

Edward A. Minore  
County Executive

# Orange County Department of Planning

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

Referral ID#  
(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:	CPK Union LLC - Vitamin Shoppe
Project Name:	Shoppes at Union
Location of Project Site:	1217 Route 300

Tax Map #:	96-1-11.1
Tax Map #:	
Tax Map #:	
Local File No.:	2359-60-13
Size of Parcel:	1 acre
If more than one parcel, please include sum of all parcels.	
Current Zoning District (include any overlays):	IB

Reason for County Review: ON State Route 300

Type of Review:

Comprehensive Plan Update/Adoption

Zoning Amendment

Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_

Ordinance Modification (cite section): \_\_\_\_\_

Local Law

Site Plan

Sq. feet proposed (non-residential only): \_\_\_\_\_

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

Subdivision

Number of lots proposed: \_\_\_\_\_

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

Special Use Permit

Lot Line Change

Variance

AREA USE (circle one) MAXIMUM AMOUNT ALLOWED SIGNAGE

to erect 2 Logo signs on Building

Is this an update to a previously submitted referral? (YES) NO (circle one) 11/24/09 & 2/23/12 Signs

Local board comments or elaboration: SEVERAL ID#s / GDP AMODEO PARTNERS LLC (2008 setback)

*Grace Cardone* 9/25/13

Chairperson,  
Zoning Board of Appeals

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:

# 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: 9/18/13

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

I (WE) CPK union LLC / The Vitamin Shoppe PRESENTLY  
RESIDING AT NUMBER 1089 Little Britain Rd. New Windsor, NY 12553  
TELEPHONE NUMBER (845) 564-5571

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

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

1. LOCATION OF THE PROPERTY:

96-1-11.1 (TAX MAP DESIGNATION)  
1217 Rt. 300 (STREET ADDRESS)  
I-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).

Code 185-14-b-1-c

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 5/22/13
- 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: 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:

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

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

EXISTING SIGNAGE IS VERY LOW ON WALL  
IN ORDER TO GET MORE VISIBILITY  
AND BUSINESS THE TOWER ROBOT WOULD ACHIEVE THIS

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:

DONE IN TASTE  
AND IS AESTHETICALLY APPEALING

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:

THIS IS THE BYLAW FOR  
ADDITIONAL SIGNAGE

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

POOR VISIBILITY OF EXISTING  
SIGN

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

SIMPLY ADDING VISIBILITY TO  
THE BUSINESS

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

SAME AS D) ABOVE

7. ADDITIONAL REASONS (IF PERTINENT):

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

*Caleb Mestrom*  
PETITIONER (S) SIGNATURE

~~STATE OF NEW YORK~~ <sup>New Jersey</sup> COUNTY OR ~~ORANGE~~ <sup>Hudson</sup>

SWORN TO THIS 5<sup>th</sup> DAY OF August 2013

*Yovana S. Marin*  
NOTARY PUBLIC

YOVANA S. MARIN  
ID # 2411344  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 8/11/2016

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.

617.20  
**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 <b>CAD SIGNS FOR ACCESS</b>	2. PROJECT NAME <b>VITAMIN SHOPPE</b>
3. PROJECT LOCATION: Municipality <b>NEWBURGH</b> County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>1217 RTE 300</b>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>INSTALL 2 LOGOS ON TOWER OF BUILDING</b>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
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: _____	
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/approval: <b>ADDITIONAL SIGN PERMIT</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <b>JICAD SIGNS - Gisela Medina</b> Date: <b>JULY 10-13</b> Signature: <i>Gisela Medina</i>	

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?**  Yes  No If yes, coordinate the review process and use the FULL EAF.

**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?**  Yes  No If No, a negative declaration may be superseded by another involved agency.

**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)?**  Yes  No If Yes, explain briefly:

**E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**  Yes  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.

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.

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.

\_\_\_\_\_  
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)



TOWN OF NEWBURGH  
ZONING BOARD OF APPEALS

PROXY

Nicola Citera, DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 19 Kingwood Lane, Poughkeepsie  
IN THE COUNTY OF ULSTER AND STATE OF NEW YORK  
AND THAT HE/SHE IS THE OWNER IN FEE OF \_\_\_\_\_

CPK UNION LLC

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-  
TION AND THAT HE/SHE HAS AUTHORIZED AD STAMS Gisela Medina  
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 7/19/13

[Signature]

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 19 DAY OF July 2013

[Signature]

NOTARY PUBLIC

CORINNE LEISSLER  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01LE6285625  
Qualified in ORANGE COUNTY  
Commission Expires: July 8, 2017



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

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



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

COSIMO DIBRIZZI AND  
NICOLA CITERA  
  
TO  
  
CPK UNION LLC

SECTION 96 BLOCK 1 LOT 10411

RECORD AND RETURN TO:  
(Name and Address)

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

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

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE \_\_\_ SATISFACTION \_\_\_ ASSIGNMENT \_\_\_ OTHER \_\_\_

- PROPERTY LOCATION**
- |                                |                                                        |
|--------------------------------|--------------------------------------------------------|
| ___ 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)                               |
| ___ 2600 CRAWFORD (TN)         | <input checked="" type="checkbox"/> 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)        | ___ 5600 WAWAYANDA (TN)                                |
| ___ 3601 HIGHLAND FALLS (VLG)  | ___ 5889 WOODBURY (TN)                                 |
| ___ 3889 MINISINK (TN)         | ___ 5801 HARRIMAN (VLG)                                |
| ___ 3801 UNIONVILLE (VLG)      |                                                        |
| ___ 4089 MONROE (TN)           |                                                        |
| ___ 4001 MONROE (VLG)          |                                                        |
| ___ 4003 HARRIMAN (VLG)        |                                                        |
| ___ 4005 KIRYAS JOEL (VLG)     |                                                        |

NO. PAGES 5 CROSS REF 1  
CERT. COPY \_\_\_ ADD'L X-REF \_\_\_  
MAP # \_\_\_ PGS. \_\_\_  
PAYMENT TYPE: CHECK   
CASH \_\_\_  
CHARGE \_\_\_  
NO FEE \_\_\_  
CONSIDERATION \$ 0  
TAX EXEMPT \_\_\_  
MORTGAGE AMT \$ \_\_\_  
DATE \_\_\_

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

- CITIES**
- \_\_\_ 0900 MIDDLETOWN
  - \_\_\_ 1100 NEWBURGH
  - \_\_\_ 1300 PORT JERVIS
  - \_\_\_ 9999 HOLD

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

RECEIVED FROM: Horizon

LIBER 5213 PAGE 220

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

*Donna L. Benson*  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS.  
ORANGE COUNTY  
2 AUGUST 26 2013

LIBER 5213 PAGE 220  
ORANGE COUNTY CLERKS OFFICE 71825 LAL  
RECORDED/FILED 12/29/1999 12:20:53 PM  
FEES 50.50 EDUCATION FUND 5.00  
SERIAL NUMBER: 005076  
DEED CNTL NO 68036 RE TAX .00

4/23/1-272  
422-0969  
626-1287

#6157

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

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

**BETWEEN**

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

CPK Union LLC, a New York limited liability company with offices for the transaction of business at 1089 Little Britain Road, New Windsor, New York 12553, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) dollars, lawful money of the United States and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Newburgh, County of Orange, and State of New York, being further bounded and described in Schedule A attached hereto.

Being and intended to be the same premises conveyed in a certain deed dated December 28, 1998 by Cosimo DiBrizzi and Nicola Citera to Cosimo DiBrizzi and Nicola Citera and recorded in the office of the Orange County Clerk in Liber 4961 of deeds at page 64 on January 14, 1999.

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

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

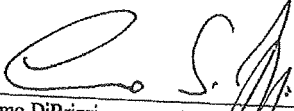
**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants

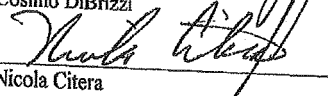
that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

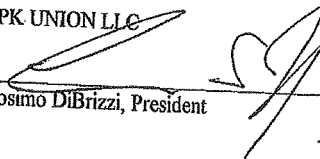
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

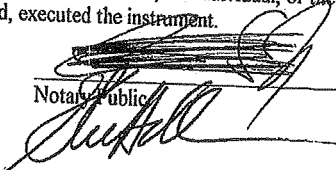
  
\_\_\_\_\_  
Cosimo DiBrizzi

  
\_\_\_\_\_  
Nicola Citera

CPK UNION LLC  
By:   
\_\_\_\_\_  
Cosimo DiBrizzi, President

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

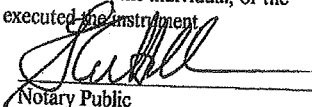
On the 30<sup>th</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Cosimo DiBrizzi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

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

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

On the 30<sup>th</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicola Citera, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individuals acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

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

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

On the 30th day of September, in the year 1999, before me,  
the undersigned, a Notary Public in and for said State,  
personally appeared Cosimo DiBrizzi, personally known to me or  
proved to me on the basis of satisfactory evidence to be the  
individual whose name is subscribed to the within instrument and  
acknowledged to me that he executed the same in his capacity, and  
that by his signature on the instrument, the individual, or the  
person upon behalf of which the individual acted, executed the  
instrument.



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Notary Public

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

## DESCRIPTION

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

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

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

91-1310/RE200SF

Bargain and Sale Deed with Covenant against Grantor's Act  
Consult Your Lawyer Before Signing This Instrument  
This instrument should be used by lawyers only.

THIS INDENTURE, made the 12<sup>th</sup> day of June, nineteen hundred and ninety-two,

BETWEEN MARGUERITE E. BRECKENRIDGE, residing at 2 Orr Avenue, Newburgh, New York 12550,

party of the first part, and

NICOLA CITERA, residing at 3 Old Farms Road, Poughkeepsie, New York 12603, and Cosimo D. BRIZZI, residing at 647 Little Britain Road, New Windsor, NY, Tenants in Common.  
party of the second part,

WITNESSETH, that the party of the first part, in consideration of ..... TEN ..... dollars, lawful money of the United States, and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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

BEGINNING at a point marked by a concrete monument on the westerly line of Union Avenue, also known as New York State Highway #300, said point being the southeasterly corner of lands conveyed to Hein by a deed found in the Orange County Clerk's Office, Liber 1052, page 517, and the northeasterly corner of the parcel hereafter described, thence from said point of beginning and along the line of Union Avenue, South 28 degrees 20 minutes West 156.15 feet to a point, thence the following four (4) courses along Orr Avenue and a line of taking as shown on a map filed in the Orange County Clerk's Office made by the New York State Department of Transportation for improvements on S. H. No. 9456, Specifically Parcel No. 10, (1) South 87 degrees 00 minutes 57 seconds West, 23.00 feet (2) North 44 degrees 55 minutes 04 seconds West 27.20 feet (3) North 28 degrees 04 minutes 21 seconds West 73.04 feet and (4) North 19 degrees 21 minutes 59 seconds West 129.13 feet, thence along lands now or formerly DiStefano, North 27 degrees 20 minutes East 32.82 feet to a point marked by a found iron rod, thence along the southerly line of the aforementioned Hein, South 61 degrees 42 minutes East 202.63 feet to a point on the westerly line of Union Avenue marked by a concrete monument and the point of beginning.

The foregoing description was prepared by Francis E. Whitaker, LS, Newburgh, New York, in conjunction with a survey of the premises dated May 6, 1992.

BEING THE SAME premises described in deed from Henry Breitenbach to James F. Breckenridge, Jr. and Marguerite E. Breckenridge, husband and wife, dated September 3, 1947 and recorded in the Orange County Clerk's Office on September 4, 1947, Liber 1057, page 495. The said James F. Breckenridge, Jr., died March 14, 1988, a resident of Orange County, New York.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Marguerite E. Breckenridge*  
MARGUERITE E. BRECKENRIDGE

STATE OF NEW YORK, COUNTY OF ORANGE SS:

On the 12<sup>th</sup> day of June, 1992, before me personally came MARGUERITE E. BRECKENRIDGE, to me known to be the individual described in and who executed the foregoing instrument and acknowledged she executed the same.

*J.S.H.*  
Notary Public

JOHN S. HICKS  
Notary Public - New York State  
Residing in Orange County  
Commission expires May 31, 1993  
Registration #: 1789735

Town of Newburgh: 96-1-11

LIBER 3622 PAGE 58



**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

**2359-13**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 05/22/2013**

**Application No. 13-0424**

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

**SBL: 96-1-11.1  
ADDRESS: 1217 Route 300**

**ZONE: I-B**

PLEASE TAKE NOTICE that your application dated 05/20/2013 for permit to INSTALL SIGN ON BLDG FOR THE VITAMIN SHOPPE on the premises located at 1217 Route 300 is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code 185-14-b-1-c allows signage to equal 1/2 the street frontage.

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

(FRONT A+1)



# Town of Newburgh Code Compliance

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

NAME: CPK UNION LLC.

2359-13

ADDRESS: 1089 LITTLE BRITAIN RD NEW WINDSOR NY 12553

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 27 SF SIGN VITAMIN : SHOR @ 1217 RTE 300 (FRONT A-1)

SBL: 96-1-11.1 ZONE: I-B

TOWN WATER:  YES

TOWN SEWER:  YES

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	TOTAL
TOTAL SIGNAGE	904 SF	1333.5 PRE APPROVED	54 ADDITIONAL		1387.5
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: **VARIANCE WAS GRANTED 11-24-2009 FOR A SITE PLAN TOTAL OF 1333.5 S.F. SEE ATTACHED COPIES FROM THE APPROVED SITE PLAN**

**VARIANCE(S) REQUIRED:**

- 1 185-14-B-1-C TOTAL SIGNAGE SHALL NOT EXCEED 1/2 OF TOTAL STREET FRONTAGE
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA

DATE: 22-May-13

- (4) The total area of all such signs on a lot shall not exceed 1/2 of the total length of street frontage of the lot in linear feet. See chart below for calculations.
- (5) A permit from the Town of Newburgh Code Compliance Office is required for removal of any existing structures.

## Signage Schedule

### Existing:

Location	Total S.F.
Cosimo's Building Signage	28 S.F.
Cosimo's Pylon Sign	86 S.F.
Sprint Building Signage	24 S.F.
Sprint Pylon	30 S.F.

### Proposed:

Location	Total S.F.
Vitamin Shoppe East Elevation	81 S.F.
Vitamin Shoppe North Elevation	26 S.F.
Staples East Elevation	240.1 S.F.
Staples North Elevation	240.1 S.F.
Staples South Elevation	129 S.F.
Staples West Elevation	31.5 S.F.
Supermarket East Elevation	159.3 S.F.
Supermarket North Elevation	50.25 S.F.
Supermarket South Elevation	50.25 S.F.
Tenant Signage (location on Proposed Retail C Building)	14 S.F.
Main Pylon Sign (53 square feet per side)	106 S.F.
Directional Signage (located near Supermarket entrance from Lowes's)	35 S.F.
Identification Signage (located at Orr Avenue Entrance to Cosimo's)	3 S.F.

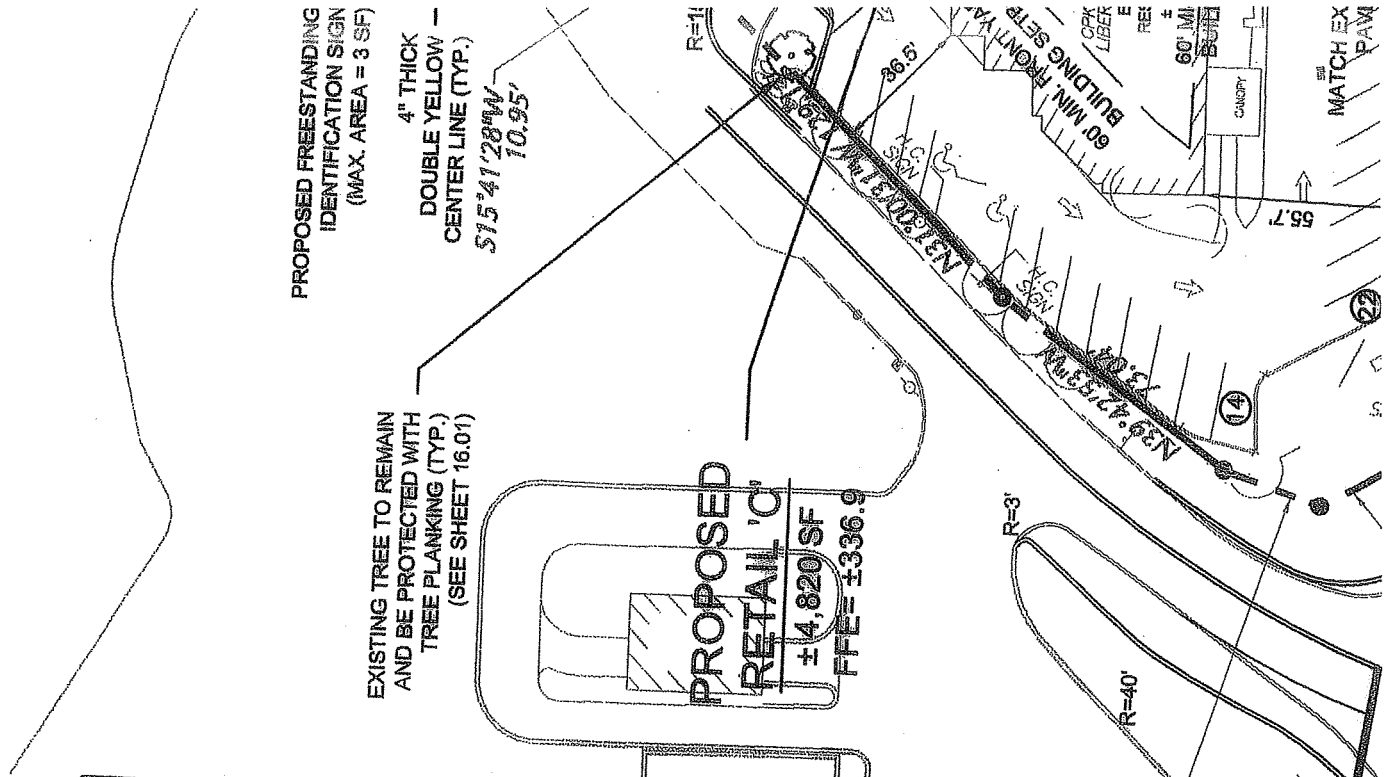
Square Footage Allowed:

Total Square Footage:

1808 S.F.

904 S.F.

1333.5 S.F.



PROPOSED FREESTANDING IDENTIFICATION SIGN (MAX. AREA = 3 SF)

4" THICK DOUBLE YELLOW - CENTER LINE (TYP.) 57.5' 41' 28" W 10.95'

EXISTING TREE TO REMAIN AND BE PROTECTED WITH TREE PLANKING (TYP.) (SEE SHEET 16.01)

PROPOSED RETAIL 'C' ±4,820 SF FFE= 1336.9

EXISTING SIGNALIZED INTERSECTION

TOTALS	1	5	10
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**Notes:**

- (1) Shopping Center (> 25,000 square feet): 1 space per 225 square feet of gross leasable floor area.
- (2) Loading space requirement based on floor area:  
 Under 25,000 square feet = 1 space  
 25,000 to 39,999 square feet = 2 spaces  
 >40,000 square feet = 1 additional space for each 40,000 square feet in addition to first 40,000 square feet
- (3) Project site encompasses ±11.39 acres including the following parcels:  
 Section 95, Block 1, Lots 36 and 37.2 (1.00 acres)  
 Section 96, Block 1, Lots 6, 7, 8, 9 & 11.1 (10.39 acres)
- (4) The total area of all such signs on a lot shall not exceed 1/2 of the total length of street frontage of the lot in linear feet. See chart below for calculations.
- (5) A permit from the Town of Newburgh Code Compliance Office is required for removal of any existing structures.

## Signage Schedule

**Existing:**

Location	Total S.F.
Cosimo's Building Signage	28 S.F.
Cosimo's Pylon Sign	86 S.F.
Sprint Building Signage	24 S.F.
Sprint Pylon	30 S.F.
<b>Total S.F.</b>	<b>168 S.F.</b>

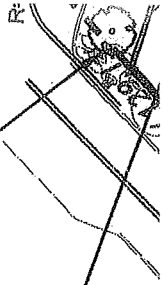
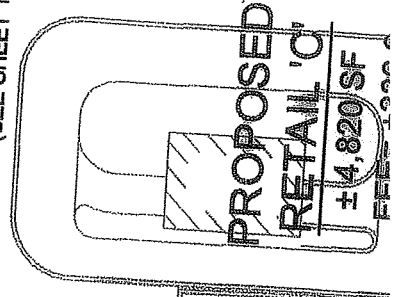
**Proposed:**

Location	Total S.F.
Vitamin Shoppe East Elevation	81 S.F.
Vitamin Shoppe North Elevation	26 S.F.
Staples East Elevation	240.1 S.F.
Staples North Elevation	240.1 S.F.
Staples South Elevation	129 S.F.
Supermarket East Elevation	31.5 S.F.
Supermarket North Elevation	159.3 S.F.
Supermarket South Elevation	50.25 S.F.
Tenant Signage (location on Proposed Retail C Building)	50.25 S.F.
Main Pylon Sign (53 square feet per side)	14 S.F.
Directional Signage (location on Proposed Retail C Building)	14 S.F.
<b>Total S.F.</b>	<b>1,482.0 S.F.</b>

PROPOSED FREESTANDING IDENTIFICATION SIGN (MAX. AREA = 3.1)

4" THICK DOUBLE YELLOW CENTER LINE (TYP.) 515'41'28"W 10.95'

EXISTING TREE TO REMAIN AND BE PROTECTED WITH TREE PLANKING (TYP.) (SEE SHEET 16.01)





**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

**2360-13**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**Date: 05/22/2013**

**Application No. 13-0426**

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

**SBL: 96-1-11.1  
ADDRESS: 1217 Route 300**

**ZONE: I-B**

**PLEASE TAKE NOTICE that your application dated 05/20/2013 for permit to  
INSTALL SIGN ON BLDG FOR THE VITAMIN SHOPPE on the premises located at 1217 Route 300  
is returned herewith and disapproved on the following grounds:**

**Town of Newburgh Municipal Code 185-14-b-1-c allows signage to equal 1/2 the street frontage.**

  
**Joseph Mattina**

**Cc: Town Clerk & Assessor (500')  
File**

*(Side-A-2)*

# Town of Newburgh Code Compliance

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

NAME: CPK UNION LLC.

ADDRESS: 1089 LITTLE BRITAIN RD NEW WINDSOR NY 12553

2360-13

**PROJECT INFORMATION:**

TYPE OF STRUCTURE: 27 SF SIGN VITAMIN SHOP @ 1217 RTE 300 (SIDE A-2)

SBL: 96-1-11.1      ZONE: I-B

TOWN WATER:  YES      TOWN SEWER:  YES

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	TOTAL
TOTAL SIGNAGE	904 SF	1333.5 PRE APPROVED	54 ADDITIONAL		1387.5
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: **VARIANCE WAS GRANTED 11-24-2009 FOR A SITE PLAN TOTAL OF 1333.5 S.F. SEE ATTACHED COPIES FROM THE APPROVED SITE PLAN**

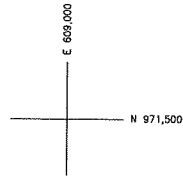
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  - 3 \_\_\_\_\_
  - 4 \_\_\_\_\_

REVIEWED BY: JOSEPH MATTINA      DATE: 22-May-13

SECTION 95

SECTION 95

CPK Union LLC  
1217 Route 300  
(96-1-11.1)



SECTION 95

