

# 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: April 3, 2019

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

I (WE) Brian O'Connor of Frohling Sign Company PRESENTLY

RESIDING AT NUMBER 711 Executive Blvd. Suite G, Valley Cottage, N.Y. 10989

TELEPHONE NUMBER 845-623-2258

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:

96-1-11.1 (TAX MAP DESIGNATION)

1219 Route 300, Newburgh, N.Y. (STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-14-B-1-d Allowable signage permitted is 2 SF for every 1 LF of building frontage.



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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: 02/06/19
- 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: Requesting approval to install a sign measuring 19 square feet where 6.25 square feet is permitted.

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:

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



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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 variance requested is minimal. The property is of commercial use as is the surrounding area and the signage fits in with the overall character of the neighborhood .

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:

We are requesting the variance for the sign on this elevation to match the sign installed on the north elevation.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

We are requesting only the minimal amount required to match the sign on the north elevation. The variance requested is less than 15%.

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 proposed sign is wall mounted and will have no physical or environmental effect.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

Vitamin Shoppe is one of the 2 anchor tenants of the center and requires adequate identification for it's customers to safely enter and exit the property.



# TOWN OF NEWBURGH

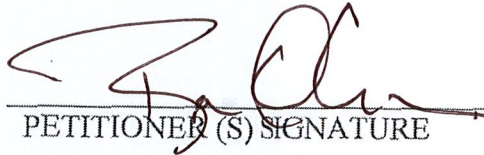
*Crossroads of the Northeast*

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OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

OFFICE OF ZONING BOARD  
(845) 566-4901

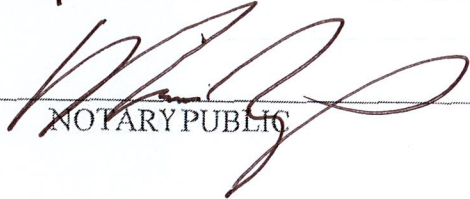
7. ADDITIONAL REASONS (IF PERTINENT):

Due to some confusion between our company and Code Compliance  
the sign has been already installed and we are trying to rectify the error .

  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 3 DAY OF April 20 19

  
NOTARY PUBLIC

MICHELLE FOOTHORAP  
Notary Public - State of New York  
NO. 01FO6277820  
Qualified in Rockland County  
My Commission Expires Mar 18, 2021

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)

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

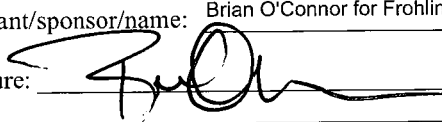
#### **Instructions for Completing**

**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.

<b>Part 1 – Project and Sponsor Information</b>			
Vitamin Shoppe			
Name of Action or Project:			
Project Location (describe, and attach a location map): 1219 Route 300 Newburgh, N.Y. 12550			
Brief Description of Proposed Action: Requesting a variance to install a 19 square foot wall sign where 6.25 square feet is permitted.			
Name of Applicant or Sponsor: Frohling Sign Company		Telephone: 845-623-2258	
		E-Mail: brian@frohlingsign.com	
Address: 711 Executive Blvd.Suite G			
City/PO: Valley Cottage		State: NY	Zip Code: 12518
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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 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			

	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> <li>a. A permitted use under the zoning regulations?</li> <li>b. Consistent with the adopted comprehensive plan?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. <ul style="list-style-type: none"> <li>a. Will the proposed action result in a substantial increase in traffic above present levels?</li> <li>b. Are public transportation services available at or near the site of the proposed action?</li> <li>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</li> </ul>	NO <input type="checkbox"/>	YES <input checked="" 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: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. <ul style="list-style-type: none"> <li>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?</li> <li>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?</li> </ul>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. <ul style="list-style-type: none"> <li>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?</li> <li>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</li> </ul> If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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 plan?	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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	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"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Brian O'Connor for Frohling Sign Company</u> Date: <u>04/03/2019</u> Signature: <u></u> Title: <u>President</u>		

Agency Use Only [If applicable]

Project:	
Date:	

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
	<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"/>
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"/>



Agency Use Only [If applicable]

Project:	
Date:	

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

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)



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## PROXY

Nicola Coera, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 1089 Little Britain Rd

IN THE COUNTY OF Orange AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

Vitamin Shoppe 1217 Rt. 300

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Frohling Sign Co.

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/29/19

[Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 29 DAY OF March 2019

WANDA J MCCARTHY  
No. 01MC6230091  
Notary Public - State of New York  
Qualified in Dutchess County  
My Commission Exp. 11/01/2018

[Signature]  
NOTARY PUBLIC

**ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE**

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

COSIMO DIBRIZZI AND  
NICOLA CITERA  
  
TO  
  
CPK UNION LLC

SECTION 96 BLOCK 1 LOT 10 x 11

RECORD AND RETURN TO:  
(Name and Address)

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P. C.  
ATTORNEYS AND COUNSELLORS AT LAW  
ONE CORWIN COURT  
POST OFFICE BOX 1479  
NEWBURGH, NEW YORK 12550

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

**PROPERTY LOCATION**

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

NO. PAGES 5 CROSS REF 1  
CERT. COPY  ADD'L X-REF   
MAP # \_\_\_\_\_ PGS. \_\_\_\_\_

PAYMENT TYPE: CHECK   
CASH   
CHARGE   
NO FEE

CONSIDERATION \$ 0  
TAX EXEMPT

MORTGAGE AMT \$ \_\_\_\_\_  
DATE \_\_\_\_\_

- MORTGAGE TAX TYPE:**
- (A) COMMERCIAL/FULL 1%
  - (B) 1 OR 2 FAMILY
  - (C) UNDER \$10,000
  - (E) EXEMPT
  - (F) 3 TO 6 UNITS
  - (I) NAT. PERSON/CR. UNION
  - (J) NAT.PER-CR.UN/1 OR 2
  - (K) CONDO

- CITIES**
- 0900 MIDDLETOWN
  - 1100 NEWBURGH
  - 1300 PORT JERVIS

9999 HOLD

RECEIVED FROM: Horizon

4331-272  
6360-224  
H2C

*Donna L. Benson*  
DONNA L. BENSON  
Orange County Clerk

LIBER 5213 PAGE 220

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE  
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO  
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE  
ON 12/29/99 AND THE SAME IS A CORRECT  
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

*Ann G. Rabbitt*

LIBER 5213 PAGE 220

ORANGE COUNTY CLERK & CLERK OF THE SUPREME AND COUNTY COURTS  
ORANGE COUNTY 4/11/19  
ORANGE COUNTY CLERKS OFFICE 71825 LAL  
RECORDED/FILED 12/29/1999 12:20:53 PM  
FEES 50.50 EDUCATION FUND 5.00  
SERIAL NUMBER: 005076  
DEED CNTL NO 68036 RE TAX .00

20417-97

#6157

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

THIS INDENTURE, made the 30<sup>th</sup> day of September, nineteen hundred and ninety-nine

**BETWEEN**

Cosimo DiBrizzi, residing at 450 River Road, Newburgh, New York 12550 and Nicola Citera, residing at 3 Old Farms Road, Poughkeepsie, New York 12603, AS TENANTS IN COMMON, party of the first part, and

CPK Union LLC, a New York limited liability company with offices for the transaction of business at 1089 Little Britain Road, New Windsor, New York 12553, 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 December 28, 1998 by Cosimo DiBrizzi and Nicola Citera to Cosimo DiBrizzi and Nicola Citera and recorded in the office of the Orange County Clerk in Liber 4961 of deeds at page 64 on January 14, 1999.

This conveyance is made and accepted subject to an indebtedness secured by a mortgage dated June 12, 1992 made by Cosimo DiBrizzi and Nicola Citera to The Bank of New York in the amount of \$230,000.00, recorded in the Orange County Clerk's Office in Liber 4331 at page 272, and mortgage dated October 17, 1997 made by Cosimo DiBrizzi and Nicola Citera to The Bank of New York in the amount of \$208,083.53, recorded in the Orange County Clerk's Office in Liber 6360 at page 224, which two mortgages were consolidated by agreement dated October 17, 1997 made between Cosimo DiBrizzi and Nicola Citera and The Bank of New York to form a single first lien in the amount of \$325,000.00, which mortgage was assigned by Assignment of Mortgage dated September 30, 1999 made by The Bank of New York to Premier National Bank to be recorded simultaneously herewith and on which there is an unpaid principal amount of \$265,416.74, together with interest from September 1, 1999, which said mortgage debt the party of the second part hereby assumes and agrees to pay as part of the conveyance of the above described premises, and the party of the second part hereby executes and acknowledges this instrument for the purpose of complying with the provisions of Section 5-705 of the General Obligations Law.

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.

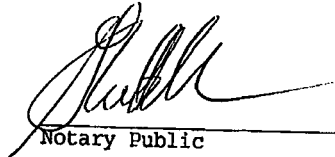
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants



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

On the 30th day of September, in the year 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Cosimo DiBrizzi, 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

GLEN L. HELLER  
NOTARY PUBLIC, State of New York  
No. 02HE4859682  
Qualified in Orange County  
Commission Expires April 21, 2000

DOCE ASSOCIATES

561 1170

P.02

**DESCRIPTION**  
**LANDS OF NICHOLAS CITERA & COSIMO DIBRIZZI**  
**UNION AVENUE, TOWN OF NEWBURGH, NEW YORK**  
**TAX PARCELS : SECTION 96 BLOCK 1 LOTS 10 & 11**

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

Beginning at a point in the westerly line of Union Avenue, New York State Route 300, at the southeasterly corner of lands now or formerly of Distefano; thence, along said westerly line of Union Avenue, South 28 degrees 20 minutes West 256.15 feet to a point in the northerly line of Orr Avenue; thence, along the northerly, northeasterly and easterly lines of Orr Avenue, the following four (4) courses,  
(1) South 87 degrees 00 minutes 57 seconds West 23.00 feet,  
(2) North 44 degrees 55 minutes 04 seconds West 27.20 feet,  
(3) North 28 degrees 04 minutes 21 seconds West 73.04 feet,  
and  
(4) North 19 degrees 21 minutes 59 seconds West 129.13 feet to a point in the division line between the lands now or formerly of Distefano on the northwest and the parcel herein described on the southeast; thence, along the last said division line, North 27 degrees 20 minutes East 132.83 feet to point in the division line between the lands now or formerly of Distefano on the northeast and the parcel herein described on the southwest; thence, along the last said division line, South 61 degrees 42 minutes 04 seconds East 204.38 feet to the point or place of beginning, containing 1.00 acres of land more or less.



## 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

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/06/2019

Application No. 19-0086

To: CPK Union LLC  
1089 Little Britain Rd  
New Windsor, NY 12553

SBL: 96-1-11.1  
ADDRESS: 1219 Route 300

**ZONE: IB**

PLEASE TAKE NOTICE that your application dated 02/01/2019 for permit to Install a 4' x 4'-9.25" (V) shape sign for Vitamin Shoppe on the front tower on the premises located at 1219 Route 300 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

1) 185-14-B-1-d / Allowable signage permitted is 2 SF for every 1 LF of building frontage.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



# Town of Newburgh Code Compliance

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

**NAME:** Vitamin Shoppe      **Building Application #** 19-0086

**ADDRESS:** 1217 Rt. 300

**PROJECT INFORMATION:**      **AREA VARIANCE**      USE VARIANCE

**TYPE OF STRUCTURE:** 4'-9.25" x 4' Sign

**SBL:** 96-1-11.1      **ZONE:** IB      **ZBA Application #** \_\_\_\_\_

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

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
SQUARE FOOT FRONT WALL	86 SF	79.75	19 SF	12.75 SF	14.82%
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 a ( V ) sign on the front tower

**VARIANCE(S) REQUIRED:**

- 1 185-14-B-1-d Allowable signage permitted is 2 sf for every 1 lf of building frontage.
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

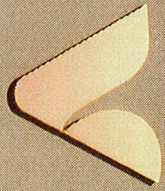
**REVIEWED BY:** Joseph Mattina      **DATE:** 6-Feb-19



the Vitamin Shoppe

KETO-HO

50% OFF BUY ONE GET ONE FREE





Vitamins Shoppe

Vitamins Shoppe

DO NOT  
ENTER

50



DO NOT  
ENTER

McDonald's  
Shoppe





The Manna Shoppe

50% OFF

SATISFACTION GUARANTEED

# THE VITAMIN SHOPPE

**SITE ADDRESS:**

1217 ROUTE 300  
NEWBURGH, NY  
12550



440.209.6200  
800.627.4460

[theMCgroup.com](http://theMCgroup.com)

**SIGN CODE:**

Maximum allowable sign area is 2 sf of sign area per linear ft of building façade or front wall.  
Side Elevation calculations: 1 sf of sign area per linear ft of building wall  
Per the city there shall be no limit on the number of signs so long as the aggregate allowed square footage falls under what is allowed by code.  
Aggregate SF allowed: 148 SF

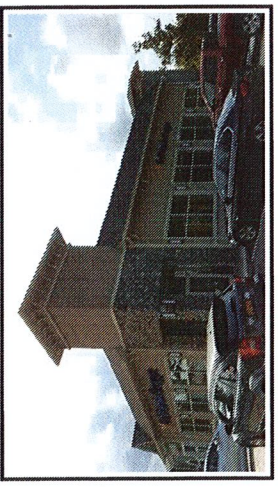
**ADDITIONAL NOTES:**

Storefront: allowed 86 SF of signage and current wall sign is at 79.75 SF  
Leaving 6.25 SF for additional signage  
Side: allowed 62 SF of signage and current wall sign is at 22 SF leaving 39.5 SF for additional signage

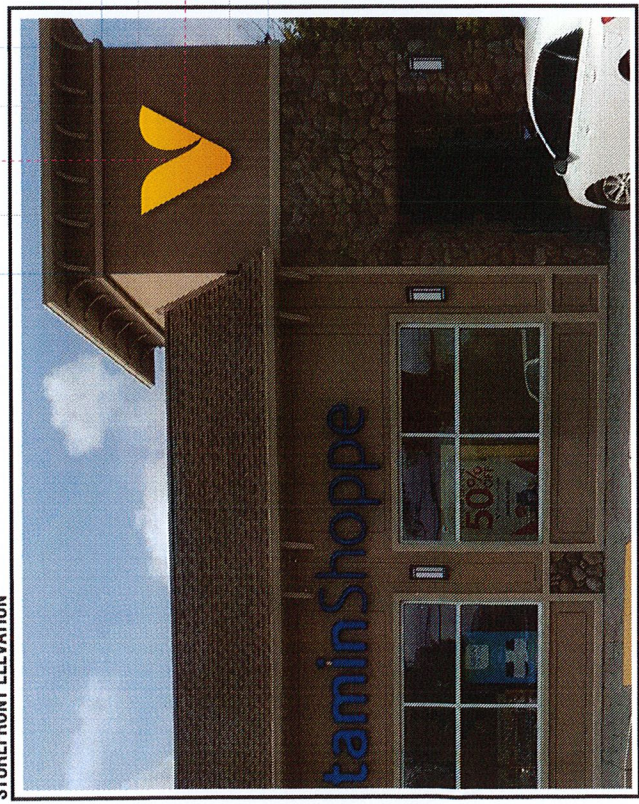
**PROPOSED ELEVATIONS**

Scale: 3/16" = 1'-0"

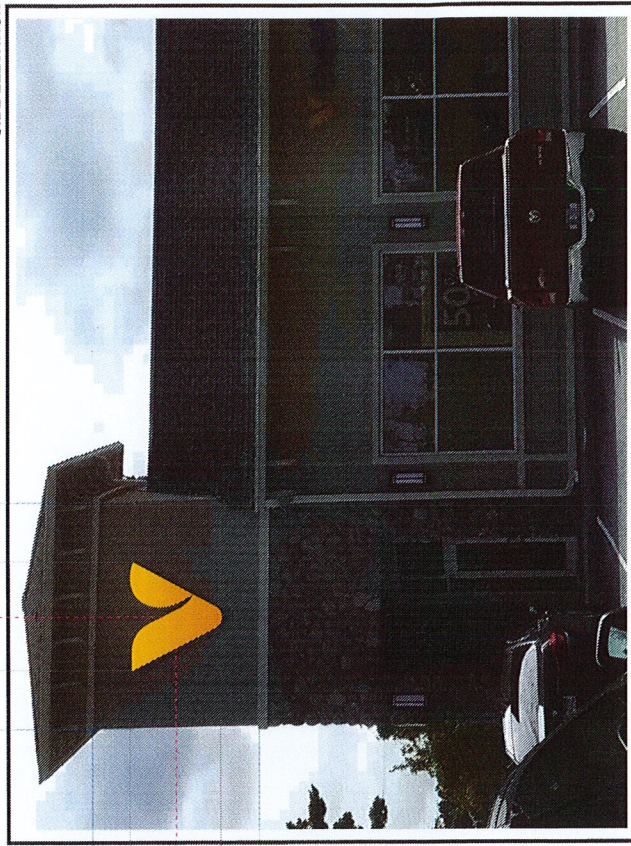
**EXISTING CONDITIONS**



**STOREFRONT ELEVATION**



**SIDE ELEVATION**



8959 Tyler Boulevard  
Mentor, Ohio 44060  
**440.209.6200**  
**800.627.4460**  
theMCgroup.com

**CLIENT:**  
**THE VITAMIN SHOPPE**  
ADDRESS: 0406  
1217 ROUTE 300  
NEWBURGH, NY 12550  
PAGE NO. 2

**TICKET NO.:** 506962  
**PROJECT MANAGER:** VIVIAN STEINER  
**DESIGNER:** DB  
**DATE:** 10/11/18  
**ELECTRONIC FILE NAME:** VITAMIN SHOPPE20181WY0406 - NEWBURGH

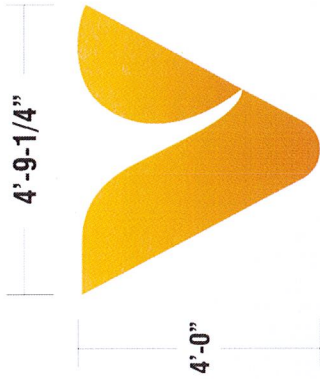
**REVISION HISTORY:**

**CLIENT SIGNATURE:**  
**APPROVAL DATE:**

PRINTS ARE THE EXCLUSIVE PROPERTY OF MC GROUP. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF MC GROUP.

**FACE LIT LOGO CHANNEL**

Scale: 1/2" = 1'-0"  
19.1 square feet



**FACES:** 3/16" #2447 White acrylic w/ digitally printed full color print on clear vinyl overlay

**TRIMCAP:** 1" Yellow jewelrite trimcap painted to match face

**RETURNS:** 3" deep .040 alum. returns painted Yellow

**BACKS:** Letter backs to be .040 alum. prepainted White

**ILLUMINATION:** Permlight White LED illumination; **Remote power supplies**

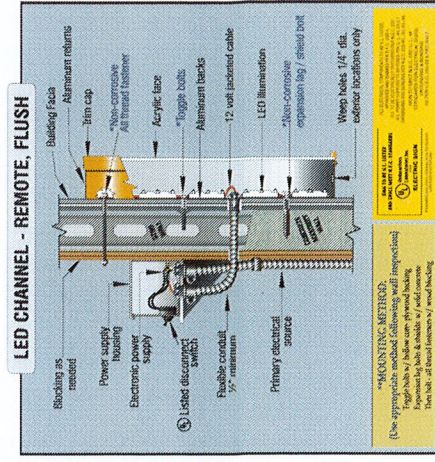
**INSTALL:** Thru bolted flush to wall surface using min 3/8" all thread fasteners with wood blocking as required

**QUANTITY:** (2) Two logos required; (1) One each for front & side elevations

**COLOR PALETTE**

A280 #421 D6 Yellow

ALL PAINT FINISHES TO BE HIGH GLOSS UNLESS OTHERWISE SPECIFIED!



8959 Tyler Boulevard  
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ADDRESS: 0406  
1217 ROUTE 300  
NEWBURGH, NY 12550

TICKET NO.: 506962  
DATE: 10/11/18  
PROJECT MANAGER: VIVIAN STEINER  
DESIGNER: DB  
ELECTRONIC FILE NAME: VITAMIN SHOPPE 2018 NY 0406 - NEWBURGH

REVISION HISTORY:

NO.	DESCRIPTION

CLIENT SIGNATURE: \_\_\_\_\_  
APPROVAL DATE: \_\_\_\_\_

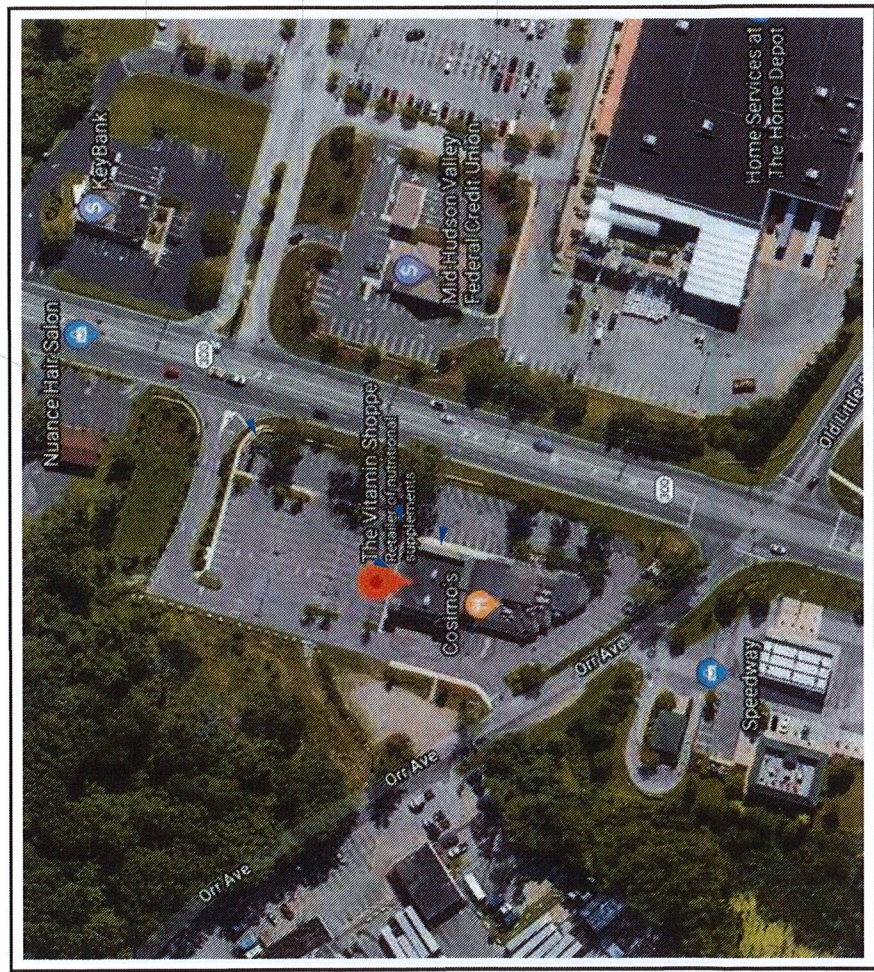
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# SITE PLAN

Not to Scale



8959 Tyler Boulevard  
Mentor, Ohio 44060  
**440.209.6200**  
**800.627.4460**  
theMCgroup.com

CLIENT:  
**THE VITAMIN SHOPPE**  
ADDRESS: 0406  
1217 ROUTE 300  
NEWBURGH, NY 12550  
PAGE NO.  
5

TICKET NO.: 506962  
PROJECT MANAGER: VIVIAN STEINER  
DESIGNER: DB  
DATE: 10/11/18  
ELECTRONIC FILE NAME:  
VITAMIN SHOPPE2018\NY0406 - NEWBURGH

REVISION HISTORY:

NO.	DESCRIPTION	DATE

CLIENT SIGNATURE: \_\_\_\_\_  
APPROVAL DATE: \_\_\_\_\_

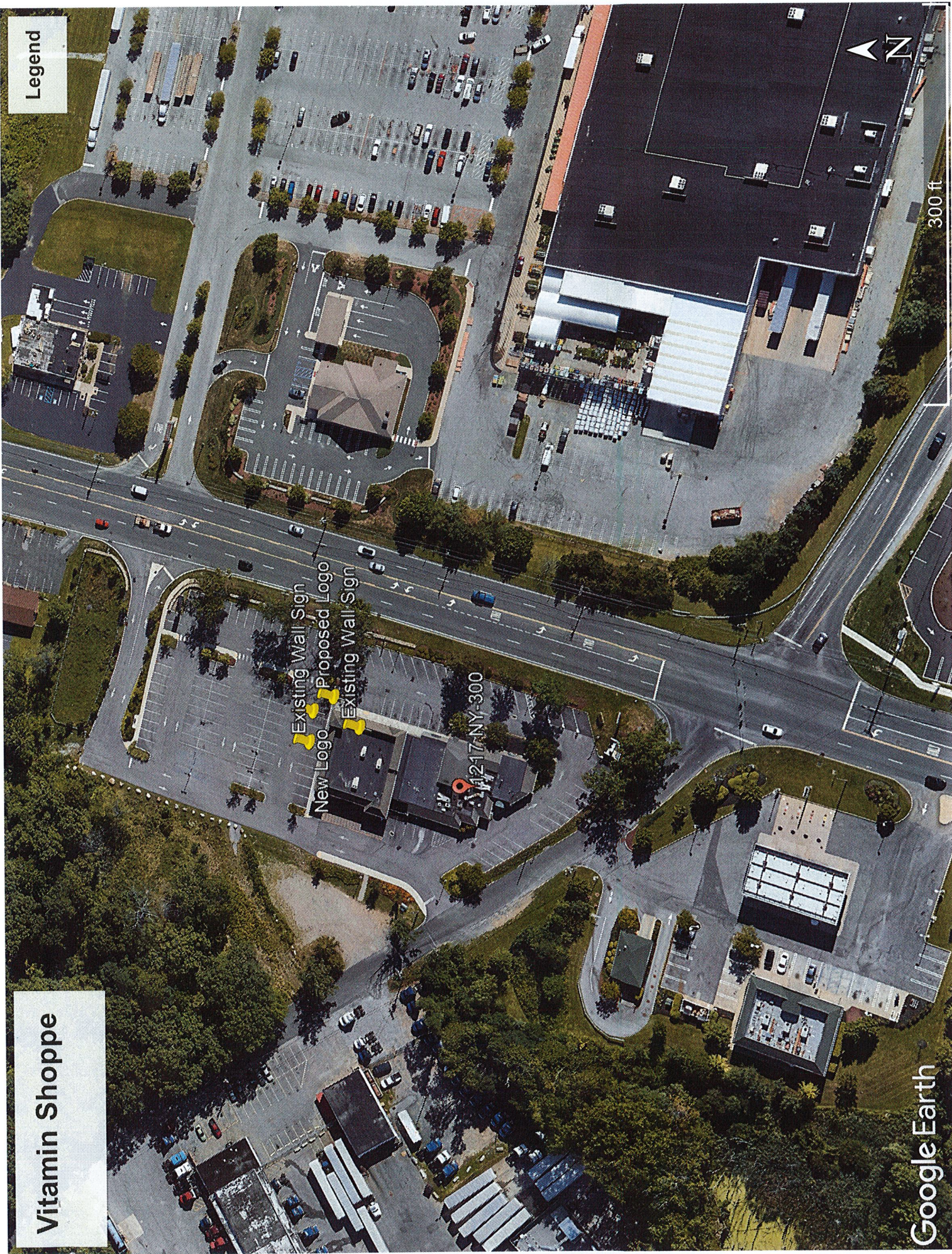
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# Vitamin Shoppe

# Legend

- Existing Wall Sign
- New Logo
- Proposed Logo
- Existing Wall Sign

4217 NY-300

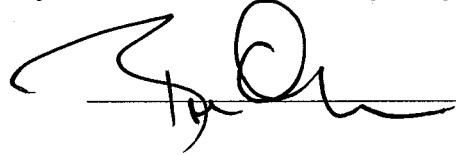


**AFFIDAVIT OF POSTING(S) OF  
NOTICE OF PUBLIC HEARING  
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:


I Brian O'Connor, being duly sworn, depose and say that I did on or before  
May 9, 2019, post and will thereafter maintain at  
1217 Route 300 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.



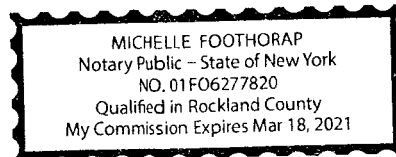
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Sworn to before me this 15th  
day of April, 2019.



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Notary Public



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





