



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

## APPLICATION

DATED: 1 / 4 / 2024

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

I (WE) Primax Properties, LLC PRESENTLY

RESIDING AT NUMBER 1100 East Morehead Street, Charlotte, NC 28204

TELEPHONE NUMBER Josh Lanning (980)938-5472

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

<u>                    </u>	USE VARIANCE
<u>          X          </u>	AREA VARIANCE (S)
<u>                    </u>	INTERPRETATION OF THE ORDINANCE
<u>                    </u>	SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

Section 60, Block 2, Lot 65 (TAX MAP DESIGNATION)

242 South Plank Road  
(NYS Route 52) (STREET ADDRESS)

B & IB (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185 Attachment 11: Table of Use & Bulk Requirements  
& Section 185-13C(1)(b): Minimum required off-street parking spaces

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:

\_\_\_\_\_

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:

X

\_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: Rear yard setback: 21.2' (30' required)  
Required parking spaces: 30 provided (73 required)

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. IF AN AREA VARIANCE IS REQUESTED: - Rear Yard Variance

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

A rear yard variance of 8.8 feet on the rear yard will not result in a detriment to the neighborhood due to the parcel to the rear of the subject parcel being commercially developed. The resulting layout provides a greater buffer to the rear line than previously proposed site plans for this parcel.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The tenant, Dollar General, requires specific dimensions of their buildings to maximize the internal layout of shelving and aisles.

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- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The requested variance represents a 29.3% reduction in the rear yard setback.

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

The site plan layout will provide a greater setback from the rear line to proposed disturbance and impervious surfaces than proposed on a previous site plan.

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

The requirement of the Planning Board to install sidewalks along NYS Route 52 coupled with the requirement of NYSDOT to have all commercial sidewalks be located within the state right of way result in a portion of the property to be donated to the NYSDOT. That donation results in the depth of the lot being insufficient to fit the building and meet front and rear yard setbacks.

7. ADDITIONAL REASONS (IF PERTINENT):

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6. IF AN AREA VARIANCE IS REQUESTED: - Off-Street Parking Variance

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

The number of parking spaces proposed to be constructed meets the needs of the tenant and avoids the construction of excess parking that will not be utilized. The reduction in parking prevents a large, unused parking lot from being constructed.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

The benefit of reducing parking (impervious surface) is beneficial to the applicant and community as a whole. The reduction in impervious surface is a visual benefit as well as an environmental benefit. There is no other means of reducing impervious surface on the site.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The variance requested is substantial. The number of parking spaces required for the tenant is based upon historical parking demands at their stores (more than 18,000 locations)

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

The granting of a parking variance will allow the project to reduce any impacts to the environmental conditions at the site. The reduction in parking will not cause parking issues because the tenant has established a minimum number of parking spaces required to meet the needs of their stores.

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

The business model of the tenant does not require the parking required by generic zoning requirements established for all retail establishments.

7. ADDITIONAL REASONS (IF PERTINENT):

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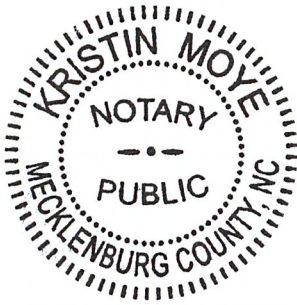
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PETITIONER (S) SIGNATURE

STATE OF <sup>North Carolina</sup> NEW YORK: COUNTY OF <sup>mecklenburg</sup> ORANGE:

SWORN TO THIS 4th DAY OF January 2024



  
NOTARY PUBLIC

My commission expires March 7, 2027

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

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY

Josh Lanning - Primax Properties, LLC, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 1100 East Morehead Street, Charlotte, NC 28204  
IN THE COUNTY OF Mecklenburg AND STATE OF North Carolina  
AND THAT HE/SHE IS THE <sup>Applicant</sup>~~OWNER~~ IN FEE OF \_\_\_\_\_  
242 South Plank Road (NYS Route 52) - Tax Parcel 60-2-65

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED MNTM Engineering & Land Surveying, PC  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

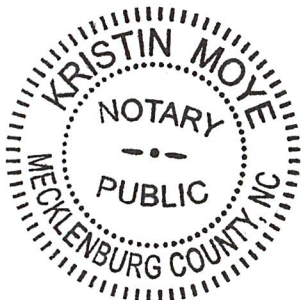
DATED: \_\_\_\_\_

  
OWNER'S SIGNATURE

  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4th DAY OF January 20 24



  
NOTARY PUBLIC

My commission expires March 7, 2027

**TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS**

PROXY

Trinity Square, LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT PO Box 311, Marlboro, NY 12542

IN THE COUNTY OF Ulster AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF

242 South Plank Road (NYS Route 52) - Tax Parcel 60-2-65

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED Primax Properties, LLC & MNTM Engineering & Land Surveying TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 12/28/2023 ✓ Anthony - member

OWNER'S SIGNATURE

[Signature]  
WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28<sup>th</sup> DAY OF December 2023

[Signature]  
NOTARY PUBLIC

**ELLEN YZQUIERDO**  
Notary Public, State of New York  
Residing in Orange County  
#01YZ5009112  
Commission Expires 03/08/2027

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

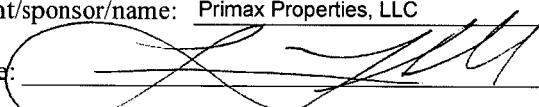
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

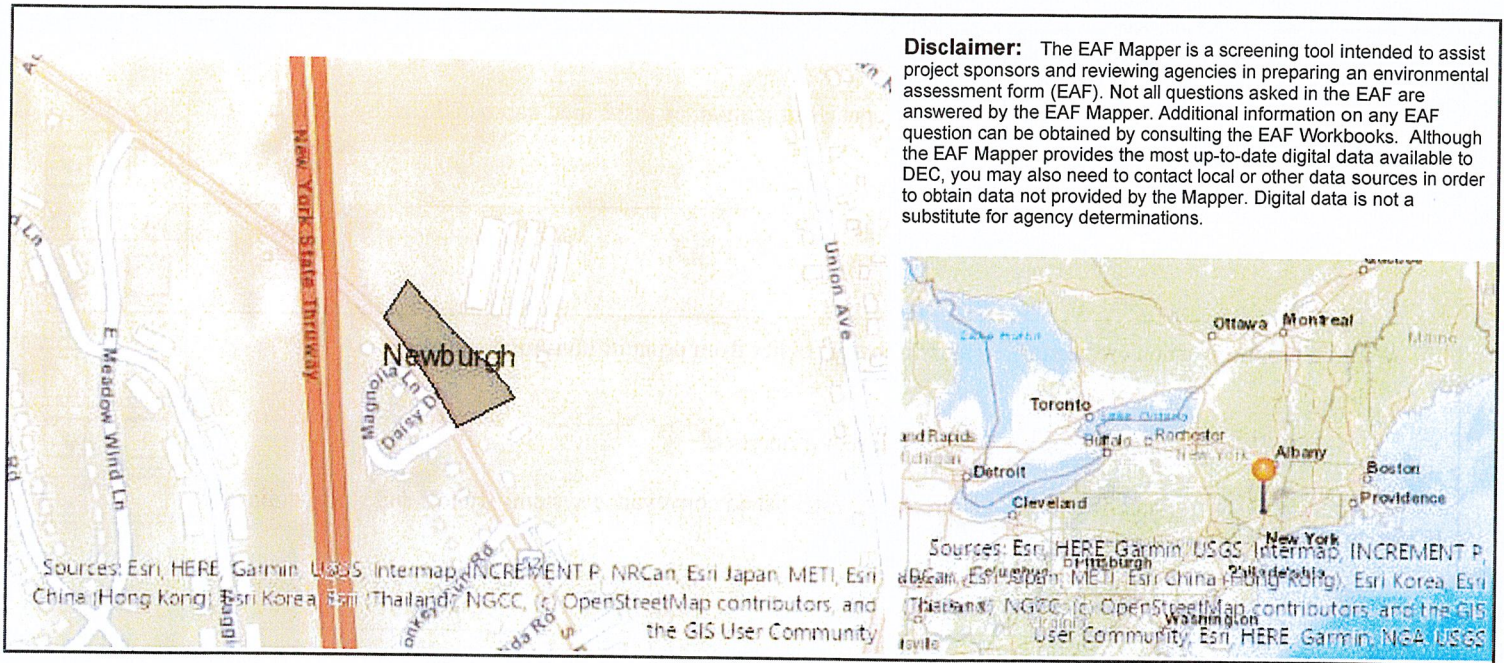
<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Dollar General - Route 52: Variance Application			
Project Location (describe, and attach a location map): 242 South Plan Road (NYS Route 52), Town of Newburgh, Orange County			
Brief Description of Proposed Action: Rear yard variance (21.2' provided vs. 30.0' required) and parking variance (30 provided vs. 73 required) for the construction of a 10,904 square foot retail store to be occupied by Dollar General.			
Name of Applicant or Sponsor: Primax Properties, LLC		Telephone: (980)938-5472 E-Mail: jlaning@primaxservices.com	
Address: 1100 East Morehead Street			
City/PO: Charlotte		State: NC	Zip Code: 28204
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"/>
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			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.10 acres b. Total acreage to be physically disturbed? _____ 1.0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.10 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input type="checkbox"/>	YES  <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?  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?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO  <input type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Primax Properties, LLC</u> Date: <u>2023 December 22</u>		
Signature: <u></u> Lawrence Marshall Title: <u>Project Engineer</u>		





**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

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

# ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Anthony Cocchi

TO

Trinity Square, LLC

SECTION 60 BLOCK 2 LOT 4.1

RECORD AND RETURN TO:  
(name and address)

TODD A. KELSON, P.C.  
ATTORNEY & COUNSELLOR-AT-LAW  
542 UNION AVENUE  
NEW WINDSOR, NY 12553



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ✓ MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

## PROPERTY LOCATION

2089 BLOOMING GROVE (TN)  
2001 WASHINGTONVILLE (VLG)  
2289 CHESTER (TN)  
2201 CHESTER (VLG)  
2489 CORNWALL (TN)  
2401 CORNWALL (VLG)  
2600 CRAWFORD (TN)  
2800 DEERPARK (TN)  
3089 GOSHEN (TN)  
3001 GOSHEN (VLG)  
3003 FLORIDA (VLG)  
3005 CHESTER (VLG)  
3200 GREENVILLE (TN)  
3489 HAMPTONBURGH (TN)  
3401 MAYBROOK (VLG)  
3689 HIGHLANDS (TN)  
3601 HIGHLAND FALLS (VLG)  
3889 MINISINK (TN)  
3801 UNIONVILLE (VLG)  
4089 MONROE (TN)  
4001 MONROE (VLG)  
4003 HARRIMAN (VLG)  
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)  
4201 MAYBROOK (VLG)  
4203 MONTGOMERY (VLG)  
4205 WALDEN (VLG)  
4489 MOUNT HOPE (TN)  
4401 OTISVILLE (VLG)  
4600 NEWBURGH (TN)  
4800 NEW WINDSOR (TN)  
5089 TUXEDO (TN)  
5001 TUXEDO PARK (VLG)  
5200 WALLKILL (TN)  
5489 WARWICK (TN)  
5401 FLORIDA (VLG)  
5403 GREENWOOD LAKE (VLG)  
5405 WARWICK (VLG)  
5600 WAWAYANDA (TN)  
5889 WOODBURY (TN)  
5801 HARRIMAN (VLG)

## CITIES

0900 MIDDLETOWN  
1100 NEWBURGH  
1300 PORT JERVIS  
9999 HOLD

NO PAGES 3 CROSS REF.  
CERT. COPY \_\_\_\_\_ ADD'L X-REF. \_\_\_\_\_  
MAP# \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK ✓  
CASH \_\_\_\_\_  
CHARGE \_\_\_\_\_  
NO FEE \_\_\_\_\_

Taxable  
CONSIDERATION \$ \_\_\_\_\_  
TAX EXEMPT \_\_\_\_\_  
Taxable  
MORTGAGE AMT. \$ \_\_\_\_\_

## MORTGAGE TAX TYPE:

\_\_\_\_ (A) COMMERCIAL/FULL 1%  
\_\_\_\_ (B) 1 OR 2 FAMILY  
\_\_\_\_ (C) UNDER \$10,000  
\_\_\_\_ (E) EXEMPT  
\_\_\_\_ (F) 3 TO 6 UNITS  
\_\_\_\_ (I) NAT.PERSON/CR. UNION  
\_\_\_\_ (J) NAT.PER-CR.UN/1 OR 2  
\_\_\_\_ (K) CONDO

Donna L. Benson

DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: Kelson

RECORDED/FILED  
07/31/2007/ 13:04:07  
DONNA L. BENSON  
County Clerk  
ORANGE COUNTY, NY  
FILE # 20070084546  
DEED C / BK 12496 PG 1764  
RECORDING FEES 204.00  
TTX# 010560 T TAX 0.00  
Receipt#768931 juls

STATE OF NEW YORK, COUNTY OF ORANGE ss:  
I, Kelly A. Eskew, County Clerk and Clerk of the Supreme  
and County Courts, Orange County, do hereby certify that I  
have compared this copy with the original thereof filed or  
recorded in my office 7/31/2007 and the same is a correct  
transcript thereof in witness whereof, I have hereunto set my  
hand and affixed my official seal 12/21/2023

Kelly A. Eskew  
County Clerk & Clerk of the Supreme County Courts  
Orange County



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

**THIS INDENTURE**, made the 3 day of July, Two Thousand Seven

**BETWEEN**

ANTHONY COCCHI , residing at 212 Oak Street, Newburgh, NY 12550

party of the first part, and

TRINITY SQUARE, LLC, a New York limited liability company having offices with a mailing address of P. O. Box 311, Marlboro, NY 12542

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of TEN and 00/100 (\$10.00) dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being designated as Lot No. 1 on a Map entitled "3 Lot Subdivision Lands of Ira Conklin III" prepared by Vincent J. Doce Associates, dated August 13, 1998 and filed in the Orange County Clerk's Office on September 17, 1998 as Map No. 160-98

**BEING** the same premises described in a certain deed dated September 20, 2005 from Newburgh Business Park, LLC, a New York limited liability company to Anthony Cocchi, and recorded in the Orange County Clerk's office on November 30, 2005 in Liber 12004 of Deeds at Page 51.

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

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

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

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

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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.  
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first  
above written.

IN PRESENCE OF:

  
ANTHONY COCCHI

STATE OF NEW YORK           )  
  ss.:  
COUNTY OF ORANGE        )

On the 3 day of July, 2007, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Anthony Cocchi, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that said individual executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

**TODD A. KELSON**  
**NOTARY PUBLIC, State of New York**  
**Qualified in Orange County**  
**No. 4870143**  
**Commission Expires August 11, 2010**

  
Notary Public  
Commission Expires:

Bargain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS  
Title No.

\_\_\_\_\_  
ANTHONY COCCHI

TO

TRINITY SQUARE, LLC

SECTION 60  
BLOCK 2  
LOT 4.1  
COUNTY OF ORANGE  
TOWN OF NEWBURGH

RETURN BY MAIL TO:

TODD A. KELSON, P.C.  
542 Union Avenue  
New Windsor, NY 12553



James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Ralph L. Puglielle, Jr.  
Alana R. Bartley\*\*  
Aaron C. Fitch

Judith A. Waye  
Sarah N. Wilson  
Michael J. Barfield\*\*  
Meghan R. LoCicero

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

\*\*Member NJ & NY Bar

December 14, 2023

BY EMAIL ONLY

Darrin J. Scalzo, Chairman  
Zoning Board of Appeals  
Town of Newburgh Town Hall  
1496 Route 300  
Newburgh, New York 12550

Re: Dollar General // ZBA referral  
Planning Board Project No. 2023-25

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's December 7, 2023 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for the proposed project located at 242 South Plank Road. The project proposes a 10,904 +/- square foot retail structure on a 2.1+/- acre parcel of property fronting on NYS Route 52.

Thirty-five parking spaces are provided on the proposed site plan. However, seventy-two parking spaces are required based on the off-street parking requirements in Section 185-13 Retail store- 1 per 150 square feet of gross leasable floor area. The parking calculation should be added to the plans and a variance is required to provide less than the minimum parking.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its SEQRA review.

Thank you for your consideration of this matter.

Very Truly Yours,



Dominic Cordisco











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

STATE OF NEW YORK: COUNTY OF ORANGE:

I LAWRENCE MARSHALL, being duly sworn, depose and say that I did on or before  
January 11, 2024, post and will thereafter maintain at  
242 S Plank Rd 60-2-65 B & IB Zone in the Town of Newburgh, New York, at or near the front  
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which  
notice was in the form attached hereto.

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



Sworn to before me this 10<sup>th</sup>

day of January, 2024.

*quale Jessica Hansen*

