



TOWN OF NEWBURGH

Crossroads of the Northeast

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

Zoning Board of Appeals

DEC 05 2025

Town of Newburgh

OFFICE OF ZONING BOARD

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: December 5 2025

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

I (WE) Segundo David Lima PRESENTLY

RESIDING AT NUMBER 171 S Plank Rd

TELEPHONE NUMBER 845-549-2426

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

USE VARIANCE

AREA VARIANCE (S)

INTERPRETATION OF THE ORDINANCE

SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

60-1-17.2 (TAX MAP DESIGNATION)

171 S Plank (STREET ADDRESS)

IB D.5 (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

BULK TABLE SCHEDULE

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:
12/04/25
- 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: AREA VARIANCES FOR YARD SETBACKS

TO MAINTAIN AN EXISTING BUILDING AND CONSTRUCT A SMALL ADDITION FOR IT. AREA VARIANCES FOR LOT WIDTH, LOT AREA, SIDE YARD, COMBINED SIDE, STORAGE SIDE, CARGO CONTAINER SIDE, FREE STANDING SIGN HEIGHT AND SIDE

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 HARSHNESS 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 HARSHIP 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:

THE SUBJECT SITE IS CURRENTLY DEVELOPED WITH A SINGLE FAMILY RESIDENCE
AND THE PROPOSED CONSTRUCTION OF THE ADDITION WILL ALLOW THE OWNER TO
USE THE BUILDING FOR HIS BUSINESS

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

THE EXISTING BUILDING AND ANY ADDITIONAL CONSTRUCTION ON THE PROPERTY
WILL REQUIRE AREA VARIANCES SIMILAR TO VARIANCES BEING REQUESTED.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

THE IMPROVEMENTS TO PROPERTY WILL MATCH WITH ADJOINING PROPERTIES

MOST OF THE PROPOSED WORK WILL NOT BE VISIBLE FROM THE ROAD WAY

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

MOST OF THE IMPROVEMENTS ARE ON AREA THAT ARE CURRENTLY PAVED.

THE IMPROVEMENTS TO THE REAR OF THE PROPERTY WILL BE SCREENED FROM VIEW

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

THE DIMENSIONS OF THE EXISTING LOT WERE PREVIOUSLY CREATED AND THE
EXISTING STRUCTURE ON THE PROPERTY WILL REQUIRE AREA VARIANCES REGARDLESS
IF ADDITION IS CONSTRUCTED OR NOT

7. ADDITIONAL REASONS (IF PERTINENT):



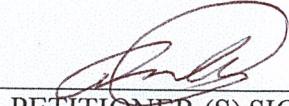
TOWN OF NEWBURGH
Crossroads of the Northeast

ZONING BOARD OF APPEALS

OLD TOWN HALL
 308 GARDNERTOWN ROAD
 NEWBURGH, NEW YORK 12550

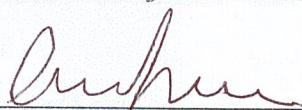
OFFICE OF ZONING BOARD
 (845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):


 PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5th DAY OF December 20 25


 Notary Public

INES VERONICA LEMA Notary Public - State of New York No. 01LE0015793 Qualified in Orange County My Commission Expires November 07, 2027
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NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE
 ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE
 HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

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

**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

SEGUNDO DAVID LEMA

, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 171 S PLANK RD

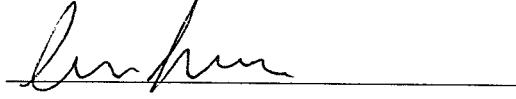
IN THE COUNTY OF ORANGE AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF 171 S PLANK RD

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AND THAT HE/SHE HAS AUTHORIZED JONATHAN CELLA PE TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

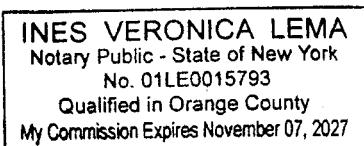
DATED: 12/5/2025


OWNER'S SIGNATURE


WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5th DAY OF December 2025




NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

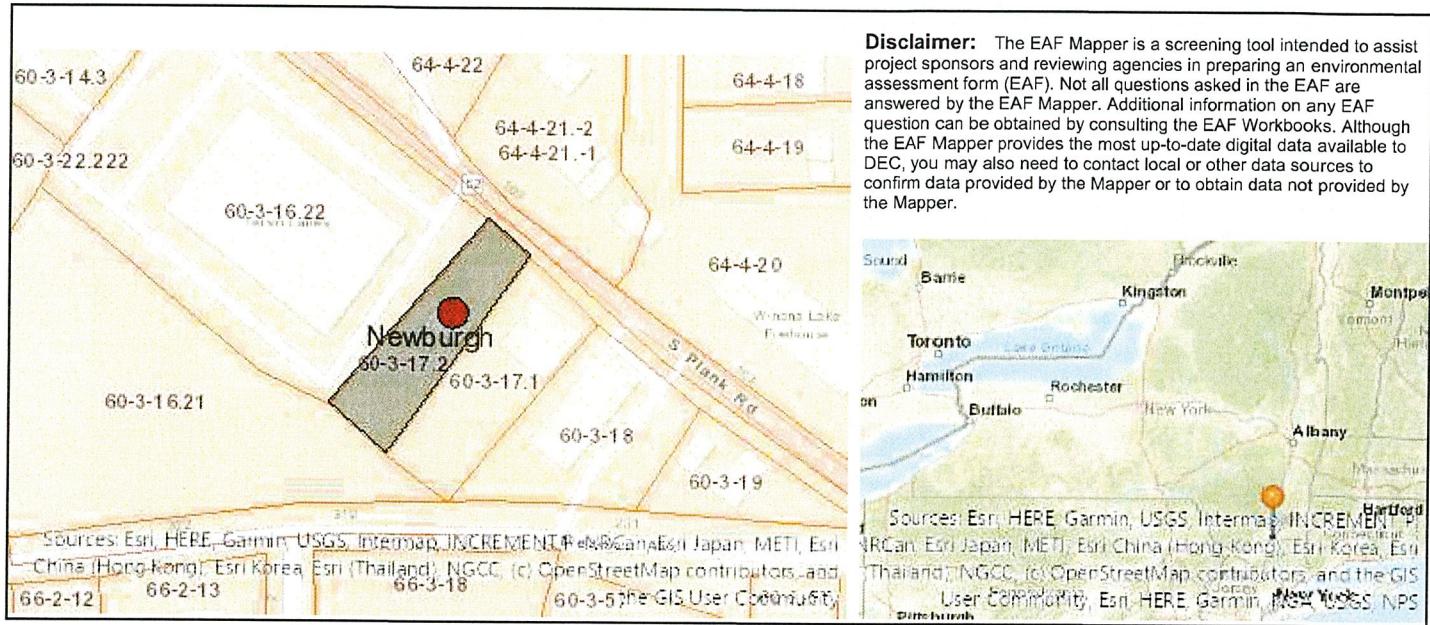
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
XTERIOR PRO			
Name of Action or Project: Commercial Site Plan For XTERIOR PRO			
Project Location (describe, and attach a location map): 171 S PLANK ROAD (S/B/L: 60-3-17.2)			
Brief Description of Proposed Action: The project is to construct a small addition to the existing building and convert the building into a commercial showroom/office for Xterior Pro construction company. The proposal includes conversion of an existing building and construction of a small addition on this building. Other aspects of the project include striping the parking lot to delineate parking spaces, cleaning the site, and construction of a H/C ramp and front porch.			
Name of Applicant or Sponsor: Segundo David Lema		Telephone: 845 549 2426 E-Mail: davidlema094@gmail.com	
Address: 171 S PLANK ROAD			
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.			
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, planning, building, County Planning?			
3. a. Total acreage of the site of the proposed action? 0.389 acres b. Total acreage to be physically disturbed? 0.08 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.389 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			

	NO	YES	N/A
5. Is the proposed action,			
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	
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: _____ _____ _____	<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	
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"/>	
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	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:									
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban									
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?									
Indiana Bat <table border="1" style="float: right; border-collapse: collapse;"> <tr> <td style="width: 40px; height: 20px;"></td> <td style="width: 40px; height: 20px; text-align: center;">X</td> </tr> </table>					X				
	X								
16. Is the project site located in the 100-year flood plan?									
<table border="1" style="float: right; border-collapse: collapse;"> <tr> <td style="width: 40px; height: 20px;"></td> <td style="width: 40px; height: 20px; text-align: center;">X</td> </tr> </table>					X				
	X								
17. Will the proposed action create storm water discharge, either from point or non-point sources?									
If Yes, <table border="1" style="float: right; border-collapse: collapse;"> <tr> <td style="width: 40px; height: 20px; text-align: center;">X</td> <td style="width: 40px; height: 20px;"></td> </tr> <tr> <td style="width: 40px; height: 20px; text-align: center;">X</td> <td style="width: 40px; height: 20px;"></td> </tr> <tr> <td style="width: 40px; height: 20px; text-align: center;">X</td> <td style="width: 40px; height: 20px;"></td> </tr> </table>				X		X		X	
X									
X									
X									
a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?									
If Yes, briefly describe: <hr/> <hr/>									
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: <hr/> <hr/>									
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: <hr/> <hr/>									
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: <hr/> <hr/>									
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE									
Applicant/sponsor name:		Date: 12/05/25							
Signature: <u>Jonathan Cella PE</u>		Title: ENGINNER							



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, 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
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Section 60 Block 3 Lot 17.2

THIS INDENTURE, made this 16th day of December Two Thousand Twenty-Two

BETWEEN Krylan, LLC a limited liability company formed under the laws of the State of New York with a mailing address of 44 Plattekill Road, Marlboro, NY 12542 party of the first part,

and Segundo David Lema, residing at 531 Washington Avenue, Newburgh, New York 12550 party of the second part

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other 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,

SEE ATTACHED SCHEDULE A

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

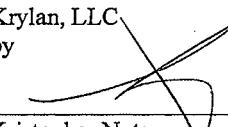
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

Krylan, LLC
by


Kristopher Noto,
Member

IN PRESENCE OF:

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

On the 16th day of December, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared, Kristopher Noto personally 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 she executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

DANIEL M. MARTUSCELLO
NOTARY PUBLIC, State of New York
Qualified in Ulster County
Commission Expires Sept. 30, 2026

R&R:

Sarah Ramos P.C. Law Offices
Sarah Ramos, Esq.
334-336 E. Main Street Suite 2
Middletown, New York 10940

Fidelity National Title Insurance Company

OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE A

LEGAL DESCRIPTION

Title No.: GA-22-12051-O

Policy No.: Owner Policy: 2730632-229231830

Revised: April 6, 2022

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 shown and designated as Lot No. 2 on a certain map entitled, "Subdivision Plan Lands of Charles L. Bucklen", which map was filed on November 27, 1996 in the Orange County Clerk's Office as Filed Map No. 257-96, being further bounded and described as follows:

BEGINNING at a point in the southwesterly boundary of New York State Highway No. 52 (also known as South Plank Road) where the same is intersected by the lands now or formerly Vohra (Liber 15037 Page 624) said point being marked by an mag nail set running thence along the lands now or formerly Vohra, South 35 degrees 55' 26" West a distance of 91.88 feet to a spike set;

THENCE along the same, South 34 degrees 31' 36" West a distance of 164.45 feet to an x-cut on a rock found;

THENCE along the lands now or formerly Lema (Liber 14967 Page 1138), North 50 degrees 24' 21" West a distance of 84.46 feet to an iron pin set;

THENCE along the lands now or formerly Newburgh Algonquin & Lanes Incorporated (Liber 1694 Page 290), North 42 degrees 45' 16" East a distance of 255.00 feet to an iron pin set;

THENCE along the first mentioned southwesterly boundary of New York State Highway No. 52 (also known as South Plank Road), South 51 degrees 25' 24" East a distance of 50.00 feet to the point of BEGINNING.

For Information Only:

Said premise(s) being known as:

171 South Plank Road, Newburgh, NY 12550 (Section: 60 Block: 3 Lot: 17.2)

BEING AND INTENDED to be the same premises conveyed to Krylan, LLC by deed from Kristopher Noto, dated January 8, 2019, recorded February 21, 2019 in the Orange County Clerk's Office in Liber 14528 Page 1520.

**Town of Newburgh
Code Compliance Department**

21 Hudson Valley Professional Plaza
Newburgh, NY 12550
845.564.7801 Phone
845.564.7802 Fax

December 4, 2025

Segundo David Lema
531 Washington Avenue
Newburgh, NY 12550

Re: Building Permit Application 23-0126 Denial
Change of Use
171 South Plank Road
SBL: 60-3-17.2

Dear Mr. Lema,

I have reviewed the draft site plan by Jonathan N. Millen Land Surveyor, PC, last revised 10/31/2025. Below is a list of required variances needed for the change of use you propose. As you know the process is usually to go the planning board first and then referred to the zoning board for the variances. In this case after conversation with the planning board chairman it was determined to attempt for the variances first in case they are denied. You need to make application to the zoning board for the required variances. Please note that if the variances are granted you are required to go through the planning board process for site plan approval. Also note that additional variances may be required once the site plan process begins.

EXISTING BUILDING WITH NEW ADDITION (IB ZONING DISTRICT)

1. Lot width - required 150', provided 59'
2. Lot area - required 40,000SF, provided 16,963.9SF
3. One side yard - required 30', provided 3'
4. Combined side yard - required 80', provided 17'

EXISTING STORAGE STRUCTURE

5. Side yard - required 5', provided -1.1' (over property line)

PROPOSED CARGO CONTAINER

6. Side yard - required 20', provided 2.1'

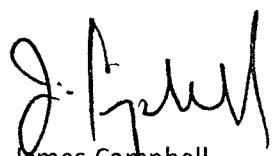
PROPOSED FREE STANDING SIGN (9' IN HEIGHT)

7. Front yard - required 15', provided 6.7'

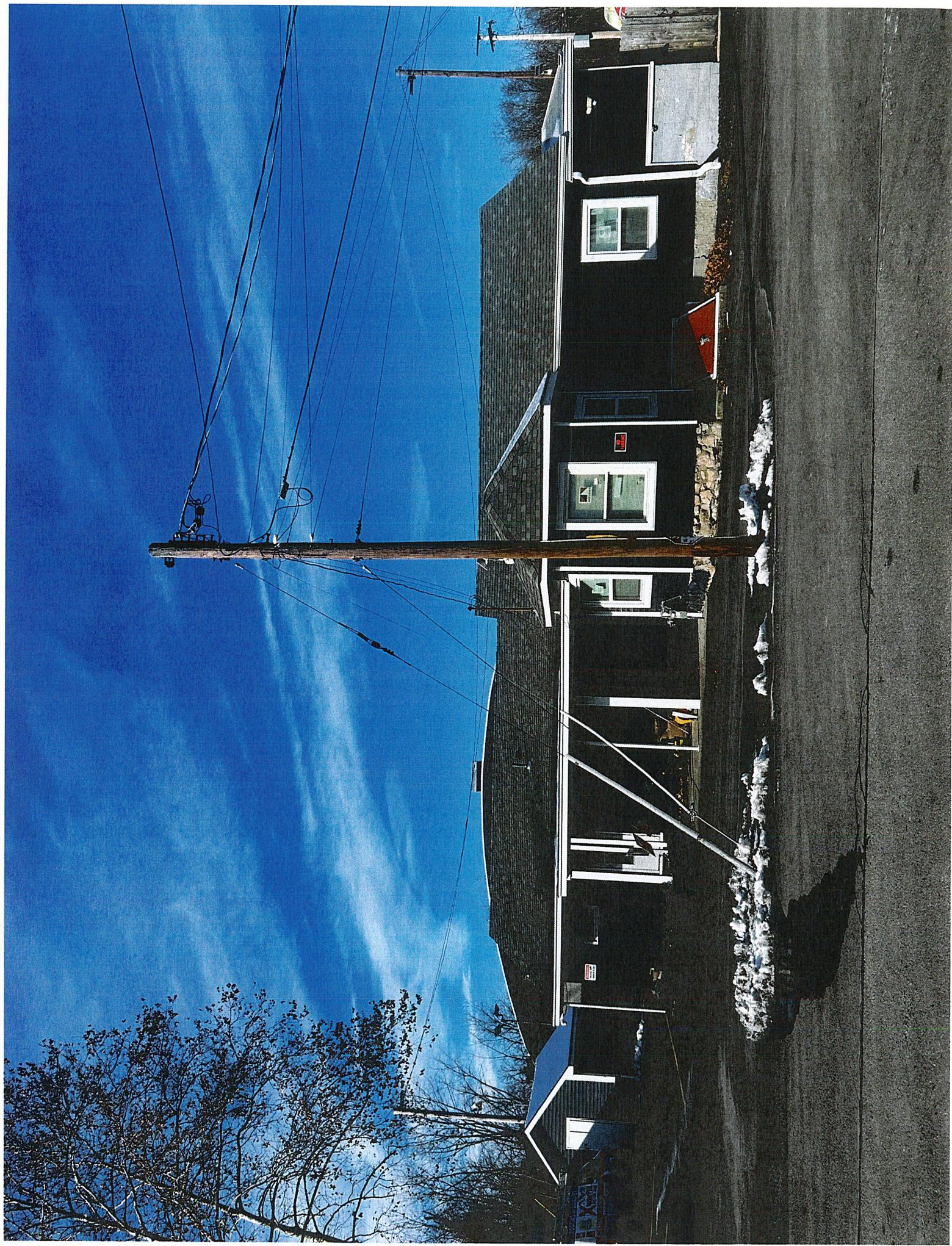
8. Side yard - required 15', provided 13.3'

If you have any questions, do not hesitate to call.

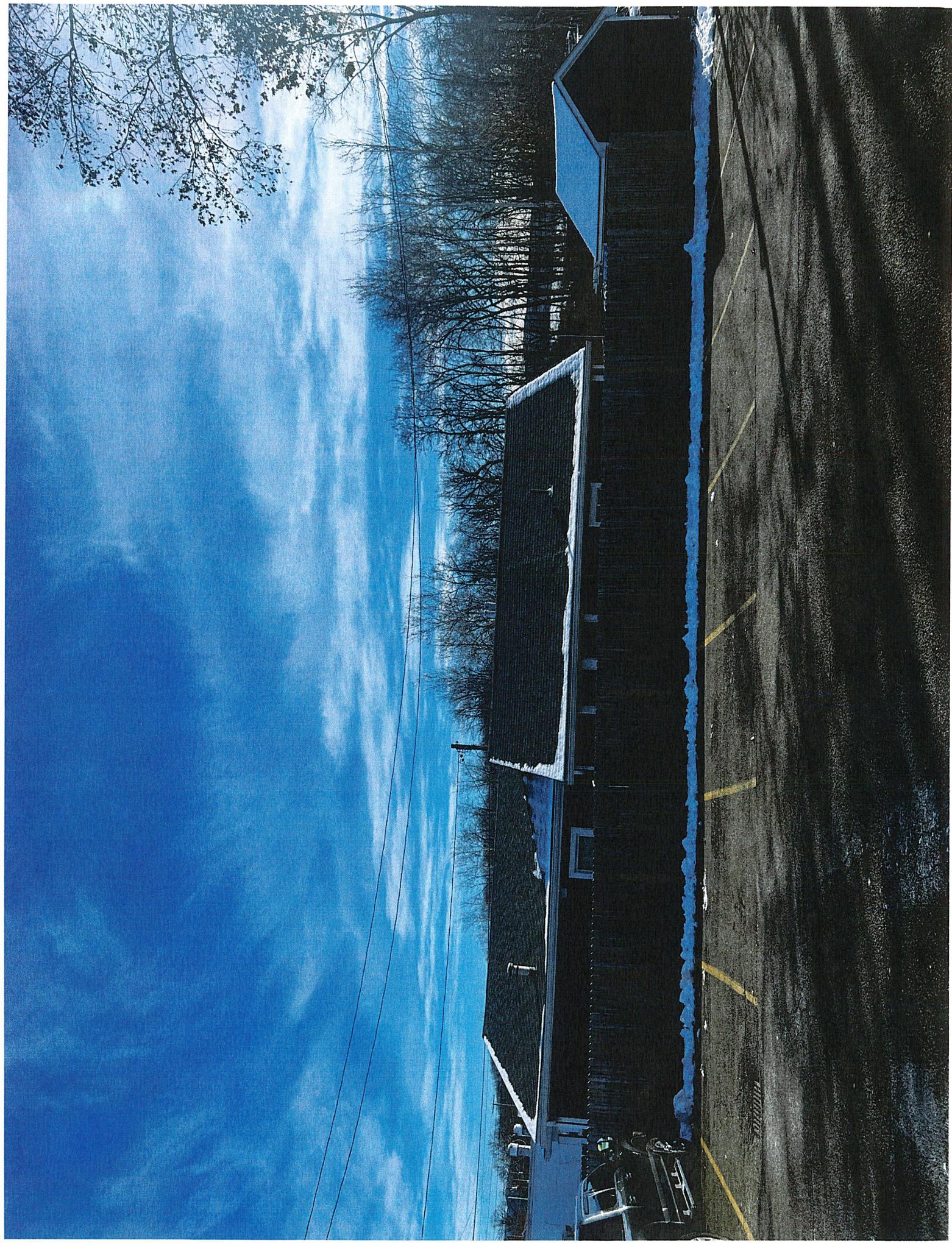
Respectfully,



James Campbell
Building Inspector









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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Alayne Arellano, being duly sworn, depose and say that I did on or before December 9, 2025, post and will thereafter maintain at 171 S Plank Rd 60-3-17.2 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 properly 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.

Alayne Arellano

Sworn to before me this 8

day of December 2025

DAWNMARIE BUSWEILER



