

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550**

DATE RECEIVED: _____ **TOWN FILE NO:** _____
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):

5148 Route 9W Office Building

2. Owner of Lands to be reviewed:

Name JCH Expanding LLC

Address 5148 Route 9W

Newburgh, NY 12550

Phone (516) 300-0456

3. Applicant Information (If different than owner):

Name David Niemotko Architects, P.C.

Address 167 Stage Rd Monroe, NY 10950

Representative David Niemotko

Phone (845) 774-7523

Fax _____

Email David@NiemotkoArchitects.com

4. Subdivision/Site Plan prepared by:

Name David Niemotko Architects, P.C.

Address 167 Stage Rd Monroe, NY 10950

Phone/Fax (845) 774-7523

5. Location of lands to be reviewed:

5148 Route 9W Newburgh, NY 12550

6. Zone Business

Acreeage 0.09

Fire District Middlehope Fire District

School District Newburgh

7. Tax Map: Section 43 **Block** 2 **Lot** 15

8. Project Description and Purpose of Review:

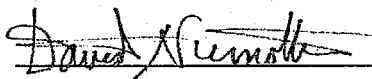
Number of existing lots 1 Number of proposed lots 1
Lot line change None
Site plan review Building footprint change and new parking spaces
Clearing and grading _____
Other _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:

(Describe generally) _____

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature  Title Architect

Date: 04/22/2024

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

TOWN OF NEWBURGH PLANNING BOARD

5148 Route 9W Office Building

PROJECT NAME

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. Environmental Assessment Form As Required
2. Proxy Statement
3. Application Fees
4. Completed Checklist (Automatic rejection of application without checklist)

II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (if different from applicant)
3. Subdivision or Site Plan and Location
4. Tax Map Data (Section-Block-Lot)
5. Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. NA Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. Date of plan preparation and/or plan revisions
9. Scale the plan is drawn to (Max 1" = 100')
10. North Arrow pointing generally up

11. Surveyor,s Certification
12. Surveyor's seal and signature
13. Name of adjoining owners
14. NA Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. NA Flood plain boundaries
16. NA Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. Metes and bounds of all lots
18. Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19. Show existing or proposed easements (note restrictions)
20. Right-of-way width and Rights of Access and Utility Placement
21. NA Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. Lot area (in sq. ft. for each lot less than 2 acres)
23. Number of lots including residual lot
24. Show any existing waterways
25. NA A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. NA Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. Show topographical data with 2 or 5 ft. contours on initial submission

30. Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. NA If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32. NA Number of acres to be cleared or timber harvested
33. NA Estimated or known cubic yards of material to be excavated and removed from the site
34. NA Estimated or known cubic yards of fill required
35. NA The amount of grading expected or known to be required to bring the site to readiness
36. NA Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
-
-
37. NA Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
-
-
38. List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By: David K. Remolt
Licensed Professional

Date: 04/22/2024

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date):

STATEMENT TO APPLICANTS

RE: TOWN OF NEWBURGH CLEARING AND GRADING LAW

The Town of Newburgh Clearing and Grading Control Law requires a separate permit for most site preparation activities, including clearing, grading, tree cutting, excavating and filling. Site preparation activities performed following site plan or subdivision approval by the Planning Board may be exempt from the permit application, public hearing, fee and bonding requirements of the law provided the subdivision or site plan application has been reviewed for conformance with the clearing and grading law and the approval conditioned on compliance with the standards set forth in the law. Completion of the attached form will enable the Planning Board to review your application for conformance with the law's requirements. In the event it is not completed you may be required to apply for a separated permit for your site preparation activities. A sediment and erosion control plan and a plan showing the areas to be cleared, filled, graded or subjected to tree cutting, the types of vegetation affected and the proposed disposition of the destroyed vegetation must accompany the form. A SEQRA long form or full EAF should be utilized to discuss any environmental impacts and must accompany the application.

TOWN OF NEWBURGH
APPLICATION FOR CLEARING AND GRADING

Name of applicant: David Niemotko Architects, P.C.

Name of owner on premises: JCH Expanding LLC

Address of owner: 10 Deforest Ave Newburgh, NY 12550

Telephone number of owner: (516) 300-0456

Telephone number of applicant: (845) 774-7523

State whether applicant is owner, lessee, agent, architect, engineer or contractor:

Architect

Location of land on which proposed work will be done: _____

5148 Route 9W Newburgh, NY 12550

Section: 43 **Block:** 2 **Lot:** 15 **Sub. Div.:** _____

Zoning District of Property: Business **Size of Lot:** 0.09 acres

Area of lot to be cleared or graded: _____

Proposed completion of date: _____

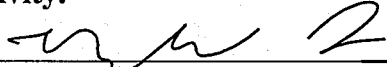
Name of contractor/agent, if different than owner: Angel's Renovation Inc

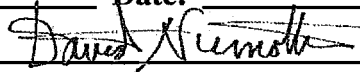
Address: Newburgh, NY 12550

Telephone number: (845) 275-8292

Date of Planning Board Approval: _____ (if required)

I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.

Signature of owner:  **Date:** 04/29/2024

Signature of applicant (if different than owner): 

TOWN ACTION:

Examined: _____ 20 _____

Approved: _____ 20 _____

Disapproved: _____ 20 _____

FEE LAW SUMMARY

PENDING APPLICATIONS

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

SEVERABILITY

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.

EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

FEE ACKNOWLEDGEMENT

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

JCH Expanding LLC

APPLICANT'S NAME (printed)



APPLICANTS SIGNATURE

04/22/2024

DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

PROXY

(OWNER) JCH Expanding LLC., **DEPOSES AND SAYS THAT HE/SHE**

RESIDES AT 10 Deforest Ave, Newburgh, NY, 12550

IN THE COUNTY OF Orange

AND STATE OF NY

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

5148 Route 9W Newburgh NY 12550 (SBL: 43-2-15)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING

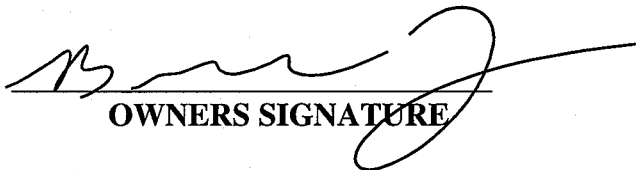
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH

PLANNING BOARD AND David Niemotko Architect, P.C. **IS AUTHORIZED**

TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 04/22/2024

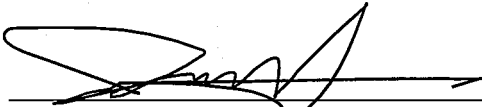
**NAMES OF ADDITIONAL
REPRESENTATIVES**



OWNERS SIGNATURE

Belky Jimenez

OWNERS NAME (printed)



WITNESS' SIGNATURE

Jesse Shih

WITNESS' NAME (printed)

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

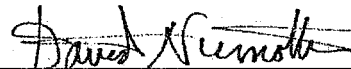
The applicant hereby acknowledges, consents, and agrees to the above.

04/22/2024

DATED

David Niemotko

APPLICANT'S NAME (printed)



APPLICANT'S SIGNATURE

**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

 X **NONE**

 NAME, ADDRESS, RELATIONSHIP OR INTEREST
(financial or otherwise)

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

 TOWN BOARD
 X **PLANNING BOARD**
 ZONING BOARD OF APPEALS
 ZONING ENFORCEMENT OFFICER
 BUILDING INSPECTOR
 OTHER

04/22/2024
DATED



INDIVIDUAL APPLICANT

David Niemotko Architects, P.C.
CORPORATE OR PARTNERSHIP APPLICANT

BY: President (Principal Architect)
(Pres.) (Partner) (Vice-Pres.)
(Sec.) (Treas.)

ARCHITECTURAL REVIEW FORM
TOWN OF NEWBURGH PLANNING BOARD

DATE: 04/22/2024

NAME OF PROJECT: 5148 Route 9W Office Building

The applicant is to submit in writing the following items prior to signing of the site plans.

EXTERIOR FINISH (skin of the building):

Type (steel, wood, block, split block, etc.)

Stucco, Wood

COLOR OF THE EXTERIOR OF BUILDING:

White, Brown, & Black

ACCENT TRIM:

Location: 30" Stone Waterline

Color: Light Gray

Type (material): Stone

PARAPET (all roof top mechanicals are to be screened on all four sides):

ROOF:

Type (gabled, flat, etc.): New gable roof with new dormers framed over existing roof

Material (shingles, metal, tar & sand, etc.): Metal

Color: Dark brown

WINDOWS/SHUTTERS:

Color (also trim if different): Black Metal

Type: Casement and Fixed Windows

DOORS:

Color: Black Metal

Type (if different than standard door entrée): Aluminum double doors w/ glass

SIGN:

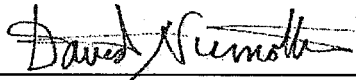
Color: Blue, Red, Yellow

Material: Metal

Square footage of signage of site: 50 SF

David Niemotko Architects, P.C. | Architect

Please print name and title (owner, agent, builder, superintendent of job, etc.)



Signature

Short Environmental Assessment Form

Part 1 - Project Information

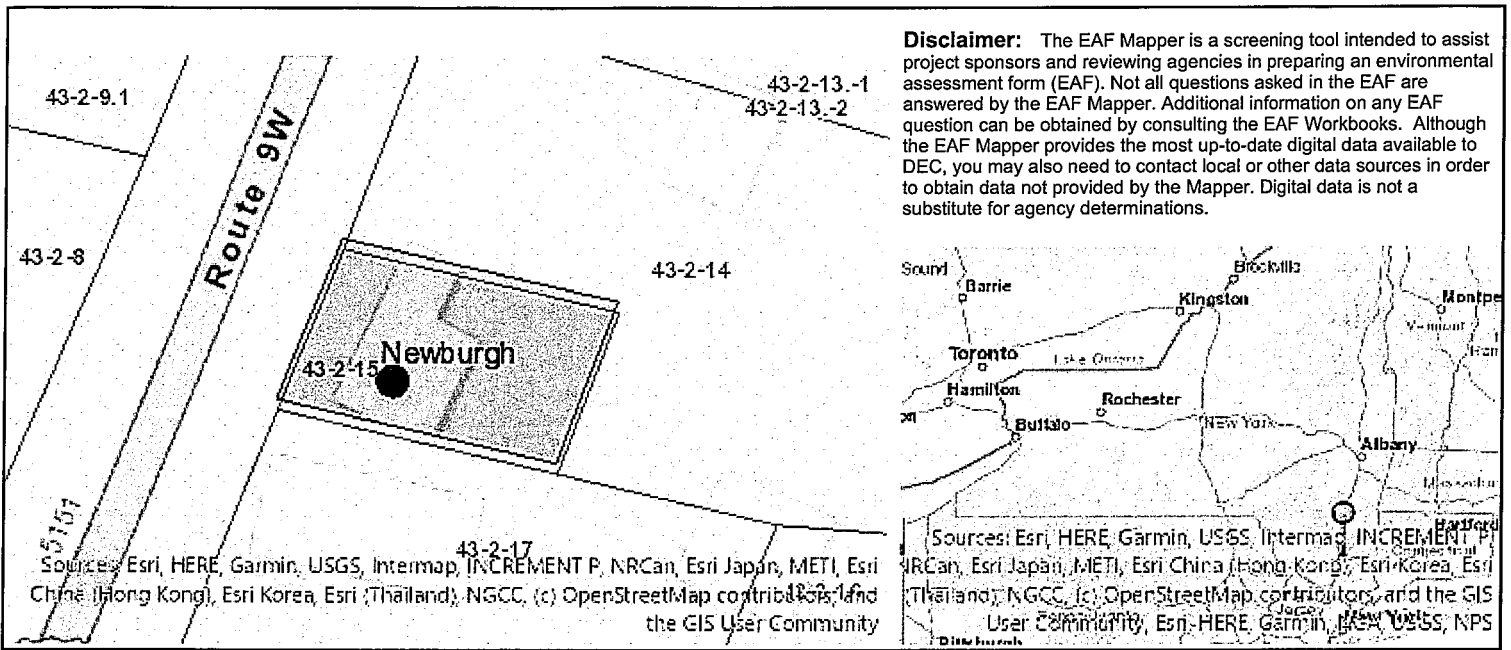
Instructions for Completing

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.

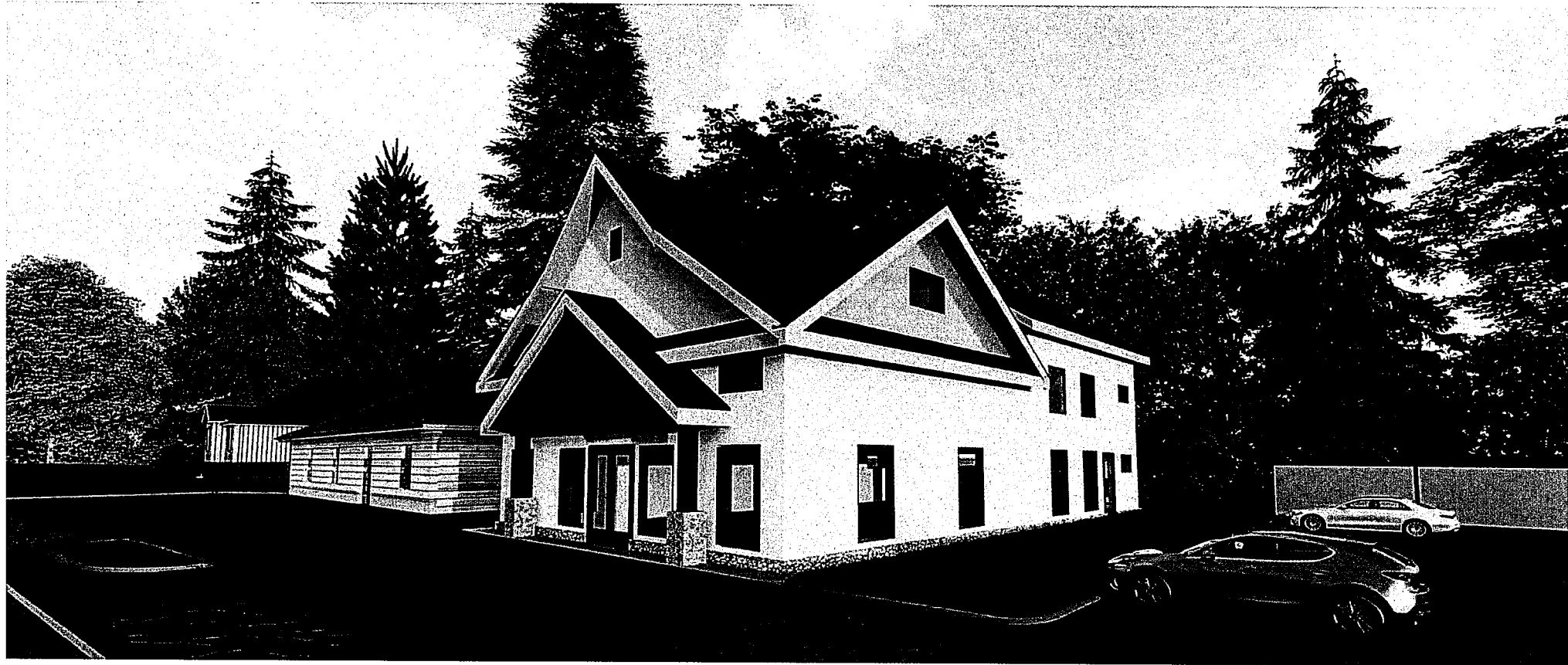
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

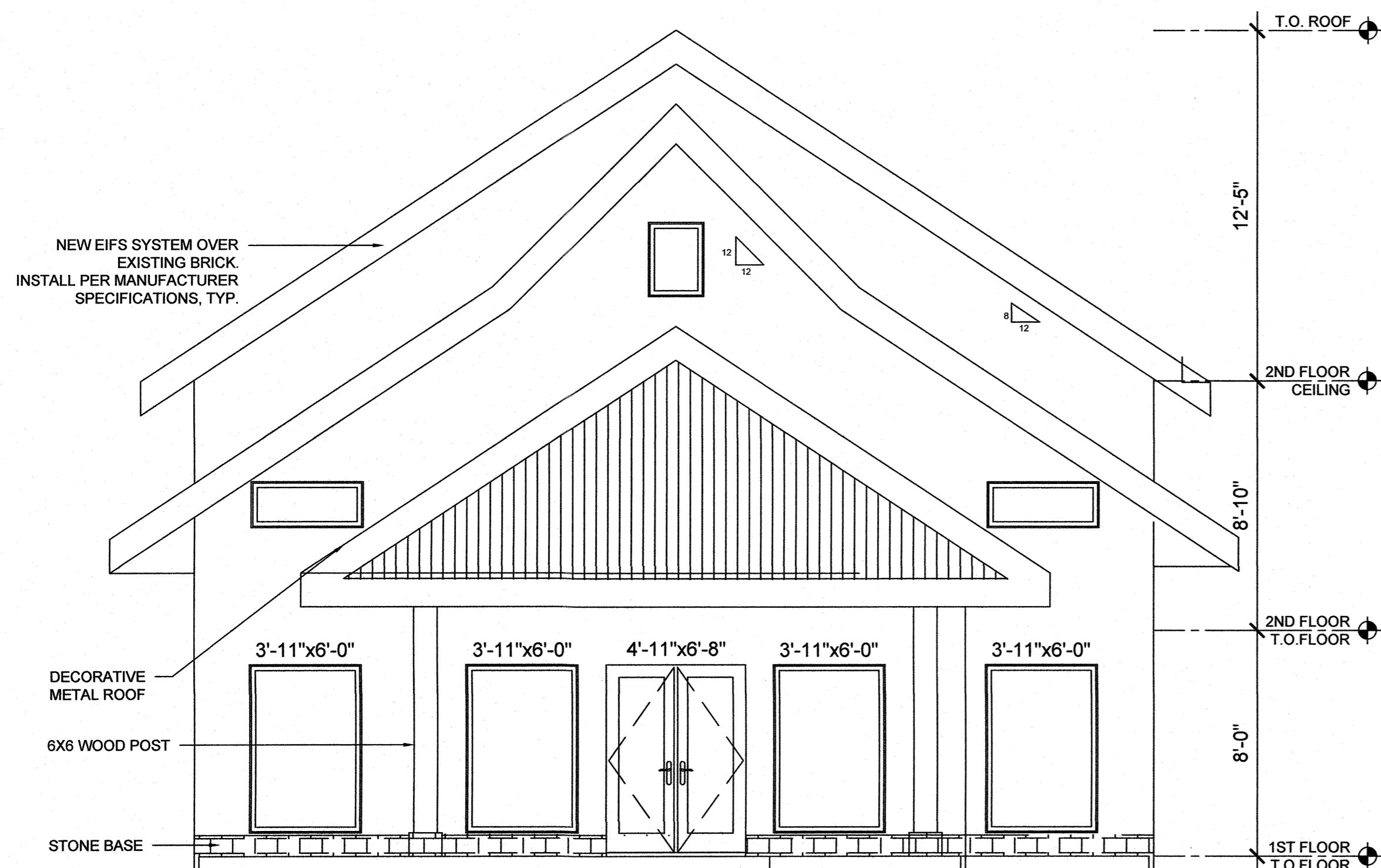
Part 1 – Project and Sponsor Information				
Name of Action or Project: 5148 Route 9W Office Building				
Project Location (describe, and attach a location map): 5148 Route 9W Newburgh NY 12550				
Brief Description of Proposed Action: Existing building to be reconstructed and renovated to a two story office building. New parking spaces at front of the building. Existing utilities to be utilized.				
Name of Applicant or Sponsor: David Niemotko Architect, P.C.		Telephone: (845) 774-7523 E-Mail: david@niemotkoarchitects.com		
Address: 167 Stage Rd				
City/PO: Monroe		State: NY	Zip Code: 10950	
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Planning Board			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			_____ 0.09 acres _____ 0.03 acres _____ 0.09 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
NA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
Old Balmville Elementary School (now demolished), Balmville Elementary School	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
Nearby Federal classified waterbody/stream. No Impact			

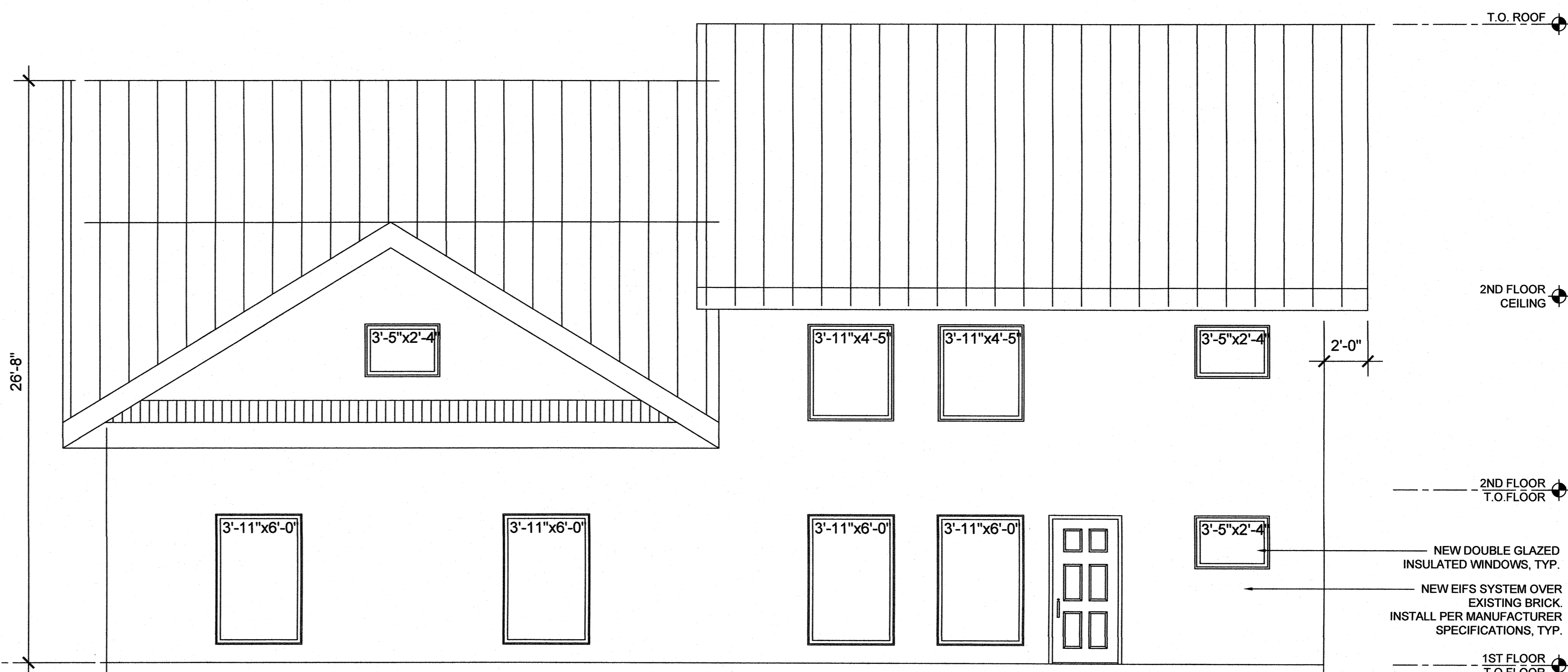


Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local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

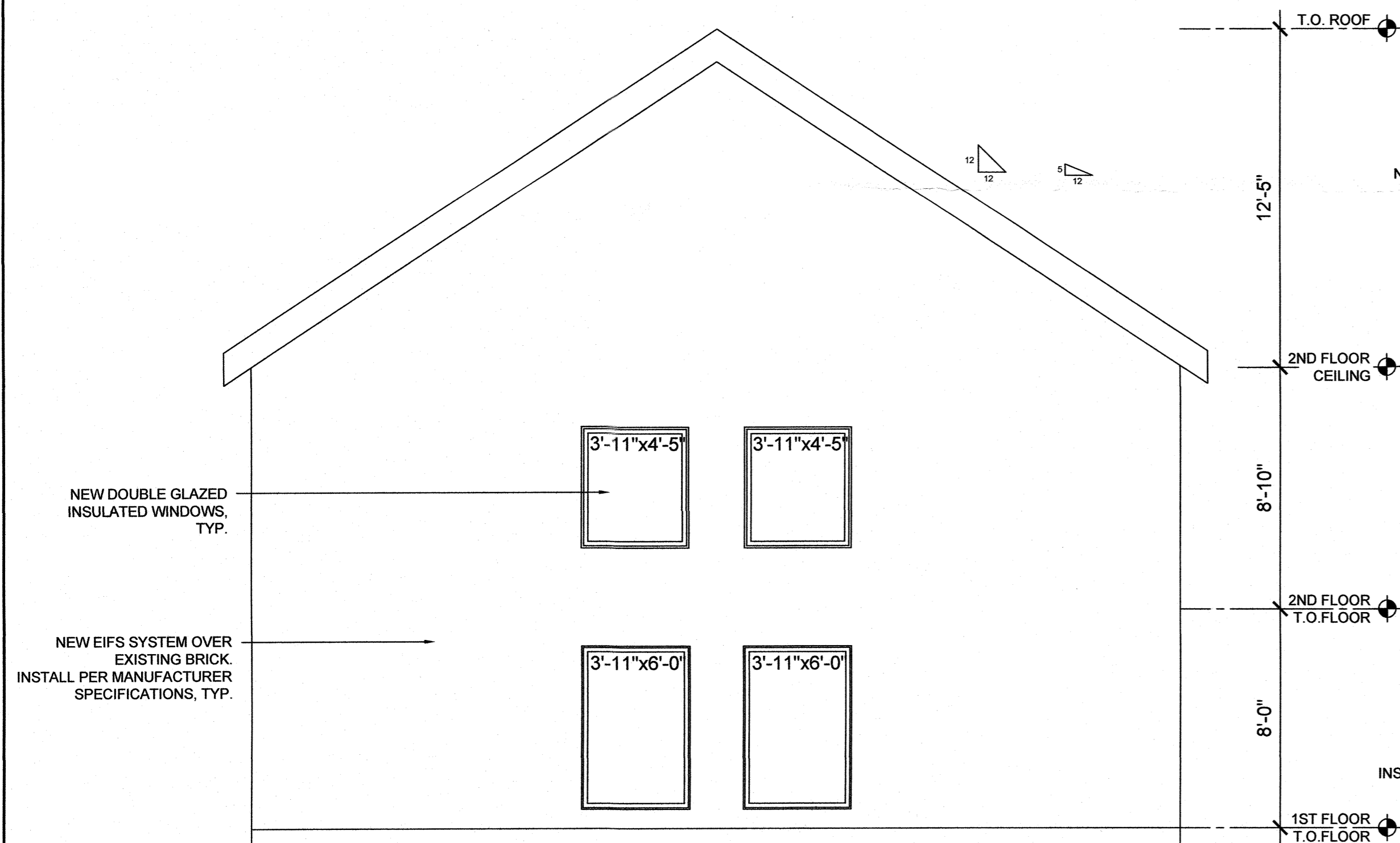




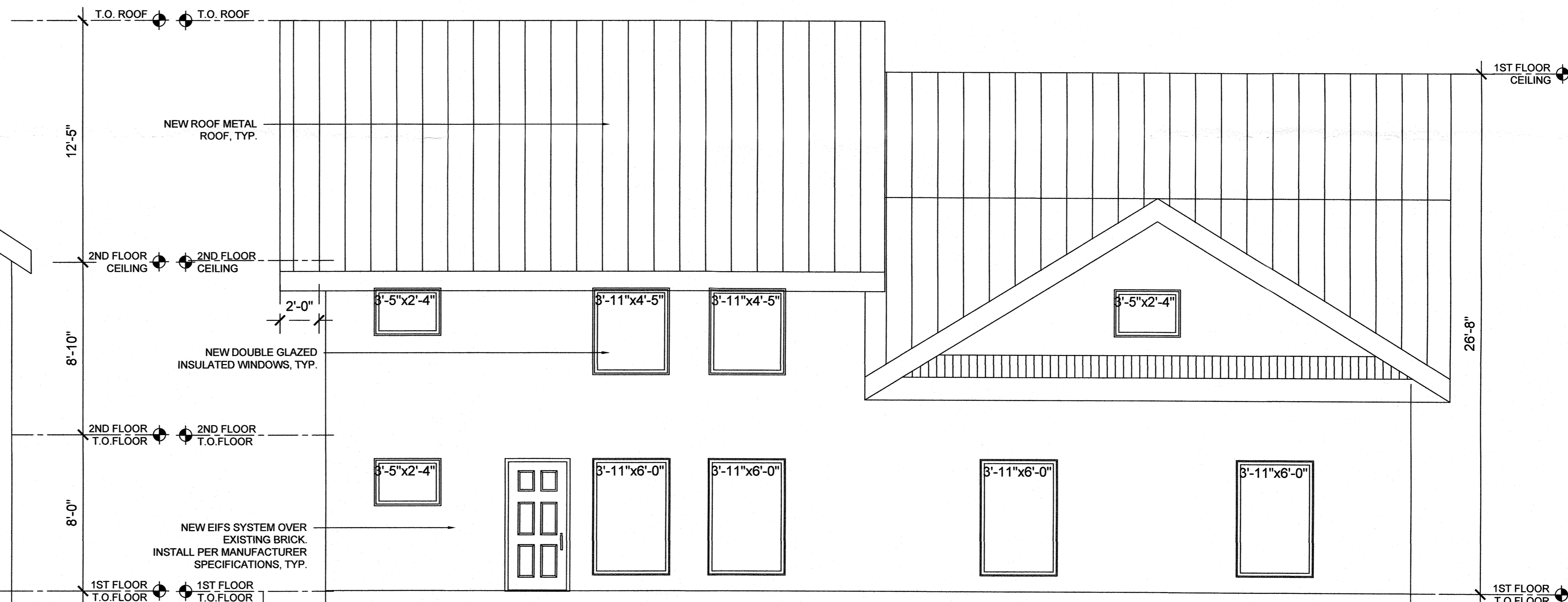
1 Proposed Front Elevation
A3.02 1/4" = 1'-0"



2 Proposed Right Elevation
A3.02 1/4" = 1'-0"



3 Proposed Rear Elevation
A3.02 1/4" = 1'-0"

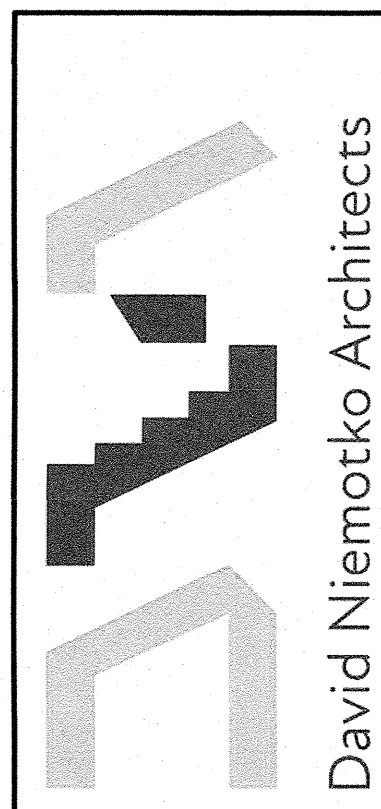


4 Proposed Left Elevation
A3.02 1/4" = 1'-0"

WINDOW NOTES: ◉ - TEMPERED ◊ - FALL PROTECTION

1. "T" - TEMPERED GLASS
2. CONFIRM ROUGH OPENING DIMENSIONS WITH MANUFACTURER. DIMENSIONS PROVIDED ARE UNIT DIMENSIONS.
3. SEE ELEVATIONS FOR WINDOW CONFIGURATION AND HEAD HEIGHTS.
4. WINDOW SILLS SHALL BE A MINIMUM OF 24" ABOVE FINISHED FLOOR OR SEE NOTE 7 BELOW.
5. WINDOWS ARE SILVERLINE BRAND BY ANDERSEN WINDOWS, 200 SERIES, DOUBLE HUNG, LOW "E", INSULATED, DOUBLE GLAZED, TILT WASH, VINYL FRAME WITH "GRILLE" PANES - GLAZING U FACTOR: 0.30 SIZES NOTED BELOW ARE NOMINAL.
6. PROVIDE TEMPERED GLAZING IN THE FOLLOWING: EXTERIOR & INTERIOR DOORS, WINDOWS WITH A SILL HEIGHT LESS THAN 18 INCHES A.F.F., OR FINISHED GRADE, WINDOWS OVER TUBS & SHOWERS, WINDOWS IN STAIRWAYS AND/OR LANDINGS.
7. WINDOWS ON THE FLOOR PLANS OR ELEVATIONS WITH AN "A" DESIGNATION - HAVE A SILL HEIGHT LESS THAN 24 INCHES A.F.F. AND GREATER THAN 72 INCHES ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR SHALL HAVE FALL PROTECTION PER SECTION R312, TYP. PROTECTION CAN INCLUDE:
 1. OPERABLE WINDOWS SHALL NOT ALLOW A 4 INCH SPHERE TO PASS THROUGH
 2. OPERABLE WINDOWS SHALL HAVE FALL PROTECTION COMPLYING WITH ASTM F2090
 3. OPERABLE WINDOWS SHALL HAVE CONTROL DEVICES THAT COMPLY WITH ASTM F2090 AND NOT REDUCE THE CLEAR OPENING WIDTH SPECIFIED.

REVISION	DATE	BY	CHKD
CLIENT REVIEW	11-18-2023		
CLIENT REVIEW	12-01-2023		
CLIENT REVIEW	03-09-2024		
PER SUBMISSION	08-10-2024		



DAVID NIEMOTKO ARCHITECTS, P.C.
167 STAGE ROAD
MONROE, NEW YORK 10950
Ph: (845) 774-7523
Cell: (845)-401-2891
www.niemotkoarchitects.com

NOTE
FOR AUTHENTICITY
SEAL MUST BE ORIGINAL AND
SIGNATURE MUST
BE IN COLOR - BOTH CANNOT BE
COPIED

PROPOSED ELEVATIONS
RENOVATION OF EXISTING BUILDING
5448 ROUTE 9W
NEWBURGH, NY 12550
BELKY GIMENEZ
5448 ROUTE 9W
NEWBURGH, NY 12550

SHEET TITLE:	
SCALE:	
DRN#:	
CAD #:	
JOB # JOB:	
PLOT DATE:	

SHEET No.
A3.02