

**ZB# 03-61**

**North Plank  
Development Co.**

**20-4-1**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 1-12-04*

ZBA #03-61 NORTH PLANK DEV.  
1101 RIVER RD. (INT./USE) 20-4-1

John Lease 565-8700

742-7201

**BEARING BASIS:**  
NORTH ORIENTATION IS BASED ON DATUM ESTABLISHED FROM FILED MAP OR DEED OF RECORD.

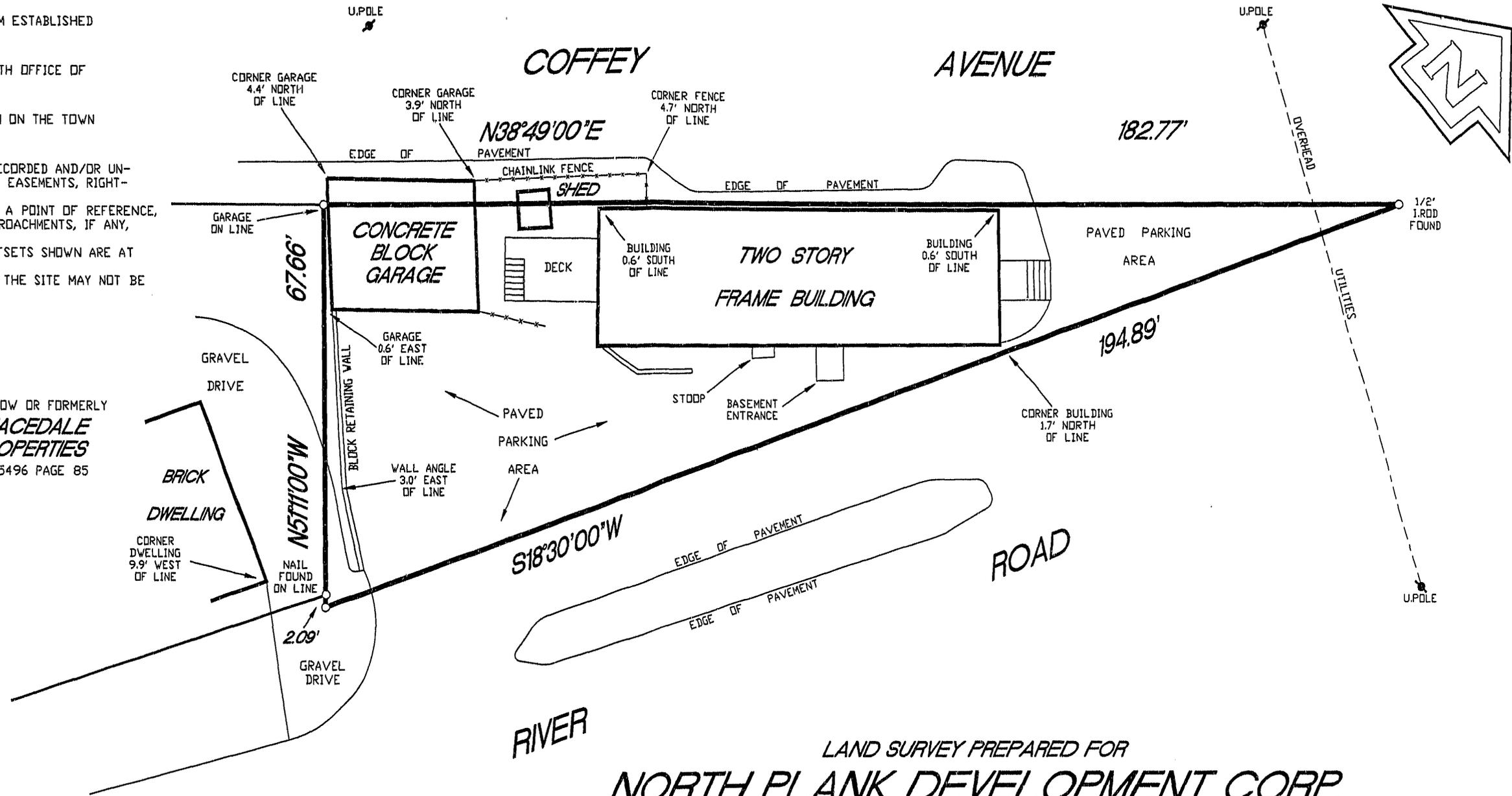
**DEED OF RECORD:**  
BEING LIBER 1774 PAGE 935, FILED WITH OFFICE OF THE ORANGE COUNTY CLERK.

**TAX LOT DESIGNATION:**  
SECTION 20, BLOCK 4, LOT 1, AS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS.

**GENERAL MAP NOTES:**

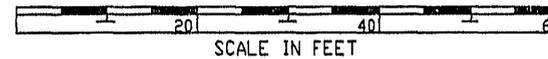
1. THIS SURVEY IS SUBJECT TO ANY RECORDED AND/OR UN-RECORDED COVENANTS, RESTRICTIONS, EASEMENTS, RIGHT-OF-WAYS, AND AGREEMENTS, IF ANY.
2. UNLESS ILLUSTRATED AND NOTED BY A POINT OF REFERENCE, UNDERGROUND IMPROVEMENTS OR ENCRoACHMENTS, IF ANY, ARE NOT SHOWN HEREON.
3. ALL BUILDING AND IMPROVEMENT OFFSETS SHOWN ARE AT RIGHT ANGLES TO PROPERTY LINES.
4. ALL HEDGES AND GROUND COVER ON THE SITE MAY NOT BE SHOWN ON THIS SURVEY.

LANDS NOW OR FORMERLY  
**PEACEDALE PROPERTIES**  
LIBER 5496 PAGE 85



LAND SURVEY PREPARED FOR  
**NORTH PLANK DEVELOPMENT CORP.**

LOCATED IN THE TOWN OF NEW WINDSOR  
ORANGE COUNTY NEW YORK  
SCALE: 1" = 20' OCTOBER 13, 2003



REVISIONS:

**LOT AREA = 0.142 ACRES**

**CERTIFICATION:**

I, ANTHONY A. SORACE, P.L.S., DO HEREBY CERTIFY IN MY PROFESSIONAL OPINION, ONLY TO PARTIES LISTED BELOW THAT THIS SURVEY IS THE RESULT OF AN ACTUAL FIELD SURVEY COMPLETED ON OCTOBER 13, 2003 AND COMPLIES WITH EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF LAND SURVEYORS. THIS CERTIFICATION DOESN'T RUN WITH TITLE TO THE LAND AND IS NOT TRANSFERABLE TO ADDITIONAL LENDING INSTITUTIONS OR SUBSEQUENT OWNERS.

- NORTH PLANK DEVELOPMENT CORP.
- FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK

**SURVEY No. 03116**

SURVEYOR:

*Anthony A. Sorace*  
ANTHONY A. SORACE, P.L.S. LIC. No. 50187

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL LAND SURVEYORS RAISED EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

THE ALTERATION OF THIS SURVEY MAP BY ANYONE OTHER THAN THE ORIGINAL PREPARER IS MISLEADING, CONFUSING AND NOT IN THE GENERAL WELFARE AND BENEFIT OF THE PUBLIC. IT IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

(845) 496-3367  
**ANTHONY A. SORACE, P.L.S.**  
PROFESSIONAL LAND SURVEYOR  
ROCK TAVERN, NEW YORK - 12575  
© 2003 BY ANTHONY A. SORACE, P.L.S.

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: **November 19,2003**

APPLICANT: **North Plank Development Company, LLC**  
**5020 Route 9W**  
**Newburgh, NY 12550**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: **11/19/03**

FOR : **Re-establish non-conforming use (tavern & apartment)**

LOCATED AT: **1101 River Road**

ZONE: **PI Sec/Blk/ Lot: 20-4-1**

DESCRIPTION OF EXISTING SITE: **SBL# 20-4-1**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. **48-24b non-conforming use has been discontinued for a period of two (2) years or more. A variance is required to resume a non-conforming use.**

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: PI

USE: Eating & drinking establishment same

not permitted-requires  
Use variance

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

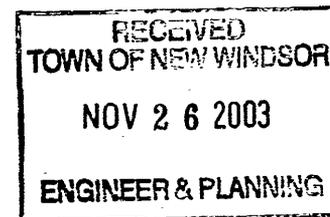
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

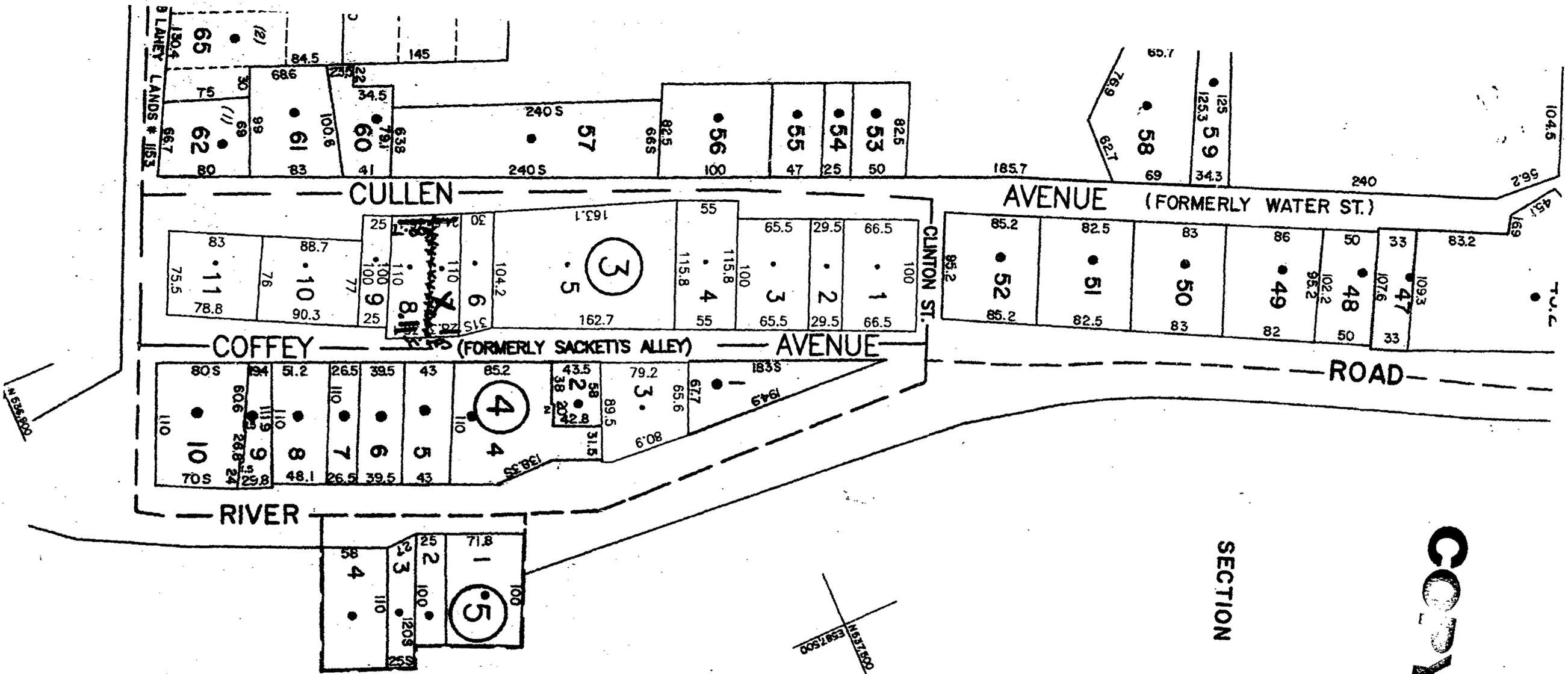
cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



03-61

**COPY**

**SECTION 9**



BLANEY LANDS \* J151

CULLEN AVENUE (FORMERLY WATER ST.)

COFFEY AVENUE (FORMERLY SACKETT'S ALLEY)

RIVER ROAD

CLINTON ST.

N 53° 15' 00" E

N 53° 15' 00" E  
E 88° 15' 00" N

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

# COPY

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

## RECEIVED

NOV 18 2003

### BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection: Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2003-1427

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises North Plank Development Company, LLC

Address 5020 Rt 9w Newburgh, N.Y. 12550 Phone # 565-2800 x101

Mailing Address (cell) (845) 742-7201 Fax # 565-4133

Name of Architect NONE

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor John J. Lease Management

Address 5020 Rt 9W, Newburgh, NY 12551 Phone 765 8 NW

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer: [Signature] (sole member.)  
(Name and title of corporate officer)

1. On what street is property located? On the West side of River Road  
(N,S,E or W)  
and 25' feet from the intersection of River Rd + Cate St.

2. Zone or use district in which premises are situated PI. Is property a flood zone? Y     N    

3. Tax Map Description: Section 20 Block 4 Lot 1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Bar + Apartment b. Intended use and occupancy Bar + Apartment

5. Nature of work (check if applicable)  New Bldg.  Addition  Alteration  Repair  Removal  Demolition  Other Re-open

6. Is this a corner lot? Yes

7. Dimensions of entire new construction. Front     Rear     Depth     Height     No. of stories     same use

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor (1 top)

Number of bedrooms 3 Baths 1 Toilets 1 Heating Plant: Gas  Oil    

Electric/Hot Air     Hot Water  If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use    

10. Estimated cost     Fee 450.00

**PAID**

NEED ZBA CH# 5230

Y900

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4895 FAX

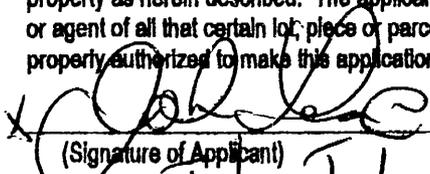
Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_



INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

x   
(Signature of Applicant)

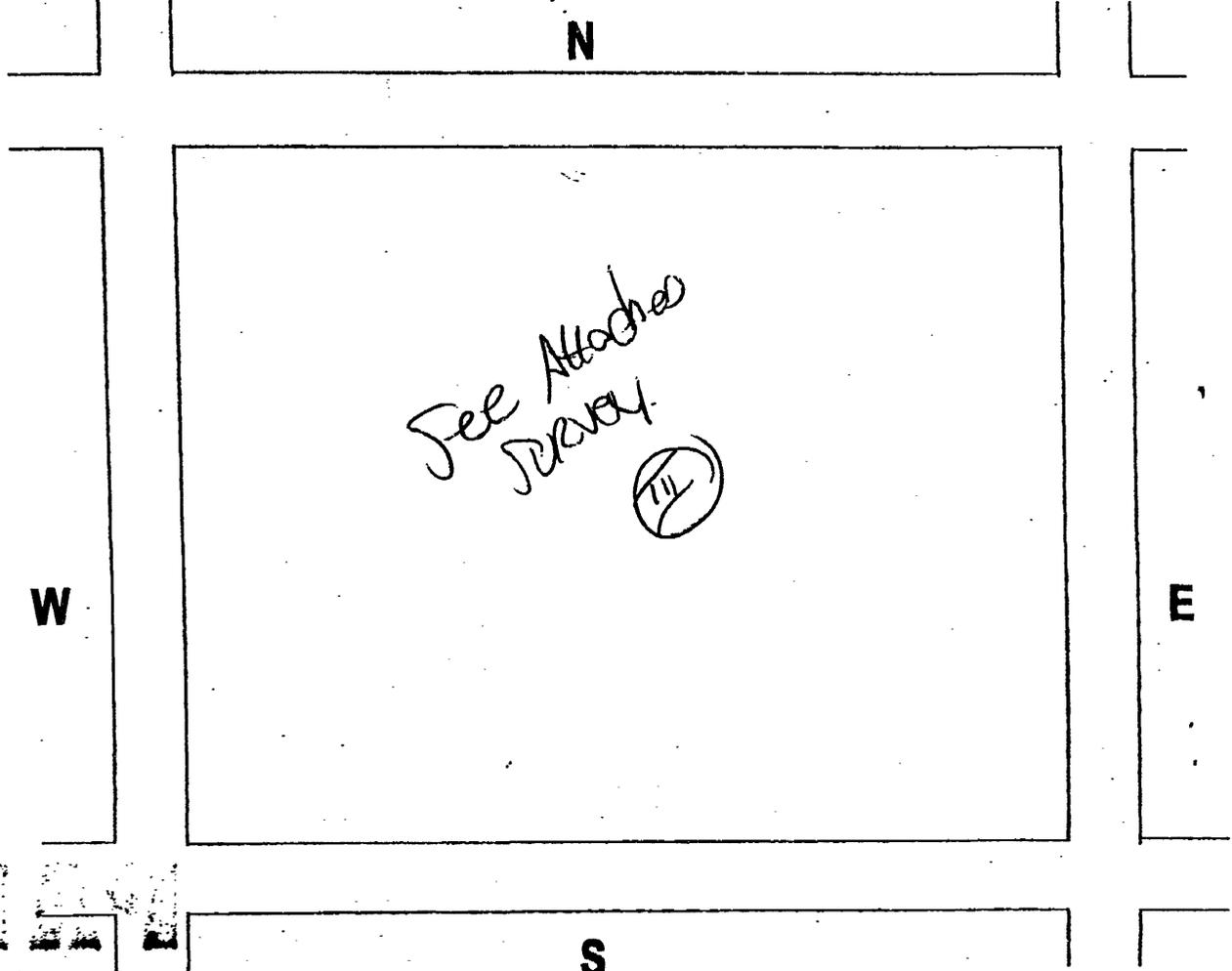
5020 Rt 9w, Newburgh, N.Y.  
(Address of Applicant) 12550

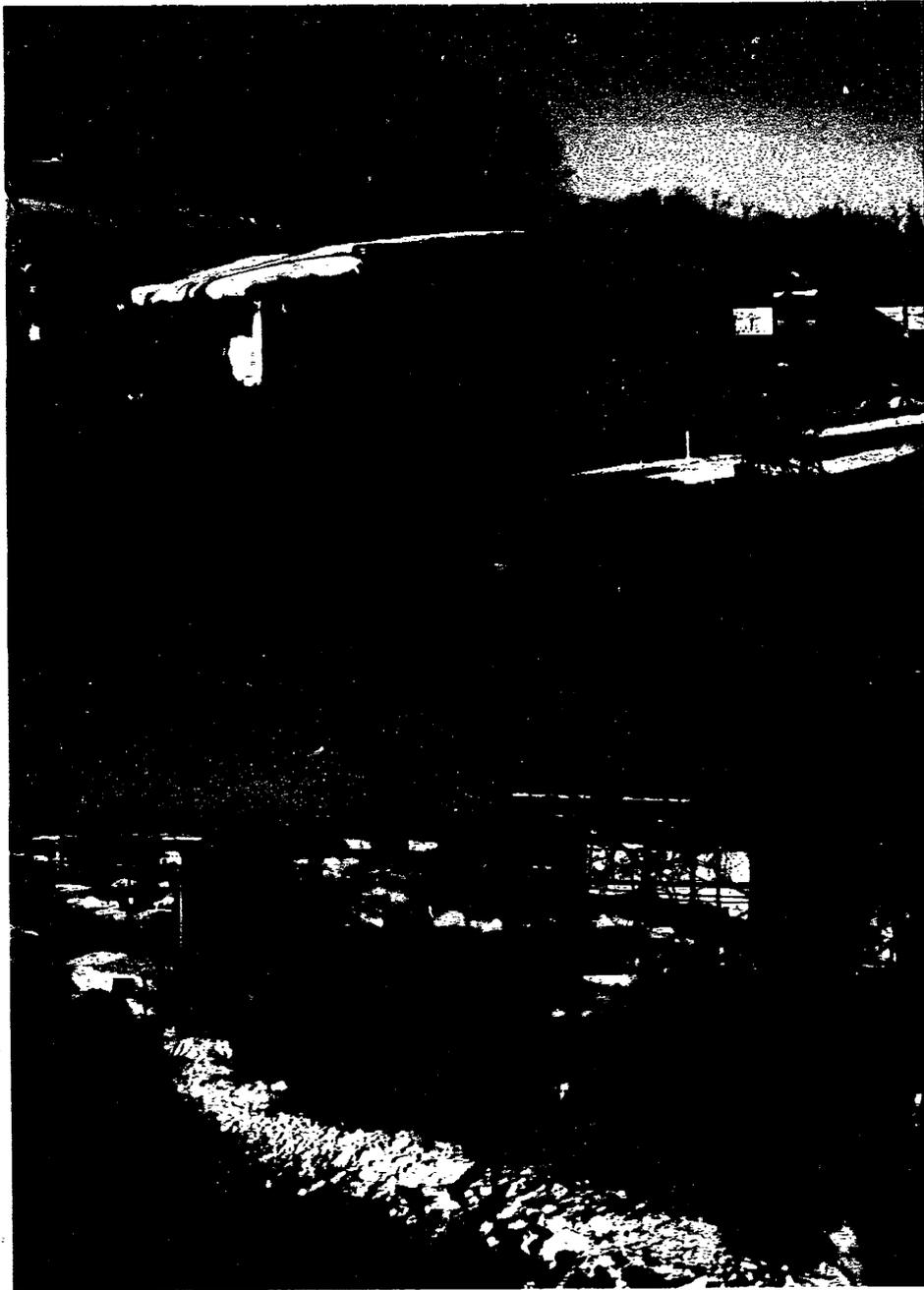
x John J. Leadet

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2004

North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550

ATTN: JOHN LEASE

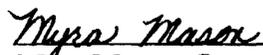
SUBJECT: REQUEST FOR VARIANCE #03-61

Dear Mr. Lease:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

  
\_\_\_\_\_  
Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

In the Matter of the Application of  
**NORTH PLANK DEVELOPMENT COMPANY, LLC.**

MEMORANDUM OF  
DECISION GRANTING  
**INTERPRETATION  
AND/OR USE VARIANCE**

CASE #03-61

**WHEREAS, John Lease and Daniel Bloom, Esq.** appeared on behalf of North Plank Development Company, LLC, owner(s) of 1101 River Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Interpretation and/or Use Variance for non-conforming use discontinued for a period of two years or more. (Use: 48-24b) in a PI Zone

**WHEREAS,** a public hearing was held on January 12, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS, John Lease and Daniel Bloom, Esq.** appeared on behalf of this Application; and

**WHEREAS,** there were no spectators appearing at the public hearing; and

**WHEREAS,** no one spoke in favor of or in opposition to the Application; and

**WHEREAS,** a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS,** the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property used pursuant to a pre-existing non-conforming use as a bar or tavern with an apartment on the second floor.
  - (b) The subject premises is located in a PI Zone, although it is immediately adjacent to an R Zone and there are residences neighboring it.

- (c) The use was discontinued more than two years prior to this application, but, the period of discontinuance should be tolled.
- (d) When the last of the former owners died, the property was involved in a will contest for nine or ten months before letters testamentary were issued to the decedant's son, Russell, who died shortly thereafter.
- (e) On the death of the son, a contest over his will ensued and letters testamentary were not issued until 10/28/2003.
- (f) While the will contests were proceeding, the County of Orange took the property for non-payment of taxes on April 25, 2003 and the property was not purchased by its present owner until October 28, 2003.
- (g) The applicant seeks to restore the building to its original use without altering its occupancy or "footprint".
- (h) Although the property is located in a PI Zone, its size and nature would preclude any of the uses allowed in a PI Zone.
- (i) The Board has determined that the application will have a negative impact on the surrounding environment and has granted this application a Negative Declaration.
- (j) Regardless to what use the property is put, it could not be used for anything in that zone without the granting of some variance.
- (k) Available parking for the building has been increased by the applicant's removal of a garage on the property.
- (l) The property will provide for not less than eight (8) parking spaces.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The premises should be permitted to be used as a pre-existing non-conforming use. The period specified in the Town Code for "Allowable Discontinuance of Use" should be tolled on account of the probate proceedings and tax sale purchase. The premises may be used as a bar/tavern with a one-family apartment on the second floor.
2. The interest of justice require that the applicant make no change in the "footprint" of the building and that the applicant provide at least eight (8) parking spaces together with as

many more parking spaces as may, in the opinion of the Building Inspector, be practicably located on the property.

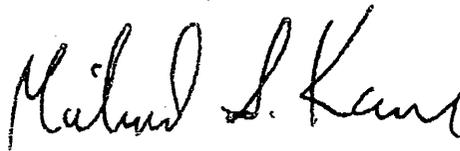
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an Interpretation and/or Use Variance for non-conforming use discontinued for a period of two years or more. (Use: 48-24b) in a PI Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 12, 2004



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Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: MARCH 1, 2004**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 318.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #03-61**

**NAME & ADDRESS:**

**North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550**

**THANK YOU,**

**MYRA**

**L.R.3/1/04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #03-61      TYPE: INTERPRETATION

APPLICANT Name & Address:  
**North Plank Development Co., LLC**  
**5020 Route 9W**  
**Newburgh, NY 12550**

TELEPHONE:      565-8700

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>5286</u>

ESCROW:            COMMERCIAL \$500.00                      CHECK # 5287

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$4.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	4	PAGES	\$ <u>18.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____
PUBLIC HEARING:      **	<u>17</u>	PAGES	\$ <u>93.50</u>
PUBLIC HEARING:	—	PAGES	\$ _____
	TOTAL:		\$ <u>111.50</u> \$ <u>70.00</u>

**\*\* PLEASE NOTE: AS OF 1/1/04 MINUTES ARE \$5.50 PER PAGE**

ESCROW POSTED:	\$ 500.00
LESS: DISBURSEMENTS:	\$ <u>181.50</u>
 AMOUNT DUE:	 \$ _____
 REFUND DUE:	 \$ <u>318.50</u>



RESULTS OF Z.B.A. MEETING OF: January 2, 2004

PROJECT: North Plank Dev. Co. ZBA # 03-61  
P.B.#

*Limited Review*

USE VARIANCE:      NEED: EAF      PROXY \_\_\_\_\_

LEAD AGENCY: M Min S, Reis VOTE: A 4 N 0  
RIVERA \_\_\_\_\_  
~~MCDONALD~~ \_\_\_\_\_ CARRIED: Y  N \_\_\_\_\_  
REIS A \_\_\_\_\_  
MINUTA A \_\_\_\_\_  
KANE A \_\_\_\_\_

NEGATIVE DEC: M Min S, Reis VOTE: A 4 N 0  
RIVERA \_\_\_\_\_  
~~MCDONALD~~ \_\_\_\_\_ CARRIED: Y  N \_\_\_\_\_  
REIS A \_\_\_\_\_  
MINUTA A \_\_\_\_\_  
KANE A \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING:      M) \_\_\_\_\_ S) \_\_\_\_\_      VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING:      STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:      M Reis S VOTE: A 4 N 0.

*A*

RIVERA A  
~~MCDONALD~~ \_\_\_\_\_  
REIS A  
MINUTA A  
KANE A

CARRIED: Y  N \_\_\_\_\_.

*Daniel Bloom submitted paperwork to establish continuation of "Non-Conforming Use" (Andy Kueger was given "Case law")*

Received 1/2/04 @ Meeting

14-16-4 (11/95)—Text 12

PROJECT I.D. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review

### SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

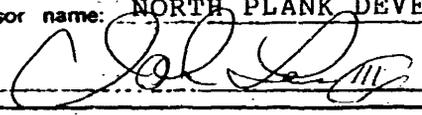
#### PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR NORTH PLANK DEVELOPMENT CO.		2. PROJECT NAME "PETER & DOLLY'S TAVERN"	
3. PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)  INTERSECTION OF COFFEY AVENUE AND RIVER ROAD			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY:  REFURBISH EXISTING TAVERN KNOWN AS "PETE & DOLLY'S" WITH UPSTAIRS APARTMENT.			
7. AMOUNT OF LAND AFFECTED: Initially 0.142 acres Ultimately 0.142 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly property now zoned "PI" Applicant wishes to continue "Non-Conforming" use as a Tavern.			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals N.Y.S. LIQUOR AUTHORITY			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: NORTH PLANK DEVELOPMENT CO.

Date: 1-12-04

Signature: 

Pres.

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b>    If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b>    If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>
<p><b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><b>E. IS THERE OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No    If Yes, explain briefly</p>

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>
<p>..... Name of Lead Agency</p>
<p>..... Print or Type Name of Responsible Officer in Lead Agency</p>
<p>..... Title of Responsible Officer</p>

NORTH PLANK DEVELOPMENT CO., LLC (03-61)

Daniel Bloom, Esq. and Mr. John Lease appeared before the board for this proposal.

MR. KANE: Request for Interpretation and/or Use Variance for non-conforming use discontinued for a period of two years or more (Use: 48-24B) in a PI zone.

MR. BLOOM: Good evening, Mr. Chairman, my name is Dan Bloom, I'm representing North Plank Development Company, LLC this evening on this application.

MR. KRIEGER: Out of fairness to this applicant and members of the board, I should disclose that Mr. Bloom first has elected to go after me personally in a vicious and vigorous fashion. While he's not the applicant here, I don't want to cause my situation to, and I ask members of the board to take it into account so that it does not reflect adversely on this particular applicant.

MR. KANE: So noted.

MR. BLOOM: For the record, Mr. Chairman, I would like to just indicate that I appreciate Mr. Krieger's honesty and fairness in his characterization of what has occurred, so that at least everybody approaches this particular hearing with the ability to place things in perspective, so to speak.

MR. KANE: So noted.

MR. BLOOM: With that, I was retained by Mr. Lease after the application had been submitted. I reviewed it and determined that it seems to have been prepared in the alternative, that is seeking an interpretation and/or a use variance. I reviewed it and I respectfully submit to the board that I feel that the appropriate application is on the first, which is

seeking permission to proceed for issuance of a building permit for its continued use as a tavern and a one family residence above the tavern, based upon the continuation of the non-conforming use. Now, why do I say that? The use was discontinued concededly in excess of two years ago, so, therefore, unless we can establish and I respectfully submit that we can what we call a tolling then of course my client has to proceed on the use variance basis. I believe that based upon the evidence that I will submit to the board this evening and the case law that relates to it that I believe it is appropriate for my client to seek the continuation of the non-conforming use for this reason. It was originally operated for many, many years as we all know being local residents as Pete and Dolly's Tavern by Pete and Dolly. Well, we found out that Pete really meant Pat and last name was Benish (phonetic) and he was married to Mildred Benish and they operated for many, many years. And finally, Mr. Benish died and Mrs. Benish took over the operation and then Mrs. Benish died in 2000 and her will was probated and they tried to probate the will but I guess there was substantial contest over it and it went on and on to the point where letters of testamentary on the will had not issued for in excess of nine or ten months and no sooner issued than they issued to her son, Russell, who died shortly thereafter. And I have the two death certificates here, and not only did that occur but then apparently, there was a contest on his will. And the bottom line is that letters of testamentary were issued on his will in October 28 of 2003. Meanwhile, the County of Orange took the property back for nonpayment of taxes on April 25 of 2003 and my client purchased the property on or about October 28 of 2003. Based upon that scenario, and I will submit case law to the Chair with the Chair's permission for review by counsel which I respectfully submit would permit this board to consider the fact that we had two intervening debts, a taking by the County for nonpayment of taxes and an immediate purchase by John lease and an application to

immediately restore it to its original use without changing the footprint, no changes, just upgrade, refurbish it. That would be the basis for a legitimate issuance of a determination by this board and an interpretation that the non-conforming use continues. And with that having been said, Mr. Chairman, I'd like to approach and submit the deed supporting that, including the death certificates, giving you a copy of the case law and a copy of the survey.

MR. KANE: Thank you.

MR. REIS: While they're reviewing that, what's the bottom line as far as all the dates from the time that it ceased--

MR. BLOOM: The original date of death was January 20, 2000, they tried to probate the will, contest ensued, letters testamentary finally issued on the second will on October 28, 2003, last October, but before that happened, the County took it for nonpayment of taxes.

MR. KANE: So between 2002 and 2003, the first will was contested, that was settled, the gentleman that had received that then had passed away.

MR. BLOOM: He passed away then his will had to be probated and he became embroiled in it and I guess during that period of time, they forgot or didn't pay taxes, the County took it on April 25 of 2003.

MR. KANE: Up to 2000, was it being used as a tavern at that point?

MR. BLOOM: As far as we know, it was. My own personal recollection I believe it was, that's your recollection, too, and you investigated, right, John?

MR. LEASE: Close to that time.

MR. REIS: Mike, do you have any records to support that?

MR. BABCOCK: No.

MR. BLOOM: I'm just going by just general knowledge of passing it every day, so to speak.

MR. BABCOCK: One thing we did with this piece of property, Mr. Chairman, just so the board knows, I don't know if you have a copy of the tax map or a survey, we tried to find out what would be, this property could be used for in a PI Zone, it doesn't meet any requirements, there's nothing whatsoever that would work.

MR. KANE: That particular property is strange as it is. So if granted this interpretation and/or use, the footprint of the building is going to remain the same?

MR. LEASE: Yes.

MR. KANE: You're just going to bring it up to all standards?

MR. LEASE: Yes.

MR. KRIEGER: I can't, without reviewing it in detail, I can't tell you whether that's compelling or not. I can't do that tonight. I have to make sure that they're jeopardizing, I see the first case law doesn't even have an official site.

MR. BLOOM: It's a law journal site.

MR. KRIEGER: Does it have, I see there was a decision rendered in beginning of 2002, has it acquired an official site since then.

MR. BLOOM: Not that we could determine.

MR. KANE: At this point, I think what I'm going to do is open it up for the public and see if there's anybody here that would like to speak on this particular matter.

MR. BLOOM: Mr. Chairman, before you do that, may I be heard on one additional thing?

MR. KANE: Sure.

MR. BLOOM: I presented the information based upon a request for an interpretation. I would like to respectfully request a decision on that or a decision from the board, should I proceed to the next level of seeking a use variance with the evidence on that issue?

MR. KANE: Okay, I think what I need to do though is hear anybody in the public first for the interpretation.

MR. KRIEGER: If you're going to--

MR. KANE: And I can leave that open, I think.

MR. KRIEGER: Bearing in mind that if the board decides not to grant the interpretation and to have the applicant proceed to a use variance, you'll have to then have SEQRA review which means that you will have to again open it up to the public. Whereas, if you decided now to acquire that evidence as well, you could have one public hearing, you can kill, you can take care of both requirements at the same time.

MR. KANE: This is the fun part. Let's take care of the SEQRA. We need a negative declaration.

MR. KRIEGER: First you need a vote to determine that you're going to have a limited review, limited to this proceeding only which means that even if a use variance

is granted, it will have to, when he seeks site plan review, they'll have their own SEQRA review and this won't bind them in any way.

MR. KANE: We need to vote on a negative dec.

MR. KRIEGER: You need to vote on whether negative dec or positive dec.

MR. MINUTA: I make a motion that we make a limited review for the interpretation on this property.

MR. KRIEGER: Limited SEQRA review for the purpose of this proceeding only, correct.

MR. MINUTA: Yes, thank you.

MR. REIS: Thanks for the words. Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Then we have, need a motion declaring a negative declaration on this.

MR. MINUTA: Do we have the information for a negative declaration?

MR. KANE: Well, basically there's--

MR. KRIEGER: They should be on file, a short form EAF review, that's basically one of the things that you have to determine whether if you don't have enough review, enough information, there are three possible outcomes, you can declare a negative dec if you do have enough, declare a positive dec if you find something

definitely that requires further review or if you're not sure whether you're not prepared to go negative and you're not sure whether it might be positive, but you don't have any concrete evidence, then that's under SEQRA a positive declaration, so a positive declaration covers definitely and maybe the only time that you have a negative declaration is when it's definitely not.

MR. MINUTA: This is for environmental only?

MR. KRIEGER: For environmental only, that's correct.

MR. MINUTA: I have enough information here, this place has existed long before myself so--

MR. KRIEGER: You have not only the short form EAF but of course the personal knowledge of each of the members this particular property having existed in New Windsor for time out of mind, I'm sure that the members of the board are each personally familiar with it.

MR. KANE: So you have a motion to find a negative declaration.

MR. MINUTA: Yes, propose a motion for negative declaration on this property.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: That's complicated stuff. So we'll open it up to the public now. Is there anybody here that would like to speak on this particular hearing? So we'll close the public portion of the hearing and ask Myra

how many mailings we had.

MS. MASON: On the 29th of December, I mailed out 39 addressed envelopes and had no responses.

MR. KANE: So at this point, we'll close the public portion of the hearing and do you guys have any other questions or need more information?

MR. KRIEGER: Now you can have a vote for a negative dec any time.

MR. MINUTA: I just have a few questions and one is is this the best use for this property? It doesn't meet any of the variances but is it the best use for the property? And I think we took care of the second one.

MR. KANE: Well, I would think with the way, my own personal opinion on this is the way the property is set up and the building that's on there, it's about the only use is the existing use right now. To tear the building down now you're going to need either a use variance or some kind of major variances to put anything else on that particular property.

MR. BABCOCK: Tonight we're only really talking about the use of the building, the building is non-conforming, we know that it doesn't lose its non-conforming, it lost its non-conforming use, so they'd be entitled even if they tear the building down to build another one in the exact same footprint but anything in a PI Zone which would be a truck transfer terminal, there isn't enough room to put a tractor trailer on the site. So that's what we looked at, we looked at all the different uses that could be there and it existed as Pete and Dolly's for God only knows how long.

MR. KANE: With that piece of property, it's probably the worst one in New Windsor, I mean, there's nothing

else you can do with it.

MR. REIS: Just for the record, comment mostly to Michael, again, the highest and best use for the property without negatively affecting the neighborhood in the community, even if it was a single family dwelling, they would need a variance.

MR. BABCOCK: That's correct.

MR. MINUTA: Thank you, just wanted to clear that up.

MR. RIVERA: Parking, how many spaces, it's going to be a tavern, so obviously, it's going to require so many parking spaces?

MR. BLOOM: He took the garage down which actually increased the amount of parking that was there. How many would you estimate?

MR. LEASE: There's probably, they're on an antiquated basis, probably about maybe eight and they probably wouldn't be laid out the way you do it today. And I took the garage down so that maybe picked up a couple, maybe eight total, eight, nine maybe, some of them were along the side of the building, you know.

MR. MINUTA: And are you going to need, are you going to be requesting for additional parking or limited spaces at that point?

MR. KANE: No because they're pre-existing, so they don't have to go through any of that, this just determines whether if it was discontinued or in our opinion that for extraordinary reasons we should allow it to continue.

MR. KRIEGER: Let me get this straight because the Town does not have to go for site plan.

MR. BABCOCK: That's correct. If the interpretation is that this can continue, then we're going to work with the applicant in getting the building fixed up and repaired and possibly help him with a layout on the parking lot and get as many parking spaces as we can on the property, he wants as many as he can get also whatever fits, that's the end, that's what it's been forever.

MR. MINUTA: So the planning board then would need to determine that?

MR. KANE: It ends here.

MR. BABCOCK: Well, it ends here, actually, it could end here, John has demonstrated to me that he's going to fix the place up so he's going to come in and get a building permit to do so, basically wouldn't have to do that.

MR. KANE: If you decide against it, then they would take it to the next step. There's not, like Michael says, there's not much else they can do with the piece of property that fits in a PI zone that wouldn't bring him back here.

MR. BABCOCK: Even if we went to the extreme to say a use variance and you guys said let's go back to the planning board, we can go back to planning board, they can look at it all but what fits fits, they can't add any property, there's no property to be added.

MR. KANE: Nothing to change, to add more parking spaces, that's the tough part.

MR. KRIEGER: Let me clear it because there are two questions now in front of the board, if the board grants an interpretation, he does not have to go for site plan?

MR. BABCOCK: That's correct.

MR. KRIEGER: If the board doesn't grant an interpretation but grants a use variance, what's the position of the Town?

MR. KANE: Would he need to go in front of the planning board?

MR. BABCOCK: Well, this board, if this board wants him to do that, he could do that.

MR. KRIEGER: Certainly they can make it a condition of the variance if they chose to do so.

MR. BABCOCK: I don't believe, I personally don't believe he needs site plan approval whatsoever either way, it's existing.

MR. KRIEGER: So unless this board should make a condition of approval specifically he wouldn't need to do that?

MR. BABCOCK: That's right and if he did, if this board makes it a condition and he went to site plan, the planning board would be sending it back to this board that it doesn't meet the parking, doesn't meet the lot area, doesn't meet the setbacks for a number of variances which doesn't do anything.

MR. REIS: Does Andy need a lot of time to review the paperwork that was submitted?

MR. KRIEGER: Well, I do need some time to review the cases if that, I'm not, I wouldn't be prepared at this point to render an opinion about it.

MR. KANE: My particular opinion on this is that you had some extraordinary circumstances with the deaths upon deaths and the fighting in court and delaying this

from anybody making a reasonable decision on the property whether to keep going forward or not. So I, my own feeling is I don't really need to see the site for that, I just feel it's extraordinary, that's what we're here for.

MR. MINUTA: It is an extraordinary case but would the, setting aside the building and the use, the parking is really the issue here that I'm taking issue with on this because of what it's going to be used as. And I'm wondering if would another use allow us the amount of parking that he has as a use as a higher end business use, I don't know at this point.

MR. KANE: Not even close, there's nothing that will, if it, I mean, the area doesn't meet anything.

MR. KRIEGER: Let me clarify that as far as the decisions are concerned, requires some time to look at them and review them. If the board is going to act on an interpretation, the applicant has asked, the board has been asked to act on an interpretation beforehand, if it's not an interpretation and it's a use variance, then I would agree with the Chairman and whether or not you know these cases are binding or on point or anything else is irrelevant to a certain extent, if this board has decided, is inclined to grant a use variance, doesn't matter what they did in some other town.

MR. BABCOCK: Mr. Chairman, I may have a suggestion. If in fact there's eight and I know the applicant would have to agree to this, the law requires that you have one parking space for every three seats in an establishment like this, if there was eight parking spaces which I believe there can be more parking spaces there than eight, we could limit him to 24 chairs, if the applicant would go along with that. That would solve the parking issue, I mean, if he has 25 chairs in there, I mean, we do an inspection every year, we have

other restaurants in the area that we do the same thing for the, that may solve the parking problems, if that's the real issue with the members.

MR. MINUTA: Wouldn't that be a health and building code violation if it exceeded that?

MR. BABCOCK: Well, no, I think if he could have, could own another property and have a bus, a shuttle bus bringing people in and out, if that's what he wanted to do. We have restaurants, we have catering places that do that, I mean, if he wanted to do that, but I'm just thinking that if we came up with a number of parking spaces that could fit on this property and said that would solve the parking, that's the amount of chairs that he's allowed to have.

MR. MINUTA: This has water and sewer?

MR. BABCOCK: Yes and I don't know if the applicant's willing to agree to that or not.

MR. KANE: Would you guys, do you feel that you need Andy to go over what was submitted to us and we can table the vote to the next meeting or do you feel comfortable making a decision today?

MR. MINUTA: Well, if Andy has questions on it, I'd like to see it resolved.

MR. KRIEGER: With respect to the interpretation aspect as I said.

MR. KANE: Well, the interpretation is what we're going to take care of first, so if you feel more comfortable having him review that information, then I would suggest we table the vote on the interpretation till the next meeting and give Andy a chance to read and report back to us.

MR. BLOOM: May I be heard on that?

MR. KANE: You certainly can.

MR. BLOOM: I believe that in fairness to my client and based upon the admirably forthright statement that counsel made for the record, I think I'd be remiss if I didn't ask that counsel recuse himself on this application. I don't see how he can possibly bring to the decision he has to make and submit to this board the appropriate professional independence that's anticipated counsel retained by a board such as this should expect.

MR. KANE: So noted. My own personal feeling is I think that our counselor would be above reproach on that, that's my own feeling. I think he would give us a fair assessment on what those papers say right there. That's my own opinion on that.

MR. REIS: Mike, to respond to your prior question how each of the board members feel about this, I respect Joe's thoughts on it, myself, I'm inclined to go with the use that's intended, okay, based on--

MR. KANE: You feel you can make an interpretation today?

MR. REIS: Personally, yes.

MR. RIVERA: Yes.

MR. KANE: I feel I can make one. Are you comfortable with that?

MR. REIS: I would like to say one thing, if I may, in regard to the parking issue, there's probably several eateries in the town that have more seats per parking per code, not that that's a precedent, but to limit the applicant, I'm getting nothing out of this, I want to

make note of that, to limit the applicant to 24 seats, he's going to have a losing proposition, he can't possibly do business and have a business that's worthy of opening and limit it to eight parking places, I don't think, in due respect to the applicant, I don't think that's fair to do.

MR. KRIEGER: Along the lines of what Mr. Reis just said, I heard the comment here that there's a possibility that it could have more parking spaces so it would be unfair to the applicant at this point to limit him to 24 based on an eight count. Now, if he can come in later and show that it could be 10, then he would have, he would be limited unfairly. So I think a blanket, simply a blanket statement that a variance here does not relieve him of any other legal requirements then he can get what he can get.

MR. KANE: Right, I agree with that. I think we're making it a little bit more complicated than it needs to be on the interpretation, we're just deciding whether he's continued in business or whether, you know, extraordinary circumstances that led that to pass and are we going to let him go ahead with this and not, you know, add a lot more complicated things to it. I think it becomes that simple.

MR. MINUTA: I have no issue with continuing the use on this.

MR. KANE: I don't know how you're going to make a tavern work down there, but that's up to you.

MR. MINUTA: From a zoning perspective, my only question is fine, the use has been there, it's been there for a long time, is there going to be a parking problem from a zoning perspective down there? That's the only question I have at this point.

MR. BABCOCK: Well, the applicant is going to have to

handle a parking problem, if there's a parking problem, we'll be there.

MR. KANE: And I'm sure--

MR. REIS: How many seats are there now, do you know offhand, approximately?

MR. LEASE: Well, probably, because the place is a wreck, but there probably were maybe 10 at the bar and maybe four small tables, so four tables.

MR. BABCOCK: It's not a large place, you know.

MR. REIS: I thought 25, 30.

MR. LEASE: That's packing them in.

MR. KANE: I can honestly say I've never been in there but now is that a multi-floor establishment?

MR. LEASE: Well, no, just the main floor was a bar and second floor was an apartment.

MR. KANE: Are you going to be continuing to use the second floor as an apartment?

MR. LEASE: Yes, I'd like to.

MR. KANE: We don't have a problem with that at this point?

MR. BABCOCK: No.

MR. REIS: Accept a motion?

MR. KANE: Everybody comfortable?

MR. MINUTA: Yes.

MR. RIVERA: Yes.

MR. KANE: Yes, I'll accept a motion.

MR. REIS: I make a motion that we grant North Plank Development Company the requested interpretation for the use of a tavern and apartment.

MR. KANE: For the continued use.

MR. REIS: Continued use, thank you, of the property known as--

MR. BABCOCK: 1101 River Road.

MR. REIS: Thank you.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KRIEGER: Point of clarification just for the purpose of drafting the decision, because we went back and forth, there are no additional requirements that the board needs to be drafted in under the interest of justice, we can just leave that blank?

MR. KANE: No excess requirements, correct, Michael? There was none in your motion.

MR. REIS: None.

MR. KANE: Have a good evening.



**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 03-61**

**Request of NORTH PLANK DEVELOPMENT COMPANY, LLC**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for Interpretation and/or Use Variance for non-conforming use discontinued for a period of two years or more in a PI Zone**

**being a VARIANCE of Section 48-24b**

**for property located at: 1101 RIVER ROAD - NEW WINDSOR, NY**

**known and designated as tax map Section 20 Block 4 Lot 1**

**PUBLIC HEARING will take place on JANUARY 12, 2004  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

December 11, 2003

John Lease  
North Plank Development Company  
5020 Rte. 9W  
Newburgh, NY 12550

Re: 20-4-1 ZBA#03-61

Dear Mr. Lease:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

9-1-97  
LQC Realty Corp.  
1126 River Road  
New Windsor, NY 12553

9-1-98  
IDC Soils Reclamation, Inc.  
92-94 Stewart Avenue  
Newburgh, NY 12550

9-1-100  
Warex Terminals Corporation  
PO Box 488  
Newburgh, NY 12550

9-1-101  
Nicholas Cardaropoli  
PO Box 487  
Cornwall on Hudson, NY 12520

20-2-33.31 & 20-2-57  
Richard Ostner  
82 Bethlehem Road  
New Windsor, NY 12553

20-2-45.2  
Joseph Dellafiora  
Blanche Drapun  
42 Frost Lane  
Cornwall, NY 12518

20-2-47  
Philip & Yvette Sayles  
12 Silver Spring Road  
New Windsor, NY 12553

20-2-48  
James & Susan Krieger  
1411 Route 94  
New Windsor, NY 12553

20-2-49 & 20-3-1  
County of Orange  
255-275 Main Street  
Goshen, NY 10924

20-2-50  
Kathleen Shotmeyer  
1 Valley Street  
Hawthorne, NJ 07506

20-2-51  
Frank Camilliere  
27 Cullen Avenue  
New Windsor, NY 12553

20-2-52  
Mahin Corporation  
33 Cloud Street  
Newburgh, NY 12550

20-2-53  
Kathleen Keegan  
20 Cullen Avenue  
New Windsor, NY 12553

20-2-54  
Marrone Management Inc.  
7 Old Mount Peter Road  
Warwick, NY 10990

20-2-55  
Roy & Shirley Bardsley  
16 Cullen Avenue  
New Windsor, NY 12553

20-2-56  
Robert Welsh  
14 Cullen Avenue  
New Windsor, NY 12553

20-2-58  
Abraham Raich & Andrew Benzaken  
Celia Barone  
C/o Andrew Benzaken  
118 Riverside Drive  
New York, NY 10024

20-2-59  
Andrea Spignardo  
5 Silver Spring Road  
New Windsor, NY 12553

20-2-60  
Ronald & Anne Beasley  
6 Cullen Avenue  
New Windsor, NY 12553

20-2-61  
Gail Schweizer  
4 Cullen Avenue  
New Windsor, NY 12553

20-2-62  
Iris Bessette  
234 Walsh Avenue #5  
New Windsor, NY 12553

20-2-65 & 20-2-67 & 20-2-68  
John & Joan Morse  
16 Union Avenue  
New Windsor, NY 12553

20-2-69  
GGA Condominium Inc.  
3078 NYS Rte 9W  
New Windsor, NY 12553

20-3-2 & 20-3-3  
National Temple Hill Association Inc.  
C/o Daniel Lucia, President  
PO Box 315  
Vails Gate, NY 12584

20-3-4  
Jon Colson  
17 Coffey Avenue  
New Windsor, NY 12553

20-3-5  
Dale Prokosch  
PO Box 4065  
New Windsor, NY 12553

20-3-6  
Stella Lahey  
C/o Peter Sladeski  
5 Ann Kaley Lane  
Marlboro, NY 12542

20-3-8.1  
Richard Armigo  
PO Box 4283  
New Windsor, NY 12553

20-3-9  
Christopher Koch  
5 Coffey Avenue  
New Windsor, NY 12553

20-3-10  
Charisse Strickland  
3 Cullen Avenue  
New Windsor, NY 12663

20-3-11  
George Torres Jr.  
6 Union Avenue  
New Windsor, NY 12553

20-4-2 & 20-5-1  
Park Avenue Realty Associates, LLC  
PO Box 2530  
Monroe, NY 10950

20-4-3  
Peacedale Properties, Inc.  
238-240 Hudson Street  
Cornwall on Hudson, NY 12520

20-4-4  
Kathy Nucifore & Yvonne D'Angelo  
C/o Rosalind Zalesak  
14 Coffey Avenue  
New Windsor, NY 12553

20-4-5 & 20-4-6  
Maryanne Kissel  
Richard McGrath  
PO Box 142  
Cragmoor, NY 12420

20-4-7 & 20-4-8 & 20-4-9  
Alexis Welty  
4 Coffey Avenue  
New Windsor, NY 12553

20-4-10  
Frederick Bourne  
C/o Roy Bourne  
PO Box 699  
Cornwall, NY 12518

20-5-2 & 20-5-3  
William Haskin Jr.  
1072 River Road  
New Windsor, NY 12553

20-5-4  
Jonathan Erden  
1068 River Road  
New Windsor, NY 12553





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

December 29, 2003

North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550

ATTN: JOHN LEASE

SUBJECT: REQUEST FOR VARIANCE #03-61

Dear Mr. Lease:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

1101 River Road  
New Windsor, NY

is scheduled for the January 12th, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

NORTH PLANK DEVELOPMENT CO., LLC (03-61)

MR. KANE: Request for interpretation and/or use variance for non-conforming use discontinued for a period of two years or more.

Mr. John Lease appeared before the board for this proposal.

MR. LEAS: I'm John Lease, I bought the old Pete and Dolly's Tavern and I'd like to put it back to what it was which was a tavern and an apartment upstairs. I brought a survey and some pictures, would that be helpful?

MR. KANE: Yeah, pictures are always good.

MR. KANE: You guys are all familiar with this, right?

MR. REIS: Right.

MR. KANE: That's basically what you want to do, just bring it back to a tavern?

MR. LEASE: Yeah, I'd like to redo the outside, redo the windows, the inside layout is okay, just redo the plumbing and the electric and put it back to what it had been.

MR. KANE: Two years if it stops?

MR. BABCOCK: Yes, it's a non-conforming use and it can remain there indefinitely but it cannot, if it ceases for a period of two years, it has to have a finding by the ZBA to be re-established or changed to another non-conforming use and as you can see on the survey, the lots have small, as far as any uses in a PI zone, I think the requirements are 80,000 square feet, I don't know what the size is but it's nowhere near that, maybe the board remembers there was an applicant in for this

last time and there was some problems with title.

MR. KANE: With the title from passing through the family, if I remember it was two years ago they were in to talk about this too.

MR. BABCOCK: December 9 of 2002 according to this, apparently, that's been straightened out, Mr. Lease now owns it.

MR. KANE: If they came in before the board but didn't follow through on anything, does that, and there was some level discussion going on, does that help them in any manner?

MR. KRIEGER: No, it doesn't hurt them, it's meaningless, it's irrelevant.

MR. REIS: Intend to keep the footprint as it is?

MR. LEASE: Yes.

MR. MINUTA: And the use?

MR. LEASE: Tavern on the first floor and apartment upstairs.

MR. MINUTA: We're going to have enough parking?

MR. LEASE: Yeah, that I got a little bit more space, that garage collapsed in the back so I got rid of it, it's not there anymore.

MR. REIS: Michael, in re-establishing a pre-existing use, does he have to take into consideration the parking or lack of, is that going to be an issue?

MR. BABCOCK: Well--

MR. KANE: If we continue his pre-existing use, I don't

know if anything comes up, I mean, we can add some things.

MR. BABCOCK: Normally, no, if this didn't discontinue, they would be in business and they'd be in business today with the exact same way it is today.

MR. KANE: John, what you'll have to do is that if these guys approve you for an interpretation which we have to do at a public hearing and if that interpretation comes out as negative, then you would proceed for a use variance. My best advice on that is to get some legal representation on that and find out what that's about because you have to be able to prove that a number of things right there so you would need to be ready for that at the public hearing too so I want to make sure you know what you're getting involved with just in case it doesn't come out as a positive interpretation.

MR. LEASE: Right.

MR. KANE: And Mike mentioned you're keeping the same footprint basically bring everything up to code in the building.

MR. LEASE: Yes.

MR. KANE: That's about all I can think of and definitely check out the use end of it so that you can attack that if you get a negative reaction. Do you guys have any questions? Anything you'd like to see at this point?

MR. MINUTA: Just a clarification as why was it discontinued, this hasn't been vacant or excuse me, this has been vacant for a couple years?

MR. KANE: If I remember the whole story, there was some deaths in the family and then there was a problem

December 8, 2003

12

with I think inheritance on who exactly owned all of the rights to the building and there was some discussion on that because they were in front of the board a few years ago, if you remember correctly to discuss that.

MR. KRIEGER: A year ago.

MR. KANE: One year so basically it's been going back and forth and I guess that's been settled now as far as the legal issue and they're back in. I don't remember honestly when it was active as a tavern, that I'm not sure.

MR. MINUTA: Okay.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we recommend North Plank Development for a public hearing for their interpretation and/or use variance.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE



RESULTS OF Z.B. MEETING OF:

December 8, 2003

PROJECT: North Clark Dev. Co.

ZBA # 03-61

P.B.#



USE VARIANCE:      NEED: EAF \_\_\_\_\_      PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
 RIVERA \_\_\_\_\_  
 MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
 REIS \_\_\_\_\_  
 MINUTA \_\_\_\_\_  
 KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
 RIVERA \_\_\_\_\_  
 MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
 REIS \_\_\_\_\_  
 MINUTA \_\_\_\_\_  
 KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
 RIVERA \_\_\_\_\_  
 MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
 REIS \_\_\_\_\_  
 MINUTA \_\_\_\_\_  
 KANE \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
 RIVERA \_\_\_\_\_  
 MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
 REIS \_\_\_\_\_  
 MINUTA \_\_\_\_\_  
 KANE \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:      M) RS S) MN      VOTE: A 4 N 0  
 RIVERA A  
~~MCDONALD~~ \_\_\_\_\_  
 REIS A      CARRIED: Y ✓ N \_\_\_\_\_  
 MINUTA A  
 KANE A



PUBLIC HEARING:      STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED:      M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_.

RIVERA \_\_\_\_\_  
 MC DONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
 REIS \_\_\_\_\_  
 MINUTA \_\_\_\_\_  
 KANE \_\_\_\_\_

*Same footprint*  
*Tavern on first floor + Apartment upstairs*  
*bring bldg up to code*

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 12-01-2003

FOR: 03-61 ESCROW

FROM: NORTH PLANK DEVELOPMENT CO., LLC.

5020 ROUTE 9W

NEWBURGH, NY 12550

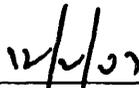
CHECK NUMBER: 5287

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

**Town of New Windsor**  
**555 Union Avenue**  
**New Windsor, NY 12553**  
**(845) 563-4611**

**RECEIPT**  
**#1098-2003**

12/01/2003

North Plank Development Co, L L C  
5020 Route 9 W  
Newburgh, NY 12550

Received \$ 150.00 for Zoning Board Fees, on 12/01/2003. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

ZBA # 03-61  
application fee

6525

## AMENDED LETTERS TESTAMENTARY

File No. 764/2000

## THE PEOPLE OF THE STATE OF NEW YORK

SEND GREETINGS: TO THE FIDUCIARY(S) AND OTHERS CONCERNED:

Letters are on this date granted by the Surrogate's Court of Orange County, New York, as follows:

Name of Decedent: Mildred Marie Benish  
a/k/a Mildred Benish

Domicile of Decedent: Town Of New Windsor

Date of Death: January 20, 2000

Name of Each Fiduciary: Michael E. Benish

Date Will Admitted to Probate: October 28, 2003

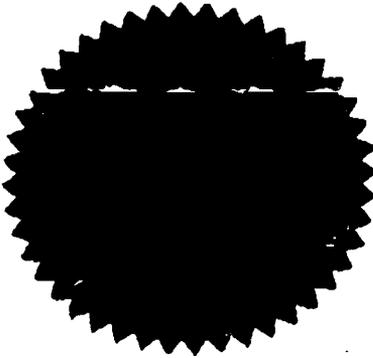
Type of Letters Issued: AMENDED LETTERS TESTAMENTARY

Limitations on Letters: THE FIDUCIARY IS HEREBY RESTRAINED FROM RECEIVING THE PROCEEDS OF A SALE, MORTGAGE OR LEASE OF REAL PROPERTY PURSUANT TO THE PROVISIONS OF 805(3) OF THE SURROGATE'S COURT PROCEDURE ACT UNTIL THE FURTHER ORDER OF THIS COURT MADE UPON FILING SATISFACTORY SECURITY.

THESE LETTERS, granted pursuant to a decree entered by the Court, authorize and empower the above named fiduciary to perform all acts requisite to the proper administration and disposition of the estate of the decedent in accordance with the decree and the laws of the State of New York, but subject to the limitations, if any, as set forth above.

IN TESTIMONY WHEREOF, the seal of the Surrogate's Court of Orange County has been affixed.

WITNESS: Hon. Elaine Slobod, Surrogate of the County of Orange.

  
*Jay V. Morse*  
Chief Clerk of the Surrogate's Court

Dated: October 28, 2003

THESE LETTERS ARE NOT VALID WITHOUT THE RAISED SEAL OF THE COURT





**ORANGE COUNTY CLERK'S OFFICE RECORDING**

**THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE**

**FILE COPY**



**TYPE IN BLACK INK:  
NAME(S) OF PARTY(S) TO DOCUMENT**

**TOWN OF NEW WINDSOR**

**SECTION 20 BLOCK 4 LOT 1**

**COUNTY OF ORANGE**

**TO**

North Plank Development Co. LLC

**RECORD AND RETURN TO:  
(name and address)**

North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550

**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 XX MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_**

**PROPERTY LOCATION**

- |                                |                                 |
|--------------------------------|---------------------------------|
| ___ 2089 BLOOMING GROVE (TN)   | ___ 4289 MONTGOMERY (TN)        |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG)         |
| ___ 2289 CHESTER (TN)          | ___ 4203 MONTGOMERY (VLG)       |
| ___ 2201 CHESTER (VLG)         | ___ 4205 WALDEN (VLG)           |
| ___ 2489 CORNWALL (TN)         | ___ 4489 MOUNT HOPE (TN)        |
| ___ 2401 CORNWALL (VLG)        | ___ 4401 OTISVILLE (VLG)        |
| ___ 2600 CRAWFORD (TN)         | ___ 4600 NEWBURGH (TN)          |
| ___ 2800 DEERPARK (TN)         | <u>XX</u> 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN)           | ___ 5089 TUXEDO (TN)            |
| ___ 3001 GOSHEN (VLG)          | ___ 5001 TUXEDO PARK (VLG)      |
| ___ 3003 FLORIDA (VLG)         | ___ 5200 WALLKILL (TN)          |
| ___ 3005 CHESTER (VLG)         | ___ 5489 WARWICK (TN)           |
| ___ 3200 GREENVILLE (TN)       | ___ 5401 FLORIDA (VLG)          |
| ___ 3489 HAMPTONBURGH (TN)     | ___ 5403 GREENWOOD LAKE (VLG)   |
| ___ 3401 MAYBROOK (VLG)        | ___ 5405 WARWICK (VLG)          |
| ___ 3689 HIGHLANDS (TN)        | ___ 5600 WAWAYANDA (TN)         |
| ___ 3601 HIGHLAND FALLS (VLG)  | ___ 5889 WOODBURY (TN)          |
| ___ 3889 MINISINK (TN)         | ___ 5801 HARRIMAN (VLG)         |
| ___ 3801 UNIONVILLE (VLG)      |                                 |
| ___ 4089 MONROE (TN)           |                                 |
| ___ 4001 MONROE (VLG)          |                                 |
| ___ 4003 HARRIMAN (VLG)        |                                 |
| ___ 4005 KIRYAS JOEL (VLG)     |                                 |

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

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

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

- 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

**CITIES**

- \_\_\_ 0900 MIDDLETOWN
- \_\_\_ 1100 NEWBURGH
- \_\_\_ 1300 PORT JERVIS
- \_\_\_ 9999 HOLD

*Donna L. Benson*

**DONNA L. BENSON  
ORANGE COUNTY CLERK**

**RECEIVED FROM: \_\_\_\_\_**

2003 NOV 13 P 2:52

FILED  
CLERK OF DISTRICT COURT

RECORDED

03-61

**DEED**

**THIS INDENTURE**, made the 6<sup>th</sup> day of November, 2003, between the **COUNTY OF ORANGE**, a municipal corporation with offices at 255 Main Street, Goshen, New York, party of the first part, and

**North Plank Development Co., LLC**, located at 5020 Route 9W, Newburgh, New York 12550, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of the sum of **FIFTY THOUSAND and 00/100 (\$50,000.00) DOLLARS**, and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** these certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the **TOWN OF NEW WINDSOR**, designated on the Orange County Tax Map as **Section 20, Block 4, Lot 1**

**BEING** the same premises conveyed to the County of Orange by deed dated April 25, 2003 and being recorded in the Orange County Clerk's Office on April 25, 2003 in Liber 11029 of Deeds at Page 1821. Said premises being formerly owned by County of Orange.

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

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

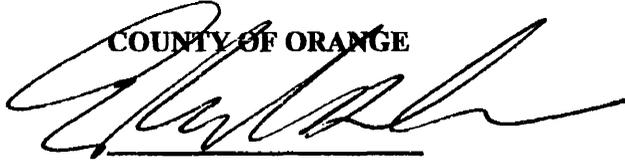
**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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:**

**COUNTY OF ORANGE**



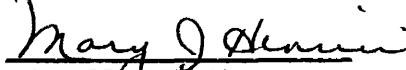
**EDWARD A. DIANA  
COUNTY EXECUTIVE**

**STATE OF NEW YORK :**

**SS:**

**COUNTY OF ORANGE :**

On the 6<sup>th</sup> day of November, in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared **EDWARD A. DIANA**, 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 he 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; and that he signed his name thereto pursuant to Local Law No 2 of 1981, as amended, by authority of the County Legislature of said County.

  
**NOTARY PUBLIC**

**MARY J. HENRICI**  
Notary Public, State of New York  
Qualified in Orange County  
My Commission Expires Dec. 31, 2005



New York State Department of Taxation and Finance

# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Effective September 1, 2003, use this 7/03 version of Form TP-584; previous versions may no longer be used.

See instructions (TP-584-1) before completing this form. Please print or type.

**Schedule A — Information relating to conveyance**

Grantor/Transferor <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name (if individual; last, first, middle initial) <b>COUNTY OF ORANGE</b>	Social security number _____
	Mailing address <b>255 Main Street</b>	Social security number _____
	City State ZIP code <b>Goshen, New York 10924</b>	Federal employer ident. number <b>14   6002567W</b>
Grantee/Transferee <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name (if individual; last, first, middle initial) <b>North Plank Development Co., LLC</b>	Social security number _____
	Mailing address <b>5020 Route 9W</b>	Social security number _____
	City State ZIP code <b>Newburgh, NY 12550</b>	Federal employer ident. number <b>16   1517049</b>

Location and description of property conveyed

Tax map designation			Address	City/village	Town	County
Section	Block	Lot				
20	4	1	1101 River Road		New Windsor	Orange

Type of property conveyed (check applicable box)

1 <input checked="" type="checkbox"/> one- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input type="checkbox"/> Vacant land	5 <input type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input type="checkbox"/> Other _____	Date of conveyance <table style="border: 1px solid black; width: 100%; text-align: center;"> <tr> <td style="width: 33%;">11</td> <td style="width: 33%;">6</td> <td style="width: 33%;">03</td> </tr> <tr> <td>month</td> <td>day</td> <td>year</td> </tr> </table>	11	6	03	month	day	year	Percentage of real property conveyed which is residential real property <u>100</u> % (see instructions)
11	6	03							
month	day	year							

Condition of conveyance (check all that apply)

- |  |  |  |
|--|--|--|
| a. <input checked="" type="checkbox"/> Conveyance of fee interest<br>b. - Acquisition of a controlling interest (state percentage acquired _____ %)  | f. - Conveyance which consists of a mere change of identify or form of ownership or organization (attach Form TP-584.1, Schedule F)<br>g. - Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G) | i. - Option assignment or surrender<br>m. - Leasehold assignment or surrender<br>n. - Leasehold grant<br>o. - Conveyance of an easement<br>p. - Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III) |
| c. - Transfer of a controlling interest (state percentage transferred _____ %)<br>d. - Conveyance to cooperative housing corporation<br>e. - Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | h. - Conveyance of cooperative apartment(s)<br>l. - Syndication<br>j. - Conveyance of air rights or development rights<br>k. - Contract assignment   | q. - Conveyance of property partly within and partly outside the state<br>r. - Other (describe) _____  |

For recording officer's use	Amount received Schedule B., Part I \$ _____ Schedule B., Part II \$ _____	Date received	Transaction number
-----------------------------	--	---------------	--------------------

**Schedule B — Real estate transfer tax return (Article 31 of the Tax Law)**

**Part I — Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) .....  Exemption claimed
- 2 Continuing lien deduction (see Instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed (see Instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

1.	50,000	00
2.		
3.	50,000	00
4.	200	00
5.		
6.	200	00

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

- 1 Enter amount of consideration for conveyance (from Part I, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) .....
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

1.		
2.		
3.		

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a
- b. Conveyance is to secure a debt or other obligation ..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance ..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d
- e. Conveyance is given in connection with a tax sale ..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F ..... f
- g. Conveyance consists of deed of partition ..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment ..... j
- k. Conveyance is not a conveyance within the meaning of section 1401(e) of Article 31 of the Tax Law (attach documents supporting such claim) ..... k
- l. Other (attach explanation) ..... l

\*Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the NYC Department of Finance. If a recording is not required, send this return and your check(s) payable to the NYS Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5 Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Article 22, Tax Law section 663)**

Complete the following only if a fee simple interest is being transferred by an individual or estate or trust.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the property is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property, the transferor(s)/seller(s) as signed below <sup>is a Municipality</sup> was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law section 663(a) upon the sale or transfer of this property.

Signature 	Print full name <b>COUNTY OF ORANGE by: Matthew J. Nothnagle</b>	Date <b>11-6-03</b>
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated tax because one of the exemptions below applies under section 663(d) of the Tax Law, check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under section 663 of the Tax Law. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must use Form IT-2663, *Application for Certification for Recording of Deed and Nonresident Estimated Income Tax Payment Voucher*.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property, the transferor(s)/seller(s) (grantor) of this property was a nonresident of New York State, but is not required to pay estimated tax under Tax Law section 663 due to one of the following exemptions:

- The property being sold or transferred was used exclusively as the transferor's/seller's principal residence (within the meaning of section 121 of the Internal Revenue Code) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Schedule C — Credit Line Mortgage Certificate (Article 11 of the Tax Law)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

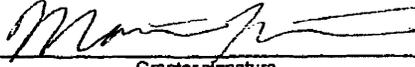
1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Please note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

  - Other (attach detailed explanation).
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the NYC Department of Finance.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete.

 Grantor signature <b>MATTHEW J. NOTHNAGLE</b>	<b>Senior Assistant County Attorney</b> Title	Grantee signature	Title
Grantor signature	Title	Grantee signature	Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in New York City, to the NYC Department of Finance? If no recording is required, send your check(s), made payable to the Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

PLEASE TYPE OR PRESS FIRMLY WHEN WRITING ON FORM  
 INSTRUCTIONS: [http:// www.orps.state.ny.us](http://www.orps.state.ny.us) or PHONE (518) 473-7222

FOR COUNTY USE ONLY

C1. SWIS Code \_\_\_\_\_

C2. Date Deed Recorded \_\_\_\_\_  
Month Day Year

C3. Book \_\_\_\_\_ C4. Page \_\_\_\_\_



**REAL PROPERTY TRANSFER REPORT**

STATE OF NEW YORK  
 STATE BOARD OF REAL PROPERTY SERVICES

**RP - 5217**

RP-5217 Rev 3/97

**PROPERTY INFORMATION**

1. Property Location 1101 River Road  
STREET NUMBER STREET NAME

New Windsor 12553  
CITY OR TOWN VILLAGE ZIP CODE

2. Buyer Name North Plank Development Co., LLC  
LAST NAME / COMPANY FIRST NAME

\_\_\_\_\_  
LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form)  
LAST NAME / COMPANY FIRST NAME

\_\_\_\_\_  
STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed \_\_\_\_\_ # of Parcels OR  Part of a Parcel

- (Only if Part of a Parcel) Check as they apply:
- 4A. Planning Board with Subdivision Authority Exists
  - 4B. Subdivision Approval was Required for Transfer
  - 4C. Parcel Approved for Subdivision with Map Provided

5. Deed Property Size 195 X 183 OR \_\_\_\_\_  
FRONT FEET DEPTH ACRES

6. Seller Name COUNTY OF ORANGE  
LAST NAME / COMPANY FIRST NAME

\_\_\_\_\_  
LAST NAME / COMPANY FIRST NAME

7. Check the box below which most accurately describes the use of the property at the time of sale:

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> A One Family Residential | <input type="checkbox"/> E Agricultural              | <input type="checkbox"/> I Community Service |
| <input type="checkbox"/> B 2 or 3 Family Residential         | <input type="checkbox"/> F Commercial                | <input type="checkbox"/> J Industrial        |
| <input type="checkbox"/> C Residential Vacant Land           | <input type="checkbox"/> G Apartment                 | <input type="checkbox"/> K Public Service    |
| <input type="checkbox"/> D Non-Residential Vacant Land       | <input type="checkbox"/> H Entertainment / Amusement | <input type="checkbox"/> L Forest            |

Check the boxes below as they apply:

- 8. Ownership Type is Condominium
- 9. New Construction on Vacant Land
- 10A. Property Located within an Agricultural District
- 10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

**SALE INFORMATION**

11. Sale Contract Date

Month / Day / Year

12. Date of Sale / Transfer

11 / 6 / 03  
Month / Day / Year

13. Full Sale Price

5 0 0 0 0 0  
\$500,000

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale

- 0 -  
\$0

15. Check one or more of these conditions as applicable to transfer:

- A  Sale Between Relatives or Former Relatives
- B  Sale Between Related Companies or Partners in Business
- C  One of the Buyers is also a Seller
- D  Buyer or Seller is Government Agency or Lending Institution
- E  Deed Type not Warranty or Bargain and Sale (Specify Below)
- F  Sale of Fractional or Less than Fee Interest (Specify Below)
- G  Significant Change in Property Between Taxable Status and Sale Dates
- H  Sale of Business is Included in Sale Price
- I  Other Unusual Factors Affecting Sale Price (Specify Below)
- J  None

foreclosure parcel

**ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill**

16. Year of Assessment Roll from which information taken

1989  
03

17. Total Assessed Value (of all parcels in transfer)

1 7 9 0 0  
\$1,790,000

18. Property Class

4 8 3 1

19. School District Name

20. Tax Map Identifier(s) / Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

20-4-1

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYER**

North Plank Development Co., LLC

BUYER SIGNATURE

DATE

5020 Route 9W

STREET NUMBER

STREET NAME (AFTER SALE)

Newburgh, NY 12550

CITY OR TOWN

STATE

ZIP CODE

**SELLER**

**BUYER'S ATTORNEY**

LAST NAME

FIRST NAME

AREA CODE

TELEPHONE NUMBER

NEW YORK STATE

DEPARTMENT OF FINANCE

DEED SALE/PRIVATE SALE INFORMATION SHEET

1. Name of Purchaser: NORTH Plank Development Co LLC  
First Name Last Name
- \_\_\_\_\_ First Name \_\_\_\_\_ Last Name
2. Address of Purchaser: 5000 Route 9W  
Newburgh NY 12550
3. Social Security No(s): 16-1517049
4. Property Location: 1101 River Rd  
Number Street
- Town/Village New Windsor
5. Section, Block, Lot: 20-4-1
6. Property Size: 195 x 183
7. Assessed Value: 17,900
8. School District: Newburgh City
9. Class Code: 483
10. Type of Property: Converted Res
11. Purchase Price: (taxes) 50,000 -  
Recording Fee: \$ 86.00  
Transfer Tax 200.00 -
12. Previous Owner(s): COUNTY OF ORANGE
13. Acquired by Deed Dated: 4/25/03 Liber 11029 Page 1821

Honorable Donna L. Benson  
County Clerk  
Orange County  
Government Center  
Goshen, NY 10924  
(845) 291-3062

DATE:11/13/2003  
TIME:02:51:39 PM  
RECEIPT:185401

CASH

DEED 02:51:39 PM  
FILE:20030145491 BK/P6:11272/0040  
DEED SEQ:004076  
ORANGE COUNTY  
NORTH PLANK DEV CO LLC  
RECORDING FEE 31.00  
TAX 200.00  
NEW RP-5217 50.00  
Deed Filing TP-504 5.00  
Sub. Total 286.00

---

AMOUNT DUE: \$286.00  
PAID CHECK: \$286.00  
Check #:900296220 \$200.00  
BANK OF NY  
Check #:900296221 \$86.00  
BANK OF NY  
TOTAL PAID: \$286.00

REC BY:JULS  
Clerk

Have a nice day!



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

December 1, 2003

North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550

ATTN: JOHN LEASE

SUBJECT: REQUEST FOR VARIANCE #03-61

Dear Mr. Lease:

This letter is to inform you that you have been placed on the December 8th, 2003 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

1101 River Road  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR**  
 555 UNION AVENUE  
 NEW WINDSOR, NY 12553  
 (845) 563-4615 (MYRA MASON)



**ZONING BOARD PROCEDURES**

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**  
 APPLICATION FEE: \$ 50.00  
 \*ESCROW: \$300.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**  
 APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**  
 APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**  
 APPLICATION FEE: \$150.00  
 \*ESCROW: \$500.00  
 \*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

\* **ESCROW**  
 IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

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\*\*

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

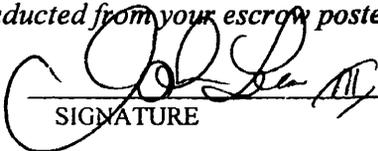
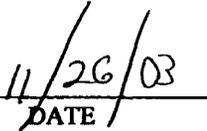
FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\* \* MUST READ AND SIGN \* \***

<p><b>I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).</b></p> <p> SIGNATURE</p> <p> DATE</p>
--

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)

PAGE 2

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**03-61**



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VI. **USE VARIANCE:**

Use Variance requested from New Windsor Zoning Local Law,

Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

Describe proposal:

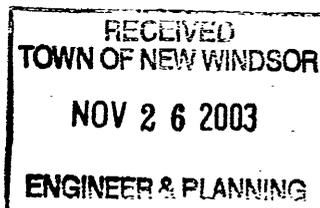
Put back some use

to town / w/ one apartment.

VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



03-61

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**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

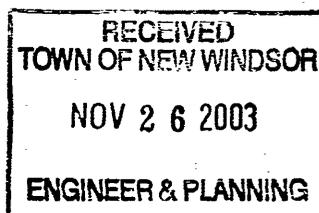
- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Building is completely RUN DOWN.  
I would Restore it to its original use.  
Redo the parking lot, exterior, interior.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**03-61**

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OWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____		
Sign #2	_____		
Sign #3	_____		
Sign #4	_____		

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs \_\_\_\_\_?

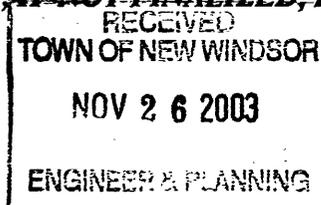
XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_

- (b) Describe in detail the proposal before the Board:

*Restore building to former w/ 1 Apartment*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE NOTE:  
THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE  
OF SUBMITTAL.**



03-61

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**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- Copies of signs with dimensions and location.
- Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - One in the amount of \$ 300.00 or 500.00 , (escrow)
  - One in the amount of \$ 50.00 or 150.00 , (application fee)
  - One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

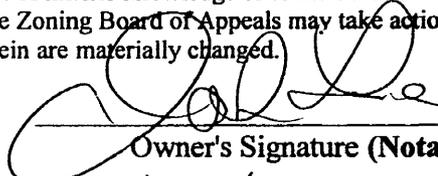
) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

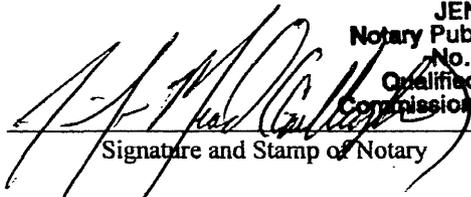
Sworn to before me this:

26<sup>th</sup> day of November 2003,

  
 \_\_\_\_\_  
 Owner's Signature (Notarized)

JENNIFER MEAD  
 Notary Public, State Of New York  
 No. 01ME6050024  
 Qualified in Orange County  
 Commission Expires 10/30/ 2006

John Lease III  
 \_\_\_\_\_  
 Owner's Name (Please Print)

  
 \_\_\_\_\_  
 Signature and Stamp of Notary

\_\_\_\_\_  
 Applicant's Signature (If not Owner)

**PLEASE NOTE:**  
**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

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