor altered except as required for compliance with the multiple residence law.				100'	100'	100'	200'	1500 sq. ft (as measured from the boundaries of the site)	1.0	10	
		2. Cluster developments for single family detached dwellings in accordance with Subd. C of § 30.52.											
	5. Keeping not more than five dogs and/or cats over six months of age.	3. Membership club not operated for gain, provided recreational clubhouse facilities included.		300'		200'	200'	400'	200'			10	

Attachment B

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

02/02/2004

HILL N DALE ABSTRACTERS, INC
20 SCOTCHTOWN AVENUE
GOSHEN, N.Y. 10924
TITLE #HN 33438

LOCATION: 2201 ROUTE 300
SEC-BLK-LOT: 3-1-91. ~~D-9~~
OWNER: NICARDO & FRANCESCA DILEMME
SUBJECT: CO, ROAD & VIOLATIONS

To Whom It May Concern:

This letter is in answer to your inquiry regarding the above-mentioned property.

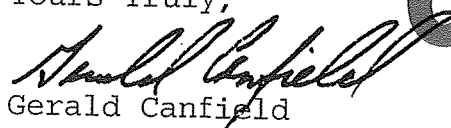
Our files indicate the above-mentioned structure was built prior to our keeping of records. Therefore, there is no Certificate of Occupancy for this structure, nor is one required.

Please be advised that the above-mentioned road is a PUBLIC ROAD.

In checking our files, we find no record of any open violations against this property. No inspection of the premises has been performed and the statement concerning our records should not be relied upon as meaning no violations in fact exists.

Also enclosed is a Certificate of Occupancy for a roof over porch. Permits were issued for a Two Car Garage in 1984 and an Addition in 1980 both of these permits were closed out as COMPLETED. Our records indicate the garage and porch are part of the original construction.

Yours Truly,


Gerald Canfield
Code Compliance Supervisor

COPY

GC:ams
Ref: 4-90

Attachment C

TOWN OF NEWBURGH
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

GERALD F. CANFIELD
CODE COMPLIANCE SUPERVISOR
TELEPHONE: (845) 564-7801
FAX LINE: (845) 564-7802

Permit No: 0-5732

File Date: 06/12/1984
Expire Date: 12/13/1985

BUILDING PERMIT

SEC-BLK-LOT: 3-1-91.2

Permit Fee: \$18.00
C.O. Fee: \$0.00

A permit is hereby given by the Building Department, TOWN OF NEWBURGH, ORANGE COUNTY, N.Y., for the structure described herein:

Owner's Name: DI LEMME, NICANDRO
Address: RD#2, BX 300, BOX 119, WALLKILL, NEW YORK

(914)-564-2195

Architect's Name: N/A
Address:

Builder's Name: DILEMME AND SONS
Address: RD#2, BOX 119, WALLKILL, NEW YORK, 12589

(914)-564-2195

Location of Structure: ROUTE 300

Material: FRAME	No. Stories: 1.0	No. Families: 0
Dim. of Stru.: 30' X 30'	No. Bedrooms: 0	No. Toilets: 0
Use of Stru.: 2=CAR GARAGE	Dim. of Lot: 1 ACRE	
Census Code: 438	No. Bathrooms: 0.0	Heating Plant:

Remarks: COMPLETED CLOSED OUT 9/10/85

Appx. Cost: \$6000.00

1. I am familiar with the Zoning and Building Ordinance of the TOWN OF NEWBURGH, and do hereby agree to abide by them.
2. The information stated above is correct and accurate.

Signature of Applicant

CODE COMPLIANCE DEPARTMENT

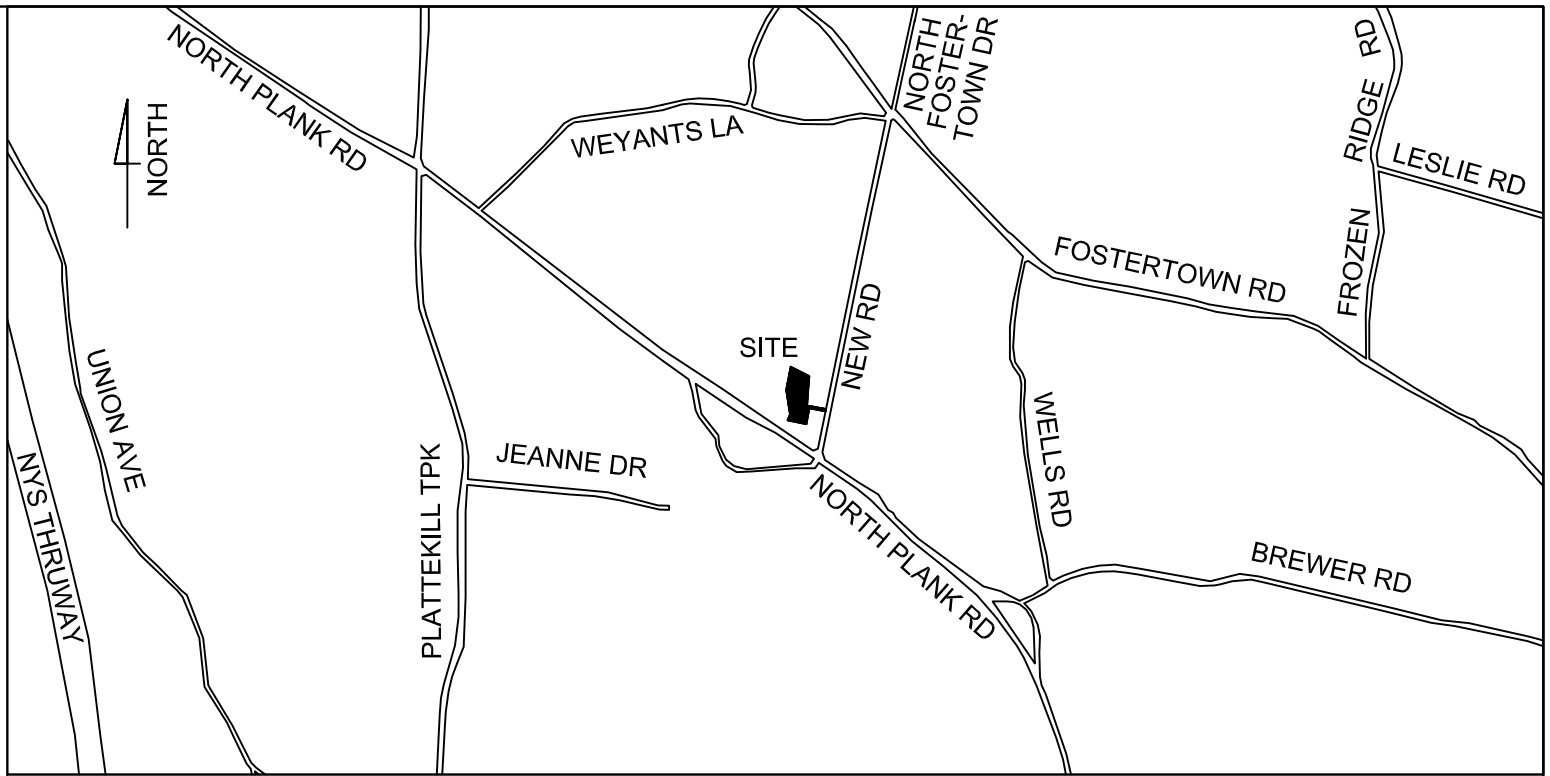
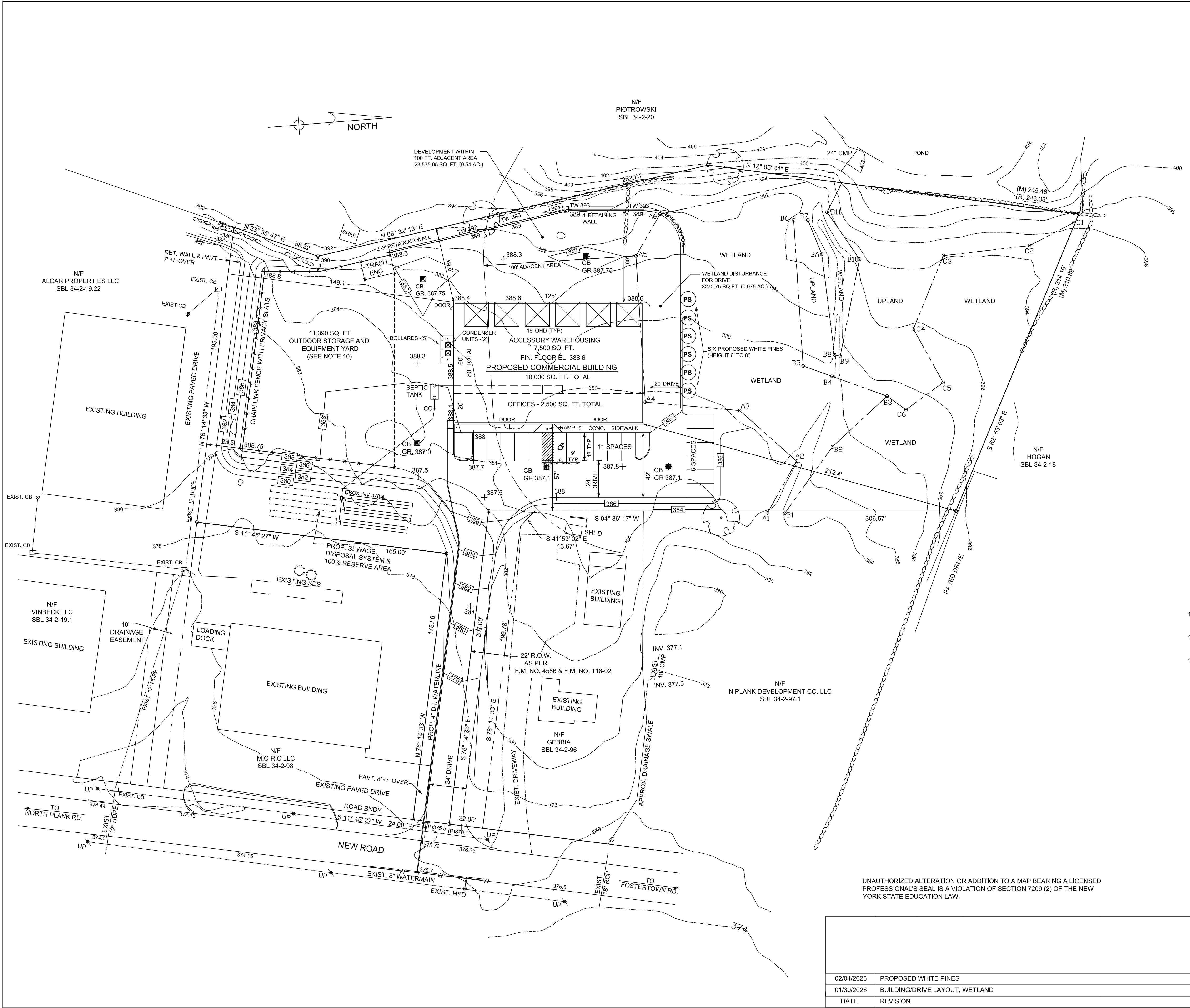
IMPORTANT

1. A permit under which no work has commenced within six (6) months after issuance, shall expire by limitation, and a new permit must be secured before work can begin.
2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.

SEPTIC PERMIT:

Permit No: 0-5732

Attachment D



LOCATION MAP
SCALE: 1 IN. = 2000 FT.

ZONE - B (BUSINESS)		
USE - RETAIL/OFFICE		
REGULATION	MINIMUM REQUIRED	MINIMUM PROPOSED
LOT AREA	15,000 SQ. FT.	2.62 AC. +/-
LOT WIDTH	100 FT.	513 FT. +/-
LOT DEPTH	125 FT.	193 FT. +/-
FRONT YARD	40 FT.	57.0 FT. +/-
REAR YARD	30 FT.	49.6 FT. +/-
ONE SIDE YARD	15 FT.	149.1 FT. +/-
BOTH SIDE YARDS	30 FT.	381.5 FT. +/-
	MAXIMUM PERMITTED	MAXIMUM PROPOSED
LOT BUILDING COVERAGE	40 %	8.8 % +/-
LOT SURFACE COVERAGE	80 %	45.4 % +/-
BUILDING HEIGHT	35 FT.	28.33 FT. +/-

PARKING REQUIREMENT:
BUILDING FLOOR AREA - 10,000 SQ. FT.
OFFICE AREA - 2,500 SQ. FT.
ACCESSORY WAREHOUSE/STORAGE AREA - 7,500 SQ. FT.
OFFICE - 1 SPACE PER 200 SQUARE FEET OF FLOOR AREA - SPACES REQUIRED - 13 SPACES
WAREHOUSE - 0.5 SPACE PER 1000 SQ. FT. OF FLOOR AREA - SPACES REQUIRED - 4 SPACES
TOTAL SPACES REQUIRED - 17 SPACES
TOTAL SPACES PROVIDED - 17 SPACES

ADA PARKING SPACES REQUIRED - 1 SPACES
ADA PARKING SPACES PROVIDED - 2 SPACES

- NOTES:**
- TAX MAP DESIGNATION: SECTION 34 BLOCK 2 LOT 99.2
 - PARCEL AREA = 2.62 ACRES +/-
 - ZONING DISTRICT - B (BUSINESS)
 - OWNER AND APPLICANT: N & J NEW ROAD PROPERTIES LLC
PO BOX 10355
NEWBURGH, NY 12550
 - THE PARCEL SHOWN HEREON IS DESIGNATED AS LOT NO. 3 ON A MAP ENTITLED "LOT LINE CHANGE PLAN LANDS OF LAND INVESTMENT GROUP OF NEWBURGH & DARANDREA ASSOCIATES," DATED NOVEMBER 28, 2002 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE DECEMBER 30, 2003 AS MAP NO. 719-03.
 - THE LOCATIONS (HORIZONTAL AND VERTICAL) AND SIZES OF ANY UNDERGROUND UTILITY SHOWN SHALL NOT BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION, ELEVATION AND SIZE OF ANY EXISTING UNDERGROUND UTILITY. BEFORE BEGINNING CONSTRUCTION, THE CONTRACTOR MUST PERFORM EXPLORATORY EXCAVATIONS TO LOCATE THE EXISTING UNDERGROUND UTILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT MAKING REVISIONS, AS NEEDED.
 - ANY EXISTING STRUCTURE, CURB, PAVED AREA, LANDSCAPED AREA, ETC. DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO ITS ORIGINAL CONDITION.
 - IT IS THE DEVELOPER'S OR CONTRACTOR'S RESPONSIBILITY TO OBTAIN ANY NECESSARY PERMITS REQUIRED FROM FEDERAL, STATE OR LOCAL AUTHORITIES.
 - THE PROSPED BUILDING WILL BE SERVED BY AN INDIVIDUAL PRIVATE SEWAGE DISPOSAL SYSTEM AND TOWN OF NEWBURGH WATER.
 - MATERIALS TO BE STORED INCLUDE, BUT ARE NOT LIMITED TO, CONCRETE FORMS AND BASKETS, LUMBER FOR FORMS, REBAR, WIRE MESH, AND RIGID INSULATION. MAXIMUM HEIGHT OF STORED MATERIAL WILL BE 9 FEET.
 - SURVEY INFORMATION AS SHOWN HEREON IS AS PER A SURVEY ENTITLED "SURVEY OF THE LANDS OF N&J NEW ROAD PROPERTIES LLC," DATED DECEMBER 4, 2024, AND PREPARED BY MARTIN F. ANTHONISEN JR., PLS, NYS LICENSE NO. 050764.
 - THE WETLAND BOUNDARY LOCATION IS AS DELINEATED BY MICHAEL NOWICK ON JUNE 25, 2025, VALIDATED BY MICHAEL R. FRAATZ, NYSDEC, ON DECEMBER 09, 2025, AND LOCATED BY BARAK MILES, PLS 021225 ON DECEMBER 16, 2025.

CALL BEFORE YOU DIG
DIG SAFELY NEW YORK MUST BE CONTACTED (DIAL 811 OR 1-800-962-7962) AT LEAST TWO FULL WORKING DAYS PRIOR TO ANY EXCAVATION, DRILLING OR BLASTING TO HAVE ANY EXISTING UNDERGROUND UTILITIES LOCATED AND MARKED. NON-MEMBER UTILITIES MUST BE CONTACTED SEPARATELY.

SITE PLAN

LANDS OF

N & J NEW ROAD PROPERTIES LLC

5 NEW ROAD, TOWN OF NEWBURGH

ORANGE COUNTY, NEW YORK

DATE: NOVEMBER 21, 2024 SCALE: 1 IN. = 30 FT.

UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING A LICENSED PROFESSIONAL'S SEAL IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.	
02/04/2026	PROPOSED WHITE PINES
01/30/2026	BUILDING/DRIVE LAYOUT, WETLAND
DATE	REVISION

PREPARED BY:
DARREN C. DOCE, PE
5 LINCOLNDALE ROAD, CAMPBELL HALL, NY 10916
TEL. (845) 561-1170 EMAIL: DDOCE12@HOTMAIL.COM

Attachment E



TOWN OF NEWBURGH

Crossroads of the Northeast

21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

PLANNING BOARD
JOHN P. EWASUTYN, CHAIRMAN
TELEPHONE 845-564-7804
FAX 845-564-7802
E-MAIL: planningboard@townofnewburgh.org

PLANNING BOARD AGENDA

March 19, 2026

7:00 PM

****PLEASE NOTE: The Planning Board Meeting will start at 7:00 P.M. and all Applicants/Representatives are to be present at that time. The Meeting will be held in the Meeting Room of Town Hall, located at 1496 Route 300, Newburgh NY.****

This will be an in-person meeting at Town Hall

Online meeting materials: <http://www.townofnewburgh.org/cn/meetings/>

1. Rocket Subdivision (25-08)

397 Candlestick Road
Section 6, Block 1, Lot 56.21
Zone: AR
Rep: Jonathan N. Millen, PLS
ACES
1229 Route 300, Suite 4
Newburgh, NY 12550

PUBLIC HEARING
FOUR LOT SUBDIVISION

2. Lands of Tarben, Inc. (25-12)

10 Tarben Way
Section 6, Block 1, Lot 24
Section 127, Block 1, Lot 5
Zone: AR
Rep: Patricia Brooks, LS
Control Point Associates
11 Main Street
Highland, NY 12528

TOWN LAW 280-A

3. N&J New Road Properties (24-37)

New Road/North Plank Intersection
Section 34, Block 2, Lot 99.2
Zone: B
Rep: Darren C. Doce, P.E.
5 Lincolndale Road
Campbell Hall, NY 10916

AMENDED SITE PLAN

- | | |
|---|--|
| <p>4. Junction Development, LLC (25-09)
 561 International Boulevard
 Section 89, Block 1, Lot 81
 Zone: IB
 Rep: Zachary M. Pearson, P.E.
 Insite Engineering, Surveying & Landscape Architecture
 3 Garrett Place
 Carmel, NY 10512</p> | <p>AMENDED SITE PLAN</p> |
| <p>5. Britain Woods (22-17)
 442 Little Britain Road (NYS Route 207)
 Section 97, Block 1, Lot 32.1, 32.2, 32.3 & 40.1
 Zone: R-3
 Rep: Ross Winglovitz P.E.
 Engineering & Surveying Properties, P.C.
 71 Clinton Street
 Montgomery, NY 12549</p> | <p>FEIS MULTI-FAMILY
 SITE PLAN / 258 UNITS</p> |
| <p>6. 845 Cronomer Lake (25-35)
 3 Thayer Lane
 Section 34, Block 1, Lots 25.151 & 25.152
 Zone: R-2
 Rep: Ross Winglovitz, P.E.
 Engineering & Surveying Properties, P.C.
 71 Clinton Street
 Montgomery, NY 12549</p> | <p>TWO LOT SUBDIVISION</p> |
| <p>7. Crossroad Realty Partners, LLC (26-07)
 Route 300 / Holt Lane
 Section 14, Block 1, Lot 144.2
 Section 16, Block 2, Lot 10
 Section 16, Block 3, Lot 16 & 17
 Zone: R-2
 Rep: Ross Winglovitz, P.E.
 Engineering & Surveying Properties, P.C.
 71 Clinton Street
 Montgomery, NY 12549</p> | <p>INITIAL APPEARANCE
 EIGHT LOT SUBDIVISION</p> |

PLANNING BOARD BUSINESS – MARCH 19, 2026
WORK SESSION— 5:00 PM Start Time

1. Monarch Woods Senior Community (PB #2019-28) – Six month extension request.
2. Overlook Farms (PB #2019-23) – Request for an extension of site plan and ARB approval until March 19, 2026.

Attachment F

Attachment F: Images of the Premises and the Basement Office

Google Maps Street View – View of Premises from Route 300:



Attachment F: Images of the Premises and Basement Office (Cont.)

Google Maps Street View – State Route 300 looking East Toward Premises:



Attachment F: Images of the Premises and Basement Office (Cont.)

Google Maps Street View – State Route 300 looking West Toward Premises:



Attachment F: Images of the Premises and Basement Office (Cont.)

Image of Basement Office:



Attachment F: Images of the Premises and Basement Office (Cont.)

Image of Basement Office:



Attachment F: Images of the Premises and Basement Office (Cont.)

Image of Basement Office:



Attachment F: Images of the Premises and Basement Office (Cont.)

Image of Basement Office:



Attachment G

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Newburgh

FILED
STATE RECORDS

APR 10 2014

Local Law No. 4 of the year 2014

DEPARTMENT OF STATE

A local law Amending Chapter 185 entitled Zoning of the Code of the Town of Newburgh to

(Insert Title)

Establish Supplementary Regulations Applicable to Home Occupations.

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Newburgh

as follows:

PLEASE SEE ATTACHED LOCAL LAW

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2014 of the (County)(City)(Town)(Village) of Newburgh was duly passed by the Town Board on March 3, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)~~

~~on _____ 20____, in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

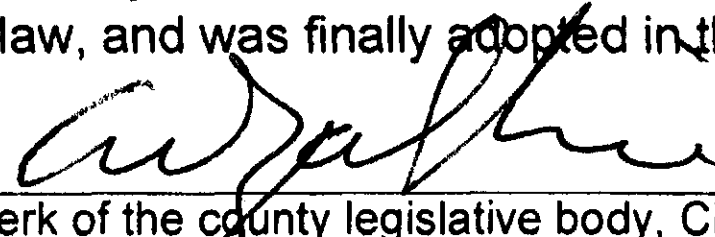
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
Andrew J. Zarutskie, Town Clerk

Date: **MAR 13 2014**

(Seal)

SECTION 1 – TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 185 entitled ‘Zoning’ of the Code of the Town of Newburgh to Establish Supplementary Regulations Applicable to Home Occupations”.

SECTION 2 – PURPOSE AND INTENT

The Town Board of the Town of Newburgh declares its intent to amend the Town of Newburgh Zoning Code in order to clearly prohibit accessory home occupation activities outside of dwellings so that such accessory uses are restricted to uses within dwellings. In that regard, the Town Board finds that certain uses cannot be conducted solely within dwellings as currently required by the Zoning Code and are accordingly to be explicitly prohibited. Additionally, the Town Board finds that certain activities that may be associated with home occupations will have detrimental impacts on neighboring residences and residential neighborhoods and accordingly supplemental regulations of home occupations are needed.

SECTION 3 – AMENDMENTS TO CHAPTER 185

1. Section 185-3 entitled “Definitions; word usage” is hereby amended by revising the definition of “HOME OCCUPATION” as follows:

HOME OCCUPATION

Any gainful occupation or profession customarily conducted within a dwelling by the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one nonresident employee working on the premises at any one time and shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling, if so used. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; and teaching, with musical, dancing and other instruction limited to one pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barbershop or beauty parlor, restaurant, animal hospital, ~~or~~ commercial animal breeding, taxi service or yard and in residential zones, uses which entail the outdoor use, maintenance, servicing, testing, cleaning, repair, loading, unloading or storage of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities conducted on the property containing the dwelling.

2. A new Section 185-48.6 entitled “Home Occupations” is hereby added to Chapter 185 to read as follows:

“§ 185-48.6 Home Occupations

- A. Findings. The Town of Newburgh permits customary Home Occupations to be conducted as accessory uses in dwellings subject to special permit in each of its residential districts and in the B (Business) district. The Town Board of the Town of Newburgh finds that certain occupations, which potentially could be conducted in dwellings, are detrimental to residential neighborhoods and accordingly are specifically prohibited. The Town Board of the Town of Newburgh additionally finds that occupations which require the use of outdoor motor equipment, machinery or vehicles or which involve outdoor on-premise work activities or outdoor storage upon the property occupied by the subject dwelling are also detrimental to residential neighborhoods as a result of noise, traffic on residential streets, emissions and related impacts, and accordingly the presence of such equipment, machinery and vehicles and such outdoor work activities should not be permitted on the property located in a residential zone in conjunction with Home Occupations.
- B. Purposes. Home Occupations are permitted subject to special permit in recognition that certain occupations and professions have been customarily conducted within dwellings by residents without changing the character of the structure as a residence or the property occupied by the structure. A Home Occupation will change the residential character of the structure and the property it occupies, however, if it is not confined to the interior of the dwelling or if the presence of non-residential employees is not limited. If an occupation which commences as a Home Occupation prospers and grows to a point where it is a business with more than one nonresident employee, then it should no longer be conducted as a Home Occupation. It is accordingly appropriate that the Zoning Board of Appeals require as a condition of the granting of all Home Occupation special permits that the permit be for a finite time period and subject to application by the applicant at the stated interval for renewal following review and hearing by the Zoning Board of Appeals.

Certain occupations due to the traffic they generate, noise or odor impacts are detrimental to neighboring residential properties or neighborhoods. Certain occupations which have indoor office components but also entail the use, maintenance, storage, testing, cleaning, repair, loading or unloading of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities, to the extent such activities are conducted upon the property occupied by the dwelling, also have detrimental impacts to neighboring residential properties and neighborhoods.

The purpose of this section is to establish regulations for Home Occupations so that they do not have detrimental impacts on neighboring residences and residential neighborhoods and to specifically prohibit certain uses and activities as home occupations in residential zones in order to preserve the character of residential neighborhoods.

C. No more than one nonresident employee, associate, assistant or intern shall work on the premises at any one time. The nonresident employee's, associate's, assistant's or intern's work activities shall be confined to space within the dwelling. The nonresident employee, associate, assistant or intern shall not engage in outdoor work activities. No additional nonresident employees, associates, assistants or interns shall report to the property for any purpose, including but not limited to transportation to off site work premises, conferences, training or testing.

D. The following are prohibited as home occupations:

1. clinic;
2. hospital;
3. barbershop;
4. beauty parlor;
5. restaurant;
6. animal hospital;
7. commercial animal breeding;
8. uses in residential zones which include the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles;
9. uses in residential zones which include outdoor work activities conducted on the property containing the dwelling; and
10. taxi or ambulance service or yard.

Any such use which has previously received a special permit from the Zoning Board of Appeals or existed prior to prohibition in the Zoning Code shall be deemed nonconforming.

E. No outdoor machinery, motor equipment or commercial vehicular maintenance, service, testing, cleaning or repair, nor the loading and unloading of motor equipment in conjunction with a Home Occupation shall be conducted on the residential premises of the Home Occupation in residential zones, except inside a building on the premises.

F. No commercial vehicle, trailer or motor equipment parking, storage, loading or unloading in conjunction with the Home Occupation shall take place outdoors on the residential premises of a Home Occupation in a residential zone, except for the parking of one vehicle as permitted pursuant to § 185-13E. Home occupations shall provide off-street parking for any and all anticipated increases in vehicles at the premises above and beyond the parking already required. Off-street parking required for the home occupation shall not be located in a front yard.

G. Delivery and pickup of material or commodities to and from the residential premises of a Home Occupation in a residential zone by a commercial vehicle shall not exceed 20 vehicle trips per week.

- H. The Home Occupation shall not use, store, produce or dispose of any toxic or hazardous material.
- I. The Home Occupation in a residential zone shall not produce any odor, noise, vibration, smoke, dust, heat, or glare discernible at the property line.
- J. No outdoor display of goods other than agricultural food products or outdoor storage of goods, equipment, containers or material used in the Home Occupation shall be permitted in a residential zone.
- K. Home Occupations shall be limited to one per lot.
- L. When applicable, the building construction classification and fire separations for the building shall comply with the applicable fire and building safety requirements of the Town for mixed use of residential and the applicable nonresidential use classification of such Home Occupation and shall be certified by the Building Inspector.
- M. No unlawful use of a building or structure or lot for a Home Occupation existing at the effective date of the local law enacting this Section shall be deemed to be a nonconforming use.”

SECTION 4 – AMORTIZATION OF NONCONFORMING ACCESSORY HOME OCCUPATION USES

- A. Notwithstanding Section 185-19 of the Town Code the following applies to Home Occupations rendered nonconforming by this Local Law
 - (1) The Town Board finds that certain Home Occupations adjacent to and abutting other residential properties in residential districts adversely impact neighborhoods’ quality of life, through outdoor work activities which produce noise, traffic on residential streets, emissions and related impacts on neighboring properties that cannot be eliminated without a cessation of such outdoor work activities. Such activities include outdoor equipment or vehicular and motor equipment maintenance, service, testing, cleaning and repair, the loading and unloading of equipment from vehicles or trailers and the storage, parking, starting, stopping and idling of more than one vehicle or motor equipment.
 - (2) The Town Board further finds that the continued operation of Home Occupations which include outdoor work activities in residential districts and are rendered nonconforming by this Local Law will adversely affect the health, safety and welfare of the residents of the Town in general and the neighboring and nearby residences in particular and that their continued operation will likely adversely affect neighboring property values.

- (3) Based upon the foregoing findings, the Town Board has determined that in order to preserve and protect the health safety and welfare of the residents of the Town, and to preserve and protect the property values in the Town the continued use of residential properties for nonconforming Home Occupations in residential zones which entail the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles or other outdoor work activities should be discontinued and that said operation should be terminated upon the following provisions.

B. Termination.

- (1) The right to operate and maintain a nonconforming Home Occupation in a residential zone which entails the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles or other outdoor work activities conducted on the property containing the dwelling, where the property is adjacent to and abutting other residential property shall terminate one (1) year from the date this Local Law is adopted unless, within the time specified, the owner or mortgagee or both appeal to the Zoning Board of Appeals and the Zoning Board of Appeals by decision and resolution extends the termination date for an additional period of time not to exceed two (2) years from the date this Local Law is adopted.
- (2) In the event that an appeal is taken to a court of competent jurisdiction from any of the provisions of this amortization section or from any decision of the Zoning Board of Appeals, the period of termination set forth above shall continue to run during said appeal.
- (3) In the event the owner permanently ceases the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles and other outdoor work activities, the nonconforming Home Occupation may continue in accordance with §185-19A following the expiration of the periods set forth above.

C. Notice of termination.

- (1) Upon the adoption of this Local Law, the Building Inspector shall serve a notice of termination upon the owners of the real property and the mortgagee, if any, of any mortgage on real property, notifying them that the operation of the nonconforming

Home Occupation shall terminate on the date specified in the notice. The notice shall further state that the owner or mortgagee, or both, may, within 60 days of the date the notice is served, file an application with the Zoning Board of Appeals for an extension of the termination date.

- (2) If no such application is filed within the time set forth herein, it shall be presumptive proof that the termination date set forth in said notice is reasonable and that the nonconforming Home Occupation has been fully amortized, and the use shall terminate on the date specified in the notice.
- (3) The notice of termination shall be sent by certified mail, return receipt requested, to the owner of the real property at the address set forth on the most recent tax rolls of the Town and to any mortgagee at the address set forth on any recorded mortgage.
- (4) In the event that the certified letter is not accepted by the owner, the posting of a copy of the notice on the property and the mailing of a copy by regular mail to the owner's address shall be deemed sufficient notice.

D. Hearing.

- (1) Upon the filing of an application, the Zoning Board of Appeals shall schedule and notice a public hearing to determine the termination date.
- (2) The Zoning Board of Appeals shall be entitled to retain such experts and others it deems necessary to assist it in its review in accordance with the provisions of Chapter 104.
- (3) The applicant shall have the burden of establishing the right to continue the operation of the home occupation beyond the date set forth in the termination notice.
- (4) The Zoning Board of Appeals shall consider the following factors, among others, in making its determination:

[a] The value of the land without the buildings, fixed equipment, fixed structures and other fixed capital improvements existing on the property and used in the operation of the nonconforming Home Occupation, excluding the dwelling, as of the date it was acquired by the present owner.

[b] The value of all the buildings, fixed equipment, fixed structures and other fixed capital improvements existing on the property and used in the operation of the nonconforming Home Occupation excluding the dwelling as of the date the Home Occupation became a nonconforming use.

[c] The value of all the buildings, fixed equipment, fixed structures and other fixed capital improvements used for the nonconforming Home Occupation, excluding the dwelling, as of the date the present owner acquired the property.

[d] The value of all buildings, fixed equipment, fixed structures and other fixed capital improvements used for the nonconforming Home Occupation that were added pursuant to a valid building permit subsequent to the date the present owner acquired the property.

[e] The value of all additions, modifications and alterations made to buildings, fixed equipment, fixed structures and other fixed capital improvements used for the nonconforming Home Occupation that were added pursuant to a valid building permit subsequent to the date the present owner acquired the property.

[f] The depreciation of buildings, fixed equipment, fixed structures and other fixed capital improvements used in the nonconforming Home Occupation taken for income tax purposes by the present owner.

[g] The effect the operation of the nonconforming Home Occupation has upon property values in the area.

[h] The character of the neighborhood.

[i] The environmental effects the nonconforming Home Occupation has upon the neighborhood.

E. Standing. Any resident of the Town and the Town Board shall have the standing and the right to intervene in any hearing before the Zoning Board of Appeals.

SECTION 5 – VALIDITY

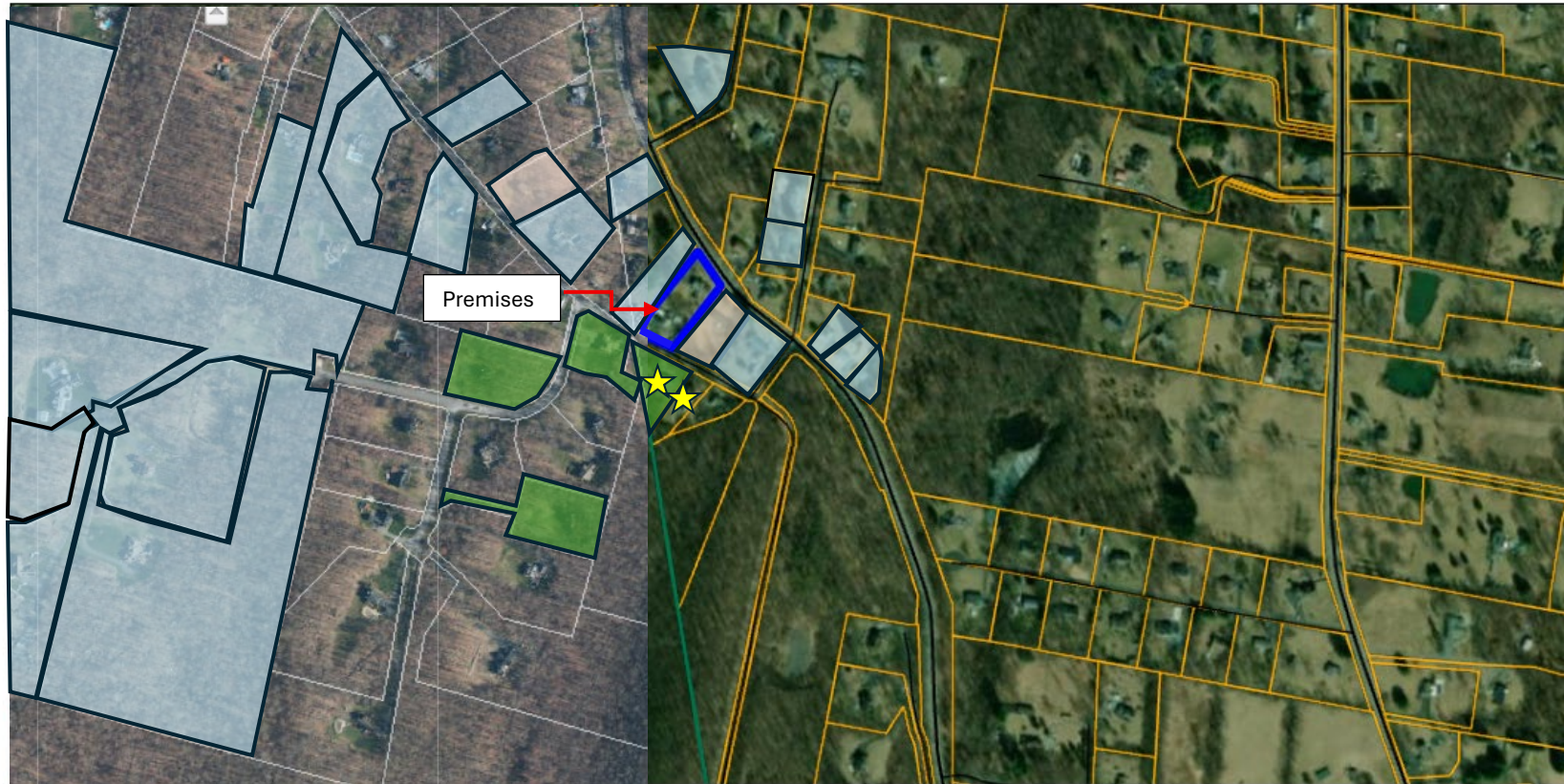
If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Attachment H

Attachment H: Map of Supporting Neighbors Recommending Approval, No Objections and Those Opposed



April 8, 2026



Surrounding Neighbor
Recommending Approval



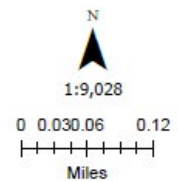
Surrounding Neighbor
No Objection



Surrounding Neighbor
Opposed



Location of Former Neighbors Recommending Approval



CREDITS: Orange County, Esri Community Maps Contributors, Orange County, NY, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Vantor, Esri, NASA, NGA, USGS, FEMA, OCGIS

DISCLAIMER: This map is a product of Orange County GIS Division. The data depicted here have been developed with extensive cooperation from other County departments, as well as other Federal, State and Local government agencies. Orange County make no representations as to the accuracy of the information in the mapping data, but rather, provide said information as is. Orange County expressly disclaim responsibility for damages or liability that may arise from the use of this map.

**Attachment H: Table of Surrounding Neighbor Recommending Approval, No Objection
and Those Opposed**

No. of Households	Name	Address	Support & Approval Recommendation Or No Objection	Testimony (Written or Oral)
1	Virginia Aller	497 Strawridge Rd.	Support & Approval Recommendation	Letter (undated)
2	Arthur & Donna Himmelberger	6 Deer Run Rd.	Support & Approval Recommendation	Letter dated January 19, 2026
3	Philip A. LaRocco	15 Arcadia Drive (formerly 2221 State Route 300)	Support & Approval Recommendation	Letter dated January 12, 2026
4	Janet & Roy Werner	23 Grandview Ln.	Support & Approval Recommendation	Letter dated January 13, 2026
5	Edward J. Madson	61 Sands Ave., Milton, NY (formerly 442 Strawridge Rd.)	Support & Approval Recommendation	Letter dated January 21, 2026
6	Angel Rios and Kathleen Sileno-Rios	Formerly 446 Strawridge Rd.	Support & Approval Recommendation	Letter dated? January 28, 2026
7	Daniel Grove	35 Rugar Ln.	Support & Approval Recommendation	Letter (undated)
8	John and Elena Petrolese	2188 State Route 300	Support & Approval Recommendation	Letter dated January 19, 2026
9	John Cirigliano	10 Deer Run Rd.	Support & Approval Recommendation	Letter dated January 13, 2026
10	Kim Leonette	33 Grandview Ln.	Support & Approval Recommendation	Letter dated January 14, 2026
11	John Leonette	28 and 40 Grandview Ln.	Support & Approval Recommendation	Letter dated January 14, 2026
12	Phillip B. Kirschen	399 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 20, 2026

**Attachment H: Table of Surrounding Neighbor Recommending Approval, No Objection
and Those Opposed**

13	Nancy Wagner & Kurt Wagner	404 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 19, 2026 & testimony at January 22, 2026 ZBA Hearing
14	The Alghadeer Residence	394 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 17, 2026
15	Susan & Anthony Carffizi	9 Kings Hill Terrace (formerly 361 Strawridge Rd.)	Support & Approval Recommendation	Letter (undated)
16	Christine Betanzos	16 Sunny Ln.	Support & Approval Recommendation	Letter dated January 20, 2026 and testimony at January 22, 2026 ZBA Hearing
17	Carin and Frank Foster	1813 Route 300	Support & Approval Recommendation	Letter dated January 21, 2026
18	Larry Hanke	341 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 22, 2026
19	Patricia Betanzos	11 Fox Hill Rd.	Support & Approval Recommendation	Letter dated January 19, 2026 and testimony at January 22, 2026 ZBA Hearing
20	Tim and Ivana Spindler	388 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 20, 2026
21	The Popes	15 Kings Hill Ter.	Support & Approval Recommendation	Letter (undated)
22	Emily Vincenzo	No address listed.	Support & Approval Recommendation	Letter dated January 14, 2026
23	Janice Vincenzo & Steven Vincenzo	6 Sloan Court	Support & Approval Recommendation	Letter dated January 14, 2026
24	Richard Bremer	24 Grandview Ln.	Support & Approval Recommendation	Letter dated January 13, 2026
25	Mr. & Mrs. P. Kuzda	2190 Route 300	Support & Approval Recommendation	Letter dated January 17, 2026

**Attachment H: Table of Surrounding Neighbor Recommending Approval, No Objection
and Those Opposed**

26	Nicole & Patrick Ortiz	2192 Route 300	Support & Approval Recommendation	Letter dated January 15, 2026
27	Cindy Ortiz	2207 Route 300	Support & Approval Recommendation	Letter dated January 22, 2026
28	Frank Magnanini	325 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 9, 2026
29	Carl & Christa Rucker	425 Strawridge Rd.	Support & Approval Recommendation	Letter dated January 21, 2026
30	Victor and Donna Tyner	No address listed.	Support & Approval Recommendation	Letter dated January 19, 2026
31	Mr. & Mrs. Sanchez	2203 Route 300	Support & Approval Recommendation	Testimony at January 22, 2026 ZBA Hearing
32	David Sherwood	1775 Route 300	Support & Approval Recommendation	Testimony at January 22, 2026 ZBA Hearing
33	Steven Diaz	2199 Route 300	No Objection	Letter (undated) & testimony at January 22, 2026 ZBA Hearing
34	Camille Reid	413 Strawridge Rd.	No Objection	Letter dated January 16, 2026

No. of Households	Name	Address	Opposed	Testimony (Written or Oral)
1	Danielle Carollo & Eric Jacobsen	442 Strawridge Rd.	Opposed	Letter dated January 28, 2026, and testimony at January 22, 2026 ZBA Hearing (page 109-111 & page 143-148)
2	Kayla Pillitteri	3 Grandview Ter.	Opposed	Testimony at January 22, 2026 ZBA Hearing (page 101-109)
3	Kimberly Behrens	12 Grandview Ter.	Opposed	Testimony at January 22, 2026 ZBA Hearing (page 148-149)
4	Ann Lathan Kerzner	7 Arcadia Dr.	Opposed	Testimony at January 22, 2026 ZBA Hearing (page 136-143)

Attachment I

Attachment I – Gallery of Jobsite Photographs from the Company’s Website



Obtained from <https://www.dilemmeconcrete.com/#gallery> (April 9, 2026)

Attachment J

Attachment J – Photographs of Non-Company Vehicles Parked on Strawridge Road

Photograph of Landscaping Truck(s) Parked in front of the Premises on Strawridge Rd. (dated January 15, 2026)



Attachment J – Photographs of Non-Company Vehicles Parked on Strawridge Rd. (cont'd)

Photograph of Cargo/Delivery Van in front of 442 Strawridge Rd. (dated January 30, 2026)



Attachment J – Photographs of Non-Company Vehicles Parked on Strawridge Rd. (cont'd)

Photograph of HVAC Contractor Van in front of 442 Strawridge Rd. (dated January 11, 2025)

