



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: AUGUST 10, 2020

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

I (WE) BHAI ENTERPRISES, LLC PRESENTLY
RESIDING AT NUMBER 23 E. HOOK ROAD, HOPEWELL JUNCTION, NY
TELEPHONE NUMBER 845-325-9065

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:

76-1-1.2 (TAX MAP DESIGNATION)
67 N. PLANK ROAD (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-7-F, 185-14-M-2-(c), 185-14-J-5-(a)



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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: JUNE 17, 2020
- 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: AREA VARIANCE FOR DEFICIENT SIDE YARD AND FRONT YARD SETBACKS, SIGN HEIGHT FOR UPGRADE PRICE SIGN AND CANOPY 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:

(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 SITE IS LOCATED IN A COMMERCIAL AREA. SIGNAGE LOCATIONS ARE PRE-EXISTING AS A LAWFUL NON-CONFORMING USE

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:

PRICE SIGN AND CANOPY SIGNAGE ARE PRE-EXISTING SETBACKS CANNOT BE ACHIEVED DUE TO SIZE OF LOT.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE: SIGN LOCATIONS WILL NO CHANGE, PROPOSED ACTION TO

CHANGE BRANDING PLACARDS ON PRE-EXISTING SIGNAGE

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

ACTION IS LIMITED TO RE-BRANDING PRE-EXISTING GAS STATION SIGNAGE, IN A PREDOMINANTLY COMMERCIAL AREA

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: LOCATIONS OF PRICE SIGN AND CANOPY SIGNAGE

WERE PRE-EXISTING PRIOR TO 2018 SIGN LAW



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7. ADDITIONAL REASONS (IF PERTINENT):
PROPOSED ACTION IS LIMITED TO REPLACEMENT OF EXISTING
BRANDING SIGNS, NO NEW SIGNAGE WILL BE ERECTED



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF August 2020

BRIANA C CHANOWITZ
Notary Public - State of New York
NO. 01CH6387016
Qualified in Ulster County
My Commission Expires Feb 4, 2023



NOTARY PUBLIC

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

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



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PROXY

MOHANDER S. CHAHAL, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 23 E. HOOK RD, HOPEWELL SCT
IN THE COUNTY OF DUTCHESS AND STATE OF NEW YORK, 12533
AND THAT HE/SHE IS THE OWNER IN FEE OF BHAI ENTERPRISES, LLC
67 N. PLANK ROAD, NEWBURGH, NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED ECOTEC, LLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/7/2020

M. Chahal

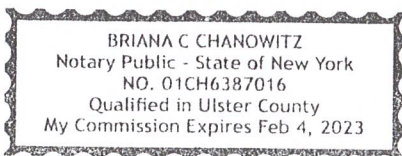
OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10th DAY OF August 2020



[Signature]
NOTARY PUBLIC

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: BHAH ENTERPRISES, LLC (CITGO GAS STATION)			
Project Location (describe, and attach a location map): 67 NORTH PLANK ROAD, NEWBURGH, NY			
Brief Description of Proposed Action: THE APPLICANT SEEKS TO REPLACE GAS STATION BRANDING SIGNAGE FOR A THE PRICE SIGN, GAS PUMP CANOPIES AND BUILDING. VARIANCES ARE REQUIRED FOR THE PRICE SIGN, WHICH IS PRE-EXISTING, NON CONFORMING WITH FRONT AND SIDE YARD SETBACKS AND HEIGHT, AS WELL AS PRE-EXISTING CANOPY SIGNAGE WHICH EXISTING CODES DO NO ADDRESS.			
Name of Applicant or Sponsor: BHAH ENTERPRISES, LLC		Telephone: 845-325-9065 E-Mail: MSC021557@GMAIL.COM	
Address: 23 E. HOOK ROAD			
City/PO: HOPEWELL JUNCTION		State: NY	Zip Code: 12533
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 checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.0 acres	
b. Total acreage to be physically disturbed?		0.0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.287 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 <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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 type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	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. 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>BHAI ENTERPRISES, LLC</u> Date: <u>8/11/2020</u></p> <p>Signature: <u><i>M. S. Chahal</i></u></p>		

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:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
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)

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

Millies Petroleum, LLC
TO
BHA I Enterprises, LLC

SECTION 76 BLOCK 1 LOT 1.2

LT. 40294

RECORD AND RETURN TO:
(Name and Address)

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

Mark Grossjung, Esq.
66 Middlebush Rd., Suite G 102
Wappinger Falls NY 12590

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|--------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| ___ 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2800 CRAWFORD (TN) | ___ 4600 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5800 WAWAYANDA (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 5889 WOODBURY (TN) |
| ___ 3889 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |

NO. PAGES 4 CROSS REF _____
CERT. COPY _____ ADD'L X-REF _____
MAP # _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 950,000
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TAX TYPE:

- ___ (A) COMMERCIAL/FULL 1%
___ (B) 1 OR 2 FAMILY
___ (C) UNDER \$10,000

RCA-LT.40294

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 5TH day of DECEMBER, in the year 2007

BETWEEN MILLIES PETROLEUM LLC 173 Westchester Avenue, Thornwood, New York 10594

party of the first part, and BHAI ENTERPRISES, LLC 23 E. Hook Road Hopewell Junction, N.Y. 12533

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten dollars

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

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF

BEING AND INTENDED TO BE the same premises in a Deed to the Grantor herein dated July 8, 2005 and recorded in the Orange County Clerk's Office on 8/5/05 in Liber 11912 cp 504.

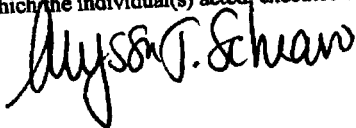
This conveyance is made in the usual course of business by the grantor.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Dutchess, ss:

On the 5 day of December in the year 2007, before me, the undersigned, personally appeared
Joyce Skinner

, 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.



**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE**

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, the
subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof);
that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

Bargain and Sale Deed

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared

, 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.

Alyssa J. Schiavo
Notary Public, State of New York
No. 01SC5072950
Qualified in Ulster County
Commission Expires Feb. 10, 20 11

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK
STATE**

*State of _____, County of _____, ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the _____ day of _____ in the year _____, before me _____ the undersigned personally appeared

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), 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, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgment was taken).

TITLE NO. RCA-LT-40294
SCHEDULE A

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

BEGINNING at a point marking the intersection of the existing Southwest right-of-way line of New York State Highway No. 32, North Plank Road with the Southeast right-of-way line of Gidney Avenue;

THENCE from said point of beginning and along the Southwest right-of-way line of New York State Highway No. 32, North Plank Road, the following two courses and distances: South 39 degrees 05 minutes 00 seconds East 70.75 feet to an angle point;

THENCE South 30 degrees 25 minutes 00 seconds East 54.25 feet to an iron pipe recovered; said pipe being located North 77 degrees 18 minutes 00 seconds East 46.35 feet from the most Easterly corner of the existing building situated on the herein described parcel; said pipe also being North 30 degrees 25 minutes 00 seconds West 56.18 feet from another pipe found marking an angle point on the Northeasterly line of lands of Franchise Realty Interstate Corporation;

THENCE along the Northerly line of lands of said Franchise Realty Interstate Corporation the following two courses and distances: South 59 degrees 35 minutes 00 seconds West 90.00 feet to an iron pipe found;

THENCE North 38 degrees 31 minutes 40 seconds West 84.00 feet to the Southeast right-of-way line of Gidney Avenue;

THENCE along the Southeast right-of-way line of Gidney Avenue North 35 degrees 21 minutes 00 seconds East 100 feet to the point of **BEGINNING**.



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

2845-20

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/15/2020

Application No. 20-0214

To: Bhai Enterprises, LLC
23 E Hook Rd
Hopewell Junction, NY 12533

SBL: 76-1-1.2
ADDRESS: 67 N Plank Rd

ZONE:

PLEASE TAKE NOTICE that your application dated 03/09/2020 for permit to replacing the existing signage on the premises located at 67 N Plank Rd is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

185-14-G-1-(a): lawful non-conforming signs shall not be altered.

- 1) 185-7-F: Canopy signage is not addressed.
- 2) 185-14-M-2-(c): Maximum allowed height is 14' / 23' actual
- 3) 185-14-J-5-(a): Sign must setback 23' from side yard. (Height of sign)
- 4) 185-14-J-5-(a): Sign must setback 23' from front yard. (Height of sign)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: Bhai Enterprises LLC Building permit # 20-0214

ADDRESS: 23 E Hook Rd. Hopewell Junction NY 12533

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: Signage @ 67 N. Plank Rd

SBL: 76-1-1.2 **ZONE:** B **ZBA Application #** 28-15-20

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

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
Height	14' Max	23'			
FRONT YARD	23'	10'			
SIDE YARD	23'	1.00			
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: 185-14-G-1-(a): Lawful non-conforming signs shall not be altered

VARIANCE(S) REQUIRED:

- 1 185-7-F: Canopy signage is not specifically addressed.
- 2 185-14-M-2-(c): Maximum allowed height is 14'
- 3 185-14-J-5-(a): Sign must be 23' from side property line. (height of sign)
- 4 185-14-J-5-(a): Sign must be 23' from front property line. (height of sign)

REVIEWED BY: Joseph Mattina **DATE:** 15-Jun-20



ENVIRONMENTAL SERVICES

944-Even
215-7034

3 Nancy Court, Suite 4, Wappingers Falls, NY 12590
Tel. (845) 897-0003 Fax (845) 897-0042 www.EcoTecLLC.com

August 11, 2020

Town of Newburgh Zoning Board of Appeals
Old Town Hall
308 Gardner Town Road
Newburgh, New York 12550

RE: Zoning Board of Appeals Application for
Bhai Enterprises, LLC
(Citgo Gas Station)
67 N. Plank Road
Town of Newburgh
SBL: 76-1-1.2

Dear Chairman Scalzo and Board Members:

The Applicant, Bhai Enterprises, LLC is submitting an application for an Area Variance from the Town of Newburgh Municipal Codes: 185-7-F, 185-14-M-2-(c) and 185-14-J-5-(a).

The Applicant applied to the Code Compliance Department for building permit to replace the branding placards for the pre-existing signage on the building, gas pump canopies and price sign. The Code Compliance Department sent a Notice of Disapproval of Building Permit Application, dated June 15, 2020.

The existing gas station has signage located on the building roof, the gas pump canopies and a free-standing illuminated price sign. The Applicant proposes the replacement of the existing "Citgo" brand and color scheme to "BP" brand and associated color scheme. The location of the price sign is a pre-existing, with non-conforming side yard and front yard setbacks. The height of the pre-existing, non-conforming sign exceeds maximum allowable height.

With this application the Applicant requests the following (4) variances:

Variance 1: Canopy Signage not addressed (185-7-F)

The two (2) pre-existing gas pump overhead canopies currently have "Citgo" branding signage on them. As a result, the Applicant is seeking a variance for canopy signage for the replacement of the "Citgo" signage and color scheme for the new "BP" signage and color scheme.

Variance 2: Maximum allowed sign height (185-14-M-2-(c))

There is one (1) free-standing price sign located along the property line on southeast side. The pre-existing sign is approximately 23' in height which exceeds the maximum allowable height of 14'. The applicant is requesting a variance for the 9' feet for the height of the pre-existing sign. The existing sign structure shall not be modified; only actions shall be that the branding placards on the sign be replaced with the "BP" brand and color scheme.

Variance 3: Side yard setback (185-14-J-5-(a))

The pre-existing free-standing price sign structure is located one (1) foot from the side property line. This does not meet the required setback of 23 feet. As a result, the applicant is requesting a 22 foot side yard variance.

Variance 4: Front yard setback (185-14-J-5-(a))

The pre-existing free-standing price sign structure is located ten (10) feet from the front property line. This does not meet the required setback of 23 feet. As a result, the applicant is requesting a 13 foot side yard variance.

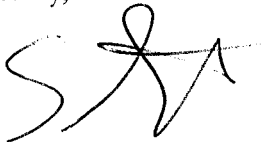
In support of this submission please find the following attached:

1. One (1) original Zoning Board of Appeals Application
2. One (1) original Receipt issued by the Town Clerk
3. Eleven (11) copies of the "Site Plan" dated 10-13-94
4. Eleven (11) copies of the Price Sign, Canopy Signage and Building Signage Specifications Sheets and Image Renderings
5. One (1) copy of Recorded Deed
6. One (1) original Assessor's List of Property Owners within 500 feet of site
7. One (1) site photo sheet with four (4) photographs taken at different angles
8. One (1) original signed Short EAF

With this submission we respectfully request being placed on the next available Zoning Board of Appeals Agenda.

Should you have any further questions please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Stankunas', with a stylized flourish at the end.

Evan Stankunas, QEP
Principal
EcoTec, LLC

REVISION HISTORY:

REV	DATE	DESIGNED BY	UPDATED BY
A	08/30/19	J.V.	D.Q.

PERMISSIONS: INITIAL DRAWING RELEASE
 DESIGNED BY: J.V.
 UPDATES BY: GP
 COMMENTS: CORRECTED TO AMBER COLOR DIESELLED

**DO NOT MANUFACTURE FOR
RENDERING PURPOSES ONLY**

PARTS LIST:

ITEM	DESCRIPTION
A	
B	
C	
D	
E	
F	
G	

MATERIAL LIST

1	
2	

GENERAL NOTES

1. TOLERANCE (UNLESS NOTED)
 * GRAPHS: +/- 1/8" * FACE SIZE: +/- 1/16" +/- 1/8"
 * CABINET: +/- 1/8" * VINYL OVERLAP: +/- 1/8" +/- 1/16"
 * ALL COPY LEVEL UNLESS NOTED OTHERWISE
 2. VIEWING DISTANCE: 25' TO 30' UNLESS NOTED OTHERWISE
 3. FACE COLOR: UNLESS NOTED OTHERWISE
 4. ALL ELECTRICAL SIGNALS TO COMPLY WITH UL 48
 5. ALL ELECTRICAL SIGNALS TO COMPLY WITH UL 48

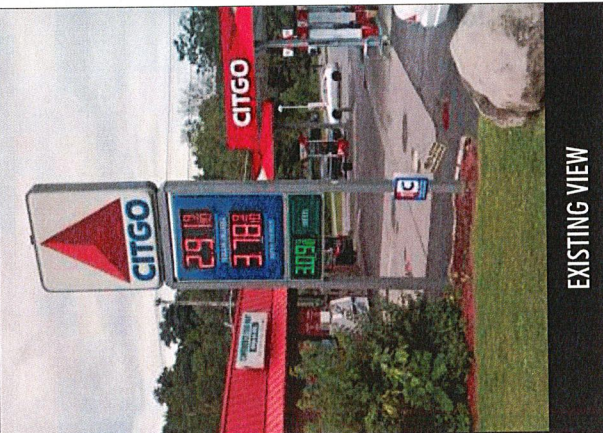
RENDERING

PACKAGE: CHECKED BY: CURRENT: DESIGNED DATE:
 DRAWN BY: DOVICHE CHECKED BY: JIM SANCHEZ
 CLIENT: BP

LOCATION: 1910 10871 4424 NEWBURG NY
 PROJECT: 321948 DATE: 08/30/2019

SYMBOLS: BPG62955 REV: B SHEET: 1 OF 1

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BPG00244-KIT

CBPLED0878-KIT

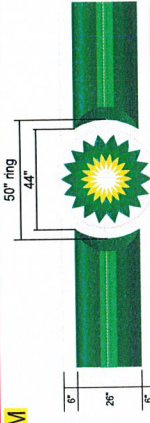
**LIGHT BAR
PROVIDED BY OTHERS**

CANOPY 1 OF 2

See Site Notes page for specific paint codes and contact info.
 REMOVE ALL EXISTING SIGNAGE

- A** Install BGB bull nose fascia with light bar
- B** Install BGB bull nose fascia with no light bar
- C** Install BGB flat ACM with 3D decal applied
- Light bar
- No light bar
- D** Install BGB Flat ACM (Jobber supplied ACM), decal only through BP Parts. Must have approval from BP Jobber Engineer.
- Light bar
- No light bar
- E** Paint existing flat ACM white and install bullnose decal. Must have approval from BP Jobber Engineer.
- F** Install Helios with Helios arc
 - 39° Helios
 - 44° Helios
- G** Install Helios (restricted P&Z only)
 - 30°
 - 36°
- H** Paint canopy columns White and BP Retail Green
 BP Retail Green to be painted 10' from the ground and above, per visual)
- I** Apply BP Light Green stripe decal 10' from ground
- J** Install flag signs 10'6" from the ground
- K** Canopy deck to be BP High Hiding White
- L** Canopy Corners
 - Non 90°
 - 90°

CANOPY DETAIL



NOTES

For a two tier fascia, please remove all layers of fascia and take it back to the deck. Then build the fascia height to 36".

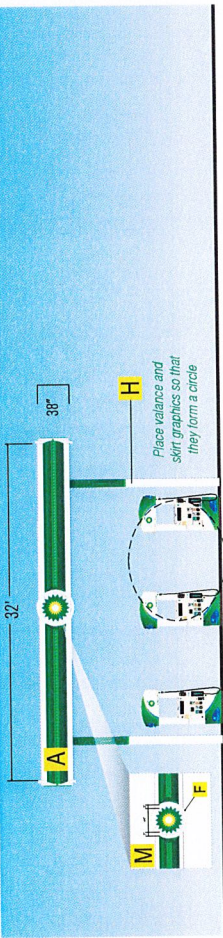
Approved By _____
 Date _____

Specify materials for this fabric selection that is approved by any municipalities involved by any municipalities involved by this project. Products will be manufactured to these specifications.

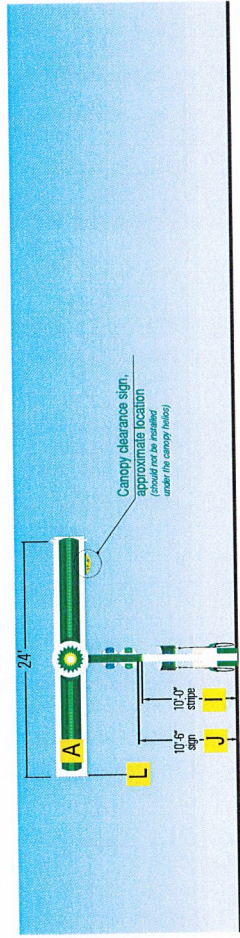
AERIAL MAP



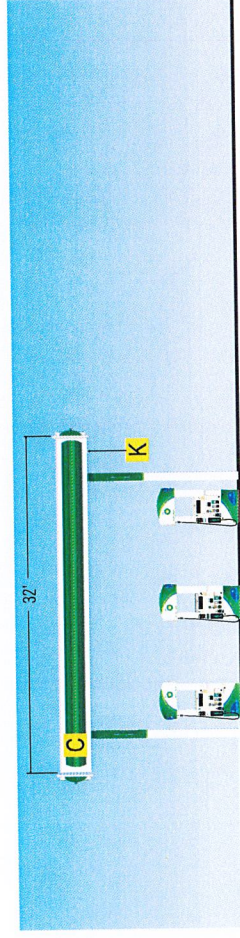
DUTCHESS TERMINALS INC. - 1910108
 67 North Plank Rd., Newburgh, NY 12550
 Site Level B
 Date: 08.12.2019



Left Elevation

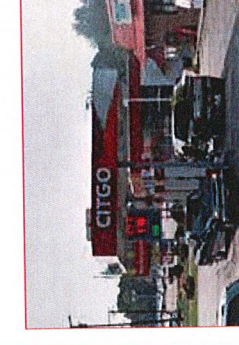
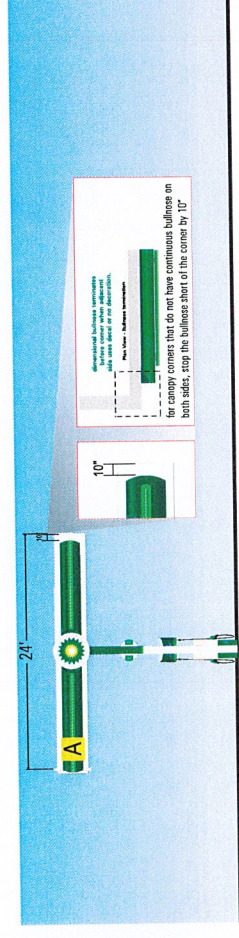


Front Elevation



Back Elevation

No Image Available



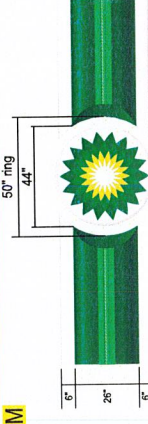
Right Elevation

This is an original concept drawing created by Big Red Rooster Flow, LLC. It is submitted for use in connection with the project being planned for you by BRRFlow. All or any part of this design (except registered trademarks) remains the property of BRRFlow. This drawing is not to scale. For all questions regarding the scope of the project, please contact Jolene Clarke 847.549.2223 or The Brand Image Coordinator, Ronda Campbell 630.251.3520.

See Site Notes page for specific paint codes and contact info.
"REMOVE ALL EXISTING SIGNAGE"

- A** Install BGB bull nose fascia with light bar
- B** Install BGB bull nose fascia with no light bar
- C** Install BGB flat ACM with 3D decal applied
- D** Light bar No light bar
- E** Install BGB Flat ACM (Jobber supplied ACM), decal only through BP Parts. Must have approval from BP Jobber Engineer.
- F** Light bar No light bar
- G** Paint existing flat ACM white and install bullnose decal. Must have approval from BP Jobber Engineer.
- H** Install Helios with Helios arc
- I** 39" Helios
- J** 44" Helios
- K** Install Helios (restricted P&Z only)
- L** 30"
- M** 36"
- N** Paint canopy columns White and BP Retail Green
- O** BP Retail Green to be painted 10' from the ground and above, per visual
- P** Apply BP Light Green stripe decal 10' from ground
- Q** Install flag signs 106" from the ground
- R** Canopy deck to be BP High Hiding White
- S** Canopy Corners Non 90° 90°

CANOPY DETAIL



NOTES

For a two tier fascia, please remove all layers of fascia and take it back to the deck. Then build the fascia height to 36".

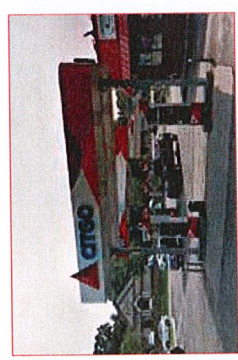
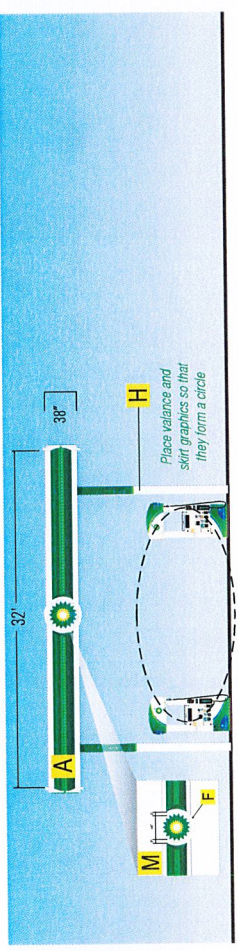
Approved By: _____
 Date: _____

Signer indicates that the above information is true and correct. By signing this document, the signatory agrees to be bound by the terms and conditions of the contract and to be held responsible for any errors or omissions.

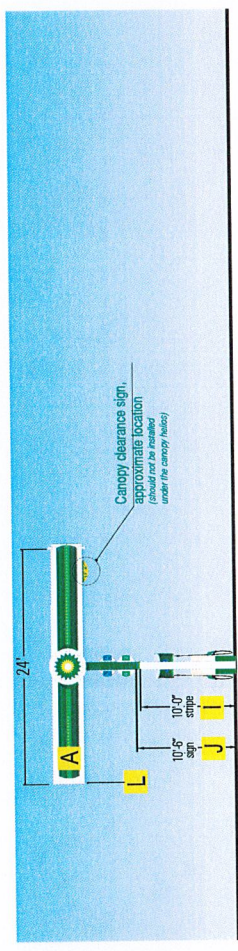
AERIAL MAP



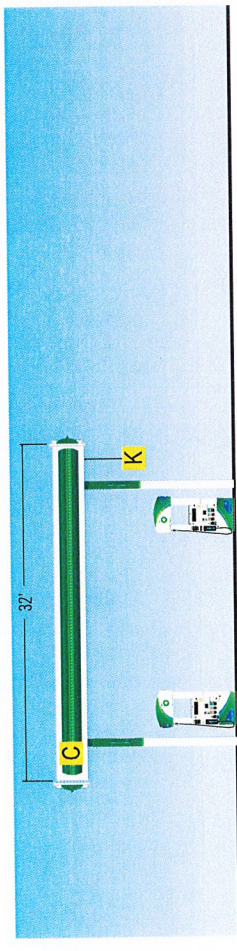
DUTCHESS TERMINALS INC. - 1910108
 67 North Plank Rd., Newburgh, NY 12550
 Site Level: B
 Date: 08.12.2019



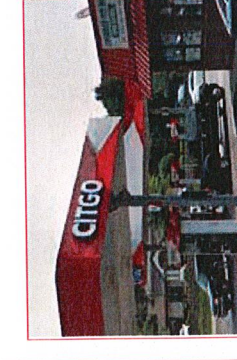
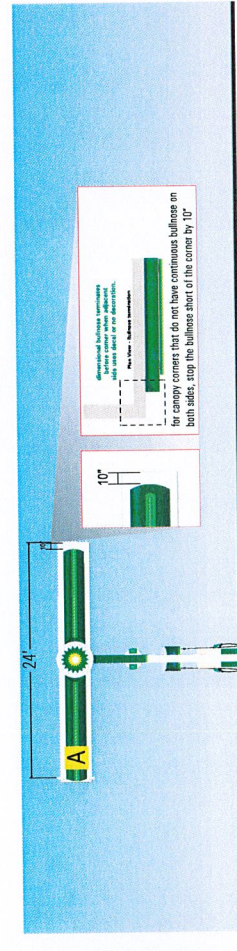
Front Elevation



Left Elevation

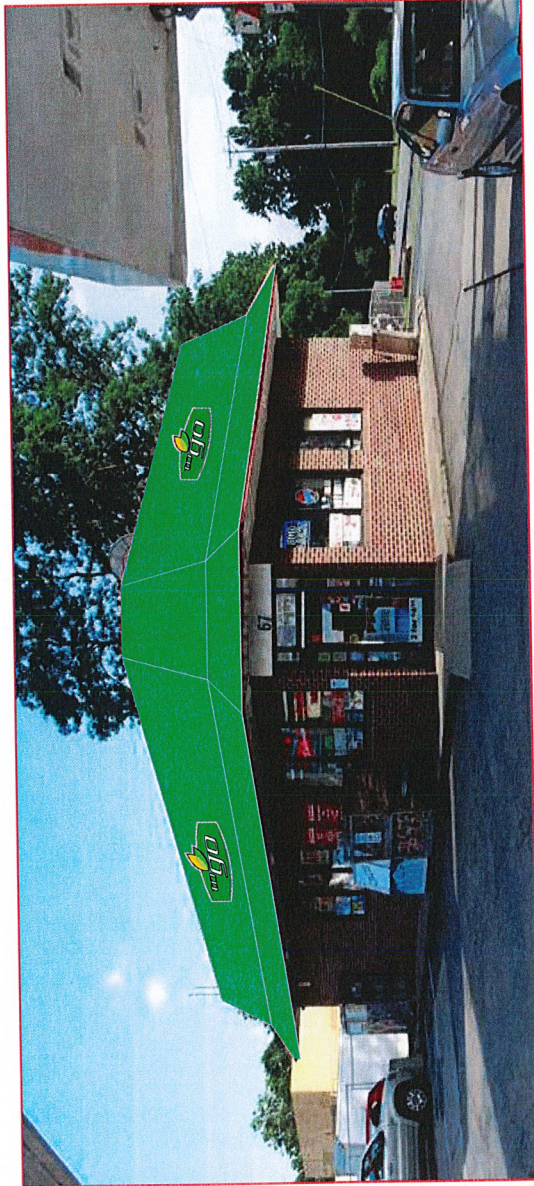


No Image Available



Right Elevation

This is an original concept drawing created by Big Red Rooster Flow, LLC. It is submitted for use in connection with the project being planned for you by BRRFlow. All or any part of this design (except registered trademarks) remains the property of BRRFlow. This drawing is not to scale. For all questions regarding the scope of the project, please contact Joene Clarke 847.549.2223 or The Brand Image Coordinator, Ronda Campbell 630.251.3520.



BUILDING

See Site Notes page for specific paint codes and contact info.
 REMOVE ALL EXISTING SIGNAGE OFF FASCIA

- aa** YES, this location is receiving a BP "Togo" image (Qty. 2). Install:
 52" Illuminated Togo Sign
 77" Illuminated Togo Sign
 112" Illuminated Togo Sign
 *Note: Togo sign to be centered over entry door and centered on the fascia above the gradient stripe.

- bb** YES, this location is receiving a BP "Service" image. (Qty. 0). Install:
 5' Illuminated Service Sign
 8' Illuminated Service Sign
 12' Illuminated Service Sign

cc Exterior Building Walls

- to be painted BP Pearl (c.09) to be kept natural

dd Building Fascia to be BP Bright Green (C.06)

- Paint Fascia Install new ACM

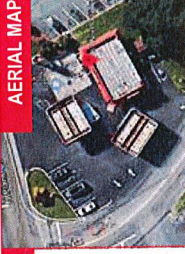
ee Is this location is receiving a Yellow Stripe?

- Yes No

FASCIA DETAIL

NOTES

AERIAL MAP



DUTCHESS TERMINALS INC. - 1910108
 67 North Plank Rd., Newburgh, NY 12550
 Site Level: B
 Date: 08.12.2019



BIG RED ROOSTER FLOW
 2 North Main St., 211 Westfield, L. 00090

This is an original concept drawing created by Big Red Rooster Flow, LLC. It is submitted for use in connection with the project being planned for you by BRRFlow. All or any part of this design (except registered trademarks) remains the property of BRRFlow.
 This drawing is not to scale. For all questions regarding the scope of the project, please contact Jacklyn Bundy 847.886.0756 or The Brand Image Coordinator, Ronda Campbell 630.251.3520.



Photograph 1. View of site from adjacent property, McDonalds (looking Northwest).



Photograph 2. View of site from corners of N. Plank Rd and Gidney Ave (looking South)



Photograph 3. View of site from Gidney Ave (looking Northeast)



Photograph 4. View of site from N. Plank Road (looking Southwest)

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

STATE OF NEW YORK: COUNTY OF ORANGE:

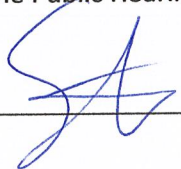
I EVAN STANKUNAS, being duly sworn, depose and say that I did on or before

September 10, 2020, post and will thereafter maintain at

67 N Plank Rd 76-1-1.2 B Zone in the Town of Newburgh, New York, at or near the front

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

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



Sworn to before me this 26

day of August, 2020.



ELIASSEN EDWARD P
Notary Public - State of New York
No. 01EL6391588
Qualified in Orange County
My Commission Expires May 13, 2023

67 North Plank Road, Newburgh, NY



Figure 1. Sign #1 posted towards Gidney Avenue.



Figure 2. Sign #2 posted towards North Plank Road.