



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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

TELEPHONE 845-566-4901

FAX LINE 845-564-7802

APPLICATION

DATED: 01/24/2025

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

I (WE) John Lease III PRESENTLY

RESIDING AT NUMBER Tillson Corp. 5020 Route 9W Newburgh NY 12550

TELEPHONE NUMBER (845) 742-7201

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

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

1. LOCATION OF THE PROPERTY:

42-1-2.222 (TAX MAP DESIGNATION)

North Plank Road (STREET ADDRESS)

R-3 (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185-10

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

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

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

4. DESCRIPTION OF VARIANCE SOUGHT: Use variance to allow storage

buildings up to 50% of the floor area of the principal building, and retail outlets.

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

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:
The applicant is deprived of all economic use or benefit from this property due to its location directly adjacent to a commercial corridor, buildable area located near a busy highway, and proximity to a flood zone. The foregoing would heavily impact marketability of a residential project and is not economically feasible (See attached Broker's Opinion)
(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)
- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:
This parcel is uniquely positioned in a flood zone, close to the highway and neighbors a commercial corridor.

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:
The Business (B) district ends two properties to the south and two properties to the north and the proposed use of the property is minor.

- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:
The property's location and features present unique obstacles to residential use.

6. IF AN AREA VARIANCE IS REQUESTED:

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

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

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

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

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

7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF JANUARY 2025



NOTARY PUBLIC

ELEANOR PIETRZAK
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PI6023956
Qualified in Orange County
Commission Expires May 3, 2027

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

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

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

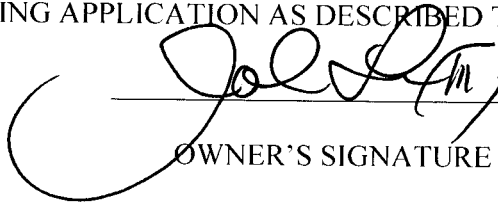
**TOWN OF NEWBURGH
ZONING BOARD OF APPEALS**

PROXY

John Lease III, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT Tillson Corp. 5020 Route 9W Newburgh NY 12550
IN THE COUNTY OF Orange AND STATE OF NY
AND THAT HE/SHE IS THE OWNER IN FEE OF North Plank Road
Section 42 Block 1 Lot 2.222

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Pietrzak & Pfau
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

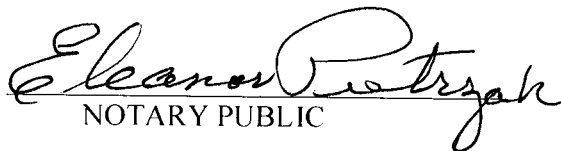
DATED: _____


OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 23rd DAY OF January 20 25


NOTARY PUBLIC

ELEANOR PIETRZAK
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PI602356
Commission Expires May 3, 2027

**Mid Valley Properties Inc.
3 Pond Ridge Crossing
Newburgh, NY 12550**

Broker's Price Opinion (BPO)

Property Location: Tax ID: 42-1-2.222, 2.4 acres Vacant Land, North Plank Road, Newburgh, NY

Date: 1/21/2025

Subject: Broker's Price Opinion – Lack of Comparable Sales and Market Feasibility for Residential Development

Upon conducting an analysis of the subject property located near the predominantly commercial corridor of North Plank Road, I have determined that there are no recent residential sales or comparable properties within the immediate vicinity to establish a reliable market value of a residential development project.

The property's proximity to the highway and its location within or near a commercial zone present challenges for assessing its value as a residential development site.

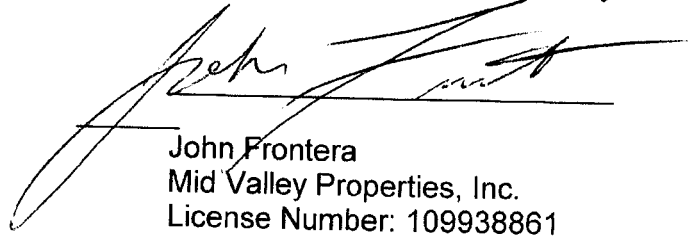
Given the lack of comparable residential properties in the area, and the current cost of financing, it is not advisable to pursue a residential development on this parcel.

Several factors impact this opinion:

1. **Lack of Comparable Sales:** The commercial nature of the surrounding area significantly limits the availability of comparable residential sales or listings.
2. **Cost vs. Market Value:** Constructing a new residential building on the parcel could result in construction costs exceeding the market value of the completed property, whether sold or rented.
3. **Proximity to Flood Zone:** The property's location near a flood zone further diminishes its marketability to residential buyers due to potential insurance and risk concerns.
4. **Market Dynamics:** The parcel's commercial context makes it less desirable for residential use, as market demand in the area likely leans toward commercial rather than residential applications.

In conclusion, due to the lack of comparable sales, the property's

commercial surroundings, its proximity to a flood zone, and current market conditions, residential development in this location is unlikely to be economically viable or marketable at this time.



John Frontera
Mid Valley Properties, Inc.
License Number: 109938861

This opinion is provided for informational purposes and should not be construed as a formal appraisal.

Short Environmental Assessment Form

Part 1 - Project Information

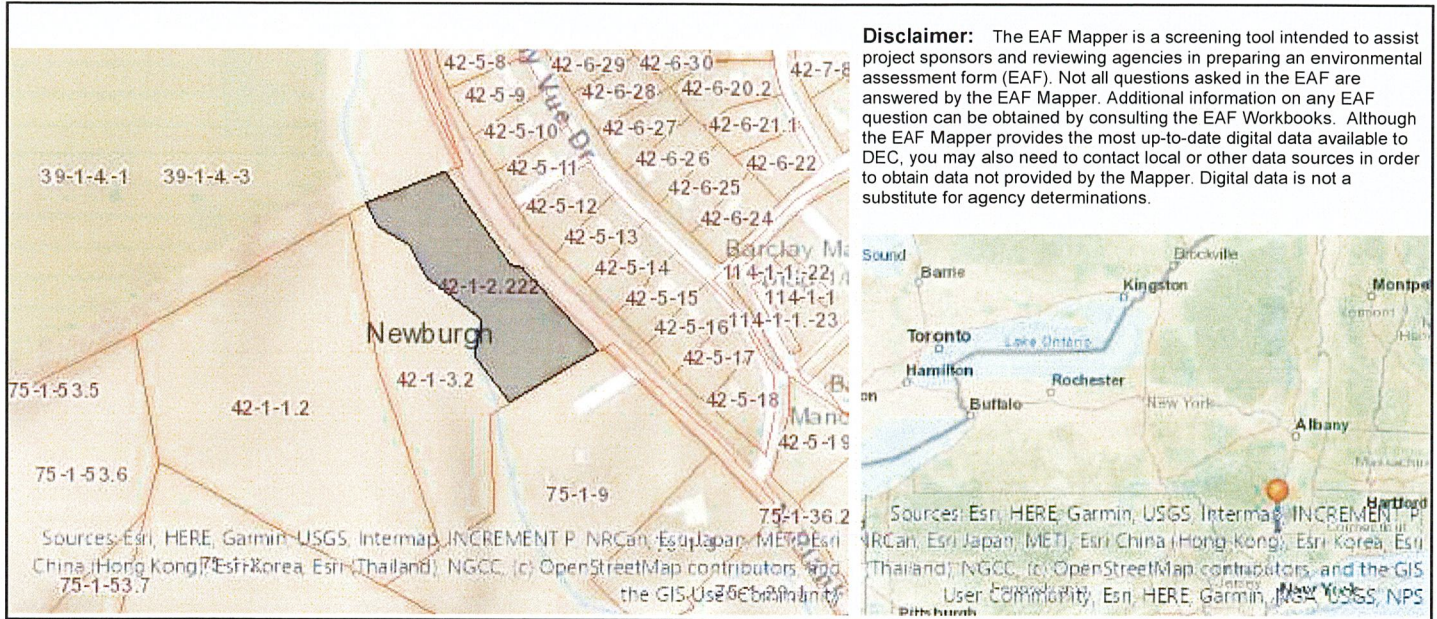
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Tillson Corp			
Project Location (describe, and attach a location map): North Plank Road (NYS Route 32), Town of Newburgh			
Brief Description of Proposed Action: The Tillson Corp. Site Plan consists of a proposed 7,200 square foot (120' x 60') building consisting of fifty-percent retail space and fifty-percent storage space with associated parking facilities. Tax ID: 42-1-2.222.			
Name of Applicant or Sponsor: Tillson Corp		Telephone: (845) 742-7201 E-Mail: johnjlease@johnjleaserealtors.com	
Address: 5020 Rte 9W			
City/PO: Newburgh		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh PB - Site Plan Approval Town of Newburgh ZBA - Variance Approval			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.42 acres b. Total acreage to be physically disturbed? _____ 0.90 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.42 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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

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



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

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



BOOK/PAGE: 14699 / 439
 INSTRUMENT #: 20200008402
 Receipt#: 2754350
 Clerk: MAH
 Rec Date: 02/06/2020 09:32:21 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 3
 Rec'd Frm: J T ABSTRACT CO INC (34)
 Party1: PLANK PROPERTIES INC
 Party2: TILLSON CORP
 Town: NEWBURGH (TN)
 42-1-2.22

Recording:	
Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 All others - State	241.00
RP5217 - County	9.00
Sub Total:	<u>310.00</u>
Transfer Tax	
Transfer Tax - State	0.00
Sub Total:	<u>0.00</u>
Total:	<u>310.00</u>
**** NOTICE: THIS IS NOT A BILL ****	
***** Transfer Tax *****	
Transfer Tax #: 5862	
Commercial Transfer Tax	
Consideration: 0.00	
Total:	0.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

STEFFY LAW PC
 1662 ROUTE 300
 NEWBURGH, NY 12550

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)
FORM 8007**

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

THIS INDENTURE, made the 28th day of October, 2019.
between

PLANK PROPERTIES INC. of 5020 ROUTE 9W, NEWBURGH, NY 12550

party of the first part, and

TILLSON CORP of 5020 ROUTE 9W, NEWBURGH, NY 12550

party of the second part,

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

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, State of New York

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF

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

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

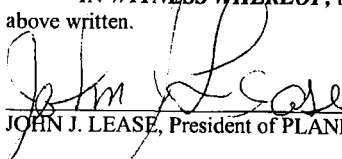
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

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

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

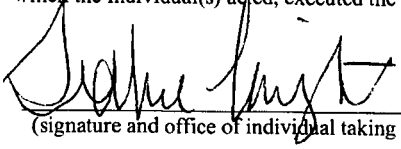
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


JOHN J. LEASE, President of PLANK PROPERTIES INC.

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 28th day of October in the year 2019, before me, the undersigned, personally appeared JOHN J. LEASE personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

TRALENE CARTWRIGHT
Notary Public, State of New York
No. 01CAC342239
Qualified in Orange County
Commission Expires May 23, 2020

RFP Steffy Law P.C.
1662 Route 300 Suite 100
Newburgh, NY 12550

Description
Lands to be Conveyed to Tillson Corp.
by Plank Properties Inc.

All that piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being bounded and described as follows:

Beginning at a point on the division line between the lands now or formerly of Tillson Corp. on the south and the lands now or formerly of Plank Properties Inc. on the north, said point also being in the southwesterly line of North Plank Road, a.k.a. New York State Route 32; thence, along the last mentioned division line, South 57 degrees 52 minutes 31 seconds West 154.50 feet to a point; thence, through the lands now or formerly of Plank Properties Inc. the following four (4) courses:

- (1) North 42 degrees 31 minutes 08 seconds West 138.34 feet;
- (2) North 18 degrees 54 minutes 19 seconds West 88.00 feet;
- (3) North 49 degrees 05 minutes 04 seconds West 85.00 feet; and

42
1
2.22

(4) North 18 degrees 24 minutes 51 seconds West 58.00 feet to a point on the division between the lands now or formerly of the County of Orange on the north and the lands now or formerly of Plank Properties Inc. on the south; thence, along the last mentioned division line, North 71 degrees 58 minutes 38 seconds East 9.00 feet and North 79 degrees 07 minutes 18 seconds East 192.77 feet to a point in the aforementioned southwesterly line of North Plank Road, a.k.a. New York State Route 32; thence along the southwesterly line of North Plank Road, a.k.a. New York State Route 32, the following three (3) courses:

- (1) South 23 degrees 54 minutes 42 seconds East 82.42;
- (2) South 25 degrees 22 minutes 14 seconds East 180.84 feet; and
- (3) South 61 degrees 58 minutes 50 seconds East 30.19 feet to the point or place of beginning, containing 1.28 acres of land more or less.

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

Sarah N. Wilson
Michael J. Barfield **
Adam M. Tack
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation
**Member NY & NJ Bar

December 30, 2024

BY EMAIL ONLY

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

Re: Tillson Corp. Use Variance // ZBA referral
Planning Board Project No. 2024-39

Dear Chairman Scalzo and Zoning Board Members:

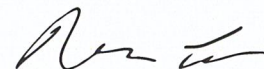
At the Planning Board's December 19, 2024 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the use variance required for the project. The property is located on North Plank Road (NYS Route 32) and is identified on the tax map as section 42, block 1, lot 2.222.

The project proposes a 7,200 square foot mixed use building with proposed offices and warehouses. The project site is located in the R-3 Zoning District. The use is not permitted in the R-3 Zoning District. A use variance will be required. Based on a use variance being required no bulk tables exist for the use proposed use.

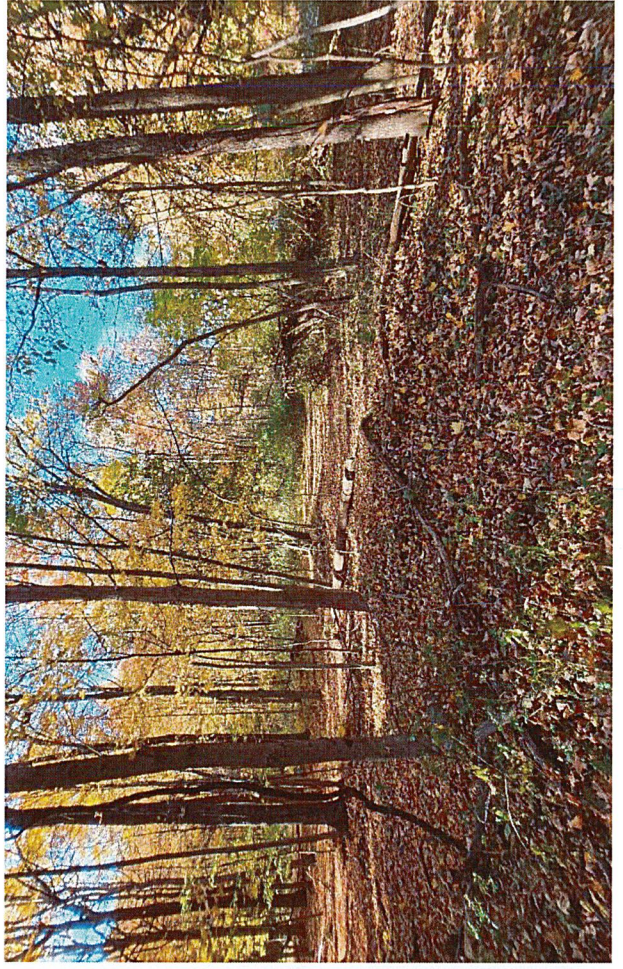
At this time no tenant has been identified for the proposed mixed use building.

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

Very Truly Yours,



Dominic Cordisco



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

STATE OF NEW YORK: COUNTY OF ORANGE:

I NICHOLAS RUGNETTA, being duly sworn, depose and say that I did on or before

February 13, 2025, post and will thereafter maintain at

North Plank Rd 42-1-2.222 R3 Zone in the Town of Newburgh, New York, at or near the front

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

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



Sworn to before me this 5th

day of February, 2025.



THERESA PANICO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PA5028266
Qualified in Orange County
My Commission Expires 05-31-2026

