

TOWN OF NEWBURGH

Crossroads of the Tortheast

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**

TO: THE ZONING BOARD OF APPEALS

MAR 0 8 2023
Town of Newburgh

APPLICATION

DATED: 03/07/23

TH	E TOWN OF NEWBURGE	H, NEW YORK 12550
I (WE) _	Juan Pena	PRESENTLY
RESIDIN	IG AT NUMBER 179 Sout	h Plank Road
TELEPH	ONE NUMBER <u>845-563-0</u>	510
HEREBY	MAKE APPLICATION T	O THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:
		USE VARIANCE
		AREA VARIANCE (S)
		INTERPRETATION OF THE ORDINANCE
		SPECIAL PERMIT
1. LO	OCATION OF THE PROPE	ERTY:
60	0-3-14.2	(TAX MAP DESIGNATION)
_17	79 South Plank Road	(STREET ADDRESS)
В		(ZONING DISTRICT)
SE		NG LAW APPLICABLE, (INDICATE THE SECTION AND SUBLAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).
-		

3.	IF VA	ARIANCE TO THE ZONING LAW IS REQUESTED:	
	a)	APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE	NG INSPECTOR OR CE DATED:
	b)	OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TO OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NO 03/05/23	OWN OF NEWBURGH OTICE DATED:
4.	DESC	RIPTION OF VARIANCE SOUGHT: outdoor storage within rear yard 10' require	red /1.4' proposed
	outdoo	r storage within side yard 10' required /7.1' proposed	
5.	IF A U	JSE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZOUCE UNNECESSARY HARDSHIP IN THAT:	ONING LAW WOULD
	a)	UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QU	
		(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAESTABLISHING SUCH DEPRIVATION)	L EVIDENCE
	b)	THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTOF THE DISTRICT OR NEIGHBORHOOD BECAUSE:	ANTIAL PORTION
	c)	THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARAC NEIGHBORHOOD BECAUSE:	FER OF THE
	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: proposed outdoor storage shall be adequately screened
	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: Due to lot layout this is the only location that will meet the minimum storage requirements of the applicant
	c)	THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: property is located in the B zone and the outdoor storage shall be screened
	d)	THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE: outdoor storage is proposed on an existing paved surface
	e)	THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE: primary building's layout was delevoped prior to the applicants permit to operate, there is insufficinent room between the existing building and the rear property line for the outdoor storage while maintaining a driving lane for deliveries and fire equipment
7.	ADDI	ΠΟΝΑL REASONS (IF PERTINENT): There is not enough area on the premises to effectively conduct business and provide storage for granite slabs.

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS _____ BAY OF ______ DAY OF ______ March

20 23

NOTARY PUBLIC

Brian Casserly
Notary Public - State of New York
Els. 01 CA6176633
Observed in Outchess County

My Gommission Expires 11/26/2023

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
Cornual Land Holdings L., DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 33 South Plank Rd.
IN THE COUNTY OF Newburgh and STATE OF 1
AND THAT HE/SHE IS THE OWNER IN FEE OF 179
South plank Road
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED ACES & Joan Pera
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.
DATED: 03/08/23 (1)
Paralotise Pasqual Artise WITNESS' SIGNATURE
Florida Pinellas STATE OF NEW YORK: COUNTY OF ORANGE: SWORN TO THIS 8th DAY OF MAYCH 20 23 identification
WSI 13 AVONG 1. 10 10 11 15 Florida 27 A41 NOTARY PUBLIC Bonded three 1, 217, 2450.
ALYSSA A VIRAVONG Notary Public - State of Florida Commission # HH 352141 My Comm. Expires Jan 27, 2027 Bonded through National Notary Assn.

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 Asting on Business				
Name of Action or Project:				
A American Granite & Marble				
Project Location (describe, and attach a location map):				
179 S Plank Road Newburgh NY, SBL 60-3-14.2			 	
Brief Description of Proposed Action:				
Proposed outdoor storage of granite and marble				
Name of Applicant or Sponsor:	Telephone: (845) 563-05	10	·····	
Juan Pena	E-Mail: americangranite1	79@gmai	il.com	
Address:	<u> </u>			
179 South Plank Road				
City/PO: State: Zip Co			de:	
Newburgh	NY	12550		
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	I law, ordinance,		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the e	nvironmental resources th	at		
may be affected in the municipality and proceed to Part 2. If no, continue to ques	tion 2.		✓	LJ
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:				
3. a. Total acreage of the site of the proposed action? 0.92 acres				
b. Total acreage to be physically disturbed?	0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	0.92 acres			
or controlled by the approximation project sponsor:	0.02 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercia	al 🔲 Residential (subur	ban)		
Forest Agriculture Aquatic Other(Spec	eify):			
Parkland				

5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?		V	
	b. Consistent with the adopted comprehensive plan?		V	
		1	NO	YES
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?			√
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	***************************************	NO	YES
IfY	Yes, identify:		7	
			NO	YES
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		1	1123
	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		▼	
9.	action? Does the proposed action meet or exceed the state energy code requirements?		NO	YES
	he proposed action will exceed requirements, describe design features and technologies:		NO	IES
				✓
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:			
	11 10, describe inclined for providing potable water.			\checkmark
11.	Will the proposed action connect to existing wastewater utilities?		NO	YES
	If No, describe method for providing wastewater treatment:			✓
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distric	:t	NO	YES
whi	ich is listed on the National or State Register of Historic Places, or that has been determined by the mmissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the		V	
	te Register of Historic Places?			
arch	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for haeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		V	
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?			
			V	Ш
If Y	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:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional		
☐ Wetland ☐ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered? Indiana Bat		√
16. Is the project site located in the 100-year flood plan?	NO	YES
		✓
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO 🗸	YES
a. Will storm water discharges flow to adjacent properties?	V	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	V	
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	1	П
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
	V	Ш
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
	✓	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	ST OF	
MY KNOWLEDGE		
Applicant/sponsor/name: Jonathan N Millen LLS Date: 01/12/23		
Signature: Title: Sponsor		



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.



armin, USGS, Internap, INCREMENTP, NRCan, Esti Japan, METI, Esti Ghipa (Hong Kong), Esti EMENTP, NRCan, Esti Japan, METI, Esti China (Hong Kong), Esti Korea, Esti (Thailand), NGCC, (c) OpenStreetMap@ontributgors, and the GIS User Community

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 - STATE OF NEW YORK ANN G. RABBITT, COUNTY CLERK **255 MAIN STREET GOSHEN, NEW YORK 10924**

COUNTY CLERK'S RECORDING PAGE ***THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH***

BOOK/PAGE: 15120 / 1910 INSTRUMENT #: 20210086754

Receipt#: 2979729

clerk: AV

Rec Date: 12/28/2021 03:58:32 PM

Doc Grp: D

Descrip: DEED Num Pgs: 4

Rec'd Frm: HILL N DALE ABSTRACTERS INC

Party1: Party2: RADHIKA REAL ESTATE LLC CORNWALL LAND HOLDING LLC

Town:

NEWBURGH (TN)

60 - 3 - 14.2

Re	co	rd	il	ng	:

Recording Fee	40.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00

Sub Total:

315.00

Transfer Tax

Transfer Tax - State 4400.00

Sub Total:

4400.00

Total:

4715.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax ***** Transfer Tax #: 4612 Commercial Transfer Tax Consideration: 1100000.00

Transfer Tax - State

4400.00

Total:

4400.00

Payment Type:

Check

Cash

Charge

No Fee

Comment:

STATE OF NEW YORK (COUNTY OF GRANGE) SS: KELLY A. ESKEW, COUNTY CLERK AND CLERK OF THE SUP**REME AND COUNTY COURTS, O**RANGE COUNTY, DO HER**EBY CERTIFY THAT I HA**VE COMPARED THIS COPY WITH HE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON 137-78-71 AND THE SAME IS A CORRECT HAVE IEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COUR **ORANGE COUNTY**

Chy G. Ralbert

Ann G. Rabbitt Orange County Clerk

Record and Return To:

MACVEAN, LEWIS SHERWIN & MCDERMOTT F 34 GROVE ST PO BOX 310 MIDDLETOWN, NY 10940

()

AN 71447

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

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made November 18, 2021

BETWEEN,

Radhika Real Estate LLC, 6 Kathleen Heights, Newburgh New York 12550

party of the first part, and

Cornwall Land Holding LLC, 33 South Plank Road, Newburgh, New York 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

County of Orange, State of New York, being and intended to be the same premises conveyed to grantor(s) herein by deed dated December 30, 2014, recorded on March 9, 2015, in the Office of the Orange County Clerk, in Liber 13858 at Page 927, and more particularly described in "Schedule A" attached hereto.

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.

Schedule A Description

Title Number HN 71447

Page 1

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.

The premises being Lot 2 as shown on Map of "Proposed Subdivision Site Plan of lands of C.F.K.S. Associates and filed in the Orange County Clerk's Office on January 15, 1982 as Map No. 5831.

HILL N DALE ABSTRACTERS INC.
PO BOX 547
GOSHEN, NY 10924
(845) 294-5110
(845) 294-9581 FAX

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:

Radhika Real Estate LLC

Mamta Patel, Sole Member.

ACKNOWLEDGMENT:

State of New York) ss.:
County of Orange)

On the 18th day of November in the year 2021 before me, the undersigned, personally appeared MAMTA PATEL 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/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

BARGAIN AND SALES DEED

Radhika Real Estate LLC

To

Cornwall Land Holding LLC

ROLAND A. BLOOMER
Notary Public, State of New York
Qualified in Ulster County
Registration # 02BL6204796
Commission Expires June 8, 20

Record & Return
MacVean, Lewis, Sherwin
& McDermott, PC
Attn: Tom Clarke, Jr., Esq.
34 Grove Street
Middletown NV 10940

Section	60
Block	3
Lot	14.2

County of	
Street Address	

Orange 179 South Plank Rd



555 Hudson Valley Avenue, Suite 100 New Windsor, New York 12553

March 5, 2023

Phone: 845-561-0550 Fax: 845-561-1235 www.drakeloeb.com

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.
Nicholas A. Pascale
Alana R. Bartley**
Aaron C. Fitch

Judith A. Waye Meghan R. LoCicero Michael J. Barfield**

Jennifer L. Schneider Managing Attorney

*LL.M. in Taxation

**Member NJ & NY 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: A American Granite & Marble // ZBA referral Planning Board Project No. 2023-03

Dear Chairman Scalzo and Zoning Board Members:

At the Planning Board's March 1, 2023 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances that are required for this site plan amendment application. This existing business is located at 179 South Plank Road, and is shown on the tax map as Section 60, Block 3, Lot 14.2, and is located in the Business (B) Zoning District.

The applicant proposes the outdoor storage of granite within a fenced in area of the site. The project requires referral to the Zoning Board of Appeals as the outdoor storage will not meet the setback requirements for outdoor storage set forth in Town of Newburgh Zoning Code § 185-30(A)(2), as follows:

- rear yard: the applicant proposes a 1.4 feet rear yard setback for outdoor storage; 10 feet is required
- · side yard: the applicant proposes a 7.1 feet side yard setback for outdoor storage; 10 feet is required

The Planning Board has determined that the project is a Type II action, and no further SEQRA review will be required.

Thank you for your consideration of this matter.

Very Truly Yours,

Dominic Cordisco

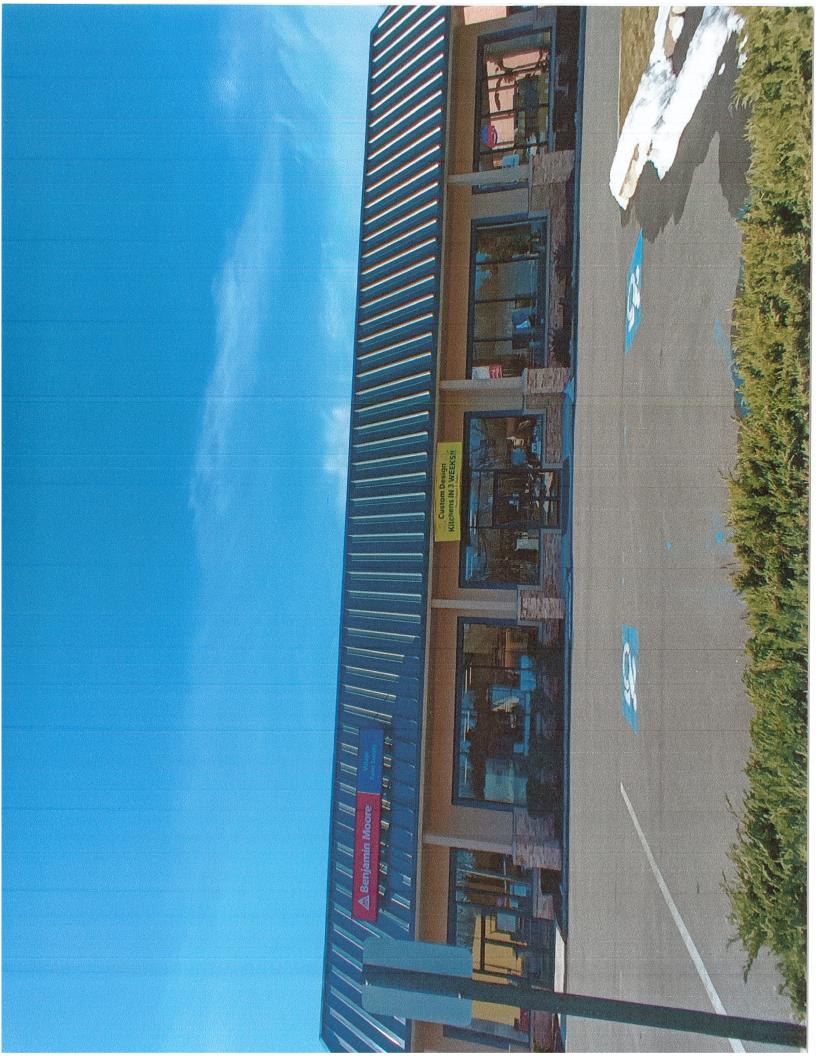
cc:

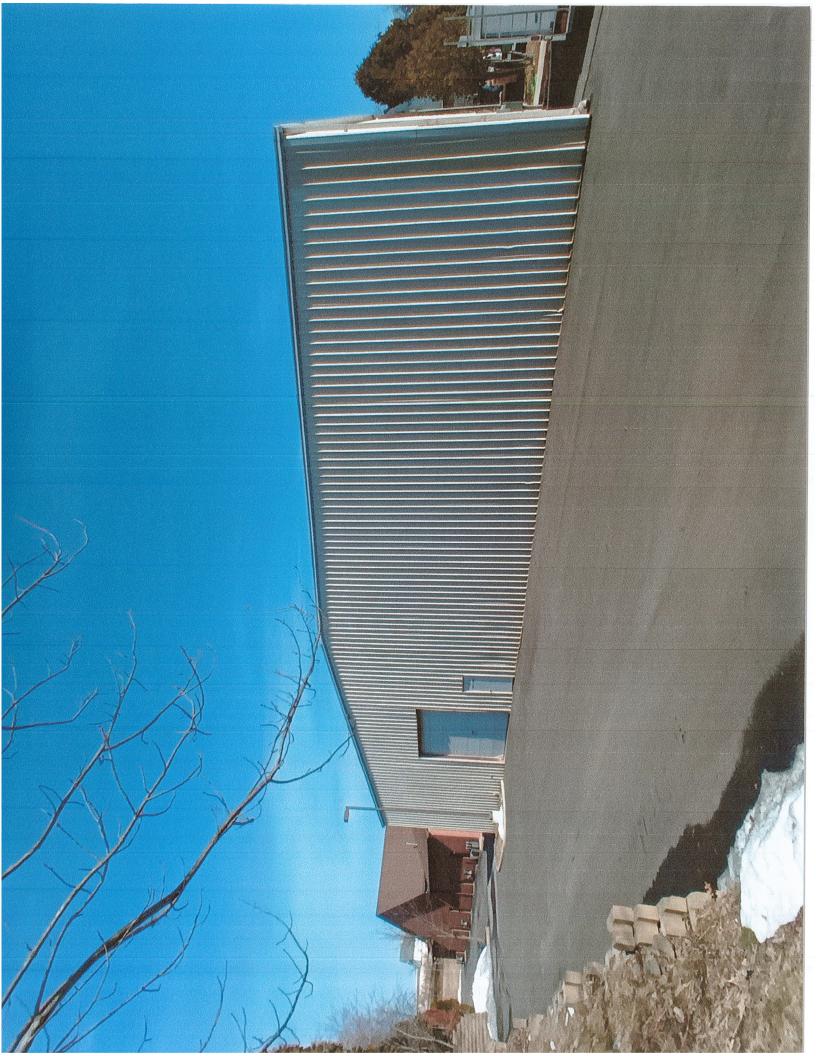
David A. Donovan, Esq., Attorney for the ZBA Town of Newburgh Planning Board Patrick J. Hines, Planning Board Consulting Engineer



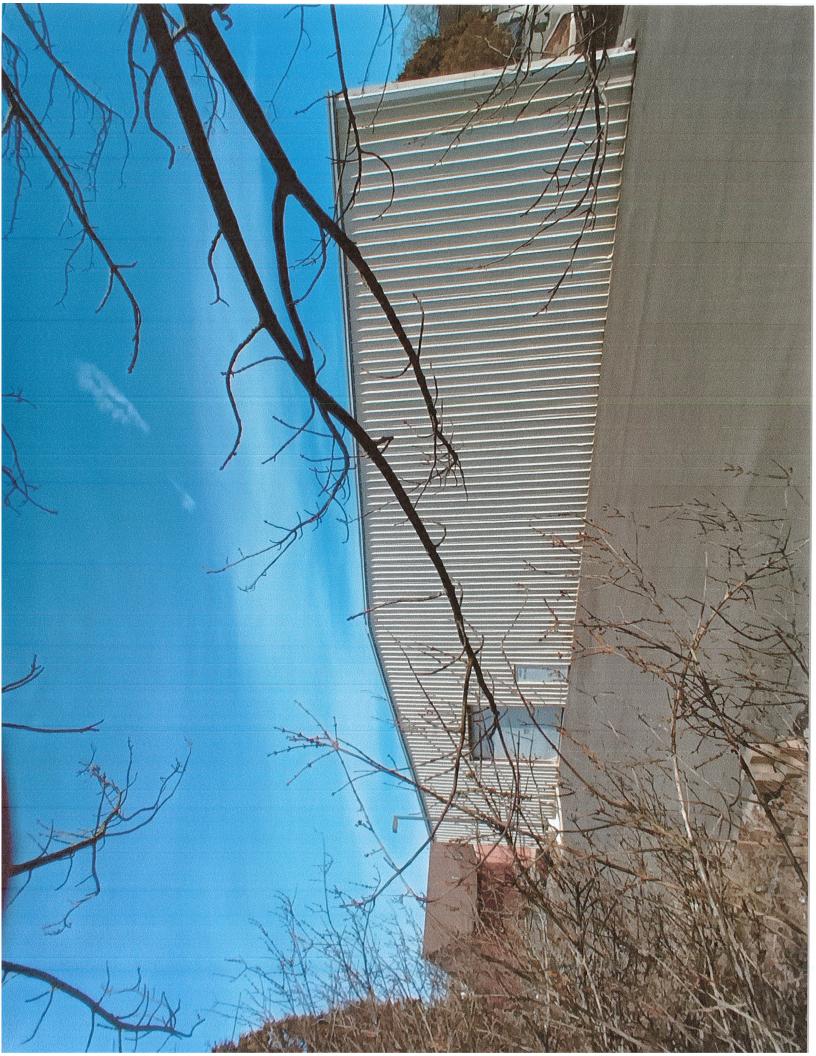














AFFIDAVIT OF POSTING(S) OF NOTICE OF PUBLIC HEARING AT THE PROPERTY

STATE OF NEW YORK: COUNTY OF ORANGE:
Raymond B Mckeiver, being duly sworn, depose and say that I did on or before
March 9, 2023, post and will thereafter maintain at
179 S Plank Rd 60-3-14.2 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.
Sworn to before me this 8
May of March, 2023.

DAWNMARIE BUSWEILER Notary Public, State of New York Qualified in Orange County Registration NO. 01BU6434777 My Commission Expires June 13, 2028

