

## David Niemotko Architects

DAVID NIEMOTKO ARCHITECT, P.C.  
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[david@niemotkoarchitects.com](mailto:david@niemotkoarchitects.com)

June 23, 2025

**Darrin J. Scalzo, Chairperson**  
**Town of Newburgh Zoning Board**  
1496 NY-300  
Newburgh, NY 12550  
via: Hand Delivery & Email

**Re: 5148 Route 9W Newburgh, NY 12550 - Office Building Renovation [SBL: 43-2-15]**  
**Adjacent Site, 5152 Route 9W Newburgh, NY 12550 [SBL: 43-2-14]**  
**Zoning Board Application**

### **Board Members:**

Please accept this submission for Zoning Board review. The owner has purchased 5152 Route 9W which is adjacent to 5148 Route 9W under separate LLCs. Yet, the LLC members are the same with interests that align for both parcels.

We are proposing to renovate the existing two-story brick building for a new office use on 5148 Rt 9W. The proposed office will utilize the existing well and septic system. The existing lot is non-conforming in lot area, width, depth, setbacks, and building coverage since there is no change in the building footprint. The proposed development will not further worsen any existing non-conformities.

The adjacent lot – 5152 Route 9W - has 2 existing structures (a residential house which has no changes and a commercial / retail building) along with a parking area that we are seeking to use for all 3 structures. We are proposing to renovate the existing office building with it's current approved uses. There exists a new 189 sq. ft. addition at the back which represents a very small change in the footprint of the building. Yet, this addition will not further worsen any existing non-conformities.

The building locations present pre-existing, non-conforming conditions which are the basis for most of our variance requests except for the parking requirements. The NYSDOT rejected parking along Route 9W which was previously used for 5148 Route 9W. Yet, the parking along Route 9W for 5152 Route 9W remains.

**The following variances are required:**

**Lot 1 - 5148 Rt 9W**

5148 Route 9W  
5152 Route 9W

David Niemołko Architects, P.C.  
Zoning Board Submission

June 23, 2025

- Lot area is 3,966 square feet where 15,000 square feet is required - **pre-existing, non-conforming condition**
- Lot width 50 feet where 100 feet is required - **pre-existing, non-conforming condition**
- Lot depth 80 feet where 125 feet is required -- **pre-existing, non-conforming condition**
- Front yard setback is 10.7 feet where 60 feet is required - **pre-existing, non-conforming condition**
- Rear yard setback is 0.4 feet where 30 feet is required - **pre-existing, non-conforming condition**
- Side yard setback is one side 6.1 feet where 15 feet is required. Both side yards 13.1 feet where 30 feet are required - **pre-existing, non-conforming condition**
- Building coverage is 55.1% where 40% max - **pre-existing, non-conforming condition**
- Off-street Parking is 13 where 16 is required for all 3 structures – *new variance request due to building use*

**Lot 2 - 5152 Rt 9W**

- Lot width is 70 feet where 100 feet is required - **pre-existing, non-conforming condition**
- Front yard setback is 14.9 feet where 60 feet is required - **pre-existing, non-conforming condition.**
- Side yard setback is one side 2.6 feet where 15 feet is required. Both sides are 20.8 feet where 30 feet are required – **both pre-existing, non-conforming conditions.**

We look forward to continuing this process to approval.

If you have any additional questions or comments, feel free to contact us at your earliest convenience.

Sincerely,



**David Niemołko, Registered Architect**

**Attachments:**

- (11 copies) Zoning Board Application 5148 Rt 9W dated 05/01/2025
- (11 copies) Zoning Board Application 5152 Rt 9W dated 05/01/2025
- (11 copies) Site Plans C-1 to C-3 dated 06/19/2025
- (11 copies) Photos 5148 Rt 9W dated 05/01/2025
- (11 copies) Photos 5152 Rt 9W dated 05/01/2025
- (11 copies) Short Form EAF dated 05/01/2025
- (11 copies) Sale Deed
- (11 copies) Referral Letter Drake Loeb dated 05/09/25

CC: JCH Expanding LLC for 5148 Route 9W  
KCH Management LLC for 5152 Route 9W



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

## ZONING BOARD OF APPEALS

21 Hudson Valley Professional Plaza  
Newburgh, NY 12550



OFFICE OF ZONING BOARD  
DARRIN SCALZO, CHAIRMAN  
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901  
FAX LINE 845-564-7802

## APPLICATION

DATED: 05-01-2025

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

KCH MANAGEMENT LLC PRESENTLY

RESIDING AT NUMBER 5152 9W Route, Newburgh, NY 12550

TELEPHONE NUMBER 845 549 8595

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

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

1. LOCATION OF THE PROPERTY:

43-2-14 (TAX MAP DESIGNATION)

5148 9W Route, Newburgh, NY 12550 (STREET ADDRESS)

BUSSINESS (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).

SEE SITE PLAN C-2 VARIANCES REQUESTED



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:

\_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: \_\_\_\_\_

PRE-EXISTING NON-CONFORMING CONDITIONS

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:

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

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

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- 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:

CONDITIONS ARE MOSTLY PRE-EXISTING AND NON-CONFORMING

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- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:  
PERCENTAGE OF VARIANCES SOUGHT IS MINIMAL

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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:

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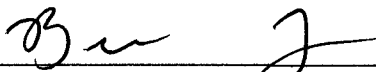
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7. ADDITIONAL REASONS (IF PERTINENT):

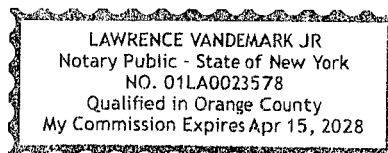
BOTH PROPERTIES ARE ALIGNED IN OWNERSHIP SINCE EACH LLC,  
JCH EXPANDING LLC AND KCH MANAGEMENT LLC, IS COMPRISED  
OF THE SAME MEMBERS, 5152 RT 9W WILL HAVE A SHARED EASEMENT  
IN FAVOR OF 5148 RT 9W FOR PARKING

  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 30 DAY OF JUNE 2025

  
NOTARY PUBLIC



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

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 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)

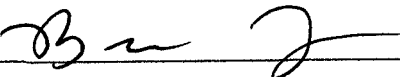
**TOWN OF NEWBURGH  
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PROXY

\_\_\_\_\_ KCH MANAGEMENT LLC \_\_\_\_\_, DEPOSES AND SAYS THAT  
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IN THE COUNTY OF ORANGE AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF 5152 9W ROUTE  
NEWBURGH, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED David Niemotko Architects, PC  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 05/01/2025



OWNER'S SIGNATURE

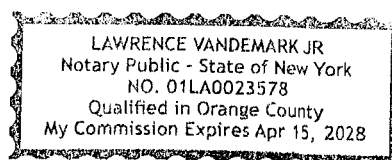


WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 30 DAY OF JUNE 2025

  
NOTARY PUBLIC



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Belly L Jimenez, being duly sworn, depose and say that I did on or before

July 10, 2025, post and will thereafter maintain at

5152 Route 9w 43-2-14 B Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

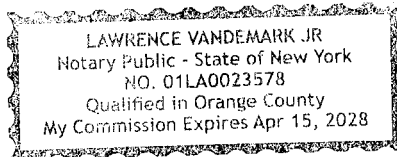
The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the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

Belly L Jimenez

Sworn to before me this 2

day of July, 2025.

Lawrence Vandemark Jr







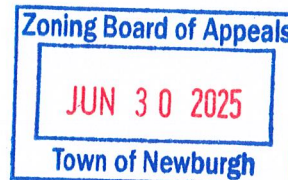
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21 Hudson Valley Professional Plaza

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OFFICE OF ZONING BOARD  
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## APPLICATION

DATED: 05-01-2025

TO: **THE ZONING BOARD OF APPEALS**  
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JCH EXPANDING LLC PRESENTLY

RESIDING AT NUMBER 5148 9W Route, Newburgh, NY 12550

TELEPHONE NUMBER 845 549 8595

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

- ☐ USE VARIANCE
- ☒ AREA VARIANCE (S)
- ☐ INTERPRETATION OF THE ORDINANCE
- ☐ SPECIAL PERMIT

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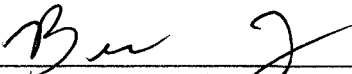
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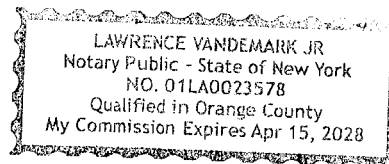
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SWORN TO THIS 30 DAY OF JUNE 2025

  
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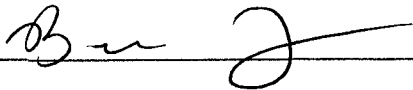
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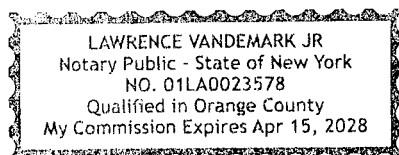
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WITNESS' SIGNATURE

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NOTARY PUBLIC



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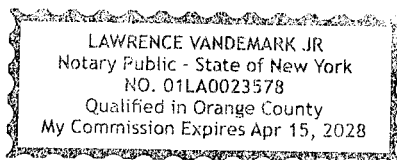
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Sworn to before me this 2

day of July, 2025.

[Signature]

[Signature]



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

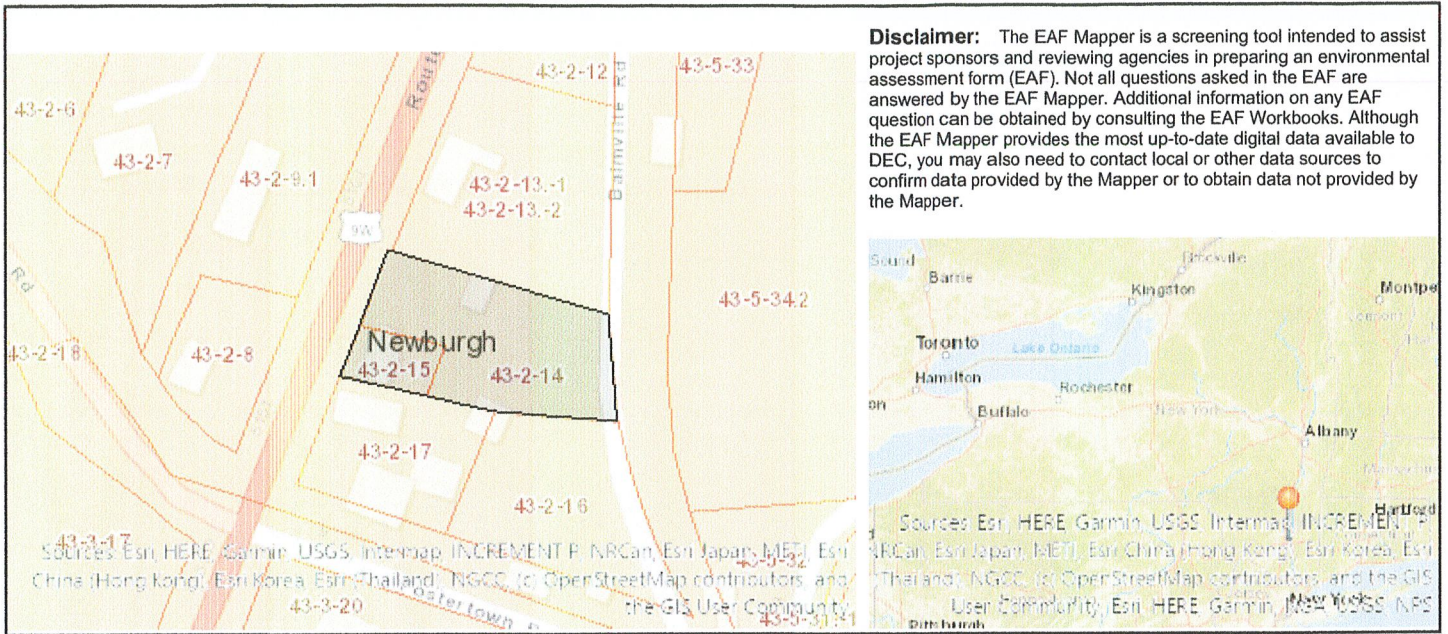
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Existing Office Buildings with New addition			
Project Location (describe, and attach a location map): 5148 9W Route, Newburgh 12550; 51869W Route, Newburgh 12550			
Brief Description of Proposed Action: Proposed is to renovate existing Office Building with New Addition to one of them and supply both with reasonable parking amenities.			
Name of Applicant or Sponsor: Belky Jimenez		Telephone: 845 549 85 95 E-Mail: jimenezbelky@gmail.com	
Address: 5148 9W Route			
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input 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: Zoning Board		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.59 acres	
b. Total acreage to be physically disturbed?		0.59 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.59 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 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,	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: _____ _____	<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: _____ Well is going to be used _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Septic Tank will be used _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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, Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input 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"/>
_____ Runoff to be collected by gutters and / or drainage swale _____		
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>David Niemoitko</u> Date: <u>04/30/25</u>  Signature: <u>David Niemoitko</u> Title: <u>Architect</u>		



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]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



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

**THIS INDENTURE**, made the 6<sup>th</sup> day of January, 2025,

**BETWEEN AS2TWINS, LLC**, a New York Limited Liability Company, with offices for the transaction of business located at 5152 Route 9W, Newburgh, NY 12550,

party of the first part, and

**KCH MANAGEMENT LLC**, a New York Limited Liability Company, with offices for the transaction of business located at 10 De Forrest Ave., Newburgh, NY 12550,

party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever;

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, more particularly described in schedule A attached hereto. This conveyance is made during the regular course of business of the Grantor's limited liability company and does not constitute all or substantially all the assets of the company.

**BEING AND INTENDED TO BE** the same premises conveyed by Deed dated November 29, 2018 from Dominick Denisi and Lee Slaughter to AS2Twins, LLC and recorded in the office of the Orange County Clerk on December 4, 2018 in Liber 14496 of Deeds at page 1.

**SUBJECT** to and together with laws and governmental regulations, conditions, agreements, restrictions, declarations, easements and rights of way of record.

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

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

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

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

Section 43 Block 2 Lot 14

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.

AS2TWINs, LLC

By: [Signature]  
Lee Slaughter, Jr., Member

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

On the 6<sup>th</sup> day of January in the year 2025, before me, the undersigned, personally appeared Lee Slaughter, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and that by his/her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]  
(signature and office of individual taking acknowledgment)

IAN S MACDONALD  
Notary Public, State of New York  
Qualified in Dutchess County  
No. 02MA8040623  
Commission Expires April 24, 2026

Return By Mail To:

Aaron C. Fitch, Esq.  
DRAKE LOEB  
555 Hudson Valley Ave., Suite 100  
New Windsor, NY 12553

May 9, 2025

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

Sarah N. Wilson  
Michael J. Barfield<sup>oo</sup>  
Ivan M. Bonet<sup>oo</sup>

Jennifer L. Schneider  
Managing Attorney

\* Retired 2025  
\*\* Retired 2015; d. 2025

<sup>o</sup> LL.M. in Taxation  
<sup>oo</sup> Member NY & NJ Bar

BY EMAIL ONLY

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

Re: 5148 Route 9W / Planning Board Project No. 24-18

Dear Chairman Scalzo and Board Members:

At the Planning Board's February 6, 2025 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for certain variances, which referral was conditioned on the applicant preparing a revised plan to clearly identify the required variances. That revised plan has now been prepared and reviewed by the Town Engineer.

This site is improved by an existing building which is proposed to be converted to office use, with the provision of additional parking and utilizing the adjacent lot, which will need to be consolidated as a condition of any Planning Board approval. The site is in the B Business district. The following variances are required:

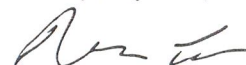
- Lot area 3,966 square feet where 15,000 square feet is required.
- Lot width 50 feet where 100 feet is required.
- Lot depth 80 feet where 125 feet is required.
- Front yard setback 10.7 feet where 60 feet is required Town Code Section 185-18C (4) (b).
- Rear yard setback 0.4 feet where 30 feet is required.
- Side yard setback one side 6.1 feet where 15 feet is required. Both side yards 13.1 feet where 30 feet is required.
- Building coverage 55.1% where 40% max.
- Lot 2 width 70 feet where 100 feet is required.
- Front yard setback 14.9 feet where 60 feet is required Town Code Section 185-18C (4) (b).
- Side yard setback one side 2.6 feet where 15 feet is required both sides 20.8 feet where 30 feet is required.

The parking count on the site of 21 parking spaces meets the Town Code. However, four of the parking spaces including one of the accessible spaces are identified partially in the State Highway right-of-way either pull out back out into the state highway. The applicant's representative may wish to consider requesting a variance for these four parking spots should NYSDOT not allow these parking spots. NYSDOT at a minimum would require a use occupancy permit for these spaces depicted.

The office or office building parking per Code Section 8513C (b) office is 1 per 200 square feet of floor area unclear where the parking requirement of 2.79 spaces per thousand square feet was determined. Based on the identified square footage of the structures and the 1 per 200 square foot office use, 22 parking spaces would be required for the office buildings while additional parking spaces would be required for the single-family residence resulting in a total parking count of 23.

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

cc:

David A. Donovan, Esq., Attorney for the ZBA  
Town of Newburgh Planning Board  
Patrick J. Hines, Planning Board Consulting Engineer