

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: _____

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

I (WE) GNS Group, Ltd PRESENTLY

RESIDING AT NUMBER 97 N Clinton St, Poughkeepsie, NY 12601

TELEPHONE NUMBER 845-891-0826 845-471-4366

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:

95-1-74 (TAX MAP DESIGNATION)

14 Crossroads Court (STREET ADDRESS)

1B (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

1) 185-14-N-1(a)

2) 185-J-6-(a)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

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

n/a

✓

6. IF AN AREA VARIANCE IS REQUESTED: *See attached sheet*

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:

6A THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE THE VINYL IS NOT A SIGN WITH LETTERING, IT IS NOT LIT ,AND THE BUILDING ITSELF IS A LONG DISTANCE FROM 17K ON THE ONE WINDOW. THE FRONT WINDOW ON THE BUILDING ONLY FACES THE DRIVEWAY AND THERE IS ONLY ONE OTHER BUILDING IT CAN BE SEEN FROM THAT IS ALSO A LONG DISTANCE FROM THE BUILDING. IT IS NOT MEANT TO BE AN ADVERTISING SIGN FOR THE BUSINESS BUT AN ART PIECE TO ENHANCE THE UNIQUE ARCHITECTURE OF THE BUILDING AND LARGE GLASS AREA.

6B THE VINYL ALREADY EXISTS AND WHEN ORIGINALLY INSTALLED THE CALCULATION FOR ALLOWABLE SQ. FT. WAS DETERMINED BY A PERCENTAGE OF ALL WINDOW AREA (BOTH FRONT AND SIDE WINDOWS) THE TOTAL SQ. FT. OF GLASS FOR BOTH WINDOWS IS 5,123 SQ FT AND THE TOTAL WINDOW VINYL IS 785.7 SQ FT. WHICH IS LESS THAN 25% OF THE GLASS AREA. ACCORDING TO THE BUILDING DEPT. ONLY THE GLASS AREA FROM THE FRONT OF THE BUILDING AND LINEAR FOOTAGE IS USED TO DETERMINE THE ALLOWABLE WINDOW SIGNAGE.

6C THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL IF IT IS LOOKED AT AS TWO SEPARATE FRONTAGES OF WINDOW(TWO SIDES)EACH BEING LESS THAN 25% OF THE TOTAL WINDOW AREA.

6D THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE IMPACT OR EFFECT ON THE PYSICAL OR ENVIRONMENTAL CCONDITIONS AS IT IS IN THE WINDOW OF A BUILDING AND DOES NOT EXTEND TO THE EXTERIOR PROPERTY.

6E THE HARDSHIP CAN BE DETERMINED TO BE SELF CREATED BASED ON THE RESPONSE TO 6B ABOVE. THE VINYL WAS INSTALLED WITH THE INTENT OF THE ORDINANCE IN MIND AND ITS SPECIFICATIONS .



TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

7. ADDITIONAL REASONS (IF PERTINENT):

PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

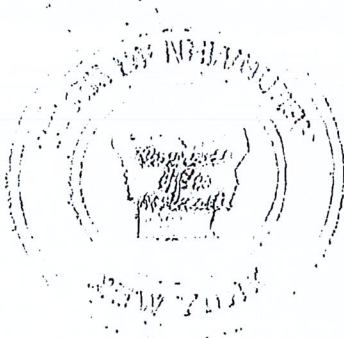
SWORN TO THIS 13th DAY OF March 20 19

NOTARY PUBLIC

BARBARA E. JOSCELYN
Notary Public, State of New York
No. 01JO6142830
Qualified in Ulster County
Commission Expires 03/20/ 22

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)



TOWN OF NEWBURGH

Crossroads of the Northeast

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

PROXY

William Diamond, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 63 High Ridge Rd Newburgh
IN THE COUNTY OF Fairfield AND STATE OF CT
AND THAT HE/SHE IS THE OWNER IN FEE OF DP66LLC

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

DATED: 3/11/19 William Diamond

OWNER'S SIGNATURE

F. Salubus

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 11th DAY OF March 20 19

Josh Miller
NOTARY PUBLIC

JOSH MILLER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01M16188657
Qualified in Nassau County
Commission Expires June 9, 2020

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			
Orange County Choppers			
Name of Action or Project:			
14 Crossroads Court Newburgh, NY 12550			
Project Location (describe, and attach a location map):			
See attached map. (located off 17K between Orr Ave. & Rte 300)			
Brief Description of Proposed Action:			
Installation of non-illuminated frosted vinyl in windows			
Name of Applicant or Sponsor:		Telephone: 845-471-4366	
GNS Group, Ltd		E-Mail: hforrest@gnsgroupLtd.com	
Address:			
97 N Clinton St			
City/PO:		State:	Zip Code:
Poughkeepsie,		NY	12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



Map data ©2019 Google 200 ft

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<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? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Nancy Forrest</u>		Date: <u>3/13/19</u>
Signature: <u>Nancy Forrest</u>		

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required;

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from Responsible Officer)



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

2738-19

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 02/19/2019

Application No. 19-0015

To: DP66, LLC
333 North Bedford Rd
Mount Kisco, NY 10595

SBL: 95-1-74
ADDRESS: 14 Crossroads Ct

ZONE: IB

PLEASE TAKE NOTICE that your application dated 01/14/2019 for permit to keep the window graphics that were installed without permits on the premises located at 14 Crossroads Ct is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-14-N-1-(a)-[2] : Permitted signage is 1 square foot for every 1 linear foot of building.
- 2) 185-J-6-(a) : Window signage shall not exceed 25% of the area of the window.


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

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

NAME: _____ DP66 Building Application # 19-0015

ADDRESS: _____ 333 N. Bedford Rd. Mount Kisco NY 10595

PROJECT INFORMATION: AREA VARIANCE USE VARIANCE

TYPE OF STRUCTURE: _____ 14 Croosroads Ct. Newburgh NY 12550

SBL: _____ 95-1-74 ZONE: _____ I-B ZBA Application # _____

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

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
PERMITTED SIGNAGE	309.2 SF	855.7 SF		546.5 SF	176.74%
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: All the signage was installed prior to obtaining permits. The signage has also already been disapproved by the ZBA under the old sign law.

VARIANCE(S) REQUIRED:

- 1 185-14-N-1-(a)-[2] / Permitted signage is 1 linear foot for every 1 foot of building frontage.
- 2 185-J-6-(a) / Window signage shall not exceed 25% of the area of the window.
- 3 _____
- 4 _____

REVIEWED BY: _____ Joseph Mattina DATE: _____ 19-Feb-19

Deed

orig
scen.

**Recording requested by and
upon recordation return to:**

DP66, LLC
333 North Bedford Road
Mount Kisco, New York 10595
Attention: James Arthur Diamond

THIS INDENTURE, made the 31st day of March, in the year 2016 between **BRE EAST MIXED ASSET OWNER LLC**, a Delaware limited liability company, with offices at c/o The Blackstone Group, 345 Park Avenue, New York, NY 10154 ("**GRANTOR**"); and **DP66, LLC**, a New York limited liability company, with offices at 333 North Bedford Road, Mount Kisco, New York, 10549 ("**GRANTEE**");

WITNESSETH, that the GRANTOR, in consideration of ten dollars (\$10.00) and other valuable consideration paid by the GRANTEE, does hereby grant and release unto the GRANTEE, the heirs or successors and assigns of the GRANTEE forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the:

[See legal description attached as **Exhibit A** and by this reference incorporated herein]

TOGETHER with all right, title and interest, if any, of the GRANTOR 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 GRANTOR in and to said premises;

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

GRANTOR covenants with the GRANTEE, that GRANTOR has done nothing to impair such title as GRANTOR received, and that GRANTOR will defend GRANTEE and GRANTEE's successors and assigns against the claims of all persons claiming by, through or under GRANTOR, subject only to all covenants, restrictions, easements, reservations, and other exceptions of record and as described on Exhibit B, attached hereto and incorporated herein by this reference.

GRANTOR, in compliance with Section 13 of the Lien Law, covenants that GRANTOR 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.

GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE SPECIAL OR LIMITED WARRANTY OF TITLE AS SET

OUT IN THIS DEED), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE EXISTENCE IN OR ON THE PROPERTY OF HAZARDOUS MATERIALS OR SUBSTANCES. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR AND ACCEPTS THE PROPERTY AND WAIVES ALL OBJECTIONS OR CLAIMS AGAINST GRANTOR (INCLUDING, BUT NOT LIMITED TO, ANY RIGHT OR CLAIM OF CONTRIBUTION) ARISING FROM OR RELATED TO THE PROPERTY OR TO ANY HAZARDOUS MATERIALS ON THE PROPERTY. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE, SERVANT OR OTHER PERSON. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS" "WHERE IS" CONDITION AND BASIS WITH ALL FAULTS. IT IS UNDERSTOOD AND AGREED THAT THE PURCHASE PRICE FOR THE PROPERTY HAS BEEN ADJUSTED BY PRIOR NEGOTIATION TO REFLECT THAT ALL OF THE PROPERTY IS SOLD BY GRANTOR AND PURCHASED BY GRANTEE SUBJECT TO THE FOREGOING.

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

GRANTOR:

BRE EAST MIXED ASSET OWNER LLC, a
Delaware limited liability company

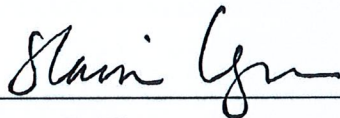
By: 

Name: Byron Blount

Title: Vice President and Managing Director

County of New York, State of New York:

On March 28, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Byron Blount, 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. Witness my hand and official seal.



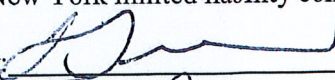
Notary Public

Naomi Lyum
Notary Public, State of New York
County of New York
Commission No. 01LY6212187
Exp 10/13/2017

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

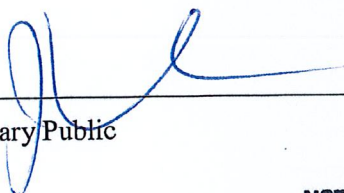
GRANTEE:

DP66, LLC,
a New York limited liability company

By: 
Name: JAMES DIAMOND
Title: MANAGER

County of Nassau, State of New York ~~New York~~ Nassau :

On March 29, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared James Diamond, 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.



Notary Public

JOSH MILLER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MI6188657
Qualified in Nassau County
Commission Expires June 9, 2016

EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

That certain land situated in the City of Newburgh, County of Orange, State of New York, and described as follows:

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 shown and designated as Lot #4 (3.269 +/- acres) shown on a subdivision map entitled "Subdivision & Lot Line Change Between Lands of the County of Orange and Lands of Huffard & Patsalos" dated (Drawn by date 6/1/05) last revised 8/19/05 and filed in the Orange County Clerk's Office on March 8, 2006 as Map# 180-06.

TOGETHER WITH a Right-of-Way for ingress and egress over "Crossroads Court" as shown on filed Map 4-00 and described in Road Easement and Maintenance Agreement in Liber 5254 Page 307 to and from NYS Route 17K.

TOGETHER WITH a Right-of-Way for ingress and egress over the following:

Beginning at a point on the northeasterly line of Lot No. 1 at the intersection of the southeasterly corner of Parcel "E" with the southwesterly corner of Lot No. 2 on a certain map entitled "Orange County Transfer Station #2 (Formerly Newburgh Bulk Recycle & Transfer Station), Subdivision & Lot Line Change, Lands of the County of Orange and Lands of Huffard & Patsalos" as last revised on August 19, 2005;

Thence the following five (5) courses and distances:

1. Along the division line of Lot No. 2 and Parcel "E" on said map, North 15 degrees 10 minutes 52 seconds East for a distance of 48.50 feet to the cusp of a curve;
2. Thence, for an arc distance of 16.84 feet through Lot No. 2, southeasterly and easterly along a curve, concave to the left, having a radius of 15.00 feet, a central angle of 64 degrees 19 minutes 18 seconds and a chord which bears South 42 degrees 39 minutes 32 seconds East 15.97 feet to a point of tangency;
3. Thence, through Lot No. 2 on said map, South 74 degrees 49 minutes 08 seconds East for a distance of 181.99 feet;
4. Thence, along the division line of Lot No. 2 and Lot No. 4 on said map, South 15 degrees 10 minutes 52 seconds West for a distance of 40.00 feet;
5. Thence, along the division line of Lot No. 1 and Lot No. 2 on said map, North 74 degrees 49 minutes 08 seconds West for a distance of 195.51 feet to the point or place of beginning.

All bearings refer to grid north, New York State plan, eastern zone.

Section 95, Block 1, Lot 74.

Parcel 2:

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York being shown and designated as Lot No. 2 shown on a subdivision map entitled, "Subdivision & Lot Line Change between Lands of the County of Orange and Lands of Huffard & Patsalos" dated (drawn by date (6/1/05), last revised 8/19/05 and filed in the Orange County Clerk's Office on 3/8/06 as Map No. 180-06.

Section 95, Block 1, Lot 47.2.

EXHIBIT B

Permitted Exceptions

1. Real property taxes and assessments for the year 2016 and thereafter, not yet due and payable.
2. Zoning and other regulatory laws and ordinances affecting the Property.
3. Matters disclosed by that certain ALTA/ACSM Land Title Survey, prepared by Lehr Land Surveyors on behalf of Commercial Due Diligence Services and signed and certified to Grantor on June 2, 2015.
4. Easements, rights of way, limitations, conditions, covenants, restrictions, and all other matters, that are of record.



Project Description:
 Estimated total Window Area = 2424 SF [1374 top + 1050 bottom]

97 North Clinton Street
 Poughkeepsie, NY 12601
 845-471-4366 - phone
 845-471-0987 - fax
 www.gnsgroupltd.com

Client/ Project Location:
 O.C.C., Newburgh

File Name:
 OCC CHOPPER
 Window Graphics
 sized.cdr

Date:
 1/2/2019

Client Approval:

Date:

Please note that the colors represented on this proof are not exact representations of the finished product. All computer screens, cell phone screens and printed display colors in different medias. If exact colors are necessary for this project, you may request a physical color sample for an additional fee.

This diagram is the property of GNS Group Ltd. and may not be reproduced without written permission. The information is provided for your use only and is subject to the terms and conditions of this site of this diagram.

Underwriters Laboratories Inc. Expected to use UL Listed components and not meet all N.E.C. Standards

Sheet:

1.2

10'-0"



Project Description:

Estimated total Window Area = 2699 SF [1374 top + 1050 bottom + 275 side]

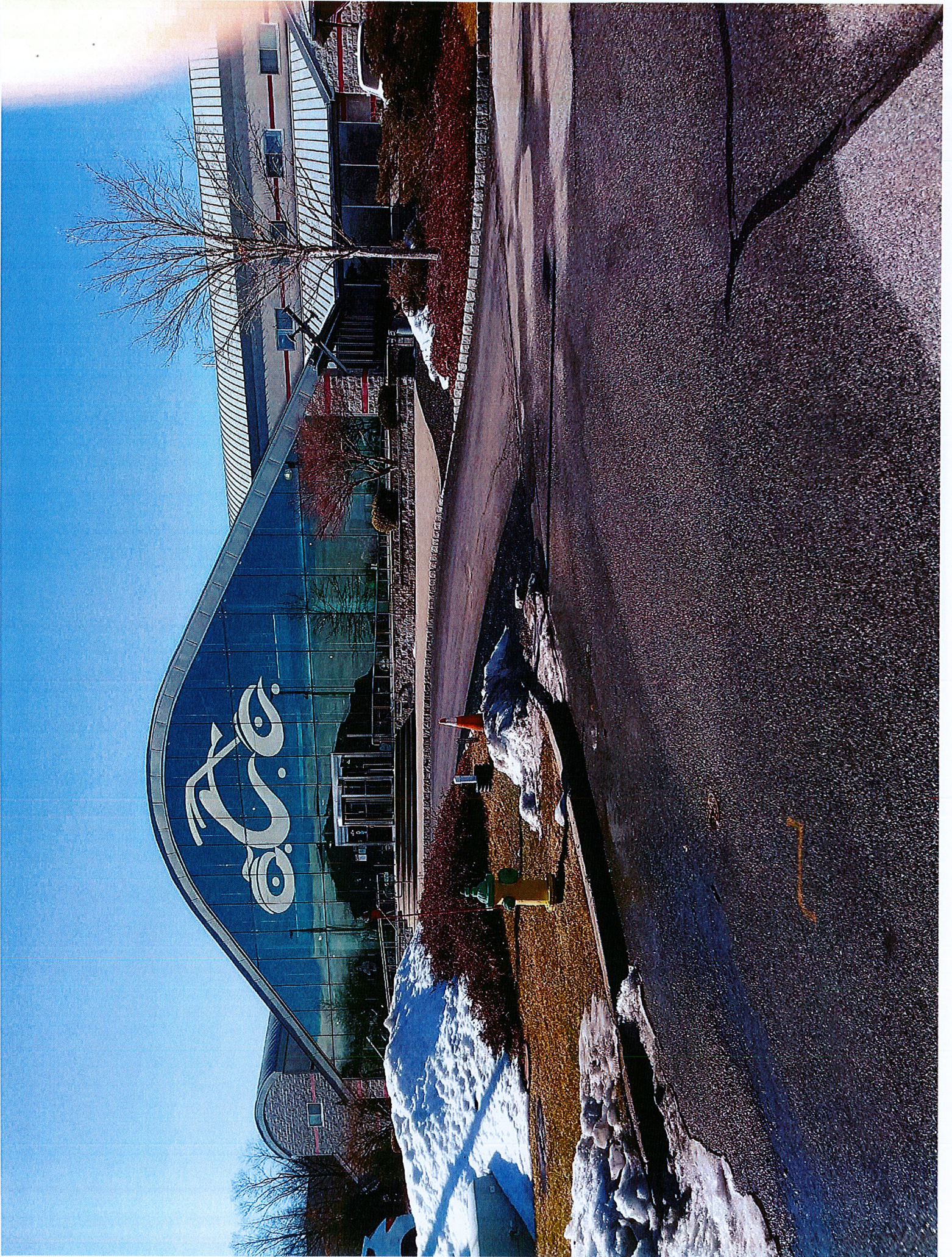
97 North Clinton Street
 Poughkeepsie, NY 12601
 845-471-4366 - phone
 845-471-0987 - fax
 www.gnsgroupita.com

Client\ Project Location: O.C.C., Newburgh

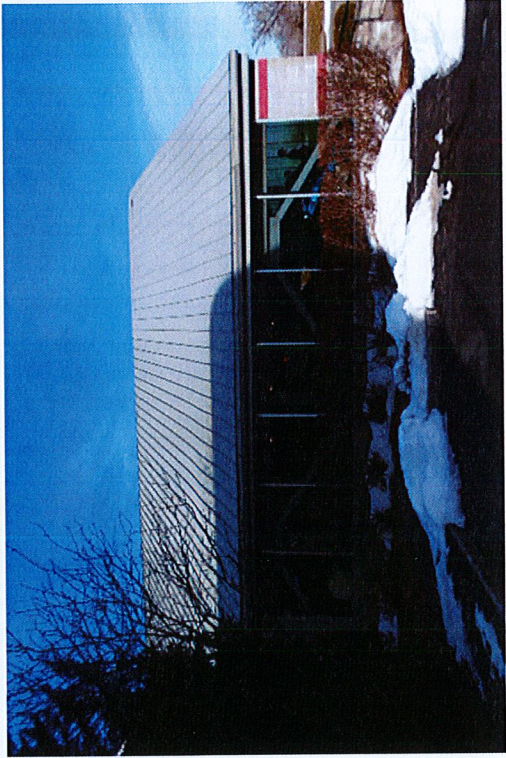
File Name: OCC CHOPPER\ Window Graphics sized.cdr

Date: 1/2/2019
 rvsd 2/13/19

Client Approval:







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

STATE OF NEW YORK: COUNTY OF ORANGE:

I Nancy Forrest, being duly sworn, depose and say that I did on or before
March 14, 2019, post and will thereafter maintain at

14 Crossroads Court 95-1-74 IB Zone in the Town of Newburgh, New York, at or near the
front

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

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

Nancy Forrest

Sworn to before me this 14th
day of March, 2019.

Ivette Igartua

Notary Public

IVETTE IGARTUA
Notary Public, State of New York
No. 011G4992305
Qualified in Orange County
Commission Expires Feb. 24, 2022

[Photograph(s) of the posted Public Hearing Notice(s) must be submitted by the applicant with this
affidavit.]



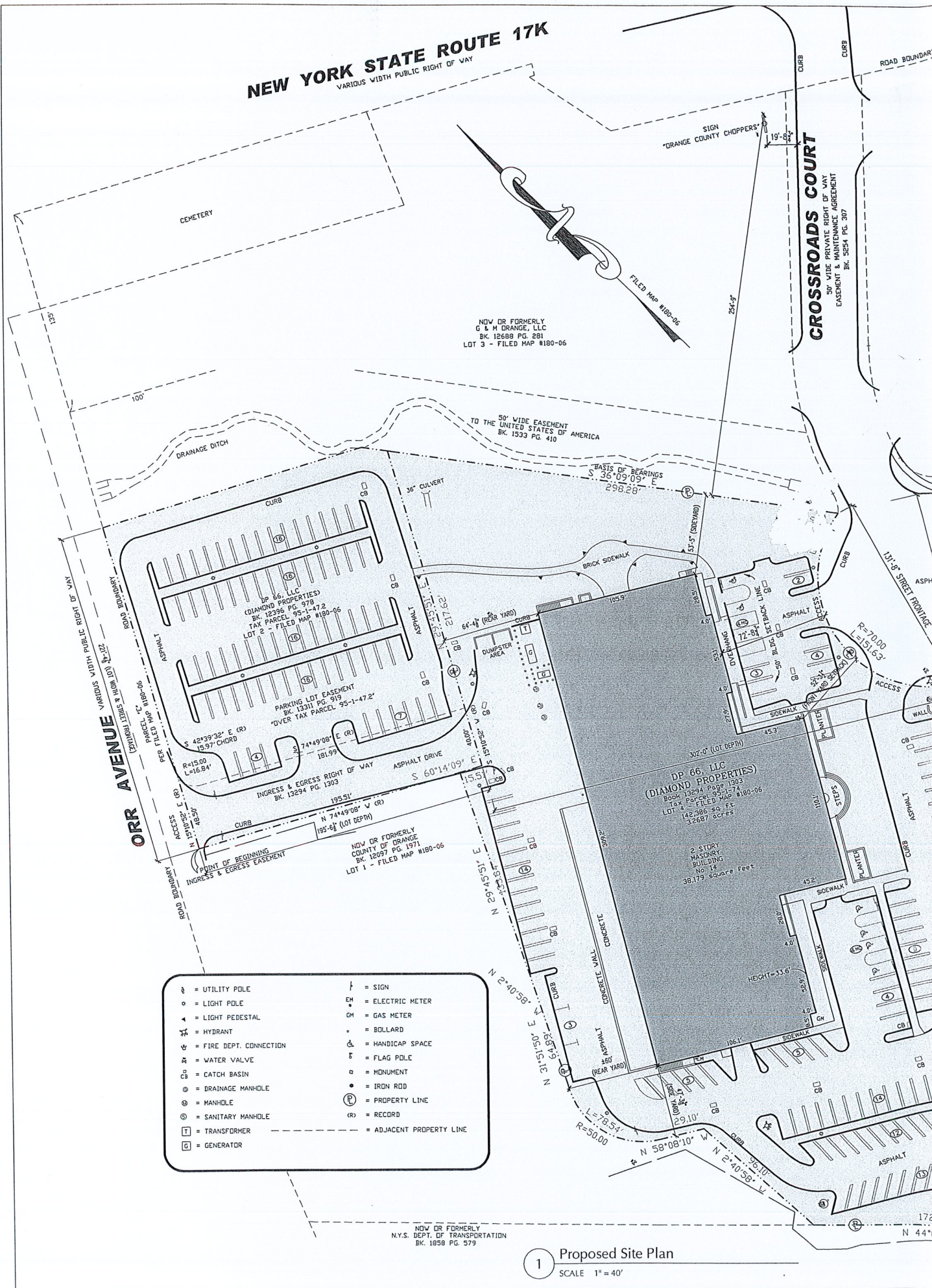


NEW YORK STATE ROUTE 17K

VARIOUS WIDTH PUBLIC RIGHT OF WAY

CROSSROADS COURT

50' WIDE PRIVATE RIGHT OF WAY
EASEMENT & MAINTENANCE AGREEMENT
BK. 5254 PG. 307



NOW OR FORMERLY
G & M ORANGE, LLC
BK. 12688 PG. 281
LOT 3 - FILED MAP #180-06

50' WIDE EASEMENT
TO THE UNITED STATES OF AMERICA
BK. 1533 PG. 410

SIGN
ORANGE COUNTY CHOPPERS
19'-8"

- | | |
|---------------------------|--------------------------------|
| ⊕ = UTILITY POLE | ↑ = SIGN |
| ○ = LIGHT POLE | EM = ELECTRIC METER |
| ⊕ = LIGHT PEDESTAL | GM = GAS METER |
| ⊕ = HYDRANT | • = BOLLARD |
| ⊕ = FIRE DEPT. CONNECTION | ♿ = HANDICAP SPACE |
| ⊕ = WATER VALVE | ⊕ = FLAG POLE |
| CB = CATCH BASIN | • = MONUMENT |
| ⊕ = DRAINAGE MANHOLE | • = IRON ROD |
| ⊕ = MANHOLE | ⊕ = PROPERTY LINE |
| ⊕ = SANITARY MANHOLE | (R) = RECORD |
| T = TRANSFORMER | - - - = ADJACENT PROPERTY LINE |
| G = GENERATOR | |

NOW OR FORMERLY
COUNTY OF ORANGE
BK. 12097 PG. 1971
LOT 1 - FILED MAP #180-06

DP 66, LLC
(DIAMOND PROPERTIES)
BOOK 1354 Page 1303
Parcel 95-1-74
LOT 2 - FILED MAP #180-06
142,286 sq. ft.
32687 sq. ft.

NOW OR FORMERLY
N.Y.S. DEPT. OF TRANSPORTATION
BK. 1858 PG. 579

1 Proposed Site Plan
SCALE 1" = 40'

172.1
N 44°07'