

Salvatore A. Nicosi
County Executive

Orange County Department of Planning

Submittal Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1(m), & n

Referral ID#
XXXX-XXXX-XXXX

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:

Town of Newburgh

Local Referring Board:

Zoning Board of Appeals

Applicant:

Autumn Sky Development

Project Name:

Autumn Sky Plaza

Location of Project Site:

254 Route 17K

Tax Map #:

86-1-86

Tax Map #:

Tax Map #:

Local File No.:

2386-13

Size of Parcel:

2 Acres

If more than one parcel, please include
sum of all parcels.

Reason for County
Review:

ON NYS Route 17K

Current Zoning
District (include
any overlays):

IR

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan

Sq. feet proposed (non-residential only): _____

Which approval is the applicant currently seeking?

SKETCH / PRELIM / FINAL (circle one)

Subdivision

Number of lots proposed: _____

Which approval is the applicant currently seeking?

SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

AREA USE (circle one) MAXIMUM AMOUNT TOTAL SIGNAGE

Other

DIRECTIONAL SIGN MAX 300 FT SIGN setback 15 FT street line

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments
or elaboration:

Shane Cardone

10/22/13

Chairperson,
Zoning Board of Appeals

Signature of local official

Date

Title

Municipal Contact Phone Number: 845 566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Question or comments, call: 845-815-3840 or email: planning@orangecountyny.com

TOWN OF NEWBURGH

Crossroads of the Northeast

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

Zoning Board of Appeals
OCT 22 2013
Town of Newburgh

APPLICATION

OFFICE OF ZONING BOARD
(845) 566-4901

DATED: 10/2/13

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

I (WE) Autumn Sky Dev. Co. PRESENTLY

RESIDING AT NUMBER PO Box 298 New Paltz, N.Y. 12561

TELEPHONE NUMBER 914-805-7696

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

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

1. LOCATION OF THE PROPERTY:

86-1-86 (TAX MAP DESIGNATION)

254 Rt. 17K (STREET ADDRESS)

IB (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-c
185-14-B-2-b
185-14-B-4-c

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____ ✓ _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: _____

4. DESCRIPTION OF VARIANCE SOUGHT: Total Signage

438 sf (permitted 150 sf) directional signage (272 sf (permitted 3 sf) street setback 1' (permitted 15'))

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:

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:

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

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

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

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

see attached



7. ADDITIONAL REASONS (IF PERTINENT):

Steven Muehlbach
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18 DAY OF October 20 13

[Signature]
NOTARY PUBLIC

TAYLOR PALMER
Notary Public, State of New York
Registration No. 02PA6284458
Qualified in Westchester Co.
Commission Expires June 17, 2017

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.

Attachment A

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: October 4, 2013

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

4. DESCRIPTION OF VARIANCE SOUGHT: The applicant is requesting the placement of a free standing business sign announcing businesses on the same lot, located 1.0 foot from the property line. This proposed location is less than 15.0 feet from the property line, requiring a variance in accordance with Town Code § 185-14(B)(1)(c), which would permit signage not to be located closer than 15.0 feet from any street line. The applicant is also requesting the placement of 211.0 square feet of additional signage, with 438.0 square feet of total signage. This proposed signage is greater than half the total length of the street frontage, requiring a variance in accordance with Town Code 185-14(B)(1)(c), which would permit half of 300.00 square feet or 150.0 square feet of signage. The applicant is also requesting the placement of 20.0 square feet of total signage for a directional sign located on the side of the existing building to direct vehicles to offices located in the rear of the building. This proposed directional signage is greater than 3.0 square feet, requiring a variance in accordance with Town Code § 185-14(B)(2)(b), which permits 3.0 square feet of directional signage.

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:

N/A

(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:

N/A

B

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

N/A

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

N/A

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 surrounding businesses and commercial uses have similar signs both freestanding and attached to their buildings. Therefore, this requested signage would not be inconsistent with the character of the IB -Interchange Business Zoning District. There would be limited potential negative visual impacts and the proposed signage will increase the vitality and occupancy of the building. Due to the nature and topography of the site, the freestanding identification signage and directional signage would primarily be visible only when passing the site on New York State Route 17K.

- 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 topography of the site includes a hill between NYS Route 17K and the existing building on the lot. A high pressure gas main line is located under this hill that cannot be relocated. Because of the narrow shape of the lot, the existing building is perpendicular to NYS Route 17K, which makes it difficult for tenants in the proposed store fronts on the lower level of the building to announce their businesses. The hill on the lot also impedes the visibility of the business signage for vehicles traveling eastbound, necessitating its location closer to the street line. Additionally, the existing building is two (2) levels, and includes businesses that are difficult to see from NYS Route 17K as a result of the hill between NYS Route 17K and the existing building. In many instances, corporate requirements also require franchisees to provide specific signage to identify the franchised brand. As a result of the narrow shape of the lot and the topography of the site, the amount of street frontage is not enough under the current zoning. At the same time, businesses on the second level require identifiable directional signage to direct patrons. Consequently, insufficient signage is the only possibility within the code and a variance must be sought. Since there are no other feasible means of obtaining the necessary signage and lot area and positioning, this variance must be sought. The benefit sought by the applicant cannot be achieved by any other method.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the zoning law. Instead, the overall effect of granting the relief is the appropriate inquiry. Here, as a result of the narrow shape of the lot, the topography of the site and the limited street frontage, the proposed freestanding identification signage will be visible primarily from NYS Route 17K. Furthermore, as a result of the insufficient frontage and the hill between NYS Route 17 K and the existing building, the signage available under the code would be insufficient. In regard to the directional signage, the Town's Zoning Code permits 3.0 square feet of directional signage, and the proposed signage is only 20.0 square feet. Further, the directional signage is located at greater than 15 feet from the property line, and relief is only requested for 17.0 square feet for directional signage. Because this is not a significant difference, and the identification sign would primarily be visible from the NYS Thruway and NYS Route 17K, if granted, this area variance would not be substantial.

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

As noted above, because of the insufficient frontage and the hill between NYS Route 17K and the existing building on the lot, the signage permitted by the Town Code would be insufficient. The surrounding businesses along NYS Route 17K have freestanding signs of similar size. The directional signage will be primarily visible on-site, as the hill between NYS Route 17K and the existing building screens the view from NYS Route 17K. The proposed directional signage will allow patrons to find the businesses at the site and the proposed identification signage will enhance the aesthetics of the site in the NYS Route 17K corridor. This variance is not substantial and will have no adverse impacts on the physical or environmental conditions the district.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

As noted by Terry Rice in his Practice Commentaries for Town Law § 274-b, this factor is perhaps the most misunderstood factor in the balancing test. The fact that the property is purchased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created does not require the denial of the variances. Here it is important to note that the variances are required solely because of the limitation contained in the Town's Zoning Code, and that all other aspects of the existing development meets the Code's requirements.

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: 254 Rt 17K Autumn Sky Plaza			
Project Location (describe, and attach a location map): 254 Rt 17K Newburgh, N.Y.			
Brief Description of Proposed Action: Replacing a sign along Rt 17K and redoing the signage on the building			
Name of Applicant or Sponsor: Autumn Sky Dev. Co.		Telephone: 914-805-7696	
		E-Mail: stefmnp99@gmail.com	
Address: P.O. Box 298			
City/PO: New Paltz		State: NY	Zip Code: 12561
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 YES
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:			NO YES
3.a. Total acreage of the site of the proposed action?		2.1 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 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
		✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
		✓	
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	
	✓		
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	
	✓		
	✓		
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	YES	
		✓	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	✓		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	✓		
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	
	✓		
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	
	✓		
	✓		
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	
	✓		
16. Is the project site located in the 100 year flood plain?	NO	YES	
	✓		
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 type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	
	✓		

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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Autumn Sky Development Co.</u> Date: <u>10/8/13</u> Signature: <u>Steven Michabbi</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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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)

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

Danza Group XIV, LLC

TO
Autumn Sky Development
Co., Inc.

SECTION 86 BLOCK 1 LOT 86



RECORD AND RETURN TO:
(name and address)

Jamel Yastion, Esq.
153 Main Street
New Paltz, NY 12561

*Law original
10/8/13*

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 WALLKILL (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) | |
| | CITIES |
| | <input type="checkbox"/> 0900 MIDDLETOWN |
| | <input type="checkbox"/> 1100 NEWBURGH |
| | <input type="checkbox"/> 1300 PORT JERVIS |
| | <input type="checkbox"/> 9999 HOLD |

NO PAGES 4 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____
PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____
Taxable _____
CONSIDERATION \$ 195,000
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.UN/1 OR 2
- (K) CONDO

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Alexander*

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, DONNA L. BENSON, 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 06/18/13 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY SEPTEMBER 24, 2013

RECORDED/FILED
06/18/2013/ 12:21:08
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20130061951
DEED C / BK 13586PG 1429
RECORDING FEES 315.00
TTX# 006440 T TAX 7,800.00
Receipt#1620449 dab



Schedule A Description

Abstract No. NEW-3266
Title Number 730-O-2418

Page 1

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, Orange County, New York, being Lot #3, as shown on a plan entitled "Plan for Charles Catanzaro and Richard Fracasse, Minor Subdivision", said plan having been filed in the Orange County Clerk's Office as Map No. 7063 and said lot more particularly described as follows:

Beginning at a point in the northeasterly line of the New York State Highway known as Route 17K (Cochecton Turnpike), said point being at the intersection of said line with the southwesterly corner of Lot #2, as shown on a map entitled "Minor Subdivision, Lands of Coldenham Development Company, Inc." said map having been filed in the Orange County Clerk's Office on November 16, 1984, as Map No. 6801, and running thence the following courses:

1. Along said northeasterly line of Route 17K, North 40 degrees 18' 24" West 300.00 feet to a point;
2. Along Lot #1, as shown on the above-referenced Catanzaro and Fracasse Subdivision Map, North 39 degrees 59' 54" East, 400.00 feet to a point;
3. Still along said Lot #1, South 31 degrees 02' 39" East, 200.00 feet to the northwesterly corner of Lot #2, as shown on the above referenced Coldenham Development Co., Inc. subdivision map;
4. Along said Lot #2, South 24 degrees 32' 50" West, 400.00 feet to the point or place of beginning.

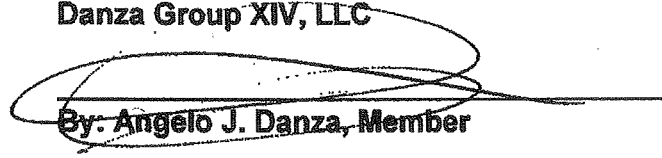
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby and said premises have been encumbered in any way whatever, except as aforesaid.

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:

Danza Group XIV, LLC


By: Angelo J. Danza, Member

State of New York)
)
County of Orange) ss.:

On June 12th, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Angelo J. Danza, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/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.



Notary Public, State of New York

Record & Return to:

James Yastion, Esq.
153 Main Street
New Paltz NY 12561

JAMES V. RINALDI
Notary Public, State of New York
No. 01R18580050
Qualified in Orange County
Commission Expires March 30, 2014

T:\DOCS\1733\147\1ET9726.WPD

October 18, 2013

Zoning Board of Appeals
1496 New York 300
Town of Newburgh, New York 12550
Attn: Board Members

Re: Autumn Sky Development, Proposed Signage Variance Application
Our File No.: 14108 - 65789

Dear Board Members:

The applicant, Autumn Sky Development Corporation, the owner of West Wings Plaza (to be renamed Autumn Sky Plaza), respectfully submits a variance application to erect freestanding business identification and directional signage at the applicant's property located at 254 NYS Route 17K, Town of Newburgh, New York. The applicant is requesting the placement of a 278.0 square foot freestanding identification sign located at the driveway entrance to West Wings Plaza, for a total of 458.0 square feet of signage. The proposed signage is greater than half the total length of the street frontage, requiring a variance in accordance with Town Code §185-14(B)(1)(c), which would permit half of 300.0 square feet, or 150.0 square feet of signage. The applicant is also requesting the placement of 20.0 square feet of total signage for a directional sign located on the side of the existing building to direct vehicles to offices located in the rear of the building. This proposed directional signage is greater than the permitted 3.0 square feet of directional signage, requiring a variance in accordance with Town Code §185-14(B)(2)(b). The applicant is also requesting the placement of the free standing business identification sign 1.0 feet from the property line. This proposed location is less than 15.0 feet from the property line, requiring a variance in accordance with Town Code §185-14(B)(1)(c), which does not permit signage located closer than 15.0 feet from any street line.

The applicant's proposal for the additional signage on the existing tax lot (S-B-L 86-1-86) is in response to tenant complaints about patrons having difficulty locating the office plaza, as well as the individual offices within the plaza. New signage will help mitigate these concerns and encourage new retail tenants for the first floor. The lot has frontage on NYS Route 17K and is located in an IB (Interchange Business) Zoning District. The lot is currently improved by an existing office plaza, with access from NYS Route 17K.

Zoning Board of Appeals
October 18, 2013
Page 2

The Building Inspector provided a disapproval letter, dated October 4, 2013, and we request to be placed on the next available Zoning Board of Appeals agenda. If you have any questions or comments, please feel free to contact me.

Very truly yours,

DOMINIC CORDISCO

DRC/TMP/321815

cc: Steven Michalski (By E-Mail only)



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

2386-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 10/04/2013

Application No. 13-0944

**To: AUTUMN SKY DEVELOPMENT
PO BOX 298
NEW PALTZ, NY 12561**

**SBL: 86-1-86
ADDRESS: 254 Route 17K**

ZONE: IB

PLEASE TAKE NOTICE that your application dated 10/03/2013 for permit to remove the existing signage and replace with new signs on the premises located at 254 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code sections:

185-14-B-1-c signage shall not exceed 1/2 the total street frontage.

185-14-B-2-b directional signs shall not exceed 3 s.f.

185-14-B-1-c free standing signs shall set back 15' from the street line.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: Autumn Sky Development

2386-13

ADDRESS: PO Box 298 New Paltz NY 12561

PROJECT INFORMATION:

TYPE OF STRUCTURE: Signage @ 254 Rt 17K West Wing Plaza

SBL: 86-1-86 **ZONE:** I-B

TOWN WATER: **YES** **TOWN SEWER:** **YES**

	maximum	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
TOTAL SIGNAGE	150 s.f.		438 s.f.	288 s.f.	192.0%
DIRECTIONAL SIGNAGE	3 s.f.		20 s.f.	17 s.f.	566.6%
STREET SETBACK	15'		1'	14'	93.3%
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: **Redoing signs for the entire site. Figures taken from the information submitted with the building permit application**

VARIANCE(S) REQUIRED:

- 1 185-14-B-1-c signage shall not exceed 1/2 the street frontage.
- 2 185-14-B-2-b Directional signs shall not be greater then 3 square feet.
- 3 185-14-B-1-c Signs shall setback 15' from the street line.
- 4 _____

REVIEWED BY: Joseph Mattina **DATE:** 4-Oct-13

IB zone

Free standing 278 SF

Building signs 160 SF

Request 438 SF

Allowed 150

Variance 288 SF

192%

Directional sign 20 SF

Request 3

Variance 17 SF

566.6%

setback street line 15'

Requesting 1'

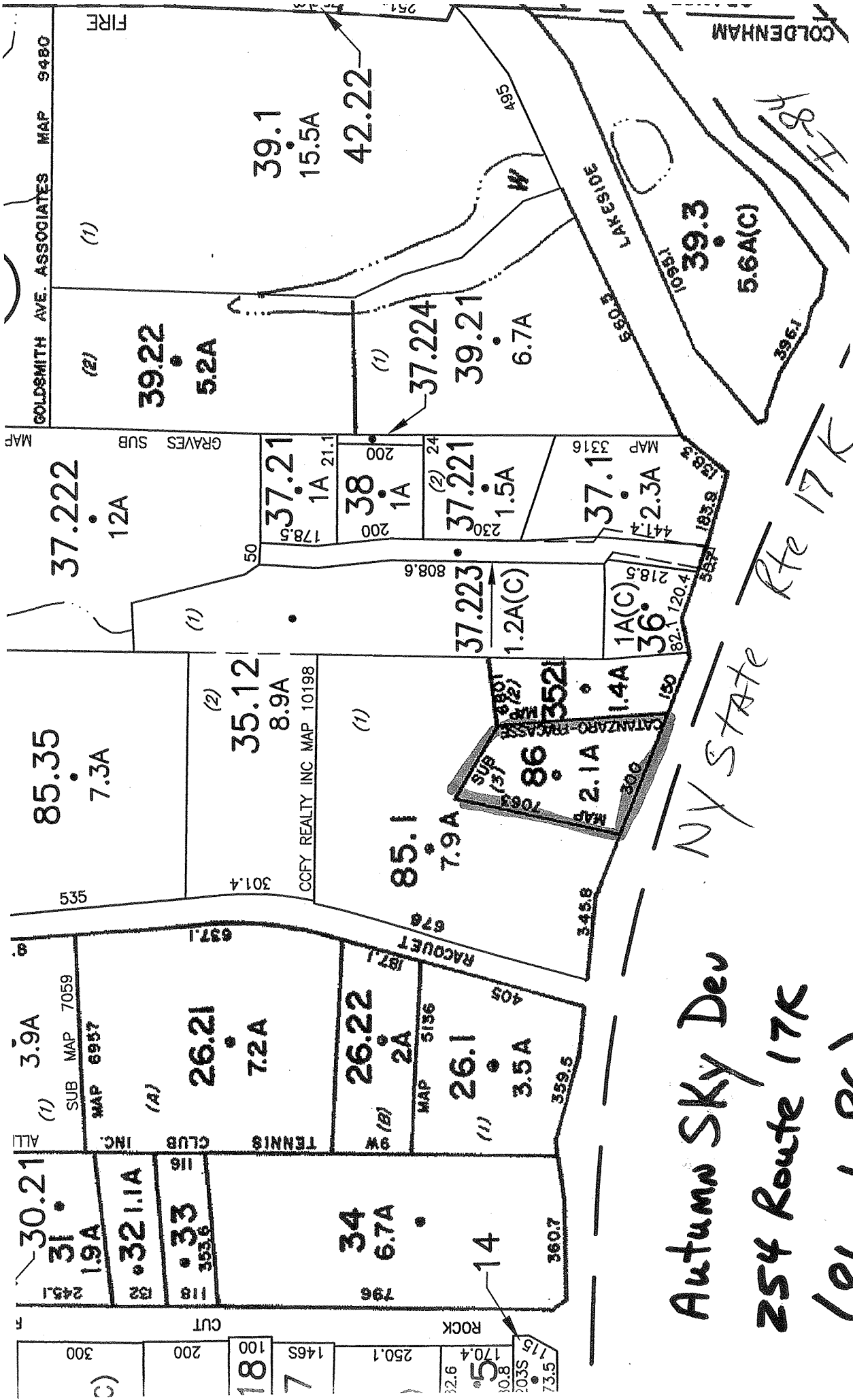
14'

93.33%

185-14-B-1-c 1/2 street

185-14-B-2-b direct sign 3 SF

185-14-B-1-C 15' from street line



Autumn Sky Dev
 254 Route 17K
 (86-1-86)

NY STATE
 Rte 17K