



Steven M. Neuhaus
County Executive

Orange County Department of Planning Submittal 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	Tax Map #:	60-3-40.2
Local Referring Board:	Zoning Board of Appeals	Tax Map #:	
Applicant:	J R RAYLLE + Rhinebeck Realty LLC	Tax Map #:	
Project Name:	MAVIS	Local File No.:	PB Refl
Location of Project Site	1413 Route 300	Size of Parcel*:	3 acres
Reason for County Review:	ON NYS Route 300	*If more than one parcel, please include sum of all parcels.	
		Current Zoning District (include any overlays):	1/B

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) 25FT ENTRANCE Requirement +

Other Minimum LOT SIZE

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

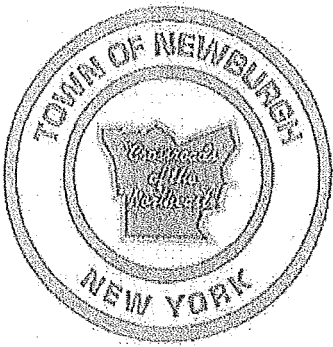
Local board comments or elaboration:

Shane Cardone 5/12/15 Chairperson
Signature of local official Date Zoning Board of Appeals
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 4, 2015

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

I (WE) JR & Ray LLC / Rhinebeck Realty, LLC PRESENTLY

RESIDING AT NUMBER 5020 Route 9W, Newburgh, NY 12550 / 358 Saw Mill Road, Millwood, NY 10546

TELEPHONE NUMBER (845) 565-2800 ext. 1 / (914) 984-2500 ext. 5038

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:

60.00-3-40.2 (TAX MAP DESIGNATION)

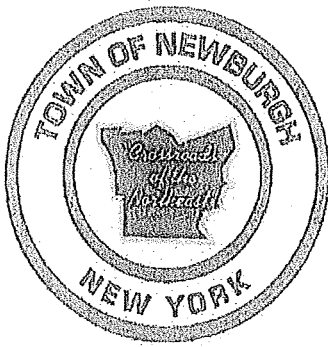
1413 Union Avenue (STREET ADDRESS)

IB (ZONING DISTRICT)

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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185 Attachment 13 - Table of Use and Bulk Requirements - IB District

Section 185-28(B)(G) - Driveway Width



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: _____
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: March 4, 2015

4. DESCRIPTION OF VARIANCE SOUGHT: See attachment.

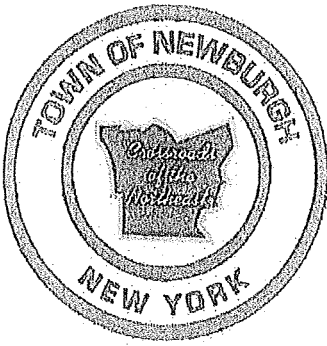
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

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

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

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

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



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

6. IF AN AREA VARIANCE IS REQUESTED:

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

See attachment.

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:

See attachment.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

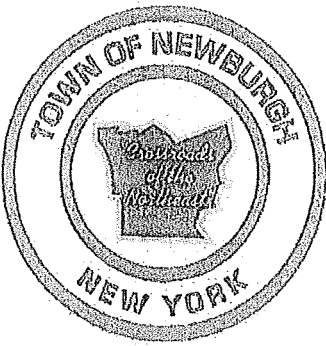
See attachment.

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

See attachment.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

See attachment.




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OLD TOWN HALL
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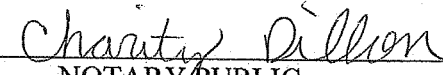
7. ADDITIONAL REASONS (IF PERTINENT):



PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 10 DAY OF March 2015

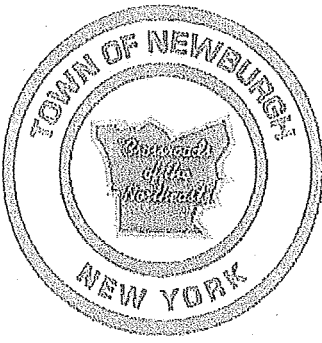


NOTARY PUBLIC

CHARITY DILLON
Notary Public, State of New York
No. 01D16295664
Qualified in Dutchess County
Commission Expires 01/06/2018

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.

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



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

PROXY

JR & Ray LLC _____, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 5020 Route 9W, Newburgh, NY 12550

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 1413 Union Avenue

(Tax map parcel 60.00-3-40.2)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Rhinebeck Realty, LLC

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 3/10/15 Richard Lease

OWNER'S SIGNATURE

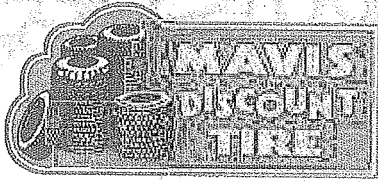
[Signature]
WITNESS' SIGNATURE

STATE OF ^{Florida}NEW YORK: COUNTY OF ^{St. Lucie}ORANGE:

SWORN TO THIS 10th DAY OF March 2015



[Signature]
NOTARY PUBLIC



Michael B. Manes
Director Real Estate Development
Mavis Tire Supply / Rhinebeck Realty, LLC
358 Saw Mill River Rd.
Millwood, NY 10546
(914) 984-2500

11 March 2015

Re: proposed redevelopment of 1413 Union Ave.

To whom it may concern:

Rhinebeck Realty, on behalf of Mavis Tire Supply/Rhinebeck Realty, LLC, has authorized Rob Osterhoudt of Bohler Engineering to make application for site plan approval and to procure the necessary regulatory approvals on our behalf for the above referenced project.

Thank you,

Michael

Supplement to ZBA Area Variance Application

March 10, 2015

PROPOSED REDEVELOPMENT PROJECT

1413 UNION AVENUE (NYS ROUTE 300)

TOWN OF NEWBURGH

ORANGE COUNTY, NEW YORK

Rhinebeck Realty, LLC is seeking relief from the Town of Newburgh Zoning Board of Appeals for two area variances for the above referenced project site. Please refer to the Project narrative for a description of the project. The information contained herein is intended to supplement the Applicant's Application to the Town of Newburgh Zoning Board of Appeals as follows:

4. Description of Variance Sought:

Two area variances are being sought by the Applicant. After consultation with the Town of Newburgh Planning Board, their consultants and the Code Enforcement Officer it was determined that an area variance from the 25' entrance requirement of §185-28(B) is necessary as well as an area variance from the 5-acre minimum lot area for a shopping center use per the "Table of Use and Bulk Requirements, IB District - Schedule 8". The Planning Board Attorney, Michael H. Donnelly of Dickover, Donnelly & Donovan, LLP, prepared the requisite Planning Board referral letter (dated March 4, 2015) to the Zoning Board of Appeals for these two area variances and a third area variance that involved a front yard setback pursuant to §185-18(C)(4)(b). It should be noted that the Applicant revised the proposed site plan to eliminate the need for this third area variance. To the rear of the site, a one-way exit drive is being proposed through an existing easement to provide access to the existing Mall road. The drive is proposed as a one-way egress drive with a single 18' wide travel lane to reduce disturbance within the federal wetland area that exists within the easement. In addition, the site is approximately 3 acres in size and is less than the 5 acre minimum lot area for a shopping center.

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:**
 - i. Driveway width: The incorporation of this secondary egress drive is consistent with the Perkins Restaurant a couple of buildings to the north and will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.
 - ii. Lot area: The site lies within an area of other shopping center uses, some of which are on parcels that are similar in size to the project parcel. The site is also in an area with numerous sites that are developed with similar commercial uses. Further, the proposed redevelopment project will substantially improve the existing site conditions therefore the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.
- b. **The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because:**
 - i. Driveway width: The project site has frontage on Union Avenue (NYS Route 300) and an existing easement that provides access to the existing Newburgh Mall road to the west. The location of the existing easement is fixed and federal wetlands exist within the easement area. The proposed driveway is 18' in width in order to minimize impacts to the federal wetlands yet still provide secondary egress from the project site to the local road network.
 - ii. Lot area: The project site is on an existing parcel that is fixed in size and the adjoining parcels are already developed with commercial uses. The project site lies within an area of other commercial and shopping center uses, some of which are on parcels that are similar in size to the project parcel.

c. The requested area variance is not substantial because:

- i. Driveway width: The relief being sought is to allow for a one way egress drive, an item that is not specifically covered in §185-28(B). The variance is not substantial and is actually seeking to build a smaller driveway than required by the Town Code in order to minimize impacts to the federal wetlands.
- ii. Lot area: The requested variance is not substantial as there are other nearby shopping centers with similar uses on similar sized parcels and the proposed shopping center can be accommodated on the site while still meeting the required site criteria including access, parking, stormwater management, etc.

d. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

- i. Driveway width: The proposed variance seeks to minimize the impacts to the federal wetlands that are located within the existing access easement. A previously proposed project on this site included a similar egress drive proposal that was ultimately approved by the Army Corps of Engineers to allow this access drive. In addition, the requested variance will provide a second means of egress from the site which will aid in reducing demand on Union Avenue. As such, the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- ii. Lot area: The relief sought will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district as the proposed uses are consistent with other uses in the area. Granting the proposed variance will actually significantly improve the physical and environmental conditions in the neighborhood/district because the site is currently developed with a former truck terminal facility that has been vacant for an extended period of time.

e. The hardship has not been self-created because:

The Applicant has entered into a purchase option on the property as they seek the necessary regulatory approvals for the proposed shopping center project. The Applicant controls neither the location of the easement and associated wetlands nor the size of the project parcel therefore the hardships are not self-created.

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
Name of Action or Project: 1413 Union Avenue Redevelopment Project							
Project Location (describe, and attach a location map): 1413 Union Avenue, Newburgh, New York							
Brief Description of Proposed Action: Applicant proposes to demolish the abandoned industrial building/facility and redevelop the site with a shopping center including +/-17,000 sf of commercial development (restaurant, retail and tire service facilities) in three buildings, and associated parking, landscaping, lighting, utility connections and appurtenances. The Applicant is seeking relief from the Zoning Board of Appeals for two area variances related to minimum lot area for a shopping center and minimum driveway width, as noted on the application materials.							
Name of Applicant or Sponsor: Rhinebeck Realty, LLC		Telephone: (914) 984-2500 ext. 5038 E-Mail: mmanes@mavistire.com					
Address: 358 Saw Mill Road							
City/PO: Millwood		State: NY	Zip Code: 10546				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		+/- 3.3 acres					
b. Total acreage to be physically disturbed?		+/- 3.1 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/- 3.3 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>Approximately 0.1 acres of federal wetlands (unnamed) would be impacted by the 18' wide egress drive to the Mall road.</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Existing drainage patterns will be maintained.</u>			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Rhinebeck Realty, LLC (Contact: Michael Manes)</u></p> <p>Signature: <u></u></p>	<p>Date: <u>3/10/15</u></p>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<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.	
_____	_____
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)

PROJECT NARRATIVE

January 26, 2015

PROPOSED REDEVELOPMENT PROJECT 1413 UNION AVENUE (NYS ROUTE 300) TOWN OF NEWBURGH ORANGE COUNTY, NEW YORK

INTRODUCTION

Rhinebeck Realty, LLC is proposing to redevelop 1413 Union Avenue (a.k.a NYS Route 300), tax map parcel # 60.00-3-40.2, in the Town of Newburgh, Orange County, NY. The ±3.04 acre site is currently developed as a former trucking facility with ±32 truck bays, a garage, parking, lighting, etc.

The project site is located within the Interchange Business District where retail, restaurant, and motor vehicle service station uses are permitted subject to Site Plan Review by the Planning Board. Surrounding the project site are similar commercial uses; to the south and west is the Newburgh Mall and its associated access drives, to the north is a Valvoline service station, across Union Ave to the East is a retail plaza and a Midas Auto Service center.

The applicant is proposing to demolish the existing buildings and construct a ±6,870 SF tire center facility, a ±2,600 SF retail building, and a ±7,500 SF sit down restaurant. The proposed project involves the re-development of the site with new utilities, stormwater management, parking, lighting, landscaping, and other appurtenances.

EXISTING CONDITIONS

The property is approximately 3.04 acres in size with two full movement curb cuts to Union Ave and an ingress/egress easement through the rear of the property to the Newburgh Mall access road to Meadow Hill Road. Other access to the Newburgh Mall access road is currently not available. The site contains two existing buildings (approximately 10,500 SF total) with associated pavement areas while the majority of the site is enclosed via a chain-link fence and gates near the front of the parcel.

The site topography slopes away from Union Ave to the adjoining property to the west and no stormwater management or treatment practices currently exist on the site. Gas, electric, sanitary sewer, and water service currently serve the site from the east of the site along Union Ave. The majority of the existing site is impervious cover consisting of buildings and asphalt/concrete pavement.

PROPOSED CONDITIONS

The existing structures on site are proposed to be demolished and three new buildings are proposed. A ±6,870 SF tire center facility and a ±2,600 SF retail building are proposed towards the front (east) of the site along Union Avenue and a ±7,500 SF sit down restaurant is proposed further back from Union Avenue. The existing northerly curb cut is proposed to be removed and a new full access in the center of the site and a modified southerly access are proposed along Union Avenue (New York State Route 300). The existing southerly, full access drive on Route 300 is proposed to be reduced in width and modified to accommodate rights out only. A one-way out is also proposed in the rear (west) of the site through the existing ingress/egress easement to the Newburgh Mall access road, similar to a previously proposed project on this site. There are minor wetlands impacts associated with the westerly egress drive that will require permitting with the Army Corps of Engineers.

Parking is proposed to be provided with a total of 164 parking spaces, which meets Town requirements for the proposed uses. New stormwater management facilities, pavement, lighting, landscaping, trash enclosures, sidewalks and other appurtenances are also proposed as part of this redevelopment project. The site is currently served by all major utilities along Union Avenue.

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

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

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

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

March 4, 2015

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

RE: Mavis 15.03
1413 Union Avenue
60-3-40.2 / IB

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of February 19, 2015. The applicant proposes to demolish the existing building on the premises and to construct a tire center facility, retail facility and sit down restaurant on the premises. After that meeting the Code Compliance Department discovered other items of bulk table noncompliance requiring variance review. Let me summarize what is required here.

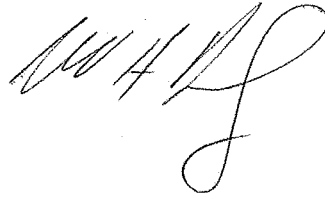
To build its project, the applicant will need the following variances:

- A variance from the 25-foot entrance requirement of Section 185-28(B)(G) where only 18 feet is provided;
- A variance from the 60-foot highway setback requirement of Section 185-18(4)(B); and
- A variance from the 5-acre minimum lot size requirements for shopping centers where only 3 acres is available.

While the planning board has issued a notice of intent to serve as lead agency

in this matter, it has no objection with the zoning board electing to review these variance applications on a segmented basis as authorized by the SEQRA regulations.

Very truly yours,

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

MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board
Bohler Engineering



Via Hand Delivery

March 11, 2015

Hon. Grace Cardone, Chairperson
Town of Newburgh Zoning Board of Appeals
1496 Route 300
Newburgh, New York 12550

Re: Proposed Redevelopment Project
1413 Union Ave
Newburgh, New York 12550
Newburgh Planning Board File No. 2015-03

Dear Hon. Chair Cardone and Members of the ZBA,

On behalf of our client, Rhinebeck Realty, LLC, we are pleased to submit this application package for two area variances to the Town of Newburgh Zoning Board of Appeals (ZBA). Enclosed please find the following items in support of the ZBA area variance application for the above referenced project:

- One (1) copy of a March 4, 2015 letter from Planning Board Attorney Michael H. Donnelly of Dickover, Donnelly & Donovan, LLP referring this matter to the ZBA for the requested area variances.
- One (1) original completed and signed "Application" to the Zoning Board of Appeals with the associated "Supplement to ZBA Area Variance Application", consisting of two (2) pages, dated March 10, 2015.
- One (1) copy of the completed Zoning Board of Appeals checklist.
- One (1) original completed and signed Short Environmental Assessment Form, with Part 1 completed.
- One (1) copy of the "Project Narrative" dated January 26, 2015.
- One (1) certified copy of the deed for each of S.B.L. 60-3-40, S.B.L. 60-3-41.22, and S.B.L. 60-3-40 & 41.22.
- One (1) original completed and signed Zoning Board of Appeals "Proxy" from the property owner.
- Eleven (11) color copies of the site photos.
- One (1) original of the receipt issued by the Town Clerk for the \$200.00 application fee that was submitted on March 5, 2015.
- One (1) original of the Assessor's list dated March 6, 2015.
- One (1) copy of a March 11, 2015 letter from Rhinebeck Realty, LLC authorizing representation by Bohler Engineering.
- Eleven (11) copies of the plot plan entitled "Site Plan", dated January 27, 2015, revised to March 9, 2015, consisting of one (1) sheet, prepared by Bohler Engineering.



BOHLER[™]
ENGINEERING

Hon. Grace Cardone, Chairperson
Town of Newburgh Zoning Board of Appeals
March 11, 2015
Page 2

We respectfully request that the Zoning Board of Appeals place this matter on the next available meeting agenda to hear the subject appeal. We look forward to continuing the permitting process with the Town of Newburgh to redevelop the former truck terminal site.

Please do not hesitate to contact me with any questions.

Sincerely,

BOHLER ENGINEERING MA, LLC

Robert W. Osterhoudt, P.E.

cc: Michael Manes (via email w/ enclosures)

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

SECTION 60 BLOCK 3 LOT 40

TRUCKING TERMINAL ASSOCIATES

RECORD AND RETURN TO:
(name and address)

TO
JR & RAY LLC

DRAKE, LOEB, HELLER, KENNEDY,
GOGERTY, GABA & RODD PLLC
555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553

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 6 CROSS REF. _____
CERT. COPY _____ ADD'L X-REF. _____
MAP# _____ PGS. _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

Taxable CONSIDERATION \$ 0
TAX EXEMPT _____

Taxable MORTGAGE AMT. \$ _____

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: *Drake Loeb*

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 10-1-2008 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 3-10-2015

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

Must Print on 8 1/2" x 14 (Legal-size) Paper or not valid and will not be accepted.

RECORDED/FILED
10/01/2008 / 16:10:30
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20080098037
OLD DEED C / BK 12736PG 1594
RECORDING FEES 213.00
TTX# 001541 T TAX 0.00
Receipt#939169 joanned



#618-60207

Bargain & sale deed, with covenant against grantor's acts

THIS INDENTURE, made the 12th day of September, 2008

BETWEEN

TRUCKING TERMINAL ASSOCIATES, a New York general partnership,
with offices located at 5020 Route 9W, Newburgh, New York 12550

party of the first part, and

JR & Ray LLC, a New York limited liability company, with offices
located at 5020 Route 9W, Newburgh, New York 12550

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, more fully described on Schedule A annexed hereto and made
a part hereof.

BEING AND INTENDED TO BE the same premises described in a deed
dated February 13, 1985 made by McLean Trucking Company to
Trucking Terminal Associates, the grantor herein, and recorded
in the Orange County Clerk's Office on February 20, 1985 in
Liber 2328 of Deeds at page 166.

SUBJECT TO covenants, easements and restrictions of record, if
any.

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:

TRUCKING TERMINAL ASSOCIATES

By: Joseph A. Vanasore
Joseph A. Vanasore, Partner

By: John J. Lease, Jr.
John J. Lease, Jr., Partner

By: Richard F. Lease
Richard F. Lease, as Trustee of
the Richard F. Lease Living Trust
j/d/t dated June 29, 2004, Partner

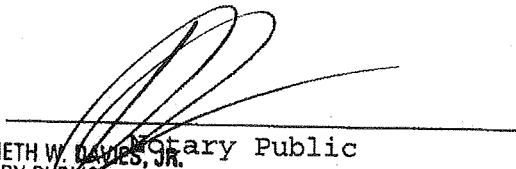
STATE OF NEW YORK:

: ss.

COUNTY OF ORANGE :

On the 12 day of ^{Sept} August, in the year 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared, JOSEPH A VANACORE, 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.

KENNETH W. DAVIES, JR.
NO.
C
01
EAS



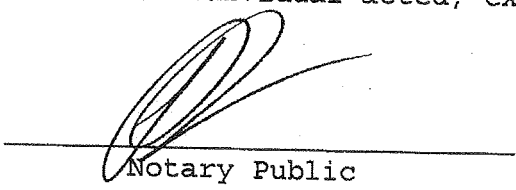
KENNETH W. DAVIES, JR.
NOTARY PUBLIC
ORANGE COUNTY, NEW YORK
01DA4628056
EXPIRES 12/31/02

STATE OF NEW YORK:

: ss.

COUNTY OF ORANGE :

On the 12 day of ^{Sept} August, in the year 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared, JOHN J. LEASE, JR., 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.


Notary Public

KENNETH W. DAVIES, JR.
NOTARY PUBLIC
ORANGE COUNTY, NEW YORK
01DA4628056
EXPIRES 12/31/02

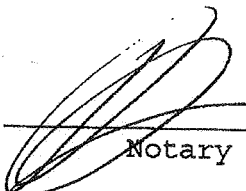
STATE OF NEW YORK:

: ss.

COUNTY OF ORANGE :

On the 12 day of ^{Sept}~~August~~, in the year 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared, RICHARD F. LEASE, 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.

KENNETH W. DAVIES, JR.
NOTARY PUBLIC
ORANGE COUNTY, NEW YORK
01DA4628056
EXPIRES 12/31/02



Notary Public

GLH/ef/62715
618-60207
8/26/08

All that certain lot, piece or parcel of land situate in the Town of Newburgh, County of Orange, State of New York, and being more accurately bounded and described as follows:

BEINNING at a point in the centerline of Union Avenue, said point being the southeasterly corner of lands now or formerly of William Marstin; thence from said point of beginning and along the centerline of Union Avenue, South 20 degrees, 36 minutes, 30 seconds, East 280.0 feet to a point, said point being in the line of lands of Lease; thence through lands of Elizabeth Lease on the next three courses and distances; North 85 degrees, 58 minutes, 10 seconds, West 125.0 feet to a point; thence North 74 degrees, 26 minutes, 00 seconds, West 259.22 feet to a point; thence North 20 degrees, 36 minutes, 30 seconds, West 310.97 feet to a stake, said stake being in the southerly line of lands now or formerly of William Marstin, said stake also being 2 feet westerly of an iron rod in the wall; thence following the wall and along the southerly line of lands of Marstin in a straight line as the deed recites, South 74 degrees, 26 minutes, 00 seconds, East 400.0 feet to the point of beginning. Containing 2.26+ acres.

SUBJECT to any easements and restrictions of record, any zoning or building regulations of the Town of Newburgh, and any rights of the public in adjoining streets.

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

RAPHAEL J. LEASE

TO

JR & RAY LLC

SECTION 60 BLOCK 3 LOT 41.22



RECORD AND RETURN TO:
(name and address)

DRAKE, LOEB, HELLER, KENNEDY,
GOGERTY, GABA & RODD PLLC
555 Hudson Valley Avenue, Suite 100
New Windsor, New York 12553
gpc

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

- | | | |
|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> 2089 BLOOMING GROVE (TN) | <input type="checkbox"/> 4289 MONTGOMERY (TN) | NO PAGES <u>5</u> CROSS REF. _____ |
| <input type="checkbox"/> 2001 WASHINGTONVILLE (VLG) | <input type="checkbox"/> 4201 MAYBROOK (VLG) | CERT.COPY _____ ADD'L X-REF. _____ |
| <input type="checkbox"/> 2289 CHESTER (TN) | <input type="checkbox"/> 4203 MONTGOMERY (VLG) | MAP# _____ PGS. _____ |
| <input type="checkbox"/> 2201 CHESTER (VLG) | <input type="checkbox"/> 4205 WALDEN (VLG) | PAYMENT TYPE: CHECK <input checked="" type="checkbox"/> |
| <input type="checkbox"/> 2489 CORNWALL (TN) | <input type="checkbox"/> 4489 MOUNT HOPE (TN) | CASH _____ |
| <input type="checkbox"/> 2401 CORNWALL (VLG) | <input checked="" type="checkbox"/> 4401 OTISVILLE (VLG) | CHARGE _____ |
| <input type="checkbox"/> 2600 CRAWFORD (TN) | <input type="checkbox"/> 4600 NEWBURGH (TN) | NO FEE _____ |
| <input type="checkbox"/> 2800 DEERPARK (TN) | <input type="checkbox"/> 4800 NEW WINDSOR (TN) | Taxable _____ |
| <input type="checkbox"/> 3089 GOSHEN (TN) | <input type="checkbox"/> 5089 TUXEDO (TN) | CONSIDERATION \$ <u>0</u> |
| <input type="checkbox"/> 3001 GOSHEN (VLG) | <input type="checkbox"/> 5001 TUXEDO PARK (VLG) | TAX EXEMPT _____ |
| <input type="checkbox"/> 3003 FLORIDA (VLG) | <input type="checkbox"/> 5200 WALLKILL (TN) | Taxable _____ |
| <input type="checkbox"/> 3005 CHESTER (VLG) | <input type="checkbox"/> 5489 WARWICK (TN) | MORTGAGE AMT. \$ _____ |
| <input type="checkbox"/> 3200 GREENVILLE (TN) | <input type="checkbox"/> 5401 FLORIDA (VLG) | MORTGAGE TAX TYPE: |
| <input type="checkbox"/> 3489 HAMPTONBURGH (TN) | <input type="checkbox"/> 5403 GREENWOOD LAKE (VLG) | <input type="checkbox"/> (A) COMMERCIAL/FULL 1% |
| <input type="checkbox"/> 3401 MAYBROOK (VLG) | <input type="checkbox"/> 5405 WARWICK (VLG) | <input type="checkbox"/> (B) 1 OR 2 FAMILY |
| <input type="checkbox"/> 3689 HIGHLANDS (TN) | <input type="checkbox"/> 5600 WAWAYANDA (TN) | <input type="checkbox"/> (C) UNDER \$10,000 |
| <input type="checkbox"/> 3601 HIGHLAND FALLS (VLG) | <input type="checkbox"/> 5889 WOODBURY (TN) | <input type="checkbox"/> (E) EXEMPT |
| <input type="checkbox"/> 3889 MINISINK (TN) | <input type="checkbox"/> 5801 HARRIMAN (VLG) | <input type="checkbox"/> (F) 3 TO 6 UNITS |
| <input type="checkbox"/> 3801 UNIONVILLE (VLG) | | <input type="checkbox"/> (I) NAT.PERSON/CR. UNION |
| <input type="checkbox"/> 4089 MONROE (TN) | CITIES | <input type="checkbox"/> (J) NAT.PER-CR.UN/1 OR 2 |
| <input type="checkbox"/> 4001 MONROE (VLG) | <input type="checkbox"/> 0900 MIDDLETOWN | <input type="checkbox"/> (K) CONDO |
| <input type="checkbox"/> 4003 HARRIMAN (VLG) | <input type="checkbox"/> 1100 NEWBURGH | |
| <input type="checkbox"/> 4005 KIRYAS JOEL (VLG) | <input type="checkbox"/> 1300 PORT JERVIS | |
| | <input type="checkbox"/> 9999 HOLD | |

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: *Drake Loeb*

STATE OF NEW YORK (COUNTY OF ORANGE) SS:
I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE
SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO
HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE
ON 10-1-2008 AND THE SAME IS A CORRECT
TRANSCRIPT THEREOF IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 3-10-2015

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

Must Print on 8 1/2 * 14 (Legal-size) Paper or not valid and will not be accepted.

RECORDED/FILED
10/01/2008/ 16:10:30
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20080098038
OLD DEED C / BK 12736PG 1600
RECORDING FEES 210.00
TTX# 001542 T TAX 0.00
Receipt#939169 joanned



#618-60207

Bargain & sale deed, with covenant against grantor's acts

THIS INDENTURE, made the 12th day of September, 2008

BETWEEN

RAPHAEL J. LEASE, residing at 5020 Route 9W, Newburgh, New York 12550

party of the first part, and

JR & Ray LLC, a New York limited liability company, with offices located at 5020 Route 9W, Newburgh, New York 12550

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, more fully described on Schedule A annexed hereto and made a part hereof.

BEING AND INTENDED TO BE the same premises described in a deed dated November 5, 1992 made by Elizabeth L. Lease to Raphael J. Lease, the grantor herein, and recorded in the Orange County Clerk's Office on December 22, 1992 in Liber 3726 of Deeds at page 136.

SUBJECT TO covenants, easements and restrictions of record, if any.

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:

Raphael J. Lease
Raphael J. Lease

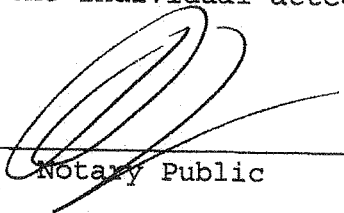
STATE OF NEW YORK:

: ss.

COUNTY OF ORANGE :

On the 17 day of ~~August~~^{Sept}, in the year 2008, before me, the undersigned, a Notary Public in and for the State, personally appeared, RAPHAEL J. LEASE, 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.

KENNETH W. DAVIES, JR.
NOTARY PUBLIC
ORANGE COUNTY, NEW YORK
01DA4628056
EXPIRES 12/31/2010



Notary Public

GLH/ef/62696
618-60207
8/26/08

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

BEGINNING at a stake in the northerly line lands of Lease, said stake being in the southerly line of lands, now or formerly, of William Marstin, now lands of Peterkin, said stake also being located North 74 degrees, 26 minutes, West 400.0 feet from a stake on the westerly side of Union Avenue; thence from said point of beginning and along the westerly line of lands now of McLean Trucking South 20 degrees, 36 minutes, 30 seconds, East 310.97 feet to a point; thence through lands of Lease North 74 degrees, 26 minutes, West 270.0 feet to a point; thence still through lands of Lease North 14 degrees, 45 minutes, 21 seconds, East 251.04 feet to a point in the southerly line of lands of Peterkin; thence along the line of lands of Peterkin South 74 degrees, 26 minutes, East 90.00 feet to the point of beginning.

Containing 1.03 ± acres.

BEING and intended to be part of the same premises conveyed by Mary E. Knox to Elizabeth L. Lease by Deed recorded in the Orange County Clerk's Office on May 7, 1956 in Liber 1385 of Deeds at page 137.

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

JR & RAY LLC
TO
JR & RAY LLC

SECTION 60 BLOCK 3 LOT 40 & 41.22

RECORD AND RETURN TO: (name and address)

DRAKE, LOEB, HELLER, KENNEDY, GOGERTY, GABA & RODD PLLC 555 Hudson Valley Avenue Suite 100 New Windsor, New York 12553



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 CROSS REF.
CERT. COPY ADD'L X-REF.
MAP# PGS.

PAYMENT TYPE: CHECK
CASH
CHARGE
NO FEE

Taxable CONSIDERATION \$
TAX EXEMPT
Taxable MORTGAGE AMT. \$

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: Drake

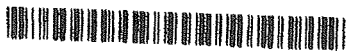
STATE OF NEW YORK (COUNTY OF ORANGE) SS: I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON 10-12-2010 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbitt 3-10-2015

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

RECORDED/FILED
10/12/2010/ 16:23:46
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY
FILE#20100097183
DEED C / BK 13067PG 0507
RECORDING FEES 315.00
TTX# 001272 T TAX 0.00
Receipt#1230021 jul15

Must Print on 8 1/2 * 14 (Legal-size) Paper or not valid and will not be accepted.



#618-60207
Quitclaim Deed

THIS INDENTURE, made the 23rd day of September, 2010
BETWEEN

JR & RAY LLC, a New York limited liability company, with offices located at 5020 Route 9W,
Newburgh, New York 12550

party of the first part, and

JR & RAY LLC, a New York limited liability company, with offices located at 5020 Route 9W,
Newburgh, New York 12550

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 paid by the party of the second part, does hereby
remise, release and quitclaim 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 on Schedule A annexed hereto and made a part
hereof.

BEING AND INTENDED TO BE the same premises described in two deeds as follows: Deed
dated September 12, 2008 made by Raphael J. Lease to JR & Ray LLC and recorded in the
Orange County Clerk's Office on October 1, 2008 as File #20080098038 in Liber 12736 at page
1600, and Deed dated September 12, 2008 made by Trucking Terminal Associates to JR & Ray
LLC and recorded in the Orange County Clerk's Office on October 1, 2008 as File
#20080098037 in Liber 12736 at page 1594.

TOGETHER with the 50' wide right-of-way as set forth in Liber 2316 at page 732 in the
Orange County Clerk's Office.

This deed combines two parcels owned by JR & Ray LLC in the Town of Newburgh, Orange
County, New York. One parcel appears on the tax rolls as Section 60, Block 3, Lot 40, and the
other parcel appears on the tax rolls as Section 60, Block 3, Lot 41.22.

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.

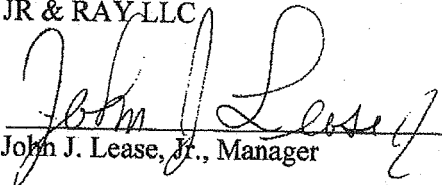
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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:

JR & RAY LLC

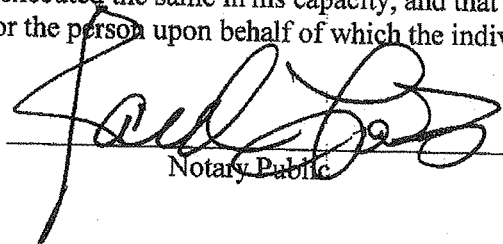
By: 
John J. Lease, Jr., Manager

STATE OF NEW YORK :

: ss.

COUNTY OF ORANGE :

On the 23 day of September, 2010, before me, the undersigned, a Notary Public in and for the State, personally appeared JOHN J. LEASE, JR. 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.


Notary Public

JRL/ef/158729
618-60207
9/14/10

JAMES R. LOEB
Notary Public, State of New York
No. 7582400
Qualified in Westchester County
Commission Expires September 30, 2010

Heritage Land Surveying, P.C.
Darren J. Stridiron, P.L.S.

P.O. Box 579, Plattekill, NY 12568
Email: Heritagesurvey@hotmail.com

Phone (845)562-4148
Fax (845)566-1416

LANDS OF J R & RAY LLC

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

BEGINNING at a steel nail found in the asphalt at the westerly bounds of Union Avenue (a.k.a. S.H. No. 9455) at the northeasterly corner of the lands to be described; thence,

Along the westerly bounds of Union Avenue (a.k.a. S.H. No. 9455) the following two courses:

Along a curve to the right with a radius of 2,825.29 feet and an arc length of 139.09 feet;

South 19 degrees 19 minutes 54 seconds East 149.98 feet; thence,

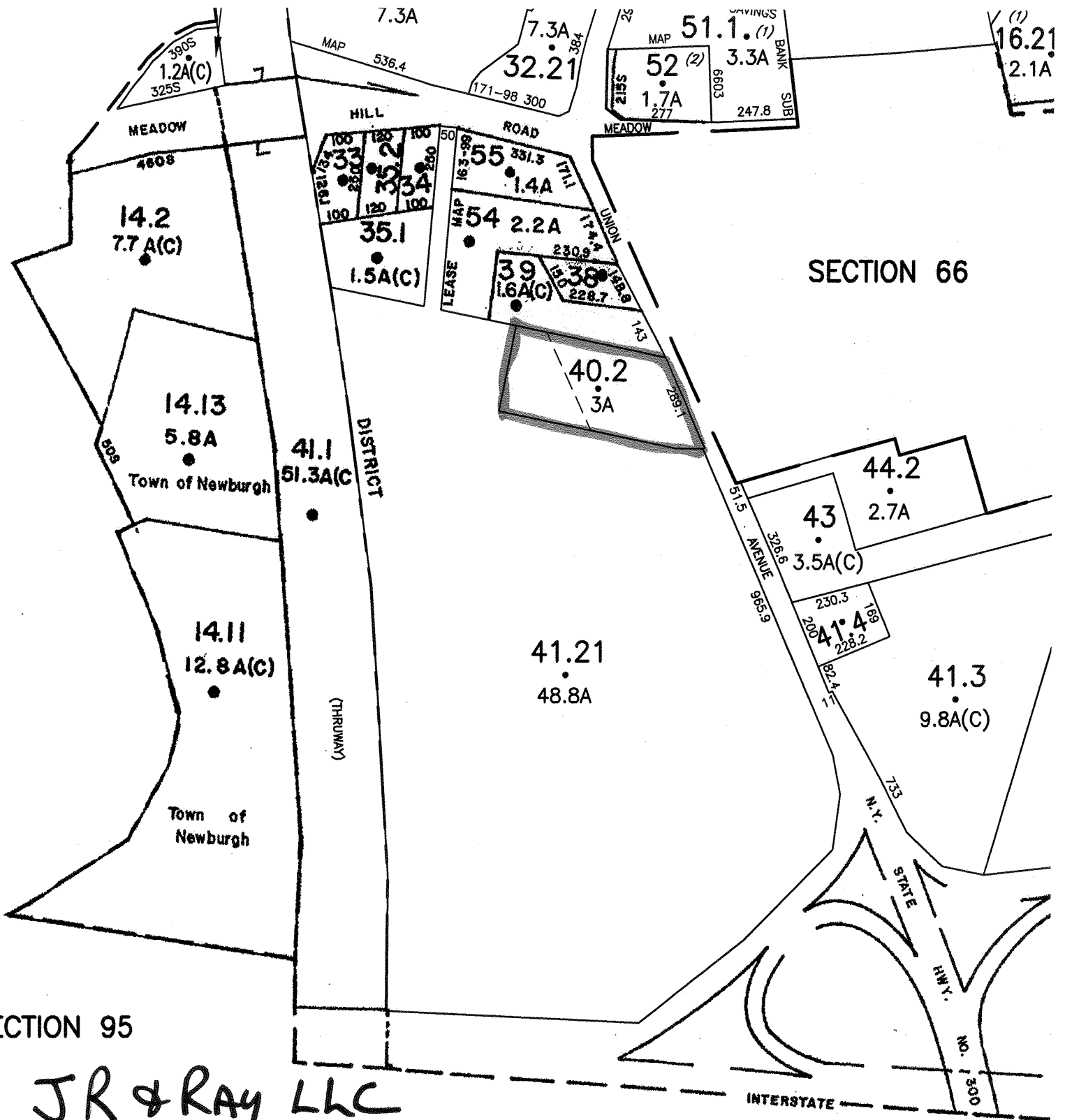
North 85 degrees 58 minutes 10 seconds West 79.70 feet along the northerly bounds of lands of Newburgh Mall, LLC (Tax lot 60-3-41.21); thence,

North 74 degrees 26 minutes 00 seconds West 529.22 feet along the northerly bounds of lands of Newburgh Mall, LLC.(Tax lot 60-3-41.21) to an iron pipe; thence,

North 14 degrees 45 minutes 21 seconds East 251.05 feet along the easterly bounds of lands of J R & Ray LLC (Tax lot 60-3-41.22) to an iron rod; thence,

South 74 degrees 26 minutes 00 seconds East 442.70 feet along the southerly bounds of lands of Peterkin (Tax lot 60-3-39) to the point or place of **BEGINNING**.

Containing 132,840 square feet or 3.05 acres of land, more or less.



JR & RAY LLC
 1413 Route 300
 (60-3-40.2)