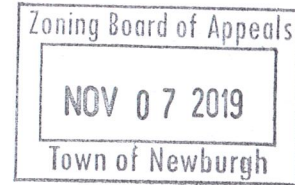




TOWN OF NEWBURGH

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 5306 Route 9W

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:

23-2-1 (TAX MAP DESIGNATION)

5306 Route 9W North (STREET ADDRESS)

B (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).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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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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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 15 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



TOWN OF NEWBURGH

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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

A ZBA area variance was originally approve for this project

[Handwritten Signature]

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4th DAY OF November 20 19

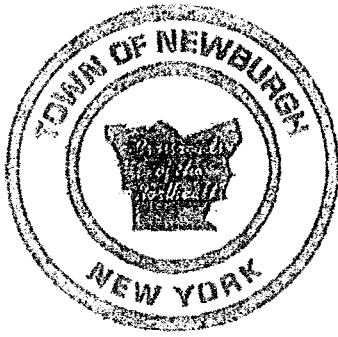
[Handwritten Signature]

NOTARY PUBLIC

JEANINE M OLEARY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01OL6217913
Qualified in Orange County
My Commission Expires February 22, 2014
2022

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

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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 10932
IN THE COUNTY OF Orange AND STATE OF New York
AND THAT HE/SHE IS THE OWNER IN FEE OF _____

First Prestige Properties, Inc.
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: _____

OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 16th DAY OF October 2019

NOTARY PUBLIC
JEANINE M O'LEARY
NOTARY PUBLIC - STATE OF NEW YORK
No. 0106217913
Qualified In Orange County
My Commission Expires February 22, 2014

2020

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: 5306 Route 9W			
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: 5306 Route 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 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 type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 1.65 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? _____ 1.65 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			

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>Franck HESSARI</u>	Date: <u>11/4/19</u>	
Signature: <u>[Handwritten 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:		
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.

- 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.
- 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
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

GERALD F. CANFIELD
CODE COMPLIANCE SUPERVISOR
TELEPHONE: (845) 564-7801
FAX LINE: (845) 564-7802

Permit No: 0-24459

File Date: 06/01/2012
Expire Date: 12/01/2013

BUILDING PERMIT

SEC-BLK-LOT: 23-2-1

Permit Fee: \$60.00
C.O. Fee: \$25.00

A permit is hereby given by the Building Department, TOWN OF NEWBURGH,
ORANGE COUNTY, N.Y., for the structure described herein:

Owner's Name: FIRST PRESTIGE PROP. INC (845) 562-2670
Address: 5306 ROUTE 9-W, NEWBURGH, NY, 12550

Architect's Name:
Address:

Builder's Name: CENTRAL SIGN & CRANE (609) 217-9284
Address: 25 SHAWNEE TRAIL, SHAMONG, NJ 08088

Location of Structure: 5306 ROUTE 9-W, NBG.

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

Dim. of Stru.: 80' X 36' / 3' No. Bedrooms: 0 No. Toilets: 0

Use of Stru.: SIGN Dim. of Lot:

Census Code: 328 No. Bathrooms: 0.0 Heating Plant:

Remarks: RECEIPTS 62425 & 62426 CHANGING DIESEL SIGNS ON CANOPY TO
VALERO (80' X 36' / 3')

Appx. Cost: \$6000.00 :

1. I am familiar with the Zoning and Building Ordinance of the TOWN OF NEWBURGH, and do hereby agree to abide by them.
2. The information stated above is correct and accurate.

Signature of Applicant


CODE COMPLIANCE DEPARTMENT

IMPORTANT

1. A permit under which no work has commenced within six (6) months after issuance, shall expire by limitation, and a new permit must be secured before work can begin.
2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.

SEPTIC PERMIT:

Permit No: 0-24459

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: 5306 ROUTE 9-W, NBG.

Sec-Blk-Lot: 23-2-1.0

Building Permit No: 0-24459

Cert. No: 16560

Cert. Date: 08/07/2012

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: 06/01/2012, 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: VINYL

No. Stories: 0.0

No. Families: 0

Dim. of Stru.: 80' X 36' / 3'

No. Bedrooms: 0

No. Toilets: 0

Use of Stru.: SIGN

Dim. of Lot:

Census Code: 329

No. Bathrooms: 0.0

Heating Plant: FOR :

RECEIPTS 62425 & 62426 CHANGING DIESEL SIGNS ON CANOPY TO VALERO (80' X 36' / 3')

This certificate is issued to: FIRST PRESTIGE PROP. INC
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).

THIS IS NOT A BUILDING PERMIT

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

APPLICATION #19-0762 **5306 Route 9W** **Town of Newburgh** **Code Compliance Department**

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

MAILED TO: Prestige Properties First, 5306 Rt 9W North , Newburgh, NY 12550 - 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: 23-2-1

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

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.

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

Luba Properties, Inc
TO
First Prestige Properties, Inc

SECTION 23 BLOCK 2 LOT 1



RECORD AND RETURN TO:
(name and address)

Mark Grossing, Esq.
2658 Route 9D
Wappinger Falls, NY 12590

THIS IS PAGE ONE OF THE RECORDING

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

st 18347

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

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

NO PAGES 4 CROSS REF. _____
 CERT. COPY _____ ADD'L X-REF. _____
 MAP# _____ PGS. _____
 PAYMENT TYPE: CHECK
 CASH
 CHARGE
 NO FEE
 Taxable
 CONSIDERATION \$ 207,286.35
 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

Donna L. Benson
 DONNA L. BENSON
 ORANGE COUNTY CLERK

RECEIVED FROM: *River City Abaco*

LIBER 5975 PAGE 334

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
 I, ANDREW J. ... CLERK AND CLERK OF THE ...
 ... ORANGE COUNTY, DO ...
 ... PREPARED THIS COPY WITH ...
 ... RECORDED IN MY OFFICE ...
 ... IS A CORRECT ...
 ... WHEREOF I HAVE ...
 ... MY OFFICIAL SEAL.

8/22/02

10/17/19

LIBER 5975 PAGE 334
 ORANGE COUNTY CLERKS OFFICE 55898 LMS
 RECORDED/FILED 08/22/2002 02:24:50 PM
 FEES 47.00 EDUCATION FUND 20.00
 SERIAL NUMBER: 000816
 DEED CNTL NO 62998 RE TAX 830.00

#129208

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

THIS INDENTURE, made the 30th day of January, Two Thousand Two

BETWEEN

Luba Properties Inc., a New York corporation with offices for the transaction of business at 7 Morris Drive, Newburgh, New York 12550, party of the first part, and

First Prestige Properties Inc., a New York corporation with offices for the transaction of business at 618 Route 9W North, Middlehope, New York, 12550, 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 described in Schedule A attached hereto.

BEING and intended to be the same premises conveyed in a certain deed dated 6/2/88 by Helchar Realty Corp. to Luba Properties Inc. and recorded in the office of the Orange County Clerk in Liber 2951 of deeds at page 250 on 6/7/88.

SUBJECT to covenants, rights-of-way, easements, and restrictions of record.

This transaction is being made in the usual course of business actually conducted by the grantor and does not constitute a sale, transfer, or alienation of all or substantially all of the assets of grantor. This conveyance is authorized by the Board of Directors 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:

Luba Properties Inc.
By: Robert Marino, Pres.
Robert Marino, President

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

On the 30 day of January, 2002, before me, the undersigned, a notary public in and for said state, personally appeared Robert Marino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted executed the instrument.

JEANNE N. TULLY
Notary Public, State of New York
No. 02TU6032043
Qualified in Orange County
Commission Expires October 18, 2005

Jeanne N. Tully
Notary Public

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

LUBA PROPERTIES, INC.
to

FIRST PRESTIGE PROPERTIES, INC.

SECTION 23
BLOCK 2
LOT 1
COUNTY/TOWN/CITY
Orange/Newburgh

RETURN BY MAIL TO:

R & R
Mark Gross jungs Esq
2658 Route 9D
Wappinger Falls, NY 12590



TOWN OF NEWBURGH
ORANGE COUNTY, N. Y.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 1428-02

Date August 29, 2002

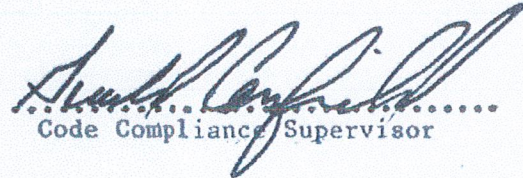
To PRESTIGE PETROLEUM
5306 Route 9W
Newburgh, New York 12550

Section 23
Block 2
Lot 1
Zone B

PLEASE TAKE NOTICE that your application dated August 19, 2002 for permit to replace existing signs in connection with renovations at the premises located at 5306 Route 9W

is returned herewith and disapproved on the following grounds:

The total signage requested is 410.9 sq. ft. exceeding the allowable signage for this location of 239.52 sq. ft. based on one-half of total street frontage. Article V, Section B(1)(c).


Code Compliance Supervisor

cc: Town Clerk
File

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

STATE OF NEW YORK: COUNTY OF ORANGE:

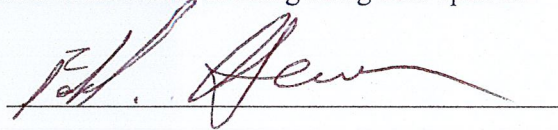
I Frank HESSARI, being duly sworn, depose and say that I did on or before

November 12, 2019, post and will thereafter maintain at

5306 Rte 9w 23-2-1 B Zone in the Town of Newburgh, New York, at or near the front

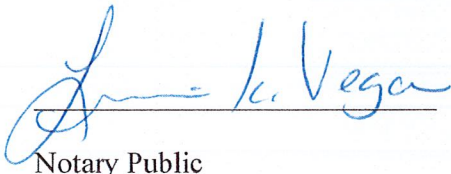
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

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.]

5306 Route 4W





5306 Rowe Rd

