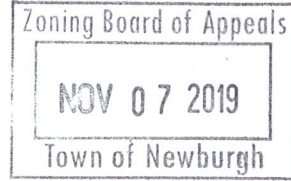




TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550



APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: October 11, 2019

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

I (WE) First Prestige Properties, Inc. PRESENTLY
RESIDING AT NUMBER 209 South Plank Road

TELEPHONE NUMBER 845-562-2670

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

60-3-2.0 (TAX MAP DESIGNATION)

209 South Plank Road (STREET ADDRESS)

(ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

- 1. The town sign law does not permit the logo on the canopy
- 2. The town sign law does not permit the led lighting around the canopy
- 3. The town sign law only permits 75 square feet for the free standing sign
- 4. Are the panels below the digital gas price stationary panels?



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ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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: July 23, 2019

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

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Upgrade existing pylon sign and canopy sign

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

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:



TOWN OF NEWBURGH

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308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

The existing signage is not being increased. The building is in a business zone.

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

The operation of the convenience store requires occasional updates to the signage

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:
The original signage was code conforming when it was originally installed

over 8 years ago

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

The physical appearance of the building and property will not be changed

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

The Town of Newburgh zoning law has changed



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Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 5th DAY OF November 2019

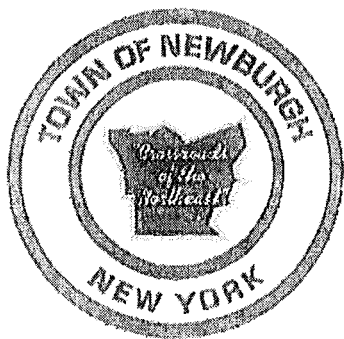
LOUISE K. VEGA
Notary Public, State of New York
No. 01VE6046039
Qualified in Orange County
Commission Expires August 1, 2022

[Handwritten Signature]

NOTARY PUBLIC

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.
(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

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



TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

Frank Hessari, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 8 Hidden Glen Dr., Highland Mills, NY 10930
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF _____

South Plank Holdings LLC
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED _____

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: _____ Frank Hessari

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16th DAY OF October 2019

Jeanine M. O'Leary
NOTARY PUBLIC
JEANINE M O'LEARY
NOTARY PUBLIC-STATE OF NEW YORK
No. 010L6217913
Qualified in Orange County
My Commission Expires February 22, 2021
2022

617.20
Appendix B
Short Environmental Assessment Form

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: 209 South Plank Road			
Project Location (describe, and attach a location map): 5306 Route 9W, Newburgh, NY			
Brief Description of Proposed Action: Upgrade existing pylon sign and canopy sign			
Name of Applicant or Sponsor: First Prestige Properties Inc.		Telephone: 845-562-2670	
		E-Mail: frankhessari@hvc.rr.com	
Address: 209 South Plank Road			
City/PO: Newburgh,		State: NY	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Building permit			YES <input checked="" type="checkbox"/>
3 a. Total acreage of the site of the proposed action?		0.85 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.85 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<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 service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<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: N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (run off and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Frank HESSARI</u>	Date: <u>11/4/19</u>	
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<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 will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

October 1, 2019

South Plank Holdings, LLC
5306 Route 9W
Newburgh, NY 12550

Re: 209 S Plank Rd, Newburgh
60-3-2 B Zone

To whom it may concern:

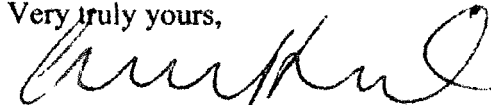
Enclosed please find Notice of Disapproval of Building Permit Application together with Application and Instructions for the Zoning Board of Appeals.

To install a logo, lettering and writing on the canopy on your property in the Town of Newburgh you must obtain a variance from the Zoning Board of Appeals.

The next scheduled available meeting of the Zoning Board of Appeals is Thursday, October 24, 2019. If this Agenda is full, the next meeting will be Tuesday, November 25, 2019. If you plan on applying to the Zoning Board of Appeals for variances, the application and all material requested must be submitted to this office no later than 10 business days prior to the hearing date. Also all mailings must be completed at least 10 business days prior to that date.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,



Siobhan Jablesnik, Secretary
Zoning Board of Appeals

/BG

Encl. NYS GML Section 239 requires the Zoning Board of Appeals 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.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

**CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550**

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

2799-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 09/30/2019

Application No. 19-0760

**To: South Plank Holdings, LLC
5306 Route 9W
Newburgh, NY 12550**

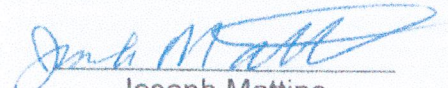
**SBL: 60-3-2
ADDRESS: 209 S Plank Rd**

ZONE: B

PLEASE TAKE NOTICE that your application dated 07/18/2019 for permit to install logo, lettering and lighting on the canopy. on the premises located at 209 S Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) 185-7-F / Any use not specifically permitted shall be deemed to be prohibited.
- 2) 185-14-O-3 / Canopy signage and lighting is not addressed for gasoline filling stations.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* YES / NO

NAME: South Plank Holding LLC Building Application # 19-0760

ADDRESS: 5306 Rt. 9W Newburgh NY 12550

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: Canopy signage and lighting for a gas station @ 209 S Plank Rd

SBL: 60-3-2 **ZONE:** B **ZBA Application #** 2799-19

TOWN WATER: YES / NO **TOWN SEWER:** YES / NO

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:
 GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Requesting logo, signage and lighting for the canopies.

VARIANCE(S) REQUIRED:

1 185-7-F / Any use not specifically permitted shall be deemed to be prohibited.

2 185-14-O-3 / Canopy signage and lighting is not addressed for gasoline filling stations

3 _____

4 _____

REVIEWED BY: Joseph Mattina **DATE:** 30-Sep-19

THIS IS NOT A BUILDING PERMIT

**Submit all items listed below @ the same time, partial submittals will not
be reviewed**

APPLICATION #19-0760 **209 S Plank Rd** **Town of Newburgh** **Code Compliance Department**

308 Gardnertown Road Newburgh, NY 12550
845-564-7801 Phone 845-564-7802 Fax

MAILED TO: South Plank Holdings, LLC, 5306 Route 9W , Newburgh, NY 12550 - 845-562-2670

PROJECT:

Re-image existing Valero gas station. Valero has a new image; see attached renderings & drawings for both canopy and freestanding sign

SBL: 60-3-2

APPLICATION DATE: 07/18/2019

REVIEW DATE: 7-23-2019

Residential: All smoke and co alarms shall be upgraded.

Commercial: Carbon Monoxide Detection is required. Section 915.3 2017 NY Supplement.

Dig Safe New York Call 811/ www.DigsafelyNewYork.com

ORANGE COUNTY REQUIRES ALL ELECTRICIANS TO BE LICENSED

- 1) The town sign law does not permit the logo on the canopy
- 2) The town sign law does not permit the led lighting around the canopy.
- 3) The town sign law only permits 75 square feet for the free standing sign.
- 4) Are the panels below the digital gas price stationary panels?

Joseph Mattina

Code Compliance

(b) There is no limit on the number of such signs on a site so long as their aggregate square footage is within the total allowable area limit.

(2) One freestanding sign may be placed on the premises subject to the following conditions:

(a) The maximum aggregate sign area shall be 250 square feet, with no individual sign face exceeding 150 square feet.

(b) The maximum height shall not exceed the maximum permitted building height in the district in which the property is located.

O. Signs permitted for specific uses. Regardless of the district in which it is located, for the uses listed below, the signs permitted on the site shall be governed by the following:

(1) Shopping centers. See Section 185-14A

(2) Mini-malls. Mini-malls shall be subject to the same regulations as shopping centers pursuant to Section 185-14A, except that only one free standing sign shall be permitted.

(3) Convenience stores with gasoline filling stations. Convenience stores with gasoline filling station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on the principal building, except that where the building abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted. The maximum allowable sign area for the sign shall be 1/2 square foot of sign area per linear foot of building wall that fronts on a street.

(b) One freestanding sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 75 square feet.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located.

(c) Service island identification signs. Service island identification signs indicating the price of gasoline, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed six square feet.

[3] Such signs may only be located attached directly to the service island structure, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.
TELEPHONE 845-864-7801
FAX LINE 845-864-7802

CERTIFICATE OF OCCUPANCY

Location: 209 SOUTH PLANK ROAD, NEWBURGH

Building Permit No: 0-23619

Sec-Blk-Lot: 60-3-2.0

CO No: 16144

CO Date: 11/18/2011

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 01/20/2011, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material:FRAME No. Stories:1.0 No. Families: 0

Dim. of Stru.:72' X 35' No. Bedrooms: 0 No. Toilets: 1

Use of Stru.:CONVENIEN STORE Dim. of Lot:203+X147+X251+

Census Code:322 No. Bathrooms: 1.0 Heating Plant:GAS

Remarks: RECEIPTS# 58720,721 NEW SERVICE STATION & CONVENIENCE STORE
"SOUTH PLANK VALERO" 1 TENANT ONLY !!!

CO#16144-1/11/2011
TEMPORARY 60 DAY CO

This certificate is issued to: SOUTH PLANK HOLDINGS LLC
for the aforesaid structure.


CODE COMPLIANCE DEPARTMENT

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy).

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.
TELEPHONE 845-564-7801
FAX LINE 845-564-7802

CERTIFICATE OF COMPLIANCE

Location: 209 S. PLANK ROAD, NEWBURGH 'FOOD MART' VALERO STA
Building Permit No: 0-23920

Sec-Blk-Lot: 60-3-2.0

Cert. No: 16181

Cert. Date: 11/18/2011

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated: 08/18/2011, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material: No. Stories: 0.0 No. Families: 0

Dim. of Stru.: 12' X 1'4" No. Bedrooms: 0 No. Toilets: 0

Use of Stru.: SIGN ON BLDG Dim. of Lot:

Census Code: 329 No. Bathrooms: 0.0 Heating Plant: FOR :
RECEIPTS 360261,262 SIGN "FOOD MART" NEW SERVICE STATION
"VALERO"

This certificate is issued to: SOUTH PLANK HOLDINGS LLC
for the aforesaid structure.


CODE COMPLIANCE DEPARTMENT

(The Certificate of Compliance will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Compliance).

- ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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

209 S. Plank Road
Realty Corp.

TO
South Plank Holdings,
LLC

SECTION 60 BLOCK 3 LOT 2



RECORD AND RETURN TO:
(name and address)

Mark Grossjung, Esq.
66 Middlebush Rd.
Ste G102
Happingers Falls, NY 12590

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

LT - 44335

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN) 4289 MONTGOMERY (TN)
- 2001 WASHINGTONVILLE (VLG) 4201 MAYBROOK (VLG)
- 2003 SO. BLOOMING GROVE (VLG) 4203 MONTGOMERY (VLG)
- 2289 CHESTER (TN) 4205 WALDEN (VLG)
- 2201 CHESTER (VLG) 4489 MOUNT HOPE (TN)
- 2489 CORNWALL (TN) 4401 OTISVILLE (VLG)
- 2401 CORNWALL (VLG) 4600 NEWBURGH (TN)
- 2600 CRAWFORD (TN) 4800 NEW WINDSOR (TN)
- 2800 DEERPARK (TN) 5089 TUXEDO (TN)
- 3089 GOSHEN (TN) 5001 TUXEDO PARK (VLG)
- 3001 GOSHEN (VLG) 5200 WALLKILL (TN)
- 3003 FLORIDA (VLG) 5489 WARWICK (TN)
- 3005 CHESTER (VLG) 5401 FLORIDA (VLG)
- 3200 GREENVILLE (TN) 5403 GREENWOOD LAKE (VLG)
- 3489 HAMPTONBURGH (TN) 5405 WARWICK (VLG)
- 3401 MAYBROOK (VLG) 5600 WAWAYANDA (TN)
- 3689 HIGHLANDS (TN) 5889 WOODBURY (TN)
- 3601 HIGHLAND FALLS (VLG) 5801 HARRIMAN (VLG)
- 3889 MINISINK (TN) 5809 WOODBURY (VLG)
- 3801 UNIONVILLE (VLG)
- 4089 MONROE (TN) CITIES
- 4001 MONROE (VLG) 0900 MIDDLETOWN
- 4003 HARRIMAN (VLG) 1100 NEWBURGH
- 4005 KIRYAS JOEL (VLG) 1300 PORT JERVIS
- 9999 HOLD

NO. PAGES 5 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____
PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable
CONSIDERATION \$ 300,000.00
TAX EXEMPT _____
Taxable
MORTGAGE AMT. \$ _____

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.UN1 OR 2
- ___ (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

Received From River City

RECORDED/FILED
12/02/2009/ 14:28:54
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20090117715
DEED C / BK 12933PG 1044
RECORDING FEES 320.00
TTX# 002664 T TAX 1,200.00
Receipt#1106693 maryp

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND DISTRICT COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL FILED OR RECORDED IN MY OFFICE
ON 12/2/09 AND THE SAME IS A CORRECT
TRUE AND FAITHFUL COPY OF THE ORIGINAL AS I HAVE
PERSONALLY VIEWED AND I BEAR MY OFFICIAL SEAL.

10/17/19
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY



RCA - LT-44335

Bargain & sale deed, with covenant against grantor's acts -Ind. or Corp.

THIS INDENTURE, made the 12th day of November, two thousand nine
BETWEEN

209 S. Plank Road Realty Corp. with an address of 165 Sherwood Avenue,
Farmingdale, New York 11735.
party of the first part, and

South Plank Holdings, LLC, with a mailing address of 5306 Route 9W, Newburgh,
New York
party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN AND 00/100
(\$10.00) DOLLARS, lawful money of the United States and other good and valuable
consideration paid by the party of the second part, does hereby grant and release unto the
party of the second part, the heirs or successors and assigns of the party of the second part
forever,

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

“Schedule A”

Being and intended to be the same premises conveyed in a certain deed dated January 26,
2009 by NPG III, Inc. to 209 S. Plank Road Realty Corp. and recorded in the office of the
Orange County Clerk in Liber 12783 of deeds at page 1731 on February 20, 2009.

This transaction is being made in the regular course of business of the party of the first
part and does not constitute a sale, transfer, or alienation of all or substantially all of the
assets of said the party of the part. This conveyance is authorized by the Board of
Directors of the party of the first part and no other consent is required.

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.

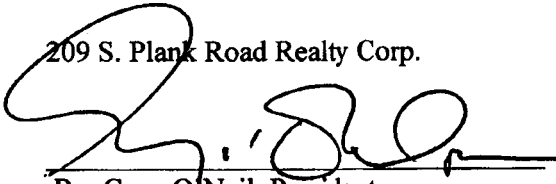
AND the party of the first part covenants that the party of the first part has not done or
suffered anything whereby the said premises have been encumbered in any way whatever,
except as aforesaid.

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.

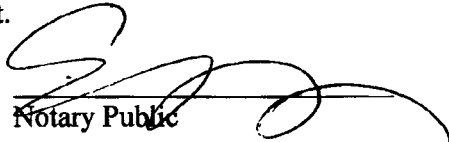
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

209 S. Plank Road Realty Corp.

By: Gene O'Neil, President

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

On the 12th day of November, 2009, before me, the undersigned, a notary public in and for said state, personally appeared **Gene O'Neil** 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.


Notary Public

Ellen Junczek
Notary Public, State of New York
No. 01JU619949
Qualified in Dutchess County
Commission Expires December 13, 2012

**BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

209 S. Plank Road Realty Corp

to

**South Plank Holdings, LLC

SECTION 60
BLOCK 3
LOT 2
Town of Newburgh
County of Orange

RETURN BY MAIL TO:
Mark Grossjung, Esq.
66 Middlebush Road
Suite G102
Wappingers Falls, New York 12590

SCHEDULE A

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

BEGINNING at a point in the Southwesterly line of N.Y.S Route 52, where said line is intersected by the Northwesterly line of lands now or formerly Costubbs, LLC, running thence, the following courses:

1. Along lands now or formerly Costubbs, LLC South 21-59-36 West 147.96' to a point;
2. Along lands now or formerly Corey Realty, Inc. North 62-37-23 West 200.43' to a point;
3. Still along said lands North 29-54-00 East 251.12' to a point in the Southwesterly line of N.Y. S Route 52;
4. Along said line South 32-04-32 East 203.78' to the point of **BEGINNING**.

TOGETHER with and subject to the rights of others over a 50 foot wide strip of lands adjacent to the Westerly line of the above described parcel for purposes of ingress and egress as recited in Liber 3439 of Deeds at page 68.

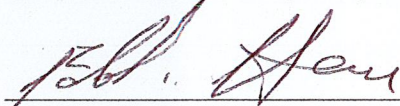


**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

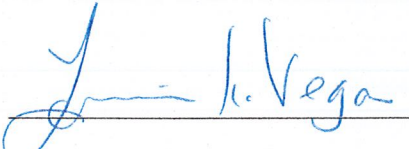
STATE OF NEW YORK: COUNTY OF ORANGE:

I Frank HESSARI, being duly sworn, depose and say that I did on or before
November 12, 2019, post and will thereafter maintain at
209 S Plank Rd 60-3-2 B Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

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



Sworn to before me this 12th
day of November, 2019.

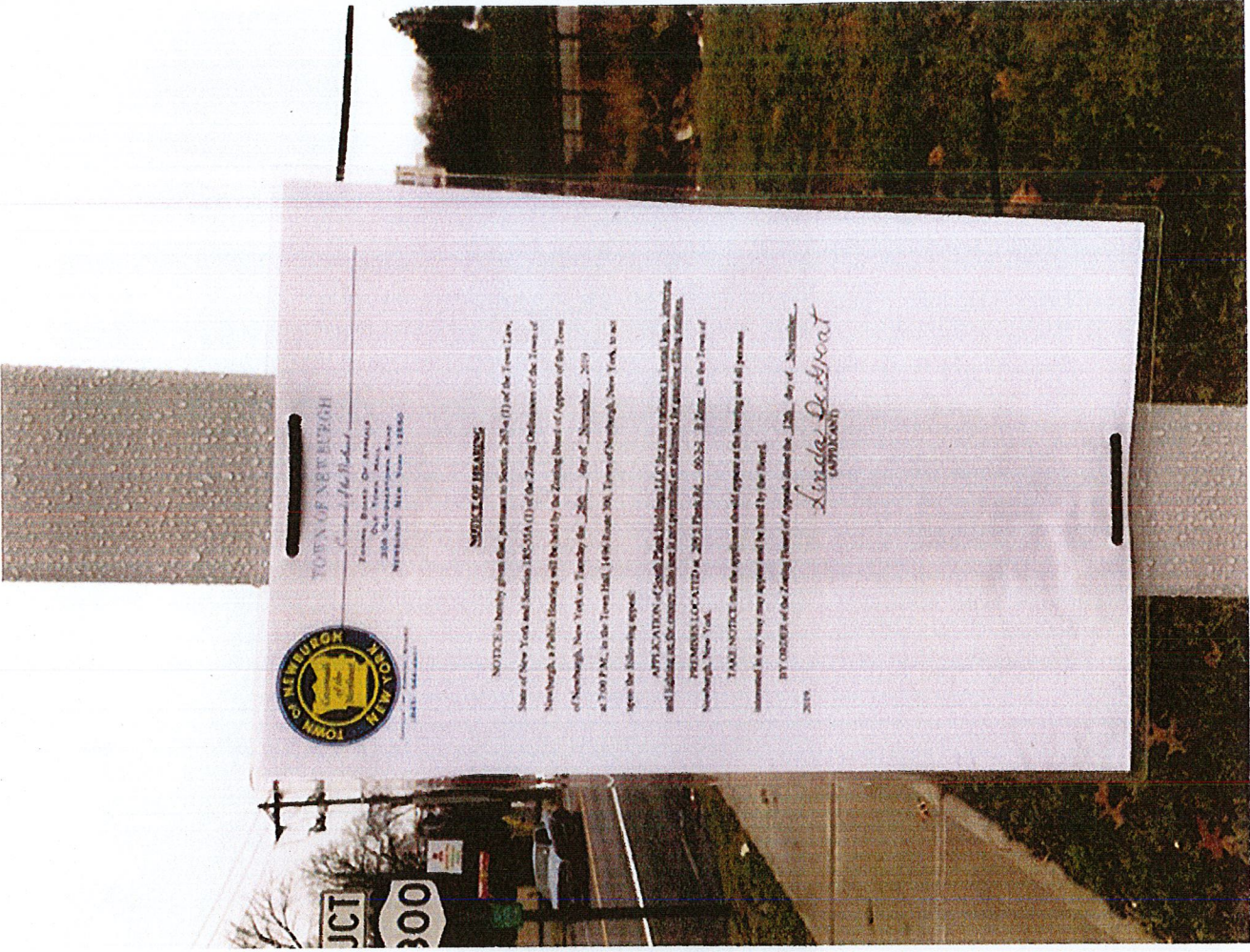


Notary Public

LOUISE K. VEGA
Notary Public, State of New York
No. 01VE6046039
Qualified in Orange County
Commission Expires August 7, 2022

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this affidavit.]

204 South Plains Road





2007 South Frank Road