

2345-13



Edward A. DiMarco
County Executive

Orange County Department of Planning Submission Form for Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l,m, & n

Referral ID#
County Use Only

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

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

Municipality:

Town of Newburgh

Local Referring Board:

Zoning Board of Appeals

Applicant:

CNL APF PARTNERS LP (Burger King)

Project Name:

Location of Project Site:

10 North PLANK ROAD, Newburgh
NYS Hwy Route 32

Tax Map #:

80-5-15.11

Tax Map #:

Tax Map #:

Local File No.:

2013-17

Size of Parcel:

160 x 159 -
25,440

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

Current Zoning District (include any overlays):

B

Reason for County Review:

W/in 500 ft Route 32

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from _____ to _____

Ordinance Modification (cite section): _____

Local Law

Site Plan

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

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Subdivision

Number of lots proposed: _____

Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)

Special Use Permit

Lot Line Change

Variance

AREA USE (circle one)

SIGNAGE-MAXIMUM ALLOWED

Other

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

Local board comments or elaboration:

Grace Cardone

4/1/13

Chairperson,
Zoning Board of Appeals

Signature of local official

Date

Title

Municipal Contact Phone Number: 845 566-4901

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

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St Goshen, NY 10924
Question or comments, call: 845-615-3840 or email: planning@orangecountygov.com

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 15, 2013

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

CNL APF CR, LLC
I (WE) ~~FIMELY STONE OF KINGSTON, INC~~ PRESENTLY
450 SOUTH ORANGE AVE ORLANDO, FL 32801
RESIDING AT NUMBER ~~154 CLINTON AVE KINGSTON, NY 12401~~
TELEPHONE NUMBER ~~845-331-8710~~ 407-540-2021

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:

80-5-15.11 (TAX MAP DESIGNATION)
10 NORTH PLANK RD (STREET ADDRESS)
COM-1 (ZONING DISTRICT)

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

185-14-B-1-C TOTAL SIGNAGE SHALL NOT EXCEED 1/4 THE TOTAL LENGTH OF ROAD FRONTAGE

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

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

4. DESCRIPTION OF VARIANCE SOUGHT: VARIANCE FOR SIGN

AREA EXCEEDING CODE 189 SQ FT PROPOSED

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

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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

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

6. IF AN AREA VARIANCE IS REQUESTED:

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

ADDING SMALL AMOUNT OF ADDITIONAL
SIGNAGE - ON THE WALLS, AREA IS
ALL COMMERCIAL IN NATURE

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:

BURGER KING REQUIRES CERTAIN SIGNAGE
TO MEET CORPORATE REQUIREMENTS

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

EXISTING SIGNAGE IS 136 SQ FT AND
PROPOSED SIGNAGE IS 189 SQ FT.

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

NEW SIGNAGE IS ON WALLS TO IDENTIFY
BLDG AS A BURGER KING RESTAURANT

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

BURGER KING REQUIRES SIGNAGE TO MEET
THEIR FRANCHISE STANDARDS

7. ADDITIONAL REASONS (IF PERTINENT):

DRAWINGS OF PROPOSED SIGNAGE A.P.D.
PHOTOS OF EXISTING SIGNAGE ATTACHED

Jennifer Beichert, PROJECT MGR
PETITIONER (S) SIGNATURE *TIMELY SIGNS*

STATE OF NEW YORK: COUNTY OR ORANGE:

SWORN TO THIS 15TH DAY OF MARCH 2013

Jennifer Beichert
NOTARY PUBLIC

JENNIFER BEICHERT
Notary Public, State of New York
No. 01BB6073563
Qualified in Dutchess County
Commission Expires April 22, 2015

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.

Appendix C

**State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only**

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Timely Signs of Kingston, Inc. <i>CNL APFRAN</i>	2. PROJECT NAME Burger King Signage
3. PROJECT LOCATION: Municipality <u>Town of Newburgh</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>10 North Plank Road</u> <u>Newburgh, NY 12550</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Replace existing signage for building remodel</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1</u> acres Ultimately <u>1</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>Need Area Variance for square footage requested</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <u>Burger King Restaurant, Diner, Gas Station</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Town of Newburgh Sign Permit</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Town of Newburgh Building permit</u>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Timely Signs of Kingston, Inc.</u> Date: <u>2/27/13</u> Signature: <u><i>Offie Beribent, Permit Manager</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
_____	2/27/13
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)

Reset



GE
Capital Solutions

450 South Orange Avenue
11th floor
Orlando, FL 32801
USA

T +1 407 540 2000

March 4, 2013

City of Newburgh, NY
Orange County, NY
Attn: Planning and Zoning

Re: Letter of Authorization; Proposed Remodel/Improvements
Property: Burger King #301 located at 10 N Plank Rd, Newburgh, NY
Landlord and Fee Simple Estate Owner : CNL APF Partners, LP
Tenant and Leasehold Estate Owner: Carrols LLC

Dear Sir/Madam:

Carrols LLC, as the Tenant and owner of the leasehold estate in the Property is in the process of completing certain improvements/upgrades to the above referenced location. To the extent that the fee simple owner's authorization is required for Carrols LLC, their contractors or authorized agents to apply for, sign for and/or obtain permit applications to complete the improvements/upgrades at the Property, CNL APF Partners, LP, hereby grants such authorization.

Should you have any questions please contact Wendy Byars at 407-540-2021 or wendy.byars@ge.com.

Very truly yours,

CNL APF PARTNERS, LP, a Delaware limited partnership

By: **CNL APF GP, LLC**, a Delaware limited liability company, its sole general partner

By:  _____

Printed Name: Dale van Gelder

Its: Authorized Signatory



VIA OVERNIGHT MAIL

March 13, 2013

Town of Newburgh
Town of Newburgh Zoning
308 Gardnertown Road
Newburgh, NY 12550

Dear Chairperson Cardone and Board Member:

Timely Signage of Kingston, NY and its representatives have the right to represent Carrols Corporation, Carrols LLC or its affiliates in the matters before the Town of Newburgh most notably its Zoning Board of Appeals for application related to 80 Route 17k and 10 N. plank Road.

If you have any questions, please do not hesitate to call me.

Respectfully,

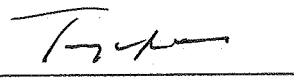
Carrols LLC

By: 

Name: Thomas W. Brogan

Its: Real Estate Director

Sworn to before me this
13th day of March, 2013.



Notary Public

TERRY L. KRAWIEC
Notary Public, State of New York
Qualified in Onondaga Co. No. 4664541
My Commission Expires Oct. 31, 2014

968 James St. • Syracuse, NY 13203 • 1-800-348-1074 • Fax: (315) 475-9616



ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

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

GE Capital Franchise Finance
Corporation

TO
CNL APF Partners, LP.

SECTION 8⁰ BLOCK 5 LOT 15.11
15.12
15.22



RECORD AND RETURN TO:
(name and address)

LAWYERS TITLE
INSURANCE CORP
140 E 45 Street
New York, NY 10017
L7503580

THIS IS PAGE ONE OF THE RECORDING

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS

9999 HOLD

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

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable
CONSIDERATION \$ 291,104.00
TAX EXEMPT

Taxable
MORTGAGE AMT. \$
DATE

MORTGAGE TAX TYPE:

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

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM:

Land America

RECORDED/FILED
11/09/2005/ 13:16:20
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20050117840
DEED C / BK 11986 PG 1812
RECORDING FEES 207.00
TTX# 003252 T TAX 0.00
Receipt#496035 pete

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
DONNA L. BENSON, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 11-9-05 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Donna L. Benson 3-22-13

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS,
ORANGE COUNTY



~~WHEN RECORDED, RETURN TO:~~

Dale A. Burket, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 N. Eola Drive
P.O. Box 2809
Orlando, FL 32801

SPECIAL WARRANTY DEED

FOR THE CONSIDERATION OF TEN DOLLARS (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, GE CAPITAL FRANCHISE FINANCE CORPORATION, a Delaware corporation ("Grantor") successor by merger with Franchise Finance Corporation of America, a Maryland corporation, sole shareholder and successor by dissolution of FFCA Acquisition Corporation, a Delaware corporation, whose address is 17207 North Perimeter Drive, Scottsdale, Arizona, 85255 does hereby grant, sell, and convey to CNL APF Partners, LP, a Delaware limited partnership ("Grantee"), whose address is CNL Center at City Commons, 450 South Orange Avenue, Orlando, Florida 32801 and Grantee's successors and assigns forever, the following described property in the City of Newburgh, Orange County, New York, (the "Property") as conveyed to Grantor by Warranty Deed dated December 22, 1997 and recorded December 31, 1997 in Orange County Clerk's Office in 4691/213, more fully described on the Exhibit A attached hereto and incorporated herein by this reference for full legal description.

The Property is granted, sold and conveyed subject to all taxes, assessments, patents, easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions of record, and all matters which an accurate inspection and/or survey of the Property would disclose.

Subject to the foregoing, Grantor hereby binds itself and its successors to warrant and defend title to the Property as against all acts of Grantor and none other, subject to the matters above set forth. This deed is subject to the trust provisions of Section 13 of the Lien Law.

Dated ~~SEP~~ OCT. 5th, 2005.

GE CAPITAL FRANCHISE FINANCE CORPORATION, a Delaware corporation

By: [Signature]
Printed Name: _____

Title: DAVID STANSBERY
VICE PRESIDENT

STATE OF ARIZONA]
] SS.
COUNTY OF MARICOPA]

On this 20th day of September in the year 2005, before me, the undersigned, a Notary Public in and for said state, personally appeared David Stansbery 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.

WITNESS my hand and official seal hereto affixed the day and year first above written.

[Signature]
Printed Name: Joelle L. Palmer
Notary Public, Maricopa County, Arizona

My Commission Expires:
July 30, 2009



When recorded mail to:
LandAmerica Financial Group, Inc.
Attn: Kristin Brown
1850 N. Central Avenue, Suite 300
Phoenix, AZ 85004 06-46440
Escrow No. _____

EXHIBIT A

LEGAL DESCRIPTION

ALL that certain lot, piece or parcel of land, situate in the Town of Newburgh, County of Orange and State of New York, lying on the northeasterly side of New York State Route No. 32 and being more accurately bounded and described as follows:

BEGINNING in the northeasterly line of New York State Route No. 32 at the westerly corner of lands conveyed to Mid-Valley Oil Company by deed dated June 3, 1997 and recorded in the Orange County Clerk's Office in Book of Deeds 4601 at Page 153;

THENCE along the northeasterly line of New York Route No. 32 the following three (3) courses and distances:

1. North 58 degrees 04 minutes 40 seconds West 145.22 feet to an iron pipe found;
2. North 52 degrees 07 minutes 30 seconds West 12.65 feet to an iron pipe founds; and
3. North 50 degrees 46 minutes 45 seconds West 160.13 feet to the southeast corner of the lands conveyed to FFCA Acquisition Corp. by deed recorded in the Orange County Clerk's Office in Book of Deeds 4242 at Page 131;

THENCE along FFCA Acquisition Corp., North 32 degrees 24 minutes 30 seconds East 278.85 feet to the lands conveyed to Ralph and Cira Yozzo;

THENCE along Yozzo, South 45 degrees 40 minutes 55 seconds East 129.10 feet to the southwest corner of lands of Jean A. Sylcox;

THENCE the following two (2) courses and distances:

1. North 44 degrees 19 minutes 05 seconds East 210.00 feet to a point; and
2. South 76 degrees 16 minutes 10 seconds East 65.70 feet to an iron pipe found;

THENCE along the lands of Werner and Saffioti the following two (2) courses and distances:

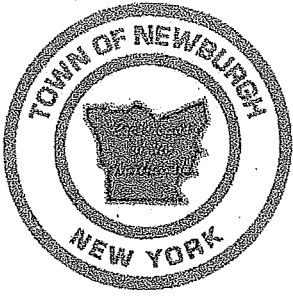
1. South 33 degrees 58 minutes 05 seconds West 192.20 feet to a point; and
2. South 67 degrees 56 minutes 25 seconds East 55.20 feet to the lands of Pavilion Holdings, LLC.

THENCE along Pavilion Holdings, LLC, South 00 degrees 17 minutes 45 second West 195.01 feet to an iron pipe found;

THENCE the following three (3) courses and distances along the lands of Mid-Valley Oil Company, Inc:

1. North 84 degrees 35 minutes 00 seconds West 84.79 feet;
2. South 14 degrees 38 minutes 00 seconds West 90.16 feet; and
3. South 68 degrees 20 minutes 35 seconds West 31.95 feet to the point or place of BEGINNING.

8000-6024



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

2345-13

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 03/06/2013

Application No. 13-0046


**To: CNL APF Partners LP
PO BOX 961026
Fort Worth, TX 76161**

**SBL: 80-5-15.11
ADDRESS: 10 N Plank Rd**

ZONE: B

PLEASE TAKE NOTICE that your application dated 01/28/2013 for permit to New exterior signage on the premises located at 10 N Plank Rd is returned herewith and disapproved on the following grounds:

185-14-B-1-c Total area of signage shall not exceed 1/2 the total length of road frontage.


Joseph Mattina

Cc: Town Clerk & Assessor (300')
File

2345-13

Town of Newburgh Code Compliance

OWNER INFORMATION *BUILT WITH OUT A PERMIT* NO

NAME: CNL APF PARTNERS LP

ADDRESS: PO BOX 961026 FORT WORTH TX 76161

PROJECT INFORMATION:

TYPE OF STRUCTURE: BURGER KING 10 NORTH PLANK RD

SBL: 80-5-15.11 ZONE: B

TOWN WATER: TOWN SEWER:

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
SIGNAGE	80 SF	232 SF	285 SF	53 S,F,	
LOT WIDTH					
LOT DEPTH					
FRONT YARD					
REAR YARD					
SIDE YARD					
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 YES / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: **ALLOWED 80 SF, VARIANCE GRANTED 7-27-1996 FOR A TOTAL OF 232 SF.
 REQUESTING A TOTAL OF 285 S.F.**

VARIANCE(S) REQUIRED:

- 1 185-14-B-1-C SHALL NOT EXCEED 1/2 OF THE TOTAL STREET FRONTAGE.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 7-Mar-13



Property Description Report For: 10 Plank Rd N, Municipality of Newburgh

No Photo Available

Status: Active
Roll Section: Taxable
Swis: 334600
Tax Map ID #: 80-5-15.11
Property Class: 423 - Snack bar
Site: COM 1
In Ag. District: No
Site Property Class: 423 - Snack bar
Zoning Code: -
Neighborhood Code: 40116
School District: Newburg
Total Assessment: 2012 - \$487,000
Legal Property Desc:
Deed Page: 1812
Grid North: 979280

Total Acreage/Size: 160 x 159
Land Assessment: 2012 - \$84,000
Full Market Value: 2012 - \$1,248,100
Equalization Rate: ----
Deed Book: 11986
Grid East: 622768

25,440

Owners

CNL APF Partners LP
 P.O. Box 961026
 Fort Worth TX 76161

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Addl. Parcels	Deed Book and Page
10/5/2005	\$1,291,104	423 - Snack bar	Land & Building	Ffca Acquisition Corp	Yes	Yes	Yes	11986/1812
12/31/1997	\$1,090,000	423 - Snack bar	Land & Building	Carrols Realty Holdings	Yes	Yes	Yes	4691/213

Utilities

Sewer Type: Private
Utilities: 0
Water Supply: Private

Inventory

Overall Eff Year Built:
Overall Condition: Normal

Overall Grade: Average **Overall Desirability:** 0

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
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Site Uses

Use	Rentable Area (sqft)	Total Units
Fast food	2,720	0

Improvements

Structure	Size	Grade	Condition	Year
Pavng-asphlt	18475 x 4	Average	Good	1969
Walks-concr	770 x 4	Average	Good	1978
Sign-dbl pls	48 sq ft	Excellent	Good	1978
Patio-concr	252 x 4	Average	Normal	1969
Porch-enclsd	0 x 0	Good	Good	1978

Land Types

Type	Size
Primary	33,600 sq ft

Special Districts for 2012

Description	Units	Percent	Type	Value
Cronmer vly fire	0	0%		0
Consol lt	0	0%		0
Consol wtr 1	0	0%		0
Consol wtr 2	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
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Property Description Report For: Plank Rd N, Municipality of Newburgh

No Photo
Available

Status: Active
Roll Section: Taxable
Swis: 334600
Tax Map ID #: 80-5-15.22
Property Class: 438 - Parking lot
Site: RES 1
In Ag. District: No
Site Property Class: 330 - Vacant comm
Zoning Code: -
Neighborhood Code: 40116
School District: Newburg
Total Assessment: 2012 - \$275,000

Legal Property Desc:
Deed Page: 1812
Grid North: 979377

Total Acreage/Size: 1.60
Land Assessment: 2012 - \$175,000
Full Market Value: 2012 - \$704,800
Equalization Rate: ----
Deed Book: 11986
Grid East: 622627

Area

Living Area:	0 sq. ft.	First Story Area:	0 sq. ft.
Second Story Area:	0 sq. ft.	Half Story Area:	0 sq. ft.
Additional Story Area:	0 sq. ft.	3/4 Story Area:	0 sq. ft.
Finished Basement:	0 sq. ft.	Number of Stories:	0

Structure

Building Style:	0	Bathrooms (Full - Half):	0 - 0
Bedrooms:	0	Kitchens:	0
Fireplaces:	0	Basement Type:	0
Porch Type:	0	Porch Area:	0.00
Basement Garage Cap:	0	Attached Garage Cap:	0.00 sq. ft.
Overall Condition:	0	Overall Grade:	
Year Built:			

Owners

CNL APF Partners LP
 P.O. Box 961026
 Fort Worth TX 76161

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Add. Parcels	Deed Book and Page
10/5/2005	\$1,291,104	438 - Parking lot	Land & Building	Ffca Acquisition Corp	Yes	Yes	Yes	11986/1812
12/31/1997	\$1,090,000	438 - Parking lot	Land & Building	Carrols Realty Holdings	Yes	Yes	Yes	4691/213

Utilities

Sewer Type:	None	Water Supply:	Comm/public
Utilities:	Electric	Heat Type:	0
Fuel Type:	0	Central Air:	No

Improvements

Structure	Size	Grade	Condition	Year
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Land Types

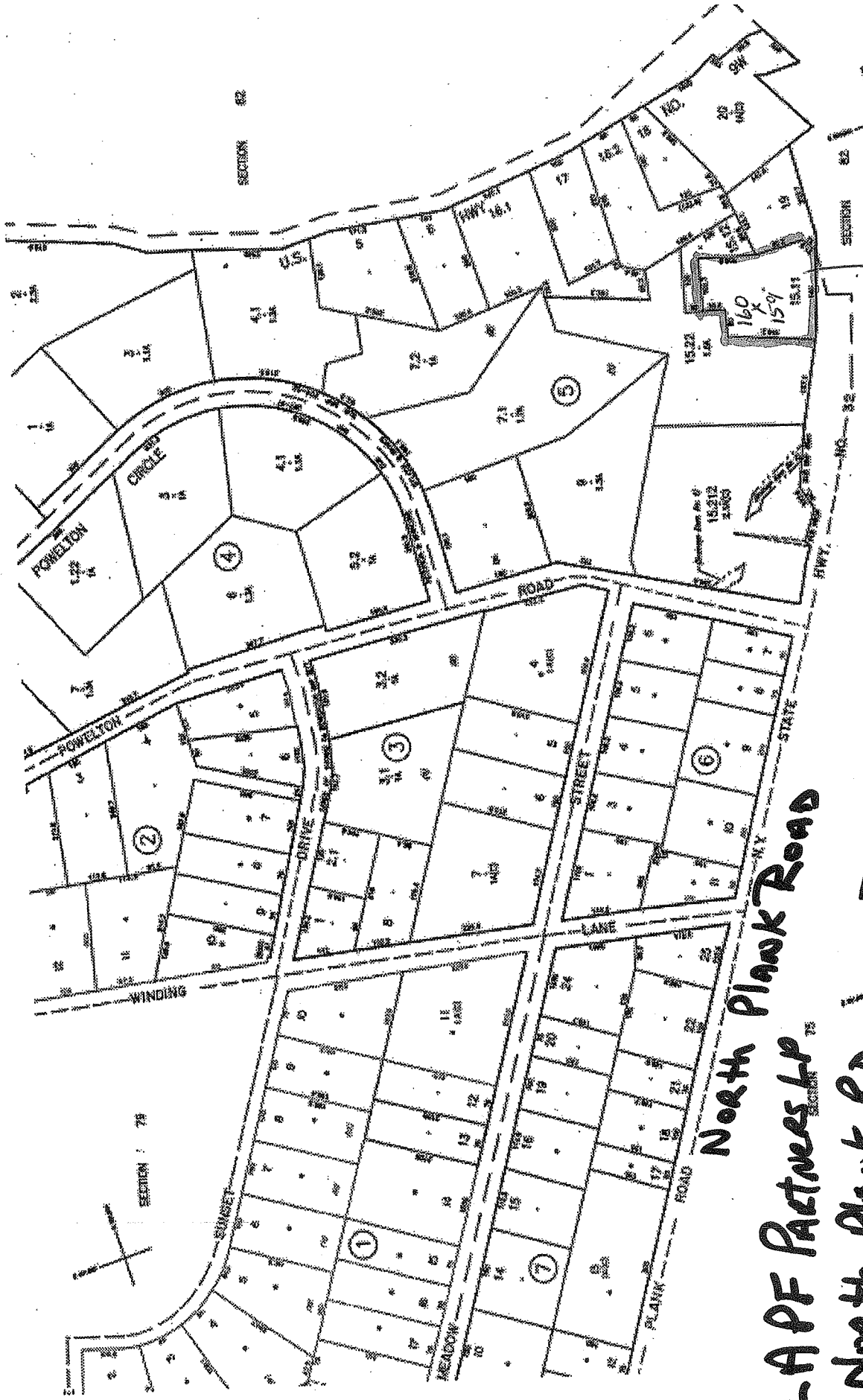
Type	Size
Primary	43,752 sq ft
Secondary	25,944 sq ft

Special Districts for 2012

Description	Units	Percent	Type	Value
Cronmer vly fire	0	0%		0
Consol It	0	0%		0
Consol wtr 1	0	0%		0
Consol wtr 2	0	0%		0

Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
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25440

North Plank Road

CNLAPE Partners LP

10 North Plank Rd

(80-S-15.11)

Burger King