



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: March 27, 2019

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

I (WE) GDPBJ, LLC PRESENTLY

RESIDING AT NUMBER 145 Otterkill Road, PO. Box 55, Mountainville, NY 10953

TELEPHONE NUMBER 845-534-0100

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:

97-2-44, 45, 46.2 and 27.32 (TAX MAP DESIGNATION)

(STREET ADDRESS)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185-9 Attachment 13 - Table of Use and Bulk Requirement, IB District Schedule 8

Section 185-18(c)(4)(c)



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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: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: March 25, 2019

4. DESCRIPTION OF VARIANCE SOUGHT: _____

Area Variances - See attached Narrative

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

- 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: (See Attached Narrative)

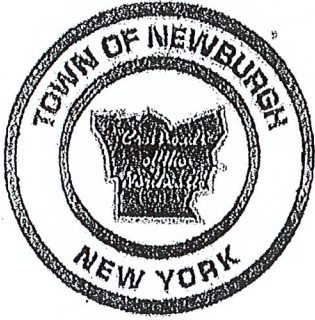
a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

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:



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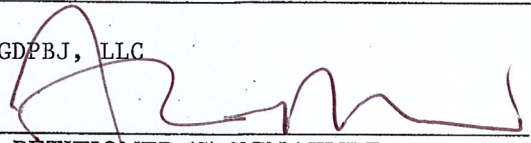
OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

(see Attached Narrative)

GDEBJ, LLC

By:

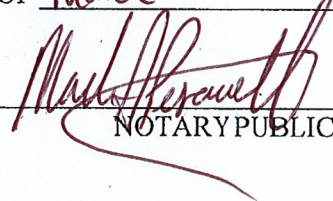


PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 28 DAY OF March 20 19

✓ MARK ANTON PISANELLI
Notary Public - State of New York
No. 01PI6327514
Qualified In Dutchess County
My Commission Expires July 6, 2019



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)

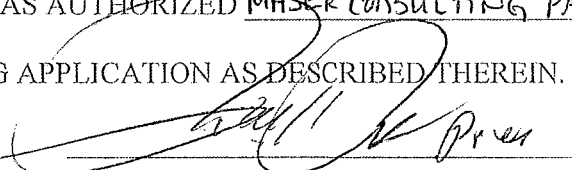


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OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

PROXY

WEBB PROPERTIES, INC., DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 800 AUTO PARK PLACE, NEWBURGH, NY 12550
IN THE COUNTY OF ORANGE AND STATE OF NEW YORK
AND THAT HE/SHE IS THE OWNER IN FEE OF TOWN OF NEWBURGH
TAX LOTS: 97-2-44, 97-2-46.2, 97-2-45, 97-2-27.32
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED MASER CONSULTING PA + GDPBJ, LLC
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.
DATED: 3/25/19 

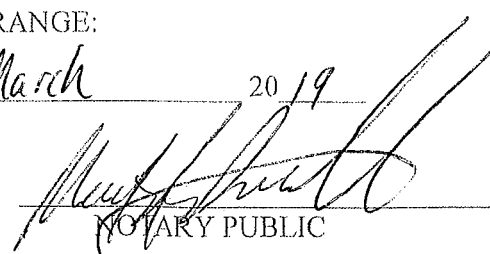
OWNER'S SIGNATURE

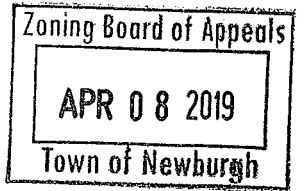

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 25 DAY OF March 2019

MARK ANTON PISANELLI
Notary Public - State of New York
No. 01P16327514
Qualified In Dutchess County
My Commission Expires July 6, 2019


NOTARY PUBLIC



Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@oddtblaw.com
Fax (845) 294-6553
(Not for Service of Process)

March 25, 2019

(Revised April 5, 2019)

Town of Newburgh
Zoning Board of Appeals
308 Gardnertown Road
Newburgh, New York 12550

RE: BJs Wholesale Club 19.07
97-2-44, 45 and 46.2

Members of the Board:

I write to you on behalf of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of March 21, 2019 requesting site plan approval to construct a BJs Wholesale Club Shopping Center. The proposed site plan will require variances¹ as follows:

- Front yard setback of 52.02 feet where 60 feet is required;
- Front yard setback of 36.5 (fuel canopy) feet where 60 feet is required;
- Landscaping relief from Section 185-14(4)(c) requiring a 45-foot landscaped area for frontage within 350 feet of an intersection, an area in which the applicant proposes parking and display of vehicles.²

The planning board has no particular matters to bring to your attention. Please not that

¹ Note that a bank canopy setback variance was granted earlier. The dealership building does not comply with side yard setback. It is unclear whether this deficiency was previously granted a variance.

² Some of the vehicles proposed to be located in the front yard are intended to be for display. Because the design guidelines also address front-yard parking, the planning board also asks that you determine whether the location of these vehicles in the front yard constitutes parking within the meaning of the zoning chapter.

the planning board has issued a notice of intent to serve as lead agency under the New York State Environmental Quality Review Act. We will notify you when SEQRA review has concluded.

Very truly yours,

A handwritten signature in black ink, appearing to read "MHD", written in a cursive style.

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Maser Consulting

SUPPORTING NARRATIVE
APPLICATION FOR AREA VARIANCES
BJ'S WHOLESALE CLUB –NEWBURGH, NY

I. Description of Action:

The applicant, GDPBJ, LLC proposes a new +/- 89,225 sq. ft. BJ's Wholesale Club building on tax lots 97-2-44 & 97-2-46.2 which are to be consolidated as part of this application. In addition to its principal building, BJ's will provide 384 parking spaces, three loading bays, a fueling facility with six pumps and kiosk. These and other appurtenances to the BJ's Wholesale Club use are all depicted on the site plan submitted with this application.

The application further proposes incorporation of the existing bank lot 97-2-45 into the development so that the bank and BJ lots function together as a shopping center. In addition, pursuant to 185-6F of the Town Code which permits multiple uses on a single lot the existing adjoining auto showroom use will also be incorporated into the development thereby creating a unified development site hereinafter referred to as the "Project".¹

The Project is located in the IB Zoning District. Its uses are all permitted in the IB District subject to receipt of approvals from the Planning Board. The Town Planning Board reviewed the Project at its March 21, 2019 meeting at which time it declared its intent to be SEQR lead agency and referred the Project to the ZBA for area variances.

II. SEQR:

As noted, the Planning Board has declared its intent to be lead agency for the proposed action. The action has been classified as Unlisted for purposes of SEQR review. A copy of the Environmental Assessment Form submitted to the Planning Board is submitted as Exhibit "B" to this application for area variances. While the entirety of the proposed action is subject to SEQR review, the grant of setback variances are Type 2 actions and exempt from SEQR review pursuant to 6 NYCRR 617.5 (c) (12).

III. Variances Requested:

This application requests the following variances:

A. §185-9 Table of Use and Bulk Requirements, IB District – Schedule 8

1. One Front Yard – Auto Park Place: Code requires a minimum front yard of 60 feet. The nearest point of the BJ's building to the front property line along Auto Park Place is 52.02 feet. Therefore a 7.98 foot variance is requested.
2. One Front Yard-Auto Park Place: Code requires a minimum of 60 feet. The nearest point of the fueling facility structure to the front property line along Auto Park Place is 36.5 feet. Therefore, a 23.5 foot variance is requested.

¹ This development structure is confirmed by the Town of Newburgh Code Compliance Department in its determination attached hereto as Exhibit "A".

- B. §185-18 C (4) (c) Additional Yard Requirements: Requires new development projects at this location along Route 17K to landscape the first 45 feet of the required front yard and prohibits the parking of vehicles and private service or marginal roads (not access drives) within that area. As depicted on the site plan, the project requires a variance to permit some parking and drive aisle within a portion of the required landscape area and the ability for the Barton auto dealership to display a maximum of 10 vehicles within that area as depicted on the site plan. A variance permitting display of autos in the required landscape area was already granted by the ZBA in July, 2014. A copy of that decision is attached hereto as Exhibit "C".

IV. Reasons Supporting Grant of Variances:

As a general matter, the proposed Project is located within the principal commercial center of the Town of Newburgh immediately proximate to State and Interstate Highways and near to other commercial uses, auto dealerships and shopping centers. (See enclosed neighborhood photos attached as Exhibit "D") Because the proposed Project is a permitted use under the Town Zoning Code and contained within this commercial corridor, it is both physically and legally consistent with the character of the neighborhood in which it is located. The variances being requested are not unusual or atypical of Projects of this nature where variances become necessary as a result of leasing and financing structures and the particular design requirements of National tenants. Also noteworthy is the fact that these variances are primarily insular to the Project itself with little to no impact to adjoining properties which are, in any event, also commercial properties. Consequently, each of these requested variances are in accord with the statutory criteria for the grant of area variances as follows:

THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE: the Project is a permitted use under the Town of Newburgh Zoning Code and is within a highly commercially developed part of the Town. The Project is set among a number of auto dealerships and is proximate to other shopping centers located proximately north, south, east and west of the project site. (See Exhibit "D") The nature of the variances requested is predominantly targeted to elements internal to the site. The display of autos is relatively common in this commercial corridor (see photos) and, in this instance; the display will be within a landscaped setting along the State highway, not immediately adjacent to any other use. As such, the variances will have little to no impact off-site and not cause any undesirable change in the character of the neighborhood or detriment to nearby properties. The property line is 34.5 feet from the edge of State Route 17K. Part of the project will be to enhance the appearance of this area and, with the State's and Central Hudson's permission, to bury the existing utility lines and landscape the project's frontage.

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 building, infrastructure and parking elements required by BJ's combined with the quantity of available land and configuration of the BJ's lot do not allow for a redesign that would eliminate the yard variances. Similarly, location of the auto dealership at the rear of the site engenders the need for a visible location for its auto display.

The front yard variance along Auto Park Place is driven by the need for the BJ's building to have its receiving area and compactor at the rear of its building. However, this front yard variance is small as it only relates to a 40 foot wide portion of the building which alone juts out from the main building. The remainder of the building is setback within the front yard requirement. There is no other way to

reconfigure this part of the building without creating a greater variance issue elsewhere on the site or disrupting the parking and circulation for that building.

The front yard variance for a corner lot along Unity Place is driven by the fueling facility that is part of BJ's. While the facility is technically not a building, it is canopied and therefore a structure that must meet the Town's yard requirements. The facility is located in the furthest location from the principal building that is available on the lot. The only other location distant enough from the building and parking is encumbered by an existing storm water management area. Moving the fueling facility within the site to avoid this variance would interfere with parking and circulation and create a potentially greater safety issue by moving pumps and underground storage tanks closer to the building.

Variance from the requirement that there be a 45 foot landscaped area from 17K into the 60 foot front yard of the site for new development is driven by the need for auto display at the site and the need for adequate circulation and parking around the building. Pushing the building back to avoid or further minimize this variance would exacerbate and enlarge the rear yard variance and adversely impact parking and auto circulation at the rear of the building. The current layout balances the respective needs of site visibility, building size, location, parking and circulation in order to have the best functioning site. The 45 foot area will be landscaped between auto display locations and elsewhere and only approximately three feet at the rear of the 45 foot area is impacted by parking. In addition, overhead lines that already exist in this area will be removed and buried thereby allowing for greater ability to landscape and create a more attractive street appearance. Finally, as noted above, this variance was already granted in conjunction with a previous approval for the site and request for auto display in this area. The ZBA's decision then recognized the neighborhoods commercial character including a number of other car dealerships in the area, the need to provide sufficient display area for auto sales inventory and no adverse environmental impacts as a result of grant of the variance. (See Exhibit "C")

THE REQUESTED VARIANCE IS NOT SUBSTANTIAL BECAUSE: while multiple variances are being requested, they are collectively, individually and substantively relatively minor in nature. The yard variances do not impact on any adjoining uses and there remains adequate separation and distance among uses within the development and those adjacent to it. The effect of placing display vehicles as well as the encroachment of a small piece of parking and aisle within the 45 foot required landscaped area is insubstantial because the area will still be significantly landscaped in a manner that will mitigate any unsightly appearance along the 17-K frontage and there is already 34.5 feet of area between the edge of 17-K pavement and the property line which constitutes 86.5% of the 45 foot requirement even before reaching the property line.

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

The project is not located in an environmentally sensitive area. The two principal potential environmental impacts associated with the Project are storm water quantity and quality from the addition of impervious surfaces and, additional traffic generation. Both potential impacts are from the newly proposed BJ's use. As demonstrated by the site plan, EAF and other materials submitted to the Planning Board, on-site storm water facilities can be modified to accommodate and treat additional storm water runoff from the site. The adjoining State Highway has adequate capacity to accommodate the additional traffic generation from BJ's and the principal site entrance will be subject to approval by NYS DOT. The Planning Board, as SEQR Lead Agency, has required preparation of a traffic study which will be reviewed by the Town's own traffic consultant to ensure that the plan addresses traffic impacts.

The fueling facility is required to meet and operate under all NYSDEC regulations for fuel service facilities with bulk petroleum storage.

There will be no significant adverse visual impact to the 17-K streetscape due to the removal and burying of existing overhead utilities and adequately landscaping in and around the auto display locations.

These environmental conclusions are subject to the Planning Board's conclusion of the SEQR process in its role as lead Agency for that process.

THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE: it is has been created by the applicability of the specific zoning regulations to the site and the site's development for the permitted use. However, even assuming the hardship is self-created, it is well established that a self-created hardship is not a bar to the issuance of area variances.

V. CONCLUSION:

The standard for the grant of an area variance is whether the benefit to the applicant is outweighed by detriment to the health safety and welfare of the community or neighborhood by the grant of the variance. (Town Law Sec. 267 (b) (3)) The substantial evidence presented here establishes that grant of the requested variances will have very little if any detriment to the health safety and welfare of the community or neighborhood and is far outweighed by the benefit to the community which will receive new jobs, substantial new real estate and sales tax revenue and a new retail shopping opportunity in a location zoned and deemed appropriate for it.

EXHIBIT A
Determination

Larry Wolinsky

From: Patrick Hines <PHines@mhepc.com>
Sent: Wednesday, March 20, 2019 12:37 PM
To: Larry Wolinsky
Cc: Jerry Canfield; planningboard@townofnewburgh.org
Subject: FW: BJ's Wholesale Club Newburgh P.B. # 19-07

Larry

As discussed on the phone today attached is the Code Compliance response to my comment letter dated item # 1 . We wanted to provide this to you prior to the Planning Board meeting .



McGoey, Hauser & Edsall
Consulting Engineers, D.P.C.
33 Airport Center Drive, Suite 202
New Windsor, NY 12553

Patrick J. Hines
Principal

Office: (845) 567-3100
Fax: (845) 567-3232
phines@mhepc.com | www.mhepc.com

From: Gerald Canfield <codecompliance@townofnewburgh.org>
Sent: Monday, March 18, 2019 3:20 PM
To: John Ewasutyn <planningboard@townofnewburgh.org>
Cc: Patrick Hines <PHines@mhepc.com>
Subject: BJ's Wholesale Club Newburgh P.B. # 19-07

The Code Compliance Department determines that the above project is a Site Plan with two separate uses which are permitted within the IB Zone. A Shopping Center and a Automobile Dealership. We do not believe that the Dealership portion of the site is part of the Shopping Center use.

Gerald Canfield
Code Compliance Supervisor

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

EXHIBIT B

EAF

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: BJ's Wholesale Club - Newburgh			
Project Location (describe, and attach a location map): Town of Newburgh, NY 12550 - Tax Lots 97-2-27.32, 44, 46.2, & 45 - southeast of the intersection of NYS Route 17K and Auto Park Place			
Brief Description of Proposed Action: See attached project narrative.			
Name of Applicant or Sponsor: GPDBJ, LLC		Telephone: 845-534-0100	
Address: 145 Otterkill Road		E-Mail: adriang@GDpartners.com	
City/PO: Mountainville (PO Box 55)		State: NY	Zip Code: 10953
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"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: See attached list of anticipated approvals.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ ±15.09 acres			
b. Total acreage to be physically disturbed? _____ ±8.69 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ ±24.1 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 checked="" 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			

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
Indiana Bat However, the site has limited tree cover.	<input type="checkbox"/>	<input checked="" 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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Stormwater discharges will be directed to the existing drainage system within Auto Park Place & Unity Place which connects to an 8.5' x 12.5' box culvert and ultimately discharges to Brookside Pond/Quassaic Creek approx. 1/2 mile northeast of the project site.		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project will include the expansion of the existing stormwater pond in the southeast corner of the site and we also anticipate subsurface stormwater detention. The size of these facilities is to be determined.		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Engineer Applicant/sponsor name: Andrew B. Fetherston, P.E. Date: 3/15/19</p> <p>Signature:  Title: Project Engineer</p>		



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
T: 845.564.4495
F: 845.567.1025
www.maserconsulting.com

**BJ's WHOLESALE CLUB – NEWBURGH
PB# 2019-07
NARRATIVE SUMMARY
REVISED MARCH 14, 2019**

**GDPBJ, LLC
TAX LOTS 97-2-27.32, 44, 45 & 46.2
TOWN OF NEWBURGH, ORANGE COUNTY
MC PROJECT NO. 18000471A**

The existing tax lots 97-2-27.32, 97-2-44, 97-2-45 & 97-2-46.2 in the Town of Newburgh are ± 3.80 , ± 5.12 , ± 1.34 & ± 4.83 acres in size, respectively and totaling ± 15.09 acres. These parcels are located on the southern side of NYS Route 17K east of the intersection with Auto Park Place and southeast of the exit ramp for I-87 northbound. The project site has frontage on NYS Route 17K to the north and is bordered by Unity Place on the western side and Auto Park Place extends through the center of the project site. A 50' wide right-of-way for Auto Park Place exists between the proposed BJ's site and the existing the Barton Cadillac/Chevrolet Dealership. The existing tax lot 97-2-44 contains Auto Park Place within its southern property line, while the southern property line for existing tax lot 97-2-46.2 extends to the midpoint of this right-of-way. The site is located in the Town's IB (Interchange Business) district, in which a shopping center is a permitted use subject to site plan approval. Other than the existing bank and dealership improvements, the existing site is maintained lawn and mostly undeveloped. Other existing project site improvements include a stormwater management pond located in the southeast corner of the site. There are also some visible rock outcroppings on site, possibly buried boulders.

The site is not located within a 100-year floodplain, and an NWI wetland riverline has been identified to the west of the site and is not proposed to be disturbed. The riverline identified refers to an 8.5' x 12.5' box culvert that conveys a stream from the west side of Unity Place/Auto Park Place, across NYS Route 17K and through the bus terminal property on the north side of 17K. This stream is a Class 'C' stream that begins in a wetland just north of Walmart on NYS Route 300 and ultimately discharges into the Brookside Pond & Quassaic Creek approximately $\frac{1}{2}$ mile northeast of the project site. The stream is not tributary to Lake Washington.

The applicant, GDPBJ, LLC, proposes a $\pm 89,225$ sq. ft. BJ's wholesale building on tax lots 97-2-44 & 97-2-46.2. The proposed shopping center development includes consolidation of these two tax lots and incorporation of the adjoining bank lot (97-2-45) and the Barton Cadillac/Chevrolet Dealership lot (97-2-27.32) via reciprocal easements into the project to create a single shopping center development site.

The project includes the BJ's Wholesale Club, with an integral tire shop on the south side of the building and three (3) associated bays, a fueling facility with six (6) pumps and a kiosk, three (3) underground gas storage tanks, a propane storage area, 384 additional parking spaces, three (3) loading bays, a trash compactor, a transformer and two (2) generators for the proposed structure, and ten (10)



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
T: 845.564.4495
F: 845.567.1025
www.maserconsulting.com

ANTICIPATED APPROVALS MEMO

To: Town of Newburgh Planning Board

From: Andrew B. Fetherston, P.E.

Date: March 25, 2019

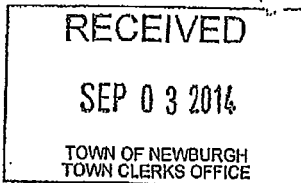
Re: BJ's Wholesale Club - Newburgh
RE: Anticipated Approvals Memo
MC Project No. 18000471A

Below is a list of approvals/permits that we anticipate will be required for this project. This memo refers to a sketch site plan prepared by Maser Consulting, P.A. entitled "BJ's Wholesale Club for GDPBJ, LLC" revised 03/25/2019.

REQUIRED APPROVALS/PERMITS ANTICIPATED:

1. NYS Highway Access and utility permits – We need to issue a conceptual approval for the design during the Planning Board review process. A permit will be issued to a contractor for construction.
2. Town Planning Board – Site Plan Approval & Lot Consolidation
3. Town Zoning Board –front yard & rear yard area variances (proposed gas pump canopy, BJ's building receiving area), landscape buffer relief along 17K.
4. NYSDEC Stormwater SPDES Permit and 5 Acre Disturbance Waiver (to be approved by the MS4 the Town of Newburgh)
5. NYSGML 239 Referral – County Planning review
6. Orange County Health Dept. – Public Water Supply
7. City of Newburgh sewer flow acceptance
8. NYSDEC Gasoline and propane storage
9. Newburgh DPW approval for driveway onto Unity Place
10. Working permits for utility companies to relocate utilities from overhead to subsurface along 17k frontage (communication lines, cable TV lines, and Central Hudson power lines)

EXHIBIT C
PRIOR ZBA DECISION



Section 97, Block 2, Lot 35 & 43

TOWN OF NEWBURGH: COUNTY OF ORANGE
ZONING BOARD OF APPEALS

-----X
In the Matter of the Application¹ of

WEBB PROPERTIES, INC.

For an area variance as follows:

DECISION

- *Grant of a variance from the requirements of Town Code section 185-18(C)(4)(c) allowing the parking of vehicles within 45 feet of NYS Route 17K.*

-----X
Introduction

Webb Properties, Inc. is the owner of certain improved real property on the corner of NYS Route 17K and Auto Park Place. A portion (tax lot 97-2-35) of the property is improved by an existing car dealership. The applicant now proposes to construct a new dealership on that property that will have parking/vehicle sales display within 45 feet of NYS Route 17K. This proposal does not comply with the requirements of Town Code section 185-18(C)(4)(c) as this section of the Code requires the first 45 feet from NYS Route 17K to be landscaped.

¹ This application comes before the ZBA on a referral from the Planning Board. The referral indicated the need for an additional variance that related to some other unspecified front yard setback requirement. The application submitted by Webb Properties seeks only the variance identified in the caption. It does not appear, based upon the plans submitted, that any additional variances are required.

The property is located at 801 Auto Park Place in the IB Zoning District and is identified on the Town of Newburgh tax maps as Section 97, Block 2, Lots 35 & 43.²

A public hearing was held on July 24, 2014, notice of which was published in *The Mid-Hudson Times* and *The Sentinel* and mailed to adjoining property owners as required by Code.

Law

Section 185-18(C)(4)(c) of the Code of Ordinances of the Town of Newburgh [Zoning], entitled "Exceptions to district regulations," requires, under the circumstances presented here, the first 45 feet of the front yard located on NYS Route 17K to be landscaped.

Background

After receiving all the materials presented by the applicant and hearing the testimony of Robert James of Diachisin & Associates and Ronald Barton at the public hearing held before the Zoning Board of Appeals on July 24, 2014, the Board makes the following findings of fact:

1. The applicant is the owner of tax parcel 97-2-35 & 43 located at 801 Auto Park Place. The property is approximately 4.66+/- +/- acres in bulk area.
2. The applicant proposes to construct an automobile dealership on the lot.

² The variance request relates only to tax lot 35.

3. The plans submitted call for a parking/vehicle display area at the very front of the property.
4. The parking/vehicle display area is located within the front yard that is within 45 feet of NYS Route 17K and thus violates Code section 185-18(C)(4)(c).
5. The applicant's proposal is set forth on a series of photographs and plans prepared by A. Diachishin and Associates, P.C. dated May 9, 2014. Those photographs and plans are hereby incorporated into this decision and a set shall remain in the zoning board's file in this matter.
6. The applicant was referred to the Zoning Board of Appeals by the Planning Board pursuant to correspondence from their counsel dated June 13, 2014.

After hearing the testimony at the public hearing and considering the materials received by the Board and after viewing the subject site, the Board decides as follows:

SEORA

This matter constitutes an unlisted action under the State Environmental Quality Review. A negative declaration was issued by the Zoning Board of Appeals on July 24, 2014

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one for local determination, there being no significant inter-municipal or

countywide considerations found to exist.

In reviewing the facts presented for the requested area variance, the Board considered the five standards for determining whether the applicant has sustained its burden of proof as required by Town Law Section 267-b (3). Each factor has been considered relevant to the decision of the board of appeals, but no single one is viewed as precluding the granting of the variances.

(1) Undesirable Change—Detriment to Nearby Properties

The applicant testified at the hearing that the proposed vehicle display/parking area would be in harmony with the character of the neighborhood, which neighborhood has a number of other car dealerships, and would not in any way result in any undesirable changes to the neighborhood nor cause any detriment to any nearby properties.

Accordingly, based upon the evidence and testimony submitted to the Board, the Board finds that granting of the request of the area variances will not result in any serious, undesirable, detriment to surrounding property owners.

(2) Need for Variances

The applicant's property is constrained by the need to provide sufficient display area for his sales inventory.

On balance, and based upon the particular facts of this application, and further based upon the testimony and evidence submitted at the Hearing, the Board finds that it is not feasible for the applicant to construct a car dealership

that would have any meaningful use and benefit to the applicants without the requested area variance.

Accordingly, the Board finds that the benefit sought to be achieved by the applicant cannot be achieved by any other method other than the issuance of the requested variances.

(3) Substantial Nature of Variances Requested

The variances requested are moderately substantial from a purely mathematical percentage basis. However, the Board finds that the *overall effect* of the variance – when viewed in the context of the totality of the circumstances, and specifically taking into account the fact that there is 35 feet between the applicants property line and the edge of pavement of NYS Route 17K – is minimal. Moreover, because the focus of the inquiry by the Zoning Board of Appeals is upon the character of the neighborhood in question, we believe, under the circumstances presented here, that the moderately substantial nature of the variances requested does not prohibit us from granting the application.

(4) Adverse Physical & Environmental Effects

No testimony was given, nor was any evidence provided, that would indicate that issuance of the requested variances would result in any adverse physical and/or environmental effects. The applicant testified that no such effect would occur.

Based upon the evidence and testimony submitted, the Board finds that issuance of the requested variance will not adversely impact the physical and environmental conditions in this neighborhood.

(5) Self-Created Difficulty

The need for this variance is clearly self-created in the sense that the applicant purchased this property charged with the knowledge of the need to obtain a variances in order to construct an automobile dealership of this size and location.

However, under the circumstances presented, the Board finds that the self-created nature of the need for the variances requested does not preclude granting the application.

Decision

In employing the balancing tests set forth in Town Law Section 267-b (3), the Board hereby determines that the applicant has satisfied the requisites of Section 267-b and grants the area variances as requested conditioned specifically upon the following :

1. This approval is not issued in a vacuum but is rather one of two independent yet interconnected discretionary approvals (the other being within the jurisdiction of the Town of Newburgh Planning Board). As such, this grant of variance is conditioned upon approval of the application now pending before the planning board. This approval of the ZBA is intended to do no more than vary the specified strict limitation provisions of the Code identified; it is not intended to authorize construction of a particular building nor approve the footprint, size, volume or style thereof. The planning board remains possessed of all of its power and authority to review, limit, request modifications to, and to ultimately approve (absolutely or conditionally) any application in reference to this project as may come before it. Should the planning board require changes in the size, location or configuration from

Member John McKelvey
Member James Manley

NAYS: None

ABSENT: Member Michael Maher

EXHIBIT D

PHOTOS

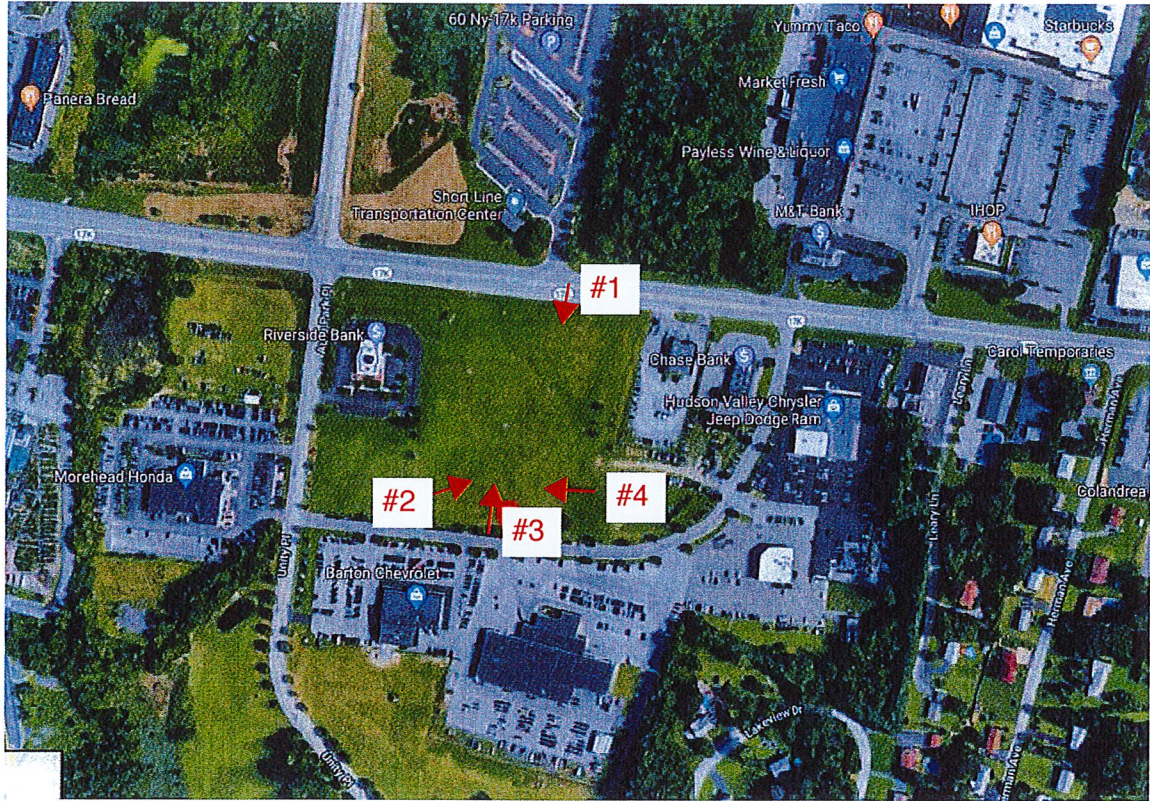
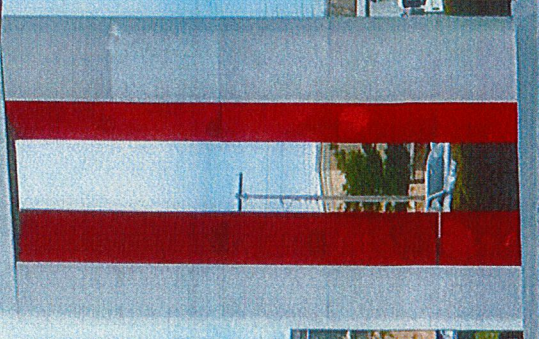


PHOTO KEY MAP







NISSAN

Thruway Nissan
645-592-1000







BUICK
GMC
CERTIFIED
PRE-OWNED
COLANDREA

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COLANDREA
BUICK

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GMC



Ford

LINCOLN

Standard N.Y.B.T.U. Form 8001A • 7-73-10M - Executor's Deed - Individual or Corporation (Single Sheet)

33-12870

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

THIS INDENTURE, made the 24th day of FEBRUARY, nineteen hundred and eighty-six BETWEEN SARA K. ABRAMS, residing at 2 Fifth Avenue, New York, New York

052813

97-2-13

97-2-19

97-2-27

as executrix of RALPH ABRAMS the last will and testament of , late of

who died on the 13th day of August , nineteen hundred and seventy-one party of the first part, and Webb Properties, Inc., a domestic corporation with an address at 61 Route 17K, Town of Newburgh, Orange County, N.Y.

party of the second part,

WITNESSETH, that the party of the first part, to whom letters testamentary were issued by the Surrogate's Court, New York County, New York on August 25, 1971 and by virtue of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates, Powers and Trusts Law, and in consideration of

Nine Hundred Twenty-Five Thousand (\$925,000.00) -----dollars, paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees 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, State of New York being described more fully in Schedule A annexed hereto and made a part hereof.

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 also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the distributees 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 incumbered in any way whatever, except as aforesaid. Subject to the trust fund provisions of section thirteen of the Lien Law.

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:

John neckson

SARA K. ABRAMS, as Executrix

SCHEDULE "A"

Parcel A

ALL THAT PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being more particularly bounded and described as follows:-

BEGINNING at a set 1/2" iron rod on the southerly taking line of N.Y.S. Route 17K, said iron rod being the northwesterly corner of lands now or formerly of Michael Bigg, Jr., Liber 2175 of Deeds, Page 834;

THENCE from said point of beginning and along the westerly bounds of lands now or formerly of Michael Bigg, Jr., and along a chain link fence, South Eleven Degrees, Thirty-Two Minutes, Fifty-Five Seconds West, Three Hundred Feet (S 11°-32'-55" W 300.00') to a found 3/4" iron rod at the southwesterly corner of lands now or formerly of Michael Bigg, Jr., said 3/4" iron rod being distant One Hundred Fifty and Two Hundredths Feet (150.02') along a chain link fence, on a course of North Eighty-Seven Degrees, Twenty-One Minutes, Fifty-Three Seconds West (N 87°-21'-53" W) from a found 3/4" iron rod at the southeasterly corner of lands now or formerly of Michael Bigg, Jr.;

THENCE along the bounds of lands now or formerly of Webb Properties, Inc., Liber 2281 of Deeds, Page 836, and generally along a stone wall, South Eleven Degrees, Thirty-Two Minutes, Fifty-Five Seconds West One Thousand Fifty and Forty Hundredths Feet (S 11°-32'-55" W 1,050.40') to a point in a stone wall;

THENCE along said stone wall, and along the bounds of lands now or formerly of the Estate of Ralph Abrams, Deceased, Liber 1802 of Deeds, Page 33, Parcels I and II, the following two courses and distances:- North Eighty-Seven Degrees, Twenty-One Minutes, Fifty-Three Seconds West, Two Hundred Fifty-Five Feet (N 87°-21'-53" W 255.00') to a point near the intersection of stone walls;

THENCE along a stone wall, North Eleven Degrees, Thirty-Two Minutes, Fifty-Five Seconds East (N 11°-32'-55" E) and passing near a found concrete highway monument at a distance of Nine Hundred Twenty One Feet More or Less (921'+) along the way for a total distance of One Thousand Three Hundred Fifty and Forty Hundredths Feet (1,350.40') to a point on the southerly taking line of N.Y.S. Route 17K;

THENCE along the southerly taking line of N.Y.S. Route 17K, South Eighty-Seven Degrees, Twenty-One Minutes, Fifty-Three Seconds East, Two Hundred Fifty-Five Feet (S 87°-21'-53" E 255.00') to the point and place of beginning.

SCHEDULE "A"

Parcel B

ALL THAT PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being more particularly bounded and described as follows:-

BEGINNING at a set 1/2" iron rod on the southerly taking line of N.Y.S. Route 17K, said point being the northwesterly corner of Parcel A as previously described herein, said 1/2" iron rod also being distant Four Hundred Twenty-Nine and Seventy-One Hundredths Feet (429.71') on a course of South Twelve Degrees, No Minutes, Forty-Six Seconds West (S 12°-00'-46" W) to a found concrete highway monument in a stone wall;

THENCE from said point of beginning and along the westerly bounds of Parcel A as previously described and along a stone wall, South Eleven Degrees, Thirty-Two Minutes, Fifty-Five Seconds West, One Thousand Three Hundred Fifty and Forty Hundredths Feet (S 11°-32'-55" W 1,350.40') to a point near a stone wall intersection;

THENCE along the southerly bounds of Parcel A as previously described and along a stone wall, South Eighty-Seven Degrees, Twenty-One Minutes, Fifty-Three Seconds East, Two Hundred Fifty-Five Feet (S 87°-21'-53" E 255.00') to a point marking the southwesterly corner of lands now or formerly of Webb Properties, Inc., Liber 2281 of Deeds, Page 836;

THENCE along the southerly bounds of lands now or formerly of Webb Properties, Inc. and along a stone wall, the following five courses and distances:- South Eighty-Eight Degrees, Thirty-Seven Minutes, Forty-Two Seconds East, Forty and Eighty Hundredths Feet (S 88°-37'-42" E 40.80') to an angle point in said stone wall; South Seventy-Three Degrees, Two Minutes, Fifty-Five Seconds East, One Hundred Four and Sixty-Two Hundredths Feet (S 73°-02'-55" E 104.62') to an angle point in said stone wall; South Fifty Degrees, Fifty-Four Minutes, No Seconds East, Thirty-Eight and Fifty-

LIB: 2484 PG 115

Seven Hundredths Feet (S 50°-54'-00" E 38.57') to an angle point in said stone wall; South Forty-Seven Degrees, Fifty-Eight Minutes, Forty Seconds East, Sixty-One and Eighty Hundredths Feet (S 47°-58'-40" E 61.80') to an angle point in said stone wall; South Sixty-Seven Degrees, Forty-One Minutes, Twenty-Six Seconds East, Twenty-One and Sixty-One Hundredths Feet (S 67°-41'-26" E 21.61') to a found 3/4" iron rod at the intersection of stone walls, said 3/4" iron rod being distant 30.81' along a stone wall, on a course of South Eighteen Degrees, Forty-Nine Minutes, Thirty-Four Seconds West (S 18°-49'-34" W) from a found 3/4" iron rod;

THENCE leaving the bounds of lands now or formerly of Webb Properties, Inc. and along the bounds of lands now or formerly of Mark S. and Ruth N. Tighe, Liber 2095 of Deeds, Page 526, and along a stone wall, South Twelve Degrees, Fifty-Nine Minutes, Thirty-Five Seconds West, One Hundred Forty-Three and Sixty-Nine Hundredths Feet (S 12°-59'-35" W 143.69') to a set 1/2" iron rod in a stone wall, said 1/2" iron rod being the northeasterly corner of a parcel of land, 6.88 acres in area conveyed to WGNV Radio (exception to Liber 1792 of Deeds, Page 917);

THENCE along the northerly bounds of the WGNV Radio parcel the following two courses and distances:- North Fifty-Three Degrees, Forty-Nine Minutes, Thirty-Four Seconds West, One Hundred Seventy-Four and Seventy-Nine Hundredths Feet (N 53°-49'-34" W 174.79') to a set 1/2" iron rod; South Eighty-Five Degrees, Thirty-Two Minutes, Ten Seconds West, Six Hundred Three and Eighty-Six Hundredths Feet (S 85°-32'-10" W 603.86') to a set 1/2" iron rod in a stone wall, said iron rod being on the easterly bounds of lands now or formerly of Lloyd's Newburgh Realty, Inc., Liber 1525 of Deeds, Page 205;

THENCE along the easterly bounds of lands now or formerly of Lloyd's Newburgh Realty, Inc. and along said stone wall, North Thirteen Degrees, Five Minutes, Twenty-One Seconds East, Forty-Three and Ninety-Nine Hundredths Feet (N 13°-05'-21" E 43.99') to a set 1/2" iron rod at the intersection of stone walls;

THENCE along the northerly bounds of lands now or formerly of Lloyd's Newburgh Realty, Inc. and along a stone wall, North Seventy-Two Degrees, One Minute, Thirty-Nine Seconds West, Three Hundred Twenty and Seventy-Six Hundredths Feet (N 72°-01'-39" W 320.76') to a set 1/2" iron rod in said stone wall;

THENCE along the bounds of lands now or formerly Mary Palmerone, Liber 2009 of Deeds, Page 1113, the following three courses and distances:- North Two Degrees, Twenty-Seven Minutes, Seven Seconds West, Four Hundred Eighty-Eight and Twenty-Seven Hundredths Feet (N 02°-27'-07" W 488.27') along a drainage swale to a set 1/2" iron rod near a stone wall;

THENCE generally along said stone wall and along the south bank of Pattons Brook, South Eighty-Nine Degrees, Nineteen Minutes, Six Seconds West, Two Hundred Thirteen and Eighty-Four Hundredths Feet (S 89°-19'-06" W 213.84') to a set 1/2" iron rod near said stone wall and said Pattons Brook;

THENCE crossing said Pattons Brook and along a line of woods, North

LIBER 2484 PG 116

One Degree, Forty-Seven Minutes, Twenty-Four Seconds West, Six Hundred Fifty-Three and Nineteen Hundredths Feet (N 01°-47'-24" W 653.19') to a set 1/2" iron rod at the southwesterly corner of lands now or formerly of Moses Kandel, Liber 1894 of Deeds, Page 180, Parcel 2);

THENCE along the southerly bounds of lands now or formerly of Moses Kandel, North Eighty-Eight Degrees, Twelve Minutes, Thirty-Six Seconds East, One Hundred Forty-Seven and Eighty-Five Hundredths Feet (N 88°-12'-36" E 147.85') to a set 1/2" iron rod;

THENCE along the easterly bounds of lands now or formerly of Moses Kandel, North One Degree, Forty-Seven Minutes, Twenty-Four Seconds West, Two Hundred Sixty-Six and Twenty-Three Hundredths Feet (N 01°-47'-24" W 266.21') to a set 1/2" iron rod on the southerly taking line of N.Y.S. Route 17K, said 1/2" iron rod being distant One Hundred Fifty and Seventy-Nine Hundredths Feet (150.79') on a course of South Eighty-Nine Degrees, Ten Minutes, Four Seconds East (S 89°-10'-04" E) from a found concrete highway monument;

THENCE along the southerly taking line of N.Y.S. Route 17K the following six courses and distances:- North Eighty-Eight Degrees, Twenty-Six Minutes, Forty Seconds East, One Hundred Thirty-Eight and Eleven Hundredths Feet (N 88°-26'-40" E 138.11') to a point; South Eighty-Four Degrees, No Minutes, Twenty Seconds East, One Hundred Ninety-One Feet (S 84°-00'-20" E 191.00') to a point; South Eighty-Three Degrees, Forty-Nine Minutes, Twenty Seconds East, One Hundred Two Feet (S 83°-49'-20" E 102.00') to a found concrete highway monument in the centerline of Pattons Brook; North Eighty-Eight Degrees, Forty-Three Minutes, Forty Seconds East, Three Hundred Sixty-Eight and Sixty Hundredths Feet (N 83°-43'-40" E 368.60') to a point; South Eighty-Seven Degrees, Twenty-One Minutes, Fifty-Three Seconds East, One Hundred Sixty-Seven and Forty Hundredths Feet (S 87°-21'-53" E 167.40') to the point and place of beginning.

LIBER 2484 PG 117

SCHEDULE "A"

Parcel C

ALL THAT PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being more particularly bounded and described as follows:-

BEGINNING at a 1/2" iron rod set in a stone wall, said iron rod being the southeasterly corner of lands now or formerly belonging to WGNV Radio, said 1/2" iron rod being on the westerly bounds of lands now or formerly of Mark S. and Ruth N. Tighe, Liber 2095 of Deeds, Page 526;

THENCE from said point of beginning and along the westerly bounds of lands now or formerly of Mark S. and Ruth N. Tighe, South Twelve Degrees, Fifty-Nine Minutes, Thirty-Five Seconds West, One Hundred Fifty Feet (S 12°-59'-35" W 150.00') to a set 1/2" iron rod at an angle point in said stone wall;

THENCE further along the bounds of lands now or formerly of Mark S. and Ruth N. Tighe, and along said stone wall, South Twelve Degrees, Ten Minutes, Forty-Five Seconds West, Three Hundred Thirty-Five and Forty Hundredths Feet (S 12°-10'-45" W 335.40') to a set 1/2" iron rod at the intersection of stone walls, said 1/2" iron rod also being on the northerly line of lands now or formerly of Michael Fayo, Jr., Liber 1367 of Deeds, Page 395, said 1/2" iron rod being distant One Hundred Six and Seventy-Nine Hundredths Feet (106.79') on a course of North Seventy-Three Degrees, Twelve Minutes, Fifteen Seconds West (N 73°-12'-15" W) from a found 1" iron rod in a stone wall;

THENCE along the northerly bounds of lands now or formerly of Michael Fayo, Jr. and along a stone wall, North Seventy-Three Degrees, Twelve Minutes, Fifteen Seconds West, One Hundred Fifty Feet (N 73°-12'-15" W 150.00') to a found 1" I.D. iron pipe in said stone wall;

THENCE along the westerly bounds of lands now or formerly of Michael Fayo, Jr., South Eleven Degrees, Six Minutes, Forty-Five Seconds West, Six Hundred Fifty and Sixty-Five Hundredths Feet (S 11°-06'-45" W 650.65') to a point in the centerline of Old Little Britain Road;

THENCE along the centerline of Old Little Britain Road the following four courses and distances:- North Sixty-Eight Degrees, Two Minutes, Fifteen Seconds West, One Hundred Ninety-Three and Seventeen Hundredths Feet (N 68°-02'-15" W 193.17') to a point; North Seventy-Two Degrees, Two Minutes, Fifteen Seconds West, One Hundred Twenty-Three Feet (N 72°-02'-15" W 123.00') to a point; North Sixty-One Degrees, Fourteen Minutes, Forty-Five Seconds West, One Hundred Seventeen Feet (N 61°-14'-45" W 117.00') to a point; North Fifty-Three Degrees, Thirty-Two Minutes, Fifteen Seconds West, Forty-Six and Fifty-Six Hundredths Feet (N 53°-32'-15" W 46.56') to a point;

THENCE leaving the centerline of Old Little Britain Road and along the easterly bounds of lands now or formerly of Stancil A. Scott, Sr., Liber 1403 of Deeds, Page 391, and Liber 2275 of Deeds, Page 428, and along a row of willow trees, North Thirteen Degrees, Twenty Minutes, Fifty-One Seconds East, Eight Hundred Two and Fifty-Three Hundredths Feet (N 13°-20'-51" E 802.53') to a found 1" iron rod in a pipe 3' above grade in a lilac hedge;

THENCE along the northerly bounds of lands now or formerly of Stancil A. Scott, Sr. and along said lilac hedge, North Seventy-Six Degrees, Fifty-Four Minutes, Thirty-Nine Seconds West, One Hundred Fifty and Nineteen Hundredths Feet (N 76°-54'-39" W 150.19') to a found 1" iron rod 1.5' above grade, said 1" iron rod also being the southwesterly corner of the 6.88 acre parcel of land now or formerly of WGNV Radio;

THENCE along the southerly bounds of a parcel of land now or formerly of WGNV Radio and along the edge of woods, North Eighty-Five Degrees, Thirty-Two Minutes, Twenty-Two Seconds East, Seven Hundred Seventy-Three and Two Hundredths Feet (N 85°-32'-22" E 773.02') to the point and place of beginning.

LIBER 2484 PG 118

STATE OF NEW YORK, COUNTY OF NEW YORK
On the 27 day of February 1986, before me personally came SARA K. ABRAMS

STATE OF NEW YORK, COUNTY OF
On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same as executrix.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

Janet Lassiter
Notary Public

JANET LASSITER
Notary Public, State of New York
No. 24-011A4664116
Qualified in Kings County
Commission Expires March 30, 1986

STATE OF NEW YORK, COUNTY OF
On the day of 19, before me personally came

STATE OF NEW YORK, COUNTY OF
On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

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 resides at No.

that he is the of

that he knows

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Executor's Deed

TITLE No. NEW-1579/RD-33-1287D

SARA K. ABRAMS, as Executrix

TO

WEBB PROPERTIES, INC.

SECTION
BLOCK
LOT
COUNTY OR TOWN Orange/Town of Newburgh
STREET ADDRESS

3700-
26-
2-
Newburgh

G-2525-E

Recorded At Request of The Title Guarante Company

RETURN BY MAIL TO:

George Stradar, Esq.
Northrop, Stradar & Glenn, P.C.
388 Broadway
P.O. Box 2395
Newburgh, New York

Zip No. 12550



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 THE COPY WHICH IS RECORDED IN MY OFFICE
ON 2/27/86 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
3/6/19
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS
ORANGE COUNTY

RECEIVED
\$3700.00
FEB 27 1986
TRANSFER TAX
ORANGE COUNTY

Orange County Clerk's Office, s.s.

assigned on the 27th day

of Feb 1986 at 2:30

P.M. in Liber 2114

and returned at page 113

Minion S. Martiny

119